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UNITED STATES CODE

SUPPLEMENT V

CONTAINING THE GENERAL AND PERMANENT LAWS
OF THE UNITED STATES ENACTED DURING
THE 77TH AND 78TH CONGRESSES AND
79TH CONGRESS, FIRST SESSION

Prepared and published under authority of Title 1, U. S. Code, Section 52 (d)
by the Committee on Revision of the Laws of the House of
Representatives, Eugene J. Keogh, Chairman



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TITLES OF UNITED STATES CODE

1 General Provisions.

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3 The President.

4 Flag and Seal, Seat of Government, and the States

5 Executive Departments and Government Officers and Employees.

6 Official and Penal Bonds.

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PREFACE

This fifth supplement to the United States Code, 1940 edition, containing the additions to and changes in the general and permanent laws of the United States enacted during the Seventy-seventh and Seventy-eighth Congresses and First Session of the Seventy-ninth Congress has been prepared and published by the Committee on Revision of the Laws of the House of Representatives under authority of Title I, United States Code, section 52 (d), and together with the 1940 edition contains all the general and permanent laws of the United States in force on January 13, 1946. By statutory authority this supplement may be cited as "U. S. C., 1940 ed., Sup. V."

As in the case of the 1940 edition and prior supplements hereto, the actual work of preparing and editing the material for this supplement has been done by the West Publishing Company of St. Paul, Minnesota, and the Edward Thompson Company of Brooklyn, N. Y., under the supervision of the Committee on Revision of the Laws. The Committee gratefully acknowledges the splendid cooperation of the staffs of both publishing companies, and of Charles J. Zinn, a member of the bar of New York and the District of Columbia, counsel for the Committee; also of the various sections of the Government Printing Office; and of W. H. McClenon, formerly of the Legislative Reference Service of the Library of Congress.

The Committee on Revision of the Laws again invites the suggestions and criticisms of users of the Code.

Eugene J. Keogh
M. C.

Chairman,

Committee on Revision of the Laws.

WASHINGTON, D. C., *January 15, 1946.*

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1. General Land Office.
2. Geological Survey.
3. Supervisor of surveys and deputy surveyors.
4. Registers.
5 Land districts.
6. Withdrawal from settlement, location, sale, or entry.
7. Homesteads.
8. Timber and stone lands.
8A. Grazing lands.
9. Desert-land entries.
10. Underground-water reclamation grants.
11. Discovery, development, and marking of water holes, etc., by Government.
12. Reclamation and irrigation of lands by Federal Government.
12A. Boulder Canyon Project.
13. Federal lands included in State irrigation districts.
14 Grants of desert lands to States for reclamation (the Carey Act).
15. Appropriation of waters; reservoir sites.
16 Sale and disposal of the public lands.
17. Reservation and sale of town sites on the public lands.
18. Survey of public lands.
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20. Reservations and grants to States for public purposes.
21. Grants in aid of railroads and wagon roads.
21A Forfeiture of Northern Pacific Railroad indemnity land grants.
22. Right-of-way and other easements in public lands.
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24. Drainage under State laws.

TITLE 43.—PUBLIC LANDS—Continued

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25. Unlawful inclosures or occupancy, obstructing settlement or transit.
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TITLE 44.—PUBLIC PRINTING AND DOCUMENTS

1. Joint Committee on Printing: general powers; contracts
2. Government Printing Office.
3 Superintendent of Documents; distribution of documents in general.
4 Printing and binding generally
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6 Congressional Record, bills, and laws.
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8A National Archives.
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TITLE 45.—RAILROADS

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6 Mediation, conciliation, and arbitration in controversies between carriers and employees
7 Adjustment boards and labor boards.
8 Railway Labor Act.
9 Retirement of railroad employees.
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2 Registry and recording
2A Load lines for American vessels.
3 Clearance and entry.
4 Tonnage duties
5 Discriminating duties and reciprocal privileges.
6 Regulation as to vessels carrying steerage passengers.
7. Carriage of explosives or dangerous substances.
8 Limitation of vessel owner's liability.
9 Log books.
10 Regulation of pilots and pilotage.
11 Officers and crews of vessels.
12. Regulation of vessels in domestic commerce.
13 Passports and papers of vessels engaged in foreign commerce.
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TITLE 46.—SHIPPING—Continued

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16 Regulation of motor boats.
17 Regulation of fisheries.
18. Merchant seamen.
19. Wrecks and salvage.
20. Suits in admiralty by or against vessels or cargoes of United States.
21. Death on the high seas by wrongful act
22. Suits in admiralty against United States for damages caused by or for towage or salvage services.
23. Shipping Act.
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25 Ship Mortgage Act.
26 Home port of vessels
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29 Nautical instruction.
30. Peonage and Slave Trade Punished by Seizures and Forfeitures.

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2 Legislation supplementary to "Interstate Commerce Act."
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TITLE 49.—TRANSPORTATION—Continued

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2 Board of Ordnance and Fortification.
3. Alien enemies.
4 Espionage.
4A. Photographing, sketching, mapping, etc., defensive installations.
5. Arsenals, armories, arms, and war material generally.
6. Willful destruction, etc., of war or national-defense material.
7. Interference with homing pigeons owned by United States.
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9 Aircraft.
10. Helium gas.
11 Acquisition of and expenditures on land for national-defense purposes
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13 Insurrection.
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TITLE 50—WAR, APPENDIX

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Soldiers' and Sailors' Civil Relief Act of 1918.
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Selective Training and Service Act of 1940.
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Soldiers' and Sailors' Civil Relief Act of 1940.
First War Powers Act, 1941.
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Territorial Use of Army and Extension of Service Period.
Civilian Protection From War Hazards.
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Miscellaneous Provisions Affecting Military Establishment.
Photographing, Mapping or Other Representation of Military or Defense Properties.
Exemption of Certain Articles From Import Duties and Taxes.
Temporary Appointments, Promotions, etc., of Navy, Marine Corps, and Coast Guard Officers.
Certain Allowance Assistance for Civilian and Military Personnel.
Free Entry of Gifts From Members of Armed Forces.
Emergency Price Control Act of 1942.
Stabilization Act of 1944
War Pay and Allowances Act of 1942.
Small Business Mobilization Law.
War and Defense Contract Acts.
National Emergency and War Shipping Acts.
Farm Labor Supply Appropriation Act, 1944.
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Training of Nurses Through Grants to Institutions.
Civilian Reemployment of Members of Merchant Marine.
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Women's Army Corps.
United Nations Relief and Rehabilitation Administration.
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Disposal of Materials on Public Lands.
Surplus Property Act of 1944
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Fleet Admiral of the Navy and General of the Army.
Disposal of Censored-Mail.
Disbursing Officers' Additional Functions.
General of the Marine Corps.
Admiral in the Coast Guard.
Exception of Navy or Coast Guard Vessels From Certain Navigation Rules.

THE ORGANIC LAWS
OF
THE UNITED STATES OF AMERICA

CONSTITUTION OF THE UNITED STATES OF AMERICA

AMENDMENTS

ARTICLE [I.] *

*The first ten amendments to the Constitution of the United States were proposed to the legislatures of the several States by the First Congress, on the 25th of September, 1789 They were ratified by the following States, and the notifications of ratification by the governors or secretaries of state thereof were communicated successively by the President to Congress: New Jersey, November 20, 1789, Maryland, December 19, 1789, North Carolina, December 22, 1789, South Carolina, January 19, 1790; New Hampshire, January 25, 1790, Delaware, January 28, 1790; Pennsylvania, March 10, 1790; New York, March 27, 1790; Rhode Island, June 15, 1790, Vermont, November 3, 1791, and Virginia, December 15, 1791 The legislatures of Connecticut, Georgia, and Massachusetts ratified them on April 19, 1939, March 24, 1939, and March 2, 1939, respectively

UNITED STATES CODE
1940 EDITION

SUPPLEMENT V

January 3, 1941 to January 13, 1946

TITLE 1.—GENERAL PROVISIONS

Chapter 2.—ACTS AND RESOLUTIONS OF THE CONGRESS; FORMALITIES OF ENACTMENT; REPEALS; SEALING OF INSTRUMENTS

§ 29. Repeal of statutes as affecting existing liabilities.

The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability. The expiration of a temporary statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the temporary statute shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability. (As amended Mar. 22, 1944, ch. 123, 58 Stat. 118.)

AMENDMENTS

1944—Act Mar. 22, 1944, cited to text, amended section by adding last sentence.

TITLE 2.—THE CONGRESS

Chapter 1.—ELECTION OF SENATORS AND REPRESENTATIVES

Sec.

2b. Number of Representatives from each State in 78th and subsequent Congresses (New).

§ 2a. Reapportionment of Representatives; time and manner; existing decennial census figures as basis; statement by President; duty of clerk.

(a) On the first day, or within one week thereafter, of the first regular session of the Eighty-second Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the seventeenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives by the method known as the method of equal proportions, no State to receive less than one Member.

(b) Each State shall be entitled, in the Eighty-third Congress and in each Congress thereafter until the taking effect of a reapportionment under this section or subsequent statute, to the number of Representatives shown in the statement required by subsection (a) of this section, no State to receive less than one Member. It shall be the duty of the Clerk of the House of Representatives, within fifteen calendar days after the receipt of such statement, to send to the executive of each State a certificate of the number of Representatives to which such State is entitled under this section. In case of a vacancy in the office of Clerk, or of his absence or inability to discharge this duty, then such duty shall devolve upon the Sergeant at Arms of the House of Representatives; and in case of vacancies in the offices of both the Clerk and the Sergeant at Arms, or the absence or inability of both to act, such duty shall devolve upon the Doorkeeper of the House of Representatives.

(c) Until a State is redistricted in the manner provided by the law thereof after any apportionment, the Representatives to which such State is entitled under such apportionment shall be elected in the following manner: (1) If there is no change in the number of Representatives, they shall be elected from the districts then prescribed by the law of such State, and if any of them are elected from the State at large they shall continue to be so elected; (2) if there is an increase in the number of Representatives, such additional Representative or Representatives shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State; (3) if there is a decrease in the number of Representatives but the number of districts in such State is equal to such decreased number of Representatives, they shall be elected from the districts then prescribed by the law of such State; (4) if there is a decrease in the number of Representatives but the number of districts in such State is less than such number of Representatives, the number of Representatives by which such number of districts is exceeded shall be elected from the State at large and the other Representatives from the districts then prescribed by the law of such State; or (5) if there is a decrease in the number of Representatives and the number of districts in such State exceeds such decreased number of Representatives, they shall be elected from the State at large. (As amended Nov. 15, 1941, ch. 470, § 1, 55 Stat. 761.)

AMENDMENTS

1941—Act Nov. 15, 1941, cited to text, amended section generally.

§ 2b. Number of Representatives from each State in 78th and subsequent Congresses.

Each State shall be entitled, in the Seventy-eighth and in each Congress thereafter until the taking effect of a reapportionment under a subsequent statute or section 2a of this title, to the number of Representatives shown in the statement transmitted to the Congress on January 8, 1941, based upon the method known as the method of equal proportions, no State to receive less than one Member. (Nov. 15, 1941, ch. 470, § 2 (a), 55 Stat. 762.)

CERTIFICATES TO EXECUTIVES OF STATES

Section 2 (b) of act Nov. 15, 1941, cited to text, provided as follows: "(b) If before the enactment of this Act a certificate has been sent to the executive of any State under the provisions of such section 22 (Title 2, § 2a), as in force before the enactment of this Act, the Clerk of the House of Representatives shall, within fifteen calendar days after the date of enactment of this Act, send a new certificate to such executive stating the number of Representatives to which such State is entitled under this section."

Chapter 3.—COMPENSATION OF MEMBERS

Sec.

31a. Expense allowance for Representatives, Delegates, and Resident Commissioner (New).
42a. Air mail and special delivery postage allowances (New).
46a. Stationery for Senators (New).
46b. Stationery allowance for Representatives, Delegates, and Resident Commissioner (New)
46c. Long-distance telephone calls for Senators; made to and from Washington, D. C. (New).
46d. Same; originating and determining outside Washington, D. C. (New).

§ 31. Compensation of Members of Congress.

The compensation of the Speaker of the House of Representatives shall be at the rate of $15,000 per annum, and the compensation of Senators, Representatives in Congress, Delegates from Territories,

Resident Commissioner from Puerto Rico shall be at the rate of $10,000 per annum each. (Mar. 4, 1925, ch. 549, § 4, 43 Stat. 1301; May 17, 1932, ch. 190, 47 Stat. 158, Mar. 24, 1934, ch. 84, § 7, 48 Stat. 460.)

CROSS REFERENCES

Resident Commissioner of the Commonwealth of the Philippine Islands, pay of, see section 1237 of Title 48, Territories and Insular Possessions.

§ 31a. Expense allowance for Representatives, Delegates, and Resident Commissioner.

There shall be paid to each Representative and Delegate, and to the Resident Commissioner from Puerto Rico, after January 2, 1945, an expense allowance of $2,500 per annum to assist in defraying expenses related to or resulting from the discharge of his official duties, to be paid in equal monthly installments. (June 13, 1945, ch. 189, § 1, 59 Stat. 244.)

§ 42a. Air mail and special delivery postage allowances.

The Secretary of the Senate is authorized and directed to procure and furnish each fiscal year to each Senator and the President of the Senate, upon request by such person, United States air mail and special-delivery postage stamps in an amount not exceeding $105.66 for the mailing of postal matters arising in connection with his or her official business, and the Clerk of the House of Representatives is authorized and directed to procure and furnish each fiscal year to each Representative, Delegate and Resident Commissioner of Puerto Rico, upon request by such person, United States air mail and special-delivery postage stamps, in an amount not exceeding $90 for the mailing of postal matters arising in connection with his or her official business. (July 1, 1941, ch. 268, § 1, 55 Stat. 450; June 8, 1942, ch. 396, § 1, 56 Stat. 339; June 26, 1944, ch. 277, title I, § 1, 58 Stat. 339; June 13, 1945, ch. 189, § 1, 59 Stat. 243.)

AMENDMENTS

1945—Act June 13, 1945, cited to text, amended section by increasing amount of postage for each Senator from $96 66 to $105 66, and for each Representative, Delegate, and Resident Commissioner from $65 to $90 per year.

1944—Act June 26, 1944, cited to text, amended section by increasing amount of air mail and special delivery postage stamps for each Senator and the President of the Senate from $50 to $96.66 per year, and for each Representative, Delegate, and Resident Commissioner from $50 to $65 per year

1942—Act June 8, 1942, cited to text, amended section by providing that special delivery stamps in addition to air mail stamps be furnished upon request to each Representative, Delegate, and the Resident Commissioner for Puerto Rico.

EFFECTIVE DATE

Amendment of section by act June 26, 1944, cited to text, increasing postage stamps allowance of Senators and President of the Senate was made effective July 1, 1944, by title I thereof

§ 45. Mileage allowance to Resident Commissioners from Philippine Islands.

CODIFICATION

Provisions of this section are now covered by section 1237 of Title 48, Territories and Insular Possessions

§ 46a. Stationery for Senators.

Commencing with the fiscal year 1946 the allowance for stationery for each Senator and for the President of the Senate shall be $400 per annum. (July 1, 1941, ch. 268, § 1, 55 Stat. 450, as amended June 13, 1945, ch. 189, § 1, 59 Stat. 244.)

AMENDMENTS

1945—Act June 13, 1945, cited to text, amended section by increasing stationery allowance from $200 to $400 per year commencing with fiscal year 1946

SECOND SESSION SEVENTY-NINTH CONGRESS

Act Dec 28, 1945, ch. 589, title I, 59 Stat.—, provided in part for an additional $500 stationery allowance for each Representative, Delegate, and the Resident Commissioner of Puerto Rico for the second session.

§ 46b. Stationery allowance for Representatives, Delegates, and Resident Commissioner.

Commencing with the first session of the Seventy-sixth Congress the allowance for stationery for each Representative, Delegate, and the Resident Commissioner from Puerto Rico for each session of Congress shall be $200. (June 16, 1939, ch. 208, § 1, 53 Stat. 830.)

SECOND SESSION SEVENTY-NINTH CONGRESS

Act Dec. 28, 1945, ch. 589, title I, 59 Stat.—, provided in part for an additional $500 stationery allowance for each Senator and the President of the Senate for the second session.

§ 46c. Long-distance telephone calls for Senators; made to and from Washington, D. C.

There shall be paid from the contingent fund of the Senate, in accordance with rules and regulations prescribed by the Committee to Audit and Control the Contingent Expenses of the Senate, toll charges on not to exceed twenty-six strictly official long-distance telephone calls, aggregating per month for each Senator not more than one hundred and thirty minutes, to and from Washington, District of Columbia. (June 13, 1945, ch. 189, § 1, 59 Stat. 244.)

SIMILAR PROVISIONS

The Legislative Branch Appropriation Act, 1945, act June 26, 1944, ch. 277, title I, 58 Stat. 339, carried a somewhat similar provision providing for the payment of the toll on the first three minutes on ten official calls per month.

§ 46d. Same; originating and determining outside Washington, D. C.

There shall be paid from the contingent fund of the Senate, in accordance with rules and regulations prescribed by the Committee to Audit and Control the Contingent Expenses of the Senate, toll charges on strictly official long-distance telephone calls originating and determining outside of Washington, District of Columbia, not to exceed $300 per year for each Senator. (June 13, 1945, ch. 189, § 1, 59 Stat. 244.)

Chapter 4.—OFFICERS AND EMPLOYEES OF SENATE AND HOUSE OF REPRESENTATIVES

Sec.

60f. Employees salaries changeable by Senators and Committee Chairmen (New).
60g. Clerk hire for Members, Delegates, and Resident Commissioner; effective date (New).
60h. Limitation on salary increases of standing committee clerks (New).
60i. Annual compensation of Capitol telephone exchange operators, computation and definition of service (New).
67a. Employment of civilian employees of executive branch of Government by Senate Committee on Appropriations, restoration to former position (New).
75a. Death, resignation, etc., of Clerk of House, accounts and payments; liability of Clerk of House on bond; bond of disbursing clerk (New)
92e. Pay of clerical assistants as affected by death of Senator (New).
117a. Disposition of funds from sale of transcripts of House committee hearings (New).

§ 60a. Positions and rates of compensation under Legislative Pay Act of 1929.

The following positions and annual (except where specified otherwise) rates of compensation are hereby established:

SENATE

CHAPLAIN

Chaplain of the Senate, $1,680.

OFFICE OF THE SECRETARY

Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of contingent fund of the Senate, $8,000; Chief Clerk, who shall perform the duties of reading clerk, $5,500 and $1,500 additional so long as the position is held by the present incumbent; financial clerk, $5,000 and $2,000 additional so long as the position is held by the present incumbent; assistant financial clerk, $4,500; Parliamentarian, $5,000 and $1 500 additional so long as the position is held by the present incumbent; Journal clerk, $4,000 and $1,000 additional so long as the position is held by the present incumbent; principal clerk, $4,000; legislative clerk, $4,000 and $1,500 additional so long as the position is held by the present incumbent; enrolling clerk, $4,000; printing clerk, $3,540 and $460 additional so long as the position is held by the present incumbent; chief bookkeeper, $3,600 and $600 additional so long as the position is held by the present incumbent; librarian, $3,600; executive clerk, $3,180 and $420 additional so long as the position is held by the present incumbent; first assistant librarian, $3,120; keeper of stationery, $3,320; clerks—one at $3,900, one at $3,600 and $500 additional so long as the position is held by the present incumbent, one at $3,360, one at $3,180, one at $2,880 and $540 additional so long as the position is held by the present incumbent, two at $2,880 each, three at $2,640 each, clerk in disbursing office, $2,400, one at $2,400 and $300 additional so long as the position is held by the present incumbent, five at $2,400 each, three at $1,860 each, three at $1,740 each; additional clerical assistance and readjustment of salaries in the disbursing office, $4,020; two assistants in library at $1,800 each; special officer, $2,460; special officer, $2,280; assistants at the press door—one at $2,200, one at $1,900; messenger, $1,320; laborers—one at $2,040, one at $1,680, five at $1,500 each, one at $1,440, one in Secretary's office, $1,740, one $1,620, one $1,320.

DOCUMENT ROOM

Superintendent, $3,960 and $1,040 additional so long as the position is held by the present incumbent; first assistant, $2,640; second assistant, $2,040; four assistants, at $2,040 each; skilled laborer, $1,440.

COMMITTEE EMPLOYEES

Clerks and messengers to the following committees: Agriculture and Forestry—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Appropriations—clerk, $7,000, and $1,000 additional so long as the position is held by the present incumbent; assistant clerk, $5,000 and $1,500 additional so long as the position is held by the present incumbent; assistant clerk, $4,800; assistant clerk, $3,600 for the office of the ranking minority member of the Committee on Appropriations, to be appointed by him; three assistant clerks at $3,000 each; two assistant clerks at $2,220 each; messenger, $1,800. To Audit and Control the Contingent Expenses of the Senate—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Banking and Currency—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,400; assistant clerk, $2,220; additional clerical assistance at rates of compensation to be fixed by the chairman of said committee. Civil Service—clerk, $3,900; assistant clerk, $3,180; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Claims—clerk, $3,900; assistant clerk, $3,600; assistant clerk, $2,880; assistant clerk, $2,580; two assistant clerks at $2,220 each. Commerce—clerk, $3,900; assistant clerk, $2,880, assistant clerk, $2,580; assistant clerk, $2,400; two assistant clerks at $2,220 each. Conference Majority of the Senate—clerk, $3,900; assistant clerk, $2,880; two assistant clerks at $2,580 each; assistant clerk, $2,220; additional clerical assistance at rates of compensation to be fixed by the chairman of said committee. Conference Minority of the Senate—clerk, $3,900; assistant clerk, $2,880; two assistant clerks at $2,580 each; assistant clerk, $2,220, additional clerical assistance at rates of compensation to be fixed by the chairman of said committee. District of Columbia—clerk, $3,900; two assistant clerks at $2,880 each; assistant clerk, $2,220; two additional clerks at $1,800 each; additional clerical assistance at rates of compensation to be fixed by the chairman of said committee. Education and Labor—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,580; assistant clerk, $2,220; two additional clerks at $1,800 each. Enrolled Bills—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; assistant clerk, $1,800; additional clerk, $1,800. Expenditures in the Executive

Departments—clerk, $3,900; assistant clerk, $3,600; assistant clerk, $2,580; assistant clerk, $2,220; two additional clerks at $1,800 each. Finance—clerk, $4,200 and $500 additional so long as the position is held by the present incumbent; special assistant to the committee, $3,600; assistant clerk, $2,880; assistant clerk, $2,700; assistant clerk, $2,400; two assistant clerks at $2,220 each; two experts (one for the majority and one for the minority) at $3,600 each; messenger, $1,800. Foreign Relations—clerk, $3,900; assistant clerk, $3,600; assistant clerk, $3,000; assistant clerk, $2,880; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800; messenger, $1,800. Immigration—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,400; assistant clerk, $2,220; two additional clerks at $1,800 each Indian Affairs—clerk, $3,900; assistant clerk, $3,600 and $1,400 additional so long as the position is held by the present incumbent; assistant clerk, $2,880; assistant clerk, $2,400; assistant clerk, $2,220; additional clerk, $1,800. Interoceanic Canals—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; assistant clerk, $2,040; additional clerk, $1,800. Interstate Commerce—clerk, $3,900; assistant clerk, $3,600; assistant clerk, $2,880; two assistant clerks at $2,580 each; assistant clerk, $2,220. Irrigation and Reclamation—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; two additional clerks at $1,800 each. Judiciary—clerk, $3,900; assistant clerk, $2,880; two assistant clerks at $2,580 each; assistant clerk, $2,220. Library—clerk, $3,900; two assistant clerks at $2,400 each; assistant clerk, $2,220; additional clerk, $1,800. Manufactures—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; assistant clerk, $2,040; additional clerk, $1,800 Military Affairs—clerk, $3,900; special assistant, $3,300; assistant clerk, $2,880; assistant clerk, $2,580; assistant clerk, $2,400; two assistant clerks at $2,220 each. Mines and Mining—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; two assistant clerks at $1,800 each; two additional clerks at $1,800 each. Naval Affairs—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,400; two assistant clerks at $2,220 each. Patents—clerk, $3,900; two assistant clerks at $2,400 each; assistant clerk, $2,220; additional clerk, $1,800. Pensions—clerk, $3,900; assistant clerk, $2,580; four assistant clerks at $2,220 each. Post Offices and Post Roads—clerk, $3,900; assistant clerk, $2,880; assistant clerk, $2,520; three assistant clerks at $2,220 each; additional clerk, $1,800. Printing—clerk, $3,900; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Privileges and Elections—clerk, $3,900; assistant clerk, $2,400; two assistant clerks at $2,220 each; additional clerk, $1,800. Public Buildings and Grounds—clerk, $3,900; assistant clerk, $2,400; assistant clerk, $2,220; assistant clerk, $2,000; assistant clerk, $1,800; additional clerk, $1,800. Public Lands and Surveys—clerk, $3,900; assistant clerk, $1,800 and $1,500 additional so long as the position is held by the present incumbent; assistant clerk, $2,880; assistant clerk, $2,580; two assistant clerks at $2,220 each. Rules—clerk, $3,900 and $200 toward the preparation biennially of the Senate Manual under the direction of the Committee on Rules; assistant clerk, $2,880; assistant clerk, $2,580; assistant clerk, $2,220; additional clerk, $1,800. Special Committee on Conservation of Wildlife Resources—clerk, $3,900; assistant clerk, $1,800. Territories and Insular Affairs—clerk, $3,900; assistant clerk, $2,580; two assistant clerks at $2,220 each; two assistant clerks at $2,000 each; additional clerk, $1,800.

CLERICAL ASSISTANCE TO SENATORS

Clerical assistance to Senators who are not chairmen of the committees specially provided for herein, as follows: Seventy clerks at $3,900 each; seventy assistant clerks at $2,400 each; and seventy assistant clerks at $2,220 each; seventy additional clerks at $1,800 each, one for each Senator having no more than one clerk and two assistant clerks for himself or for the committee of which he is chairman; messenger, $1,800.

Ninety-six additional clerks at $1 800 per annum each, one for each Senator.

Ninety-six additional clerks at $1,800 per annum each, one for each Senator.

Thirty additional clerks at $1,500 per annum each, one for each Senator from each State which has a population of three million or more inhabitants.

Three additional clerks at $1,500 per annum each for each Senator from any State which has a population of ten million or more inhabitants; two additional clerks at $1,500 per annum each for each Senator from any State which has a population of five million or more inhabitants but less than ten million: *Provided*, That such additional clerks shall be in addition to any other clerical assistance to which Senators are entitled, and shall be employed only during the period of the emergency.

Additional clerical assistance to Senators (including chairmen of standing committees) at the rate of $5,040 per annum for each Senator.

Provided further, That all clerks, assistants' clerks, and additional clerks under this heading shall be ex officio clerks, assistant clerks, and additional clerks of any committee of which their Senator is chairman.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

Sergeant at Arms and Doorkeeper, $8,000; two secretaries (one for the majority and one for the minority), at $5,400 each and $1,500 additional each so long as the respective positions are held by the present respective incumbents; two assistant secretaries (one for the majority and one for the minority), at $4,320 each and $480 additional each so long as the respective positions are held by the present respective incumbents; Deputy Sergeant at Arms and storekeeper, $4,800 and $1,900 additional so long as the position is held by the present incumbent; clerks—one $3,300, one $3,120, one $2,200, one $2,120, one $1,800, one to the secretary for the majority, $2,640, one to the secretary for the minority $2,640; assistant doorkeeper, $2,880; messengers—three (acting as assistant doorkeepers) at $2,400 each; thirty (includ-

ing four for minority) at $1,740 each; four at $1,620 each; one at card door, $2,640, and $240 additional so long as the position is held by the present incumbent; clerk on Journal work for Congressional Record to be selected by the Official Reporters, $3,360; cabinetmakers—chief, $2,780; one, $2,300; one, $2,220; finisher, $2,300; upholsterer, $2,220; janitor, $2,400 and $300 additional so long as the position is held by the present incumbent; five skilled laborers, $1,680 each; laborer in charge of private passage, $1,800 and $120 additional so long as the position is held by the present incumbent; four female attendants in charge of ladies' retiring rooms, at $1,560 each; three female attendants in charge of ladies' retiring rooms, Senate Office Building, at $1,560 each; telephone operators—chief, $3,000; assistant chief, $2,400; thirteen at $1,800 each; laborer in charge of Senate toilet rooms in old library space, $1,260; press gallery—superintendent, $3,660; assistant superintendent, $3,000; assistant superintendent, $1,920; messengers for service to press correspondents—two at $1,620 each, two at $1,500 each; radio press gallery—superintendent, $3,000; assistant superintendent, $1,960; laborers—two at $1,500 each, one at $1,380, twenty-six at $1,320 each, three at $540 each; special employees—seven at $1,000 each; twenty-one pages for the Senate Chamber, at the rate of $5 per day each, during the session.

Capitol Police force under the Sergeant at Arms: Captain, $3,000; two lieutenants at $2,000 each; two special officers at $2,000 each; four sergeants at $1,920 each; fifty-five privates at $1,800 each.

POST OFFICE

Postmaster, $3,600 and $1,400 additional so long as the position is held by the present incumbent; assistant postmaster, $2,880; chief clerk, $2,460; wagon master, $2,280; assistant, $1,740; twenty-six mail carriers at $1,740 each.

FOLDING ROOM

Foreman, $2,460 and $540 additional so long as the position is held by the present incumbent; clerks—one at $2,400, two at $1,740 each; folders—chief, $2,040; thirteen at $1,440 each.

HOUSE OF REPRESENTATIVES

OFFICE OF THE SPEAKER

Secretary to the Speaker, $4,620; three clerks to the Speaker, at $2,400 each; messenger to Speaker, $1,680.

THE SPEAKER'S TABLE

Parliamentarian $5,000, and $2,500 additional so long as the position is held by the present incumbent, and for preparing Digest of the Rules, $1,000 per annum; Assistant Parliamentarian, $3,000 and $1,500 additional so long as the position is held by the present incumbent; messenger to Speaker's table, $1,740.

CHAPLAIN

Chaplain of the House of Representatives, $1,680, and $820 additional so long as the position is held by the present incumbent.

OFFICE OF THE CLERK

Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $8,000; Journal clerk, two reading clerks, and tally clerk, at $7,000 each; assistant reading clerk, $5,000, to continue available, under the limitations of House Resolution 95, adopted January 18, 1945; enrolling clerk, $4,000; disbursing clerk, $3,960 and $2,040 additional so long as the position is held by the present incumbent; file clerk, $3,780; chief bill clerk, $3,540; assistant enrolling clerk, $3,900 and $500 additional as assistant to the Clerk of the House of Representatives; assistant tally clerk, $5,000; assistant to disbursing clerk, $3,120; stationery clerk, $2,880; librarian, $2,760; assistant librarian and assistant file clerk, at $2,520 each; assistant Journal clerk and assistant librarian, at $2,460 each; clerks—one at $2,460, four at $2,340 each; bookkeeper and assistant in disbursing office at $2,160 each; assistant in disbursing office, $1,800; three assistants to chief bill clerk at $2,100 each; stenographer to the Clerk, $2,500; assistant in stationery room, $1,740; three messengers at $1,680 each; stenographer to Journal clerk, $1,560; laborers—three at $1,440 each, ten at $1,260 each; telephone operators—assistant chief, $2,400, twenty-three at $1,800 each; operators and extra services of regular employees, when required, at the rate of not to exceed $135 per month each; property custodian and superintendent of furniture and repair shop, who shall be a skilled cabinetmaker or upholsterer and experienced in the construction and purchase of furniture, $3,960; two assistant custodians at $3,360 each; locksmith and typewriter repairer, $1,860; messenger and clock repairer, $1,740

COMMITTEE EMPLOYEES

Clerks, messengers, and janitors to the following committees: Accounts—clerk, $3,300; assistant clerk, $2,460; janitor, $1,560. Agriculture—clerk, $3,300; assistant clerk, $2,460; janitor, $1,560. Appropriations—clerk, $8,000; assistant clerks and other personal services at rates to be fixed by resolution of the committee and certified to the Clerk of the House of Representatives, twelve clerk-stenographers at the annual rate of $1,800 each, one for each subcommittee of the Committee on Appropriations having jurisdiction over a regular annual appropriation bill as shall be designated by the chairman of the Committee on Appropriations and to be appointed by the chairmen of the subcommittees so designated, subject to the approval of the chairman, and one for the office of the ranking minority member of the Committee on Appropriations, to be appointed by him. Banking and Currency—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Census—clerk, $2,760; janitor, $1,260. Civil Service—clerk, $2,760; janitor,

$1,260. Claims—clerk, $3,300; assistant clerk, $2,460; assistant clerk, $1,800; janitor, $1,260. Coinage, Weights and Measures—clerk, $2,760; janitor, $1,260. Disposition of Executive Papers—clerk, $2,760. District of Columbia—clerk, $3,300; assistant clerk, $2,460; janitor, $1,260. Education—clerk, $2,760; janitor, $1,260. Election of the President, Vice President, and Representatives in Congress—clerk, $2,760. Elections Numbered 1—clerk, $2,760; janitor, $1,260. Elections Numbered 2—clerk, $2,760; janitor, $1,260. Elections Numbered 3—clerk, $2,760; janitor, $1,260. Enrolled Bills—clerk, $2,760; janitor, $1,260. Expenditures in the Executive Departments—clerk, $3,300; janitor, $1,260. Flood Control—clerk, $2,760; janitor, $1,260. Foreign Affairs—clerk, $3,300; assistant clerk, $2,460; janitor, $1,260. Immigration and Naturalization—clerk, $3,300; assistant clerk, $2,400; janitor, $1,260. Indian Affairs—clerk, $3,300; assistant clerk, $2,460; janitor, $1,260. Insular Affairs—clerk, $2,760; janitor, $1,260. Interstate and Foreign Commerce—clerk, $3,900 and $600 additional so long as the position is held by the present incumbent; additional clerk, $2,640; assistant clerk, $2,100; janitor, $1,560. Irrigation and Reclamation—clerk, $2,760; janitor, $1,260. Invalid Pensions—clerk, $3,300; assistant clerk, $2,880; expert examiner, $2,700; stenographer, $2,640; janitor, $1,500. Judiciary—clerk, $3,900; assistant clerk, $2,460; assistant clerk, $1,980; janitor, $1,560. Labor—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Library—clerk, $2,760; janitor, $1,260. Merchant Marine and Fisheries—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Military Affairs—clerk, $3,300; assistant clerk, $2 100; janitor, $1 560. Mines and Mining—clerk, $2,760; janitor, $1,260. Naval Affairs—clerk, $3,300; assistant clerk, $2,100; janitor, $1,560. Patents—clerk, $2,760; assistant clerk, $2,100; janitor, $1,260 Pensions—clerk, $3,300; assistant clerk, $2,160; janitor, $1,260. Post Office and Post Roads—clerk, $3,300; assistant clerk, $2,100; janitor, $1,560 Printing—clerk, $2,760; janitor, $1,560 Public Buildings and Grounds—clerk, $3,300, assistant clerk, $1,740; janitor, $1,260. Public Lands—clerk, $3,300; assistant clerk, $1,740; janitor, $1,260. Revision of the Laws—clerk, $3,300; janitor, $1,260 Rivers and Harbors—clerk, $3 300; assistant clerk, $2,460; janitor, $1,560. Roads—clerk, $2,760; assistant clerk, $1,740; janitor, $1,260. Rules—clerk, $3,300; assistant clerk, $2,100; clerk-stenographer, $1,800; janitor, $1,260. Territories—clerk, $2,760; janitor, $1,260. Un-American Activities—clerk, $3,900; assistant clerk, $2,640; assistant clerk, $2,100; janitor, $1,560. War Claims—clerk, $3,300; assistant clerk, $1,740; janitor, $1,260. Ways and Means—clerk, $4,620; assistant clerk, $3,000; assistant clerk and stenographer, $2,640; assistant clerk, $2,580; clerk for minority, $3,180; janitors—one, $1,560; two at $1,260 each. World War Veterans' Legislation—clerk, $3,300; assistant clerk, $2,460.

OFFICE OF SERGEANT AT ARMS

Sergeant at Arms, $8,000; Deputy Sergeant at Arms in charge of mace, $3,180; cashier, $6,000; assistant cashier, $4,000; two bookkeepers at $3,360 each; Deputy Sergeant at Arms in charge of pairs, $3,600; special assistant to Sergeant at Arms, $2,400; pair clerk and messenger, $2,820; stenographer, $2,500; skilled laborer, $1,380.

Capitol Police force under the Sergeant at Arms: Three lieutenants at $2,000 each; five sergeants at $1,920 each; sixty privates at $1,800 each.

OFFICE OF DOORKEEPER

Doorkeeper, $6,000; special employee, $3,000; superintendent of House Press Gallery, $3,660; assistants to the superintendent of the House Press Gallery—one at $3,000, and one at $2,220; House Radio Press Gallery—superintendent of radio room at $2,700; messenger at $1,560; chief janitor, $2,700 and $300 additional so long as the position is held by the present incumbent; messengers—one chief messenger, $2,240 and $300 additional so long as the position is held by the present incumbent, sixteen messengers at $1,740 each, fourteen on soldiers' roll at $1,740 each; laborers—seventeen at $1,260 each, two (cloakroom) at $1,380 each, one (cloakroom), $1,260, and seven (cloakroom) at $1,140 each; three female attendants in ladies' retiring rooms at $1,680 each, attendant for the ladies' reception room, $1,440; superintendent of folding room, $3,180 and $820 additional so long as the position is held by the present incumbent; foreman of folding room, $2,640; chief clerk to superintendent of folding room, $2,460; three clerks at $2,160 each; janitor, $1,260; laborer, $1,260; thirty-one folders at $1,440 each; shipping clerk, $1,740; two drivers at $1,380 each; two chief pages at $1,980 each; two telephone pages at $1,680 each; two floor managers of telephones (one for the minority) at $3,180 each and $600 each additional so long as the respective positions are held by the respective present incumbents; two assistant floor managers in charge of telephones (one for the minority) at $2,100 each; fifty pages during the session, including ten pages for duty at the entrances to the Hall of the House at $5 per day each; superintendent of document room (Elmer A. Lewis), $3,960 and $1,040 additional so long as the position is held by the present incumbent; assistant superintendent of document room, $2,760; clerk, $2,320; assistant clerk, $2,160; eight assistants at $1,860 each; janitor, $1,440; messenger to press room (House Press Gallery), $1,560

SPECIAL AND MINORITY EMPLOYEES

The minority employees authorized and named in the House Resolutions Numbered 51 and 53 of December 11, 1931, as amended: Two at $5,000 each, one at $3,000 and $450 additional so long as the position is held by the present incumbent, two at $3,000 each; one at $3,600 and $300 additional while the position is held by the present incumbent (minority pair clerk, House Resolution Numbered 313 of August 7, 1935).

Special employees: Assistant foreman of the folding room, authorized in the resolution of September 30, 1913, $1,980; laborer, authorized and named in the resolution of April 28, 1914, $1,380; laborer, $1,380.

Successors to any of the employees provided for in the two preceding paragraphs may be named by the House of Representatives at any time.

Office of majority floor leader: Legislative clerk, $3,110 and $300 additional so long as the position is held by the present incumbent; clerk, $2,530; additional clerk, $2,000; two assistant clerks, at $1,800 each; for official expenses of the majority leader, as authorized by House Resolution Numbered 101, Seventy-first Congress, adopted December 18, 1929, $2,000.

Conference minority: Clerk, $3,180 and $300 additional so long as the position is held by the present incumbent; legislative clerk, $3,060; assistant clerk, $2,100; janitor, $1,560. The foregoing employees to be appointed by the minority leader.

Two messengers, one in the majority caucus room and one in the minority caucus room, to be appointed by the majority and minority whips, respectively, at $1,740 each.

Two printing clerks, one for the majority caucus room and one for the minority caucus room, to be appointed by the majority and minority leaders, respectively, at $2,000 each.

POST OFFICE

Postmaster, $5,000; assistant postmaster, $2,880; two registry and money-order clerks, at $2,100 each; forty messengers (including one to superintend transportation of mails), at $1,740 each; substitute messengers and extra services of regular employees, when required, at the rate of not to exceed $145 per month each, $1,740; laborer, $1,260.

OFFICIAL REPORTERS OF DEBATES

Seven official reporters of the proceedings and debates of the House, at $7,500 each; clerk, $4,000; assistant clerk, $2,000; six expert transcribers, at $2,000 each.

COMMITTEE REPORTERS

Salaries: Four reporters to committees, at $7,500 each, and two reporters to committees, at $6,500 each; clerk, $3,360; six expert transcribers, at $2,000 each.

Whenever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the one hundred and eighty-one days from January 1 to June 30, 1946, inclusive.

CAPITOL POLICE

Captain, $2,700; three lieutenants, at $1,740 each; special officer, $1,740; three sergeants, at $1,680 each; fifty-two privates, at $1,620 each.

JOINT COMMITTEE ON PRINTING

Clerk, $4,000 and $800 additional so long as the position is held by the present incumbent; inspector under section 49 of Title 44, $2,820; assistant clerk and stenographer, $2,640. (As amended July 1, 1941, ch. 268, § 1, 55 Stat. 446; June 8, 1942, ch. 396, § 1, 56 Stat. 330; June 28, 1943, ch. 173, title I, § 101, 57 Stat. 220; June 26, 1944, ch. 277, title I, §§ 1, 104, 58 Stat. 334, 354; June 28, 1944, ch. 304, title I, § 1, 58 Stat. 597; Dec. 22, 1944, ch. 660, title I, 58 Stat. 853; Apr. 25, 1945, ch. 95, title I, 59 Stat. 77; June 13, 1945, ch. 189, § 1, 59 Stat. 238, 241, 244, 248, 250; July 5, 1945, ch. 271, title I, 59 Stat. 412, 413; Dec. 28, 1945, ch. 589, title I, 59 Stat. —.)

[1] So in original Probably should read "assistant."

AMENDMENTS

1945—Act Dec 28, 1945, cited to text, amended section by striking out "night watchman, $1,920" and inserting in lieu thereof "special officer $2,280", under the Office of the Secretary of the Senate

Act July 5, 1945, cited to text, increased the salary of the Postmaster of the Senate by inserting "and $1,400 additional so long as the position is held by the present incumbent", immediately following "Postmaster, $3,600", and by increasing the salary of the Capitol Police force under the Sergeant at Arms of the House as follows: lieutenants from $1,740 to $2,000 each; sergeants from $1,680 to $1,920 each; and privates from $1,620 to $1,800

Act June 13, 1945, cited to text, amended section generally

1944—Act June 28, 1944, cited to text, increased the salary of the clerkship in the Secretary of the Senate's office at $3,600 to $4,100 as long as it shall be held by the present incumbent effective July 1, 1944, and amended provisions relating to the salaries of employees of the Committee on Appropriations of the House of Representatives which read as follows. "Appropriations—clerk, $7,000 and $1,000 additional so long as the position is held by the present incumbent; assistant clerk, $5,000 and $2,500 additional so long as the position is held by the present incumbent, assistant clerk, $3,900 and $1,100 additional so long as the position is held by the present incumbent; two assistant clerks at $3,900 each and $600 each additional so long as the respective positions are held by the present respective incumbents; assistant clerk, $3,900; additional clerical assistants at rates to be fixed by the chairman of the Committee on Appropriations, messenger, $1,680;" to read as now set out

1943, 1942—Acts June 8, 1942, and June 28, 1943, cited to text, further provided that conference minority employees be appointed by minority leader.

APPROPRIATION AS PERMANENT LAW

Acts June 26, 1944, ch. 277, title I, § 104, 58 Stat. 354, June 13, 1945, ch. 189, § 105, 59 Stat 259, provided: "Whenever any office or position not specifically established by the Legislative Pay Act of 1929 [Act June 20, 1929, ch 33, 46 Stat 32] is specifically appropriated for in this title or whenever the rate of compensation or designation of any position specifically appropriated for in this title is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, specifically appropriated for in this title, shall be the permanent law with respect thereto, and the authority for any position specifically established by such Act which is not specifically appropriated for in this title shall cease to exist"

Similar provisions were contained in acts July 1, 1941, ch. 268, § 4, 55 Stat. 465; June 8, 1942, ch 396, § 4, 56 Stat 349, June 28, 1943, ch 173, title I, § 104, 57 Stat. 239.

OFFICE OF VICE PRESIDENT

"Office of the Vice President" par under "Senate" in act June 18, 1940, as amended by acts Mar. 1, 1941; July 1, 1941; June 8, 1942; June 28, 1943, June 26, 1944; Dec. 22, 1944; Apr 25, 1945, all cited to text, provided: "For clerical assistance to the Vice President, at rates of compensation to be fixed by him, $19,440" Since the amended par does not relate to specific positions or annual rates of compensation it has been omitted from this section in accordance with section 105 of act June 13, 1945, set out as a note under this section

OFFICE OF THE SECRETARY OF THE SENATE

Act Oct. 28, 1941, ch. 460, title II, 55 Stat. 747, contained provisions increasing to $3,300 per annum, begin-

ning Sept. 1, 1941, one of the clerkships at $2,640 per annum in the office of the Secretary of the Senate, so long as the position is held by the present incumbent.

INCREASE OF CLERK HIRE FOR SENATORS; EFFECTIVE DATE

Section 2 (b) of act Dec 20, 1944, ch. 617, 58 Stat 831, effective Jan. 1, 1945, provided: "(b) The aggregate amount of the basic compensation authorized to be paid to employees in the offices of Senators (including employees of standing committees of which Senators are chairmen) is hereby increased by (1) $4,020 in the case of each Senator from a State which has a population of less than four million inhabitants and (2) by $5,040 in the case of each Senator from a State which has a population of four million or more inhabitants."

SENATE MAJORITY SECRETARY

Act Dec. 28, 1945, cited to text, provided that beginning Jan. 1, 1946, the salary of the secretary for the majority shall be at the rate of $5,400 per annum and $1,500 additional so long as the position is held by the present incumbent. This is a reenactment of a similar provision carried in the Legislative Branch Appropriation Act, 1946, act July 5, 1945, cited to text.

CROSS REFERENCES

Compensation for overtime, see sections 932 and 933 of Title 5, Executive Departments and Government Officers and Employees

Increase in basic compensation rates, see section 931 of Title 5, Executive Departments and Government Officers and Employees.

Sale of House Committee stenographers' transcript, see section 117a of this title.

§ 60b. Omitted.

CODIFICATION

Section, act June 20, 1929, ch 33, § 2, 46 Stat. 38, as amended by act July 25, 1939, ch 352, § 3, 53 Stat. 1080, providing that clerk hire should be at the rate of $6,500 per annum and limiting individual salaries to $3,900 per annum, was superseded by section 60g of this title.

§ 60f. Employees salaries changeable by Senators and Committee Chairmen.

Senators and chairmen of standing committees may change the number of employees in their respective offices or committees, and may rearrange the schedule of basic salaries of such employees in multiples of $5 per month: *Provided*, That such changes and rearrangements shall not increase the aggregate of the salaries provided for such offices or committees by law or Senate resolution: *Provided further*, That no salary shall be fixed under this paragraph at a rate in excess of $5,040 per annum, and no action shall be taken to reduce any salary which is specifically fixed by law at a rate higher than $5,040 per annum: *Provided further*, That Senators and committee chairmen, before the day on which they are to become effective, shall certify in writing such changes or rearrangements to the disbursing office of the Senate which thereafter shall pay such employees in accordance with such certifications. (As amended July 1, 1941, ch. 268, § 1, 55 Stat. 448; June 8, 1942, ch 396, § 1, 56 Stat. 333; June 28, 1943, ch. 173, title I, § 101, 57 Stat. 222; June 26, 1944, ch. 277, title I, § 1, 58 Stat. 337; Dec. 20, 1944, ch. 617, § 2 (a), 58 Stat. 832; June 13, 1945, ch. 189, § 1, 59 Stat. 241)

AMENDMENTS

1944—Act Dec 20, 1944, cited to text, amended section by striking out "$4,500" wherever appearing and inserting in lieu thereof $5,040".

1943—Act June 28, 1943, cited to text, substituted "certifications" for "changed schedule" at end of section.

INCREASE OF CLERK HIRE FOR SENATORS, EFFECTIVE DATE

Section 2 (b) of act Dec. 20, 1944, cited to text, effective Jan. 1, 1945, provided: "(b) The aggregate amount of the basic compensation authorized to be paid to employees in the offices of Senators (including employees of standing committees of which Senators are chairmen) is hereby increased by (1) $4,020 in the case of each Senator from a State which has a population of less than four million inhabitants and (2) by $5,040 in the case of each Senator from a State which has a population of four million or more inhabitants."

EFFECTIVE DATE

Section 2 of act Dec. 20, 1944, cited to text, provided in part that the section should become effective Jan. 1, 1945.

CROSS REFERENCES

Compensation for overtime, see sections 932 and 933 of Title 5, Executive Departments and Government Officers and Employees

Increase in basic compensation rates, see section 931 of Title 5, Executive Departments and Government Officers and Employees.

§ 60g. Clerk hire for Members, Delegates, and Resident Commissioner; effective date.

Effective January 1, 1945, the clerk hire of each Member, Delegate, and Resident Commissioner shall be at the rate of $9,500 per annum, and such officials and chairmen of standing committees (other than the Committee on Appropriations, which is governed by other law) may rearrange or change the schedules or salaries and the number of employees in their respective offices or committees: *Provided*, That no salary shall be fixed hereunder at a rate in excess of $5,000 per annum, and no action shall be taken to reduce any salary which is specifically fixed by law at a rate higher than $5,000 per annum: *Provided further*, That such changes as may be made in consequence hereof shall not increase the aggregate of the salaries provided for such offices or committees for the fiscal year ending June 30, 1945, or thereafter, beyond the additional amount herein authorized for clerk hire for Representatives, Delegates, and the Resident Commissioner from Puerto Rico, and an amount equivalent to the difference between the aggregate amount appropriated for salaries of a standing committee for the fiscal year 1945 and the amount required to increase the compensation rate prevailing on December 6, 1944 (in case of a vacancy, the rate last paid), to the clerk of a standing committee to a rate not in excess of $5,000 per annum: *Provided further*, That no compensation rate shall be established in pursuance hereof which is not a multiple of five: *Provided further*, That Representatives, Delegates, the Resident Commissioner from Puerto Rico, and committee chairmen, on or before the tenth day of the month in which rearrangements or changes of salary schedules are to become effective, shall certify in writing such rearrangements or changes to the disbursing office, which shall thereafter pay such employees in accordance with such rearrangements or changes: *Provided further*, That the provisions of this paragraph shall supersede any law in conflict therewith. (Dec. 20, 1944, ch. 617, § 1, 58 Stat. 831)

CROSS REFERENCES

Compensation for overtime, see sections 932 and 933 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 931 of Title 5 Executive Departments and Government Officers and Employees.

Limitation on salary increases of standing committee clerks, see section 60h of this title.

§ 60h. Limitation on salary increases of standing committee clerks.

The rate of compensation of the clerk of any standing committee shall not be increased pursuant to the second proviso of section 60g of this title, by more than $500 per annum over the rate of compensation prevailing on December 6, 1944 (in case of a vacancy, the rate last paid). (Apr. 25, 1945, ch. 95, title I, 59 Stat. 78.)

§ 60i. Annual compensation of Capitol telephone exchange operators; computation and definition of service.

On and after February 1, 1945, the basic rates of compensation of telephone operators on the United States Capitol telephone exchange (whether under the jurisdiction of the Clerk of the House of Representatives or under the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate) shall be as follows:

(a) Chief operator, $3,000 per annum.

(b) Assistant chief operator, $2,400 per annum, and $200 per annum additional so long as the position is held by the present incumbent.

(c) Others, $1,800 per annum plus—

(1) $240 per annum additional in the case of those having more than twenty-five years of service;

(2) $180 per annum additional in the case of those having more than twenty and not more than twenty-five years of service;

(3) $150 per annum additional in the case of those having more than fifteen and not more than twenty years of service;

(4) $120 per annum additional in the case of those having more than ten and not more than fifteen years of service; and

(5) $60 per annum additional in the case of those having more than five and not more than ten years of service.

In computing such years of service, the term "service" means service as a telephone operator on the United States Capitol telephone exchange (whether under the jurisdiction of the Clerk of the House of Representatives or under the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate) and shall not be limited to continuous service. (Feb. 13, 1945, ch. 2, § 1, 59 Stat. 4.)

APPROPRIATION FOR FISCAL YEAR 1945

Section 2 of act Feb 13, 1945, cited to text, authorized the payment, from current appropriations for salaries of officers and employees of Congress, of the necessary amounts to effectuate the increases provided for by this section.

§ 64a. Death, resignation, or disability of Secretary of Senate; Financial Clerk deemed successor as disbursing officer.

CROSS REFERENCES

Clerk of House, death, resignation, etc., see section 75a of this title.

§ 67a. Employment of civilian employees of executive branch of Government by Senate Committee on Appropriations; restoration to former position.

Whenever any person has left or leaves any civilian position in any department or agency in the executive branch of the Government in order to accept employment by the Senate Committee on Appropriations, he shall be carried on the rolls of such committee and shall be solely employed by such committee, and responsible only to it; but he shall be entitled upon making application to the Civil Service Commission within thirty days after the termination of his employment by such committee (unless such employment is terminated for cause) to be restored to a position in the same or any other department or agency where an opening exists, comparable to the position which, according to the records of the department or agency which he left to accept employment by the Senate Committee on Appropriations or in the judgment of the Civil Service Commission, such person would be occupying if he had remained in the employ of such department or agency during the time he was employed by such committee, and such person shall be restored to such position with the same seniority, status, and pay as if he had remained in the employ of the department or agency which he left, during such time. This section shall not be construed to require any person to be restored to a position in any department or agency after the expiration of the time for which he was appointed to the position which he left to accept employment by such committee. (June 13, 1945, ch. 189, § 1, 59 Stat. 243.)

§ 75a. Death, resignation, etc., of Clerk of House; accounts and payments; liability of Clerk of House on bond; bond of disbursing clerk.

After July 1, 1942 in case of the death, resignation, separation from office, or disability of the Clerk of the House of Representatives, the accounts of such Clerk may be continued and payments made in his name by the disbursing clerk of the House of Representatives for a period extending not beyond the quarterly period during which a new Clerk of the House of Representatives shall have been elected and qualified. Such accounts and payments shall be allowed, audited, and settled in the General Accounting Office, and the checks signed in the name of the former Clerk of the House of Representatives shall be honored by the Treasurer of the United States, in the same manner as if such former Clerk had continued in office. The former Clerk, his estate, or the sureties on his official bond, shall not be subject to any legal liability or penalty for the official acts and defaults of such disbursing clerk acting in the name or in the place of such former Clerk under this section, but such disbursing clerk and his sureties shall be responsible therefor under their bond. The

bond for the disbursing clerk of the House of Representatives shall be in the same amount as the bond required of the Clerk of the House of Representatives. The Secretary of the Treasury may, from time to time, require such disbursing clerk to renew his bond to the United States. (June 8, 1942, ch. 396, § 7, 56 Stat. 350.)

CROSS REFERENCES

Secretary of Senate, death, resignation, or disability, see section 64a of this title.

§ 92a. Pay of clerical assistants as affected by death of Senator or Representative.

CROSS REFERENCES

Clerical assistants of deceased Senator carried on pay roll for sixty days, see section 92e of this title.

§ 92e. Pay of clerical assistants as affected by death of Senator.

Notwithstanding the provisions of section 92a of this title, in the case of the death of a Senator during his term of office, his clerical assistants on the pay roll of the Senate on the date of such death shall be continued on such pay roll at their respective salaries for a period of not to exceed sixty days: *Provided,* That any such clerical assistants continued on the pay roll shall, while so continued, perform their duties under the direction of the Secretary of the Senate, and he is hereby authorized and directed to remove from such pay roll any such clerks who are not attending to the duties for which their services are continued: *Provided further,* That this shall not apply to clerical assistants of standing committees of the Senate when their service otherwise would continue beyond such period. (June 28, 1943, ch. 173, title I, § 101, 57 Stat. 223; June 26, 1944, ch. 277, title I, § 1, 58 Stat. 337; June 13, 1945, ch. 189, § 1, 59 Stat. 241.)

§ 106. Stationery for Senate and House of Representatives; advertisements for.

CROSS REFERENCES

Stationery allowances for Senators, Representatives, etc., see sections 46a and 46b of this title.

§ 117a. Disposition of funds from sale of transcripts of House committee hearings.

Any sums received from the sale of copies of transcripts of hearings of committees reported by the House of Representatives committee stenographers shall be covered into the Treasury as "miscellaneous receipts." (July 1, 1941, ch 268, § 1, 55 Stat 454; June 8, 1942, ch 396, § 1, 56 Stat. 338; June 28, 1943, ch. 173, title I, § 101, 57 Stat. 228; June 26, 1944, ch. 277, title I, § 1, 58 Stat. 343; June 13, 1945, ch. 189, § 1, 59 Stat 248.)

Chapter 5.—LIBRARY OF CONGRESS

§ 135a. Books and sound-reproduction records for adult blind; annual appropriation; purchases.

There is authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, the sum of $500,000, which sum shall be expended under the direction of the Librarian of Congress to provide books published either in raised characters, on sound-reproduction records, or in any other form, for the use of the adult blind residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia: *Provided,* That of said annual appropriation of $500,000, not exceeding $100,000 thereof shall be expended for books in raised characters, and not exceeding $400,000 thereof shall be expended for sound-reproduction records and for the maintenance and replacement of the Government-owned reproducers for sound-reproduction records for the blind. In the purchase of such books, the Librarian of Congress, without reference to section 5 of Title 41, shall give preference to non-profit-making institutions or agencies whose activities are primarily concerned with the blind, in all cases where the prices or bids submitted by such institutions or agencies are, by said Librarian, under all the circumstances and needs involved, determined to be fair and reasonable. (As amended Oct 1, 1942, ch. 575, § 1, 56 Stat. 764; June 13, 1944, ch 246, § 1, 58 Stat. 276.)

AMENDMENTS

1944—Act June 13, 1944, cited to text, increased the annual appropriation from $370,000 to $500,000, the amount allocated to sound-reproduction records from $250,000 to $400,000, and omitted the provision allocating $20,000 to the maintenance and replacement of Government-owned reproducers

1942—Act Oct 1, 1942, cited to text, substituted "$370,000" for "$350,000", and added clause at end of first sentence relating to expenditure of not exceeding $20,000 for maintenance and replacement of reproducers for sound-reproduction records

EFFECTIVE DATE

Section 2 of act June 13, 1944, cited to text, provided "This Act [this section] shall be applicable with respect to the fiscal year ending June 30, 1945, and for each fiscal year thereafter."

Section 2 of act Oct 1, 1942, cited to text, provided as follows: "This Act shall be applicable with respect to the fiscal year ending June 30, 1943, and for each fiscal year thereafter."

§ 161. Same; gifts, etc., exempt from Federal taxes.

Gifts or bequests or devises to or for the benefit of the Library of Congress, including those to the board, and the income therefrom, shall be exempt from all Federal taxes, including all taxes levied by the District of Columbia. (As amended Oct. 2, 1942, ch. 576, 56 Stat. 765.)

Chapter 8.—FEDERAL CORRUPT PRACTICES

§ 251. Political contributions by national banks, corporations, or labor organizations; penalty.

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in connection with any election to any political officer, or for any corporation whatever, or any labor organization to make a contribution in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation or

labor organization which makes any contribution in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution by the corporation or labor organization, as the case may be, in violation of this section shall be fined not more than $1,000 or imprisoned for not more than one year, or both. For the purposes of this section "labor organization" shall have the same meaning as under sections 151–166 of Title 29. (As amended June 25, 1943, ch. 144, § 9, 57 Stat. 167.)

AMENDMENTS

1943—Act June 25, 1943, cited to text, made section applicable to contributions by labor organizations and added last sentence.

CROSS REFERENCES

Termination of amendment by act June 25, 1943, six months after war, see section 1510 of Appendix to Title 50, War.

Chapter 9.—OFFICE OF LEGISLATIVE COUNSEL

§ 272. Appointment of legislative counsel; qualifications.

One of the legislative counsel shall be appointed by the President pro tempore of the Senate, and one by the Speaker of the House of Representatives, without reference to political affiliations and solely on the ground of fitness to perform the duties of the office. (Feb. 24, 1919, ch. 18, § 1303 (a), (d), 40 Stat. 1141; June 2, 1924, ch. 234, § 1101, 43 Stat. 353; Sept. 20, 1941, 12 15 p. m., E. S. T., ch. 412, title VI, § 602, 55 Stat. 726.)

AMENDMENTS

1941—Act Sept 20, 1941, cited to text, substituted "President pro tempore of the Senate" for "President of the Senate."

§ 273. Compensation of legislative counsel.

The positions of legislative counsel shall be allocated from time to time by the President pro tempore of the Senate and the Speaker of the House of Representatives, jointly, to the appropriate grade in the compensation schedules of section 673 of Title 5. The rate of compensation of each of the two legislative counsel shall be fixed from time to time, within the limits of such grade, by the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively. Notwithstanding the foregoing provisions, the compensation of the legislative counsel of the House in office on March 10, 1928, and the legislative counsel of the Senate in office on June 18, 1940, shall be at the rate of $10,000 a year. (Feb. 24, 1919, ch. 18, § 1303 (d); June 2, 1924, ch. 234, § 1101, 43 Stat. 353; Mar. 10, 1928, ch. 167, § 23 (a), 45 Stat. 279; June 18, 1940, ch. 396, § 1, 54 Stat. 472; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title VI, § 602, 55 Stat. 726.)

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, substituted "President pro tempore of the Senate" for "President of the Senate"

CROSS REFERENCES

Compensation for overtime, see sections 932 and 933 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 931 of Title 5, Executive Departments and Government Officers and Employees.

§ 274. Assistant legislative counsel; clerks and employees; office equipment and supplies.

The legislative counsel shall, subject to the approval of the President pro tempore of the Senate and the Speaker of the House of Representatives, employ and fix the compensation of such assistant counsel, clerks, and other employees, and purchase such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the office and as may be appropriated for by Congress. (Feb 24, 1919, ch. 18, § 1303 (a), (d), 40 Stat. 1141; June 2, 1924, ch. 234, § 1101, 43 Stat. 353; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title VI, § 602, 55 Stat. 726.)

AMENDMENTS

1941—Act Sept 20, 1941, cited to text, substituted "President pro tempore of the Senate" for "President of the Senate"

CROSS REFERENCES

Compensation for overtime, see sections 932 and 933 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 931 of Title 5, Executive Departments and Government Officers and Employees.

*

TITLE 3.—THE PRESIDENT

Chapter 2.—OFFICE AND COMPENSATION OF PRESIDENT

Sec.

54 Office of Government Reports in the Executive Office of the President; annual appropriation; salary of Director (New)

§ 46. Detail of employees of executive departments to office of President.

Employees of the departments and independent establishments of the executive branch of the Government may be detailed from time to time to The White House Office for temporary assistance. (As amended April 5, 1941, ch. 40, § 1, 55 Stat. 93; June 27, 1942, ch. 450, § 1, 56 Stat. 392; June 26, 1943, ch. 145, title I, § 1, 57 Stat. 169; June 27, 1944, ch. 286, title I, § 1, 58 Stat 361; May 3, 1945, ch. 106, title I, § 1, 59 Stat. 106.)

AMENDMENTS

1945—Act May 3, 1945, cited to text, amended section by omitting "such" and "as may be deemed necessary" preceding and following "temporary assistance,".

§ 53. Protection of the President.

The protection of the person of the President and the members of his immediate family and of the person chosen to be President of the United States is authorized (Mar 25, 1940, ch 71, title I, § 1, 54 Stat. 67; May 31, 1941, ch. 156, title I, § 1, 55 Stat. 224; Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat. 159; June 30, 1943, ch. 179, title I, 57 Stat 260; Apr. 22, 1944, ch. 175, title I, § 1, 58 Stat. 204; Apr. 24, 1945, ch. 92, title I, 59 Stat 64)

F. B I

The Department of Justice Appropriation Act, 1946, act May 21, 1945, ch 129, title II, 59 Stat. 184, provided for appropriations for the protection of the person of the President of the United States by the Federal Bureau of Investigation

Similar provisions have been carried in prior appropriation acts as follows:

1945—June 28, 1944, ch 294, title II, 58 Stat 411.
1944—July 1, 1943, ch 182, title II, 57 Stat 286.
1943—July 2, 1942, ch 472, title II, 56 Stat 481
1942—June 28, 1941, ch 258, title III, 55 Stat 290.
1941—May 14, 1940, ch. 189, title III, 54 Stat 200
1940—June 29, 1939, ch 248, title II, 53 Stat. 897.
1939—Apr 27, 1938, ch 180, title II, 52 Stat. 259
1938—June 16, 1937, ch 359, title II, 50 Stat. 274.
1937—May 15, 1936, ch 405, title II, 49 Stat 1322.
1936—Mar. 22, 1935, ch 39, title II, 49 Stat 88
1935—Apr 7, 1934, ch 104, title II, 48 Stat 537
1934—Mar 1, 1933, ch 144, title II, 47 Stat. 1379.
1933—July 1, 1932, ch. 361, title II, 47 Stat 488
1932—Feb. 23, 1931, ch. 280, title II, 46 Stat. 1322.
1931—Apr 18, 1930, ch. 184, title II, 46 Stat. 186.
1930—Jan 25, 1929, ch. 102, title II, 45 Stat. 1107.

§ 54. Office of Government Reports in the Executive Office of the President; annual appropriation; salary of Director.

There is authorized to be appropriated annually to the Office of Government Reports in the Executive Office of the President a sum not exceeding $1,500,000 in order to (a) provide a central clearing house through which individual citizens, organizations of citizens, and State or local governmental bodies may transmit inquiries and complaints and receive advice and information; (b) assist the President in dealing with special problems requiring the clearance of information between the Federal Government and State and local governments and private institutions; (c) collect and distribute information concerning the purposes and activities of executive departments and agencies for the use of the Congress, administrative officials, and the public; and (d) keep the President currently informed of the opinions, desires, and complaints of citizens and groups of citizens and of State and local governments with respect to the work of Federal agencies: *Provided*, That, in the expenditure of such funds, section 5 of Title 41 shall not be construed to apply to any purchase or service where the aggregate amount involved does not exceed $50: *Provided further*, That the President may fix the salary of the Director of the Office of Government Reports at a rate of not more than $10,000 per annum. (June 9, 1941, ch. 189, 55 Stat. 247.)

Chapter 3.—WHITE HOUSE POLICE

Sec

62a Same; appointment of members in accordance with civil-service laws (New)
62b Same; privileges of civil-service appointees (New)

§ 62. Personnel; appointment; vacancies.

TEMPORARY INCREASE IN PERSONNEL

Act Apr 24, 1945, ch 92, title I, 59 Stat. 64, made appropriation for the fiscal year 1946, for one captain, one inspector, four lieutenants, and one hundred and eight privates, notwithstanding the provisions of this section. Similar appropriations were made by acts Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat 159; June 30, 1943, ch 179, title I, § 1, 57 Stat. 260; Apr 22, 1944, ch. 175, title I, § 1, 58 Stat 204

§ 62a. Same; appointment of members in accordance with civil-service laws.

In addition to appointment from members of the Metropolitan Police force and the United States Park Police force, as provided in section 62 (a) of this title, members of the White House Police force may be appointed, and vacancies in such force filled, in accordance with the provisions of the civil-service laws and the regulations issued pursuant thereto. (Oct. 9, 1942, ch. 582, § 1, 56 Stat. 778.)

§ 62b. Same; privileges of civil-service appointees.

Members appointed pursuant to section 62a of this title shall be entitled to the same privileges as to salary, grade, uniforms, equipment, transfer, leave, relief funds, retirement, and refunds as members appointed from the Metropolitan Police force and the United States Park Police force. (Oct. 9, 1942, ch. 582, § 2, 56 Stat. 778.)

§ 63. Grades of appointees; salaries; transfers.

TEMPORARY ADDITIONAL COMPENSATION

Act Apr. 1, 1943, ch. 32, § 1 (part), 57 Stat. 57, which provided for temporary additional compensation, expired June 30, 1944, by the express provisions of section 2 of said act.

CROSS REFERENCES

Waiver of restrictions in appropriations limiting amounts payable for personal services, see note under section 1402 of Appendix to Title 50, War.

TITLE 4.—FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES

§ 3. Use of flag for advertising purposes; mutilation of flag.

CROSS REFERENCES

Display and use of flag by civilians, see section 173 of Title 36, Patriotic Societies and Observances.

Manner of display of flag, see section 175 of Title 36, Patriotic Societies and Observances.

Respect for flag, see section 176 of Title 36, Patriotic Societies and Observances.

TITLE 5.—EXECUTIVE DEPARTMENTS AND GOVERNMENT OFFICERS AND EMPLOYEES

Chap. Sec.
17. Preference of Veterans in Government Employment (New)..... 851
18. Federal Employees Pay Provisions (New)... 901

Chapter 1.—PROVISIONS APPLICABLE TO DEPARTMENTS AND OFFICERS GENERALLY

Sec.
16a. Administration of oaths by officers or employees of the executive departments or independent establishments (New).
30n–1. Absence as witness in certain cases; loss of salary (New)
59b Same; exceptions; retired military personnel on duty at United States Soldiers' Home (New).
61a Pay or credit for accumulated leave of employees ordered to active military or naval duty (New).
61a–1. Employment during terminal leave from armed forces (New).
(a) Payment of pay and allowances due from armed forces in addition to regular compensation.
(b) Lump sum payments for accumulated or accrued leave upon entering Government service.
(c) Compensation for services rendered.
(d) Lump sum payments for accumulated or accrued leave upon entering State service.
(e) Waiver
(f) Definition
61b. Lump sum payments for accumulated or accrued annual leave upon separation from service, amount; reemployment in service; payment as salary (New).
61c. Lump sum payments for accumulated or accrued annual leave upon death; order of precedence for payment (New).
61d. Lump sum payment for accumulated or accrued annual leave upon transfer to agencies operating under different leave systems; amount; payment as compensation (New).
61e. Applicability of sections 61b and 61c to Panama Canal and Panama Railroad officers and employees (New).
73c–2. Same; availability of appropriations (New).
73f. Travel expenses of officers and employees of the Department of the Interior to and from Alaska (New).
77a. Restrictions on use of government owned or leased motor vehicles; exceptions; definition (New).
81a. Same; necessity of approval by Secretary of War for purchase or exchange (New).
87b. Same; Thanksgiving Day (New).
118d–1. Same; vehicles, boats, accessories and equipment generally (New).

REORGANIZATION OF EXECUTIVE AND ADMINISTRATIVE AGENCIES

Sec.
133y. Declaration of objects and purposes (New).
133y–1. Powers and duties of President; preparation and contents of reorganization plan; submission to Congress (New).
133y–2. Additional contents of reorganization plans (New).
133y–3. Limitations on reorganization plans; agencies exempted; termination of power to effect reorganization (New).
133y–4. Effective date of reorganization specified in plan (New).
133y–5 Definition of "agency" (New).
133y–6. What constitutes a "reorganization" (New).
133y–7. Effect of transfer or consolidation on statutes and regulations or other actions; definition; effect on pending legal proceedings (New).
133y–8 Effect on unexpended appropriations (New).
133y–9 Publication of reorganization plans (New).
133y–10. Rules of Senate and House of Representatives in case of resolutions on reorganization plans (New).
133y–11 Definition of "resolution" (New).
133y–12. Reference of resolution of reorganization plan to committee (New).
133y–13. Discharge of committee considering reorganization plan resolution (New).
133y–14 Procedure after report or discharge of committee; debate (New).
133y–15. Decisions on motions to postpone or proceed to be without debate (New).
133y–16. Procedure when one House, prior to passage of its resolution, receives resolution from other House on same plan (New).

COORDINATION OF FEDERAL REPORTING SERVICES (New)

139 Declaration of Congressional policy.
139a. Collection of information.
(a) Duties of Director of the Bureau of the Budget.
(b) Designation of central collection agency.
(c) Independent collection by an agency as prohibited
(d) Determination for necessity of information; hearing.
(e) Cooperation of agencies in making information available
139b. Unlawful disclosure of information; penalties; release of information to other agencies.
139c. Plans or forms for collecting information; submission to Director; approval.
139d. Rules and regulations.
139e. Definitions.
139f. Penalty for failure to furnish information.

CROSS REFERENCES

Wartime pay and allowances generally, see section 1001 et seq. of Appendix to Title 50, War.

§ 16a. Administration of oaths by officers or employees of the executive departments or independent establishments.

Hereafter any officer or employee of any of the executive departments or independent establishments, including any agency the majority of the stock of which is owned by the Government of the United States, designated in writing by the head thereof for such purpose, is hereby authorized to administer the oath required by section 16 of this title, incident to entrance into the executive branch of the Federal Government, or any other oath required by law in connection with employment therein, such oath to be administered without charge

or fee and to have the same force and effect as oaths administered by officers having seals. (June 26, 1943, ch. 145, title II, § 206, 57 Stat. 196.)

§ 17b. Same; renewals by employees of executive departments, independent establishments, and District of Columbia.

Civilian employees of the executive departments and independent establishments of the United States and employees of the District of Columbia who, upon original appointment, have subscribed to the oath of office required by section 16 of this title, shall not be required to renew the said oath because of any change in status so long as their services are continuous in the department or independent establishment in which employed or in the government of the District of Columbia, unless in the opinion of the head of the department or independent establishment or the Commissioners of the District of Columbia the public interests require such renewal. (As amended Nov. 22, 1943, ch. 303, 57 Stat. 591.)

AMENDMENTS

1943—Act Nov. 22, 1943, cited to text, amended section by adding words "and employees of the District of Columbia" following "of the United States", "or in the government of the District of Columbia" following "in which employed", and "or the Commissioners of the District of Columbia" following "or independent establishment".

§ 26a. Repealed. June 30, 1945, ch. 212, title VI, § 604 (c), 59 Stat. 303.

SUSPENSION DURING NATIONAL EMERGENCY

Section was suspended by the following acts: Dec. 22, 1942, ch. 798, § 3, 56 Stat. 1069, eff. Dec. 1, 1942; May 7, 1943, ch. 93, § 6, 57 Stat 77, set out as section 1405 of Appendix to Title 50; and the following executive orders: No 8816, July 5, 1941, 6 F. R. 3265; No. 8876, Aug. 30, 1941, 6 F. R. 171; No 9018, Jan 12, 1942, 7 F. R 238

§ 26b. Saturday half holidays; section 26a inapplicable to certain employees of institutions under Administrator of Veterans' Affairs.

REFERENCES IN TEXT

Act Mar. 3, 1931, ch. 396, 49 Stat. 1482, referred to in text was formerly classified to section 26a of this title and repealed by act June 30, 1945, ch 212, title VI, § 604 (c), 59 Stat 303 It is set out as a note hereunder.

SATURDAY HALF HOLIDAYS

Act Mar 3, 1931, ch 396, 46 Stat 1482, was repealed by act June 30, 1945, ch. 212, title VI, § 604 (c), 59 Stat 303, and provided "On and after March 3, 1931, four hours, exclusive of time for luncheon, shall constitute a day's work on Saturdays throughout the year, with pay or earnings for the day the same as on other days when full time is worked, for all civil employees of the Federal Government and the District of Columbia, exclusive of employees of the Postal Service, employees of the Panama Canal on the Isthmus, and employees of the Interior Department in the field, whether on the hourly, per diem, per annum, piecework, or other basis: *Provided*, That in all cases where for special public reasons, to be determined by the head of the department or establishment having supervision or control of such employees, the services of such employees cannot be spared, such employees shall be entitled to an equal shortening of the workday on some other day: *Provided further*, That the provisions of this section shall not deprive employees of any leave or holidays with pay to which they may now be entitled under existing laws."

§ 26c. Same; section 26a inapplicable to certain employees under American Commission.

REFERENCES IN TEXT

Act Mar. 3, 1931, ch 396, 49 Stat 1482, referred to in text, was formerly classified to section 26a of this title and repealed by act June 30, 1945, ch 212, title VI, § 604 (c), 59 Stat. 303. It is set out as a note under section 26b of this title.

§ 29. Repealed. June 30, 1945, ch. 212, title VI, § 604 (c), 59 Stat. 303.

OVERTIME AND VACATION COMPENSATION DURING NATIONAL EMERGENCY

Act Oct. 21, 1940, ch. 903, 54 Stat. 1205; act June 3, 1941, ch. 168, 55 Stat. 241; Res. July 3, 1942, ch. 482, 56 Stat. 645, amended by act Oct. 2, 1942, ch 577, 56 Stat 765; Res. Dec. 22, 1942, ch. 798, 56 Stat. 1068, providing for overtime compensation for all civilian employees of the United States Government, including employees of the Panama Canal Zone, expired Apr. 30, 1943.

VALIDATION OF PAYMENTS IN EXCESS OF MAXIMUM COMPENSATION

Act Dec. 7, 1944, ch 520, 58 Stat 796, provided: "That employees or former employees of the United States who were in the purview of Public Law 821, Seventy-seventh Congress, approved December 22, 1942 [Res Dec. 22, 1942, ch. 798, 56 Stat. 1068], which law was in effect from December 1, 1942, to April 30, 1943, and which limited the overtime compensation of any employee to an amount which "will not cause his aggregate compensation to exceed a rate of $5,000 per annum", (1) are hereby relieved of liability to repay to the United States any amounts received by them for any pay period which were in excess of the maximum compensation to which they were entitled for such period under the provisions of said Public Law 821 and (2) shall be entitled to refunds of any such amounts that they have repaid to the United States *Provided*, That in no case shall there be validated aggregate payment to an employee in excess of five-twelfths of $5,000."

§ 29a. Hours of labor; regulations.

CROSS REFERENCES

Forty-eight hour wartime workweek, see Ex. Ord No 9301, set out in note under section 207 of Title 29, Labor.

§ 30a. Same; reduction in time.

CROSS REFERENCES

Injuries received during hospital treatment, see section 501a of Title 38, Pensions, Bonuses, and Veterans' Relief

Reduction of pension to veterans of Spanish-American War, Philippine Insurrection, and Boxer Rebellion, and their widows and children limited, see section 366 of Title 38, Pensions, Bonuses, and Veterans' Relief

Restoration of compensation to 1933 level, see section 703b of Title 38, Pensions, Bonuses, and Veterans' Relief.

Spanish-American War Veterans as unaffected by section, see section 701 of Title 38, Pensions, Bonuses, and Veterans' Relief

§ 30b. Same; annual leave; accumulation; temporary employees.

With the exception of teachers and librarians of the public schools of the District of Columbia and officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama, and except as provided in section 30*l* of this title, all civilian officers and employees of the United States wherever stationed and of the government of the District of Columbia, regardless of their tenure, in addition to any accrued leave, shall be entitled to

twenty-six days' annual leave with pay each calendar year, exclusive of Sundays and holidays: *Provided*, That the part unused in any year shall be accumulated for succeeding years until it totals not exceeding sixty days: *Provided further*, That during the national emergency declared by the President of the United States on September 8, 1939, the leave unused by the employees of the departments, independent establishments, and agencies, not in other form commuted or compensated, shall be accumulated for succeeding years until it totals not exceeding ninety days: *And provided further*, That when the unused leave accumulated equals or exceeds sixty days in the aggregate, not more than fifteen days of unused leave may be further accumulated in any one calendar year. Sections 29a, 30b–30e, 30*l* and 31a of this title shall not affect any sick leave to which employees are now or may hereafter be entitled. Temporary employees, except temporary employees engaged on construction work at hourly rates, shall be entitled to two and one-half days leave for each month of service. The annual leave herein authorized shall be granted at such times as the heads of the various departments and independent establishments may prescribe. (As amended Dec. 17, 1942, ch. 737, 56 Stat. 1052.)

AMENDMENTS

1942—Act Dec 17, 1942, cited to text, added second and third provisos to first sentence.

§ 30e. Same; regulations by President.

EXECUTIVE ORDERS

Regulations of the President relating to the granting of annual leaves of absence to government employees, issued pursuant to this section are contained in Ex. Ord. No. 8384, Mar 29, 1940, 5 F R 1253, as amended by Ex. Ord No 9307, Mar 3, 1943, 8 F R 2697; Ex Ord. No 9371, Aug 24, 1943, 8 F R 11887.

§ 30n–1. Absence as witness in certain cases; loss of salary.

From and after October 14, 1941, employees of the Government of the United States in active service who are called upon to serve as witnesses on behalf of the District of Columbia in any court proceeding in which the government of the District of Columbia may be a party and employees of the government of the District of Columbia who are called upon to serve as witnesses on behalf of the United States or the District of Columbia in any court proceeding in which the Government of the United States or the government of the District of Columbia may be a party, shall not be paid witness fees for such service, but the period of such service shall be without loss of salary or compensation and shall not be deducted from any leave of absence with pay authorized by law. (Oct. 14, 1941, ch. 436, 55 Stat. 737.)

§ 34. Restoration to positions of employees called into active military service.

CROSS REFERENCES

Pay or credit for accumulated leave of employees ordered to active military or naval duty, see section 61a of this title.

§ 43. Employment of clerks and other employees; authority; place of service; delegation of authority to employ.

CROSS REFERENCES

Authority of Secretary of War to appoint civilian employees and to transfer such employees in Federal Service to Foreign Service, see section 763 of Appendix to Title 50, War.

Bureau of Indian Affairs, assistant or deputy commissioners as appointed under authority of section, see section 2a of Title 25, Indians

Employment of necessary personnel, etc., by War Department for national defense without compliance with section 5 of Title 41, Public Contracts, see section 772 of Appendix to Title 50, War.

General Land Office, assistant or deputy commissioners as appointed under authority of section, see section 3a of Title 43, Public Lands.

§ 56. Salaries to certain recess appointees.

CHANGE OF NAME

"Board of Tax Appeals" has been changed to read "The Tax Court of the United States" by act Oct. 21, 1942, ch. 619, title V, § 504 (a) (c), 56 Stat. 957. See section 1100 of Title 26, Internal Revenue Code, and note thereunder.

§ 59b. Same; exceptions; retired military personnel on duty at United States Soldiers' Home.

Section 59a of this title, shall not apply to retired military personnel on duty at the United States Soldiers' Home. (June 28, 1944, ch. 303, § 1, 58 Stat. 575; July 3, 1945, ch. 265, § 1, 59 Stat. 386.)

§ 61a. Pay or credit for accumulated leave of employees ordered to active military or naval duty.

Employees of the United States Government, its Territories or possessions, or the District of Columbia (including employees of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), who, subsequent to May 1, 1940, shall have entered upon active military or naval service in the land or naval forces of the United States by voluntary enlistment or otherwise, shall be entitled to receive, in addition to their military pay, compensation in their civilian positions covering their accumulated or current accrued leave, or to elect to have such leave remain to their credit until their return from active military or naval service. (Aug 1, 1941, ch. 348, § 1, 55 Stat. 616, as amended Apr. 7, 1942, ch. 220, 56 Stat. 200.)

AMENDMENTS

1942—Act April 7, 1942, cited to text, amended section in its entirety.

§ 61a–1. Employment during terminal leave from armed forces—(a) Payment of pay and allowances due from armed forces in addition to regular compensation.

Any person, who, subsequent to May 1, 1940, shall have performed active service in the armed forces, may, while on terminal leave pending separation from or release from active duty in such service under honorable conditions, enter or reenter employment of the Government of the United States, its Territories or possessions, or the District of Co-

lumbia (including any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the Government of the United States, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), and, in addition to compensation for such employment, shall be entitled to receive pay and allowances from the armed forces for the unexpired portion of such terminal leave at the same rates and to the same extent as if he had not entered or reentered such employment.

(b) Lump sum payments for accumulated or accrued leave upon entering Government service.

Any such person who, prior to November 21, 1945, entered or reentered such employment without having used all accumulated and current accrued leave to which he would have been entitled as a result of such service had he not entered or reentered such employment, shall, upon application therefor filed with the Secretary of War, the Secretary of the Navy, the Secretary of Commerce, or the Federal Security Administrator, as the case may be, be entitled to be paid a lump sum equal in amount to the pay and allowances to which he would have been entitled while on terminal leave for the unused portion of such accumulated and current accrued leave had he not entered or reentered such employment.

(c) Compensation for services rendered.

Any such person who, while on terminal leave from the armed forces, performed or shall on or after November 21, 1945 perform services for the Government of the United States, its Territories or possessions, or the District of Columbia (including any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the Government of the United States, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), for which he would have been entitled to be paid had he regularly become employed or reemployed in a civilian position prior to performing such services, and had he not been receiving pay and allowances from the armed forces for the period during which such services were performed, shall, if he has not otherwise been compensated for such services, be entitled, upon application therefor filed with the General Accounting Office, or, in the case of a person performing such services for a Territory or possession, filed with the appropriate agency or officer of the Government of such Territory or possession, to be paid a lump sum equal in amount to the compensation he would have received for such services had he been regularly employed or reemployed and had he not been receiving pay and allowances from the armed forces.

(d) Lump sum payments for accumulated or accrued leave upon entering State service.

Any such person who enters the employment of a State, or any political subdivision thereof, shall upon application therefor filed with the Secretary of War, the Secretary of the Navy, the Secretary of Commerce, or the Federal Security Administrator, as the case may be, be entitled to be paid a lump sum equal in amount to the pay and allowances to which he is entitled for the unused portion of his accumulated and current accrued leave.

(e) Waiver.

No waiver effectuated prior to November 21, 1945, of any right to receive any payment to which a person would otherwise be entitled under this section shall operate to deny such person entitlement to such payment.

(f) Definitions.

As used in this section, the term "armed forces" includes the Army, Navy, Marine Corps, Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the Coast and Geodetic Survey, and their respective components. (Aug. 1, 1941, ch. 348, § 2, as added Nov. 21, 1945, ch. 489, 59 Stat. 584.)

§ 61b. Lump sum payments for accumulated or accrued annual leave upon separation from service; amount; reemployment in service; payment as salary.

Whenever any civilian officer or employee of the Federal Government or the government of the District of Columbia is separated from the service or elects to be paid compensation for leave in accordance with section 61a of this title or section 1474 of Appendix to Title 50, he shall be paid compensation in a lump sum for all accumulated and current accrued annual or vacation leave to which he is entitled under existing law. Such lump-sum payment shall equal the compensation that such employee would have received had he remained in the service until the expiration of the period of such annual or vacation leave: *Provided*, That if such employee is reemployed in the Federal service or in or under the government of the District of Columbia under the same leave system prior to the expiration of the period covered by such leave payment, he shall refund to the employing agency an amount equal to the compensation covering the period between the date of reemployment and the expiration of such leave period, and the amount of leave represented by such refund shall be credited to him in the employing agency. In the case of reemployment in the Federal service the sum so refunded shall be covered into the Treasury as "Miscellaneous Receipts", and in case of reemployment in or under the government of the District of Columbia the sum so refunded shall be covered into the Treasury to the credit of the District of Columbia: *Provided further*, That the lump-sum payment authorized in this section shall not be regarded, except for purposes of taxation, as salary or compensation and shall not be subject to retirement deductions. (Dec. 21, 1944, ch. 632, § 1, 58 Stat. 845.)

§ 61c. Lump sum payments for accumulated or accrued annual leave upon death; order of precedence for payment.

Upon the death of any civilian officer or employee of the Federal Government, or the government of the District of Columbia, compensation for all of his accumulated and current accrued annual or vaca-

tion leave in a lump sum equal to the compensation that such employee would have received had he remained in the service until the expiration of the period of such annual or vacation leave shall be paid, upon the establishment of a valid claim therefor, in the following order of precedence:

First, to the beneficiary or beneficiaries, if any, lawfully designated by the employee under the retirement Act applicable to his service;

Second, if there be no such designated beneficiary, to the estate of such deceased employee. (Dec. 21, 1944, ch. 632, § 2, 58 Stat. 845.)

§ 61d. Lump sum payment for accumulated or accrued annual leave upon transfer to agencies operating under different leave systems; amount; payment as compensation.

All accumulated and current accrued leave shall be liquidated by a lump-sum payment to any civilian officer or employee of the Federal Government or the government of the District of Columbia in cases involving transfer to agencies under different leave systems. Such lump-sum payment shall equal the compensation that such employee would have received had he not been transferred until the expiration of the period of such leave: *Provided*, That the lump-sum payment authorized in this section shall not be regarded, except for purposes of taxation, as salary or compensation and shall not be subject to retirement deductions. (Dec 21, 1944, ch. 632, § 3, 58 Stat. 846.)

§ 61e. Applicability of sections 61b and 61c to Panama Canal and Panama Railroad officers and employees.

The provisions of sections 61b and 61c of this title shall not apply to officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama. (Dec. 21, 1944, ch. 632, § 4, 58 Stat. 846.)

§ 66. Receiving salary from source other than United States.

EFFECTIVE DATE

Section 1 of act Mar. 3, 1917, cited to text, provided in part that this section should be effective on and after July 1, 1919

§ 73. Actual traveling expenses only allowed.

CROSS REFERENCES

Army transports, transportation of certain persons on, see section 1371 et seq of Title 10, Army.

§ 73a. Travel expenses of officers and employees; transportation in privately owned motorcycles, automobiles, or airplanes; payments on mileage basis in lieu of actual expenses.

A civilian officer or employee engaged in necessary travel on official business away from his designated post of duty may be paid, in lieu of actual expenses of transportation, under regulations to be prescribed by the President, not to exceed 2 cents per mile for the use of a privately owned motorcycle or 5 cents per mile for the use of a privately owned automobile or airplane for such transportation, whenever such mode of travel has been previously authorized and payment on such mileage basis is more economical and advantageous to the United States. (As amended Dec. 22, 1944, ch. 667, 58 Stat. 908.)

AMENDMENTS

1944—Act Dec. 22, 1944, cited to text, amended section by adding "or airplane" following "owned automobile".

EFFECTIVE DATE

Section 2 of act Dec. 22, 1944, cited to text, provided that amendment of section should become effective ninety days after approval by President.

REPEALS

The second sentence of section 1 of act Dec. 22, 1944, cited to text, provided that all law or parts of law were modified or repealed to the extent that they conflicted with section

§ 73c-1. Same; household goods and personal effects of civilian employees.

WAR AND NAVY DEPARTMENTS AND COAST GUARD PERSONNEL DURING WAR

Act Feb 21, 1942, ch. 107, 56 Stat 97, provided: "That during the continuance of the present war and for six months thereafter, any appropriations heretofore or hereafter made available for expenses of travel of civilian officers and employees of the War and Navy Departments and the Coast Guard shall be available also for expenses of travel performed by them on transfer from one official station to another when authorized, by such responsible officer or officers of the Department concerned as the head thereof may designate for that purpose, in the order directing the travel *Provided*, That such expenses shall not be allowed for any transfer effected for the convenience of the officer or employee."

CROSS REFERENCES

War, household and personal effects of civilian employees appointed and transferred to foreign service, evacuation of dependents for military reasons, see section 763 of Appendix to Title 50, War.

§ 73c-2. Same; availability of appropriations.

Appropriations under the Department of the Interior available for travel, shall be available for expenses of the transfer of household goods and effects as provided by section 73c-1 of this title, and regulations promulgated thereunder (June 28, 1941, ch. 259, § 5, 55 Stat. 360; July 2, 1942, ch. 473, § 5, 56 Stat. 561.)

CROSS REFERENCES

Funds available for transportation of baggage also available for packing, crating, and unpacking such baggage, see section 765 of Appendix to Title 50, War.

§ 73f. Travel expenses of officers and employees of the Department of the Interior to and from Alaska.

Appropriations available for expenses of travel of officers and employees of the Department of the Interior shall be available for traveling expenses of new appointees from Seattle, Washington, or from any point within Alaska, to their posts of duty in Alaska, and return. (July 12, 1943, ch. 219, § 6, 57 Stat. 493; June 28, 1944, ch. 298, § 6, 58 Stat. 507; July 3, 1945, ch. 262, § 6, 59 Stat. 359.)

§ 74. Expenses for subsistence; traveling on duty.

INCREASE IN PER DIEM

Under the authority of section 823 of this title per diem allowances are not to be in excess of $6 per day within the continental limits of the United States, and an average of $7 per day beyond the continental limits. Section 827 of this title expressly repeals any laws inconsistent with section 823 of this title.

CROSS REFERENCES

Army, Navy, Coast Guard, Marine Corps, Coast and Geodetic Survey, and Public Health Service personnel, subsistence expenses during travel on duty, see section 112 of Title 37, Pay and Allowances.

§ 75a. Civilians employed in field service; quarters, heat, light, household equipment, subsistence and laundry service.

CROSS REFERENCES

Deductions from salaries of officers and crews of vessels of the Fish and Wildlife Service for quarters and rations as unauthorized by this section, see section 754 of Title 16, Conservation

§ 76. Free tuition in District of Columbia schools for children of employees of United States.

REPEATED —Act July 1, 1941, ch 271, § 1, 55 Stat. 512; act June 27, 1942, ch. 452, § 1, 56 Stat. 435, act July 1, 1943, ch. 184, § 1, 57 Stat 324; act June 28, 1944, ch 300, § 1, 58 Stat 515

§ 77a. Restrictions on use of government owned or leased motor vehicles; exceptions; definition.

Any officer or employee of the Government who uses or authorizes the use of any Government-owned motor-propelled passenger-carrying vehicle, or of any motor-propelled passenger-carrying vehicle leased by the Government, for other than official purposes or otherwise violates the provisions of this section shall be summarily removed from office. The limitations of this section shall not apply to any motor vehicles for official use of the President, the heads of the executive departments, Ambassadors, Ministers, chargés d'affaires, and other principal diplomatic and consular officials.

"Official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except in case of medical officers on out-patient medical services and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department or establishment concerned. (June 27, 1944, ch. 286, title II, § 202 (b), 58 Stat. 385; May 3, 1945, ch. 106, title II, § 202 (b), 59 Stat. 132.)

§ 81a. Same; necessity of approval by Secretary of War for purchase or exchange.

No part of any money appropriated by any Act, except the appropriation "Contingent expenses, Executive Office", and Acts making appropriations for the Military and Naval Establishments, shall be used for the purchase or exchange of any motor-propelled passenger-carrying vehicle without the specific approval of the Secretary of War. (Apr. 28, 1942, ch. 246, § 6, 56 Stat. 225.)

§ 84. Annual or monthly compensation.

Where the compensation of any person in the service of the United States (except persons whose compensation is computed in accordance with section 944 of this title) is annual or monthly the following rules for division of time and computation of pay for services rendered are established: Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month one thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the 31st of any calendar month from the computation and treating February as if it actually had thirty days. Any such person entering the service of the United States during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the 30th day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry: *Provided*, That for one day's unauthorized absence on the 31st day of any calendar month one day's pay shall be forfeited. (As amended June 30, 1945, ch. 212, title VI, § 604 (c), 59 Stat. 303.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by inserting "except such persons * * * of this title" following "United States" in first sentence, and by striking "Any person" and inserting in lieu thereof "Any such person" in second sentence.

EFFECTIVE DATE

Amendment of section by act June 30, 1945, cited to text, was made effective on July 1, 1945, by section 610 of said act June 30, 1945.

§ 87b. Same; Thanksgiving Day.

The fourth Thursday of November in each year after the year 1941 shall be known as Thanksgiving Day, and is hereby made a legal public holiday to all intents and purposes and in the same manner as the 1st day of January, the 22d day of February, the 30th day of May, the 4th day of July, the first Monday of September, the 11th day of November, and Christmas Day are now made by law public holidays. (Dec. 26, 1941, ch. 631, 55 Stat. 862.)

§ 95. Witnesses' fees.

CROSS REFERENCES

Loss of salary as witness in certain cases, see section 30n-1 of this title.

§ 99. Ex-officers or employees not to prosecute claims in departments.

EXEMPTION OF CERTAIN SELECTIVE SERVICE PERSONNEL

Act May 5, 1941, ch. 85, 55 Stat 150, as amended Dec. 26, 1941, ch 628, 55 Stat 861, provided. "That nothing in sections 109 and 113 of the Criminal Code (U S C, title 18, secs. 198 and 203) or in section 190 of the Revised Statutes (U. S. C, title 5, sec. 99) shall be deemed to apply to any person because of his appointment under authority of the Selective Training and Service Act of 1940 (section 301 et seq. of Appendix to Title 50) or the Selective Service Regulations made in pursuance thereof as a member of a local board, a board of appeal, an advisory board for registrants, as a State director, a Government appeal agent, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant training and service because of conscientious objections as provided in section 5 (g) of the Selective Training and Service Act of 1940 (section 305 (g) of Appendix to Title 50); or because of his appointment as a member of an Alien Enemy Hearing Board to assist the Attorney General in the execution of any proclamations heretofore or hereafter issued by the President under the authority of the Alien Enemy Act of 1798 as amended (U. S C., Title 50, secs. 21-24)."

§ 100. Prosecution of claims for supplies for Military Establishment.

CODIFICATION

Words now reading "was at any time between April 6, 1917 and July 11, 1919" should read "has at any time since April 6, 1917"

§ 105a. Information furnished Committees of Congress on request.

CROSS REFERENCES

Investigation of nonessential Federal expenditures, see note under Subtitle D, preceding section 3600 of Title 26, Internal Revenue Code

§ 118d–1. Same; vehicles, boats, accessories and equipment generally.

In purchasing motor-propelled or animal-drawn vehicles or tractors, or road, agricultural, manufacturing, or laboratory equipment, or boats, or parts, accessories, tires, or equipment thereof, the head of any executive department or independent establishment or his duly authorized representative may exchange or sell similar items and apply the exchange allowances or proceeds of sales in such cases in whole or in part payment therefor: *Provided,* That any transaction carried out under the authority of this section shall be evidenced in writing. (As amended June 26, 1943, ch. 145, title II, § 203, 57 Stat. 195; June 27, 1944, ch 286, title II, § 203, 58 Stat. 385; May 3, 1945, ch 106, title II, § 204, 59 Stat. 132.)

AMENDMENTS

1945—Act May 3, 1945, cited to text, amended section by adding proviso

REORGANIZATION OF EXECUTIVE AND ADMINISTRATIVE AGENCIES

§§ 124–132. Reorganization by Executive order.

EX ORD NO 6166—REORGANIZATION OF EXECUTIVE AGENCIES GENERALLY

* * * * *

§ 21 DEFINITIONS

As used in this order—

"Agency" means any commission, independent establishment, board, bureau, division, service, or office in the executive branch of the Government

"Abolished agency" means any agency which is abolished, transferred, or consolidated

"Successor agency" means any agency to which is transferred some other agency or function, or which results from the consolidation of other agencies or functions.

"Function disposed of" means any function eliminated or transferred.

§ 22 EFFECTIVE DATE

In accordance with law, this order shall become effective 61 days from its date: *Provided,* That in case it shall appear to the President that the interests of economy require that any transfer, consolidation, or elimination be delayed beyond the date this order becomes effective, he may, in his discretion, fix a later date therefor, and he may for like cause further defer such date from time to time. (Promulgated June 10, 1933, pursuant to section 126 of Title 5)

[Postponements of effective date of certain transfers, etc., see notes under the various sections of this Executive Order effecting those transfers, etc]

EX ORD. NO 6639—BUREAU OF INDUSTRIAL ALCOHOL; ENFORCEMENT OF REVENUE LAWS

[Functions of the Attorney General and Department of Justice relating to determination of internal revenue taxes and penalties arising out of violations of National Prohibition Act prior to repeal of Eighteenth Amendment, and the compromise of such liability, were transferred to Internal Revenue Commissioner by Ex Ord No. 9302, Feb. 9, 1943, set out under section 601 of Appendix to Title 50, War.]

§ 133t. Same; continuation of agencies beyond statutory period of termination.

CROSS REFERENCES

Coordination of executive bureaus in interest of national defense and for the successful prosecution of the war, see sections 601–605 of Appendix to Title 50, War.

Temporary reorganization plans during war period, see notes under section 601 of Appendix to Title 50, War.

REORGANIZATION PLAN NO. I

* * * * *

PART I EXECUTIVE OFFICE OF THE PRESIDENT

* * * * *

§ 4 NATIONAL RESOURCES PLANNING BOARD

(Board abolished August 31, 1943, by Act June 26, 1943, ch 145, title I, § 1, 57 Stat 170, and records and files were transferred to the National Archives.)

PART 2 FEDERAL SECURITY AGENCY

* * * * *

§ 203. UNITED STATES EMPLOYMENT SERVICE

* * * * *

(The United States Employment Service and all functions, duties and powers of the Social Security Board in the Federal Security Agency relating to employment service were transferred to War Manpower Commission by Ex Ord. No 9247, set out in note under section 601 of Appendix to Title 50, War.)

* * * * *

§ 206 NATIONAL YOUTH ADMINISTRATION

* * * * *

(Function and powers of National Youth Administration were transferred to War Manpower Commission by Ex Ord No 9247, set out in note under section 601 of Appendix to Title 50, War.)

[Liquidation of the National Youth Administration was provided for by acts July 12, 1943, ch 221, title VII, 57 Stat 518, June 28, 1944, ch. 302, title II, 58 Stat 564, and disposal of its property was covered by act July 12, 1943, 4 p. m . E. W. T., ch 229, title I, 57 Stat. 615.]

* * * * *

PART 3 FEDERAL WORKS AGENCY

§ 301 FEDERAL WORKS AGENCY

(a) * * *

(Functions, powers and duties of Federal Works Administrator relating to defense housing transferred to National Housing Agency during present war, see Ex. Ord. No 9070, set out in note under section 601 of Appendix to Title 50, War.)

* * * * *

§ 304 UNITED STATES HOUSING AUTHORITY

* * * * *

(b) * * *

(United States Housing Authority consolidated with other agencies into National Housing Authority during present war, see Ex Ord. No 9070, set out in note under section 601 of Appendix to Title 50, War.)

§ 305 PUBLIC WORKS ADMINISTRATION

* * * * *

[Appropriations for liquidation of the Public Works Administration were authorized by the Second Deficiency Appropriation Act of 1944, act June 28, 1944, ch. 304, title I, 58 Stat 602, and First Deficiency Appropriation Act, 1945, act Apr. 25, 1945, ch. 95, title I, § 1, 59 Stat 80.]

§ 306 WORK PROJECTS ADMINISTRATION

* * * * *

(Functions, records, property, personnel and administration of the Sample Surveys Section of Work Projects Administration transferred to Bureau of Census, Department of Commerce, see Ex. Ord No 9232, set out in note under section 601 of Appendix to Title 50, War)

(Liquidation of the Work Projects Administration was ordered by President's letter of December 4, 1942, and appropriations for the liquidation were authorized by act July 12, 1943, 4 p. m., E W. T., ch 229, title I, 57 Stat 540)

PART 4. LENDING AGENCIES

* * * * *

§ 401 * * *

* * * * *

(c) Transfer of Other Funds

(Electric Home and Farm Authority was terminated as a Federal agency by Ex Ord No 9256, set out in note under section 712a of Title 15, Commerce and Trade.)

§ 402 * * *

* * * * *

(c) POWERS AND DUTIES OF ADMINISTRATOR

* * * * *

(Functions, powers and duties of Federal Loan Administrator relating to defense housing consolidated with other agencies into the National Housing Agency, during present war, see Ex Ord No 9070, set out in note under section 601 of Appendix to Title 50, War. By Ex. Ord No 9071, also set out under said section 601, the functions, powers and duties of the Federal Loan Agency and Federal Loan Administrator relating to certain agencies and which functions were not consolidated by said Ex Ord No 9070 establishing the National Housing Agency, were transferred to the Department of Commerce.)

(Federal Home Loan Bank Board, Home Owners' Loan Corporation and Federal Housing Administration consolidated with other agencies into the National Housing Agency during present war, see Ex Ord No 9070, set out in note under section 601 of Appendix to Title 50, War.)

* * * * *

REORGANIZATION PLAN NO. II

PART 1. DEPARTMENTS

* * * * *

§ 4 DEPARTMENT OF THE INTERIOR

* * * * *

(c) * * *

(Functions, records, property, and personnel of Consumers' Counsel of the National Bituminous Coal Commission, which were transferred by this Plan to office of Solicitor of Department of Interior, were retransferred to newly created Bituminous Coal Consumers' Counsel by section 852 of Title 15, Commerce and Trade)

* * * * *

REORGANIZATION PLAN NO. III

* * * * *

DEPARTMENT OF AGRICULTURE

§ 5. SURPLUS MARKETING ADMINISTRATION

* * * * *

(Surplus Marketing Administration, including Federal Surplus Commodities Corporation as an agency of Department of Agriculture, consolidated with other agencies into Agricultural Marketing Administration, for duration of war, see Ex Ord No 9069, set out in note under section 601 of Appendix to Title 50, War.)

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REORGANIZATION PLAN NO. IV

* * * * *

UNITED STATES MARITIME COMMISSION

§ 10 TRANSFER OF NAUTICAL SCHOOL FUNCTIONS

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(Functions and jurisdiction of Maritime Commission outlined in this section transferred to Commandant of U S Coast Guard for duration of present War, see Ex. Ord. No. 9083, set out in note under section 601 of Appendix to Title 50, War.)

* * * * *

§§ 133u, 133v.

CROSS REFERENCES

Coordination of executive bureaus in interest of national defense and for the successful prosecution of the war, see sections 601–605 of Appendix to Title 50, War

§ 133y. Declaration of objects and purposes.

(a) The President shall examine and from time to time reexamine the organization of all agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes:

(1) to facilitate orderly transition from war to peace;

(2) to reduce expenditures and promote economy, to the fullest extent consistent with the efficient operation of the Government;

(3) to increase the efficiency of the operations of the Government to the fullest extent practicable within the revenues;

(4) to group, coordinate, and consolidate agencies and functions of the Government, as nearly as may be, according to major purposes;

(5) to reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Government; and

(6) to eliminate overlapping and duplication of effort.

(b) The Congress declares that the public interest demands the carrying out of the purposes specified in subsection (a) and that such purposes may be accomplished in great measure by proceeding under the provisions of sections 133y to 133y–16 of this title, and can be accomplished more speedily thereby than by the enactment of specific legislation

(c) It is the expectation of the Congress that the transfers, consolidations, coordinations, and abolitions under said sections shall accomplish an overall reduction of at least 25 per centum in the administrative costs of the agency or agencies affected. (Dec. 20, 1945, ch. 582, title I, § 2, 59 Stat. 613.)

SHORT TITLE

Congress in enacting this legislation provided by section 1 of act Dec 20, 1945, cited to text, that sections 133y to 133y–16 of this title should be popularly known as the "Reorganization Act of 1945."

§ 133y–1. Powers and duties of President; preparation and contents of reorganization plan; submission to Congress.

Whenever the President, after investigation, finds that—

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) the abolition of all or any part of the functions of any agency; or

(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganizations specified in the reorganization plan will not have, any functions,

is necessary to accomplish one or more of the purposes of section 133y (a) of this title, he shall prepare a reorganization plan for the making of the transfers, consolidations, coordinations, and abolitions, as to which he has made findings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each transfer, consolidation, coordination, or abolition referred to in paragraph (1), (2), (3), (4), or (5) of this section and specified in the plan, he has found that such transfer, consolidation, coordination, or abolition is necessary to accomplish one or more of the purposes of section 133y (a) of this title. The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The President, in his message transmitting a reorganization plan, shall specify with respect to each abolition of a function specified in the plan the statutory authority for the exercise of such function. (Dec 20, 1945, ch. 582, title I, § 3, 59 Stat. 613)

§ 133y–2. Additional contents of reorganization plans.

Any reorganization plan transmitted by the President under section 133y–1 of this title—

(1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

(2) may include provisions for the appointment and compensation of the head and one or more assistant heads of any agency (including an agency resulting from a consolidation) if the President finds, and in his message transmitting the plan declares, that by reason of transfers, consolidations and coordinations made by the plan, the responsibilities and duties of such head are of such nature as to require such action. The head so provided for may be an individual or may be a commission or board with two or more members. In the case of any such appointment the term of office shall not be fixed at more than four years, the compensation shall not be at a rate in excess of $10,000 per annum, and, if the appointment is not under the classified civil service, it shall be by the President, by and with the advice and consent of the Senate;

(3) shall make provision for the transfer or other disposition of the records, property, and personnel affected by any transfer, consolidation, coordination, or abolition;

(4) shall make provision for the transfer of such unexpended balances of appropriations available for use in connection with any function or agency transferred, consolidated, or coordinated, as he deems necessary by reason of the transfer, consolidation, or coordination for use in connection with the transferred, consolidated, or coordinated functions, or for the use of the agency to which the transfer is made, but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made;

(5) shall make provision for winding up the affairs of any agency abolished. (Dec. 20, 1945, ch. 582, title I, § 4, 59 Stat. 614.)

§ 133y–3. Limitations on reorganization plans; agencies exempted; termination of power to effect reorganization.

(a) No reorganization plan shall provide for, and no reorganization under sections 133y to 133y–16 of this title shall have the effect of—

(1) abolishing or transferring an executive department or all the functions thereof or establishing any new executive department; or

(2) changing the name of any executive department or the title of its head, or designating any agency as "Department" or its head as "Secretary"; or

(3) continuing any agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made; or

(4) continuing any function beyond the period authorized by law for its exercise, or beyond the time when it would have terminated if the reorganization had not been made, or beyond the time when the agency in which it was vested before the reorganization would have terminated if the reorganization had not been made; or

(5) authorizing any agency to exercise any function which is not expressly authorized by law at the time the plan is transmitted to the Congress; or

(6) imposing, in connection with the exercise of any quasi-judicial or quasi-legislative function possessed by an independent agency, any greater limitation upon the exercise of independent judgment and discretion, to the full extent authorized by law, in the carrying out of such function, than existed with respect to the exercise of such function by the agency in which it was vested prior to the taking effect of such reorganization; except that this prohibition shall not prevent the abolition of any such function; or

(7) increasing the term of any office beyond that provided by law for such office.

(b) No reorganization plan shall provide for any reorganization affecting any agency named below

in this subsection; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Interstate Commerce Commission, Federal Trade Commission, Securities and Exchange Commission, National Mediation Board, National Railroad Adjustment Board, and Railroad Retirement Board.

(c) No reorganization plan shall provide for any reorganization affecting any civil function of the Corps of Engineers of the United States Army, or of its head, or affecting such Corps or its head with respect to any such civil function. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection.

(d) No reorganization plan shall provide for a reorganization affecting any agency named below in this subsection if it also provides for a reorganization which does not affect such agency; except that this prohibition shall not apply to the transfer to such agency of the whole or any part of, or the whole or any part of the functions of, any agency not so named. No reorganization contained in any reorganization plan shall take effect if the reorganization plan is in violation of this subsection. The agencies above referred to in this subsection are as follows: Federal Communications Commission, Federal Deposit Insurance Corporation, United States Tariff Commission, and Veterans' Administration.

(e) If, since January 1, 1945, Congress has by law established the status of any agency in relation to other agencies or transferred any function to any agency, no reorganization plan shall provide for, and no reorganization under sections 133y to 133y–16 of this title shall have the effect of, changing the status of such agency in relation to other agencies or of abolishing any such transferred function or providing for its exercise by or under the supervision of any other agency.

(f) No reorganization specified in a reorganization plan shall take effect unless the plan is transmitted to the Congress before April 1, 1948. (Dec 20, 1945, ch. 582, title I, § 5, 59 Stat 615)

§ 133y–4. Effective date of reorganization specified in plan.

(a) The reorganizations specified in the plan shall take effect in accordance with the plan upon the expiration of the first period of sixty calendar days, of continuous session of the Congress, following the date on which the plan is transmitted to it; but only if, between the date of transmittal and the expiration of such sixty-day period there has not been passed by the two Houses a concurrent resolution stating in substance that the Congress does not favor the reorganization plan.

(b) For the purposes of subsection (a)—

(1) continuity of session shall be considered as broken only by an adjournment of the Congress sine die; but

(2) in the computation of the sixty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain; except that if a resolution (as defined in section 113y–11 of this title) with respect to such reorganization plan has been passed by one House and sent to the other, no exclusion under this paragraph shall be made by reason of adjournments of the first House taken thereafter.

(c) Any provision of the plan may, under provisions contained in the plan, be made operative at a time later than the date on which the plan shall otherwise take effect. (Dec. 20, 1945, ch. 582, title I, § 6, 59 Stat. 616.)

§ 133y–5. Definition of "agency".

When used in sections 133y to 133y–16 of this title, the term "agency" means any executive department, commission, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, board, bureau, division, service, office, officer, authority, administration, or other establishment, in the executive branch of the Government. Such term does not include the Comptroller General of the United States or the General Accounting Office, which are a part of the legislative branch of the Government. (Dec. 20, 1945, ch 582, title I, § 7, 59 Stat 616.)

§ 133y–6. What constitutes a "reorganization".

For the purposes of sections 133y to 133y–16 of this title any transfer, consolidation, coordination, abolition, change or designation of name or title, disposition, winding up of affairs, or provision for the appointment and compensation of the head or assistant heads of an agency, referred to in sections 133y–1 or 133y–2 of this title, shall be deemed a "reorganization". (Dec. 20, 1945, ch. 582, title I, § 8, 59 Stat. 616.)

§ 133y–7. Effect of transfer or consolidation on statutes and regulations or other actions; definition; effect on pending legal proceedings.

(a) (1) Any statute enacted, and any regulation or other action made, prescribed, issued, granted, or performed, in respect of or by any agency or function transferred to, or consolidated or coordinated with, any other agency or function under the provisions of sections 133y to 133y–16 of this title, before the effective date of such transfer, consolidation, or coordination, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law, have the same effect as if such transfer, consolidation, or coordination had not been made; but where any such statute, regulation, or other action has vested functions in the agency from which the transfer is made under the plan, such functions shall, insofar as they are to be exercised after the transfer, be considered as vested in the agency to which the transfer is made under the plan.

(2) As used in paragraph (1) of this subsection the term "regulation or other action" means any regulation, rule, order, policy, determination, directive,

authorization, permit, privilege, requirement, designation, or other action.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any reorganization under the provisions of said sections, but the court may, on motion or supplemental petition filed at any time within twelve months after such reorganization takes effect, showing a necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the successor of such head or officer under the reorganization so effected or, if there be no such successor, against such agency or officer as the President shall designate. (Dec. 20, 1945, ch. 582, title I, § 9, 59 Stat. 617.)

§ 133y–8. Effect on unexpended appropriations.

The appropriations or portions of appropriations unexpended by reason of the operation of sections 133y to 133y–16 of this title shall not be used for any purpose, but shall be impounded and returned to the Treasury. (Dec. 20, 1945, ch. 582, title I, § 10, 59 Stat. 617.)

§ 133y–9. Publication of reorganization plans.

If the reorganizations specified in a reorganization plan take effect, the reorganization plan shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register. (Dec. 20, 1945, ch. 582, title I, § 11, 59 Stat. 617.)

§ 133y–10. Rules of Senate and House of Representatives in case of resolutions on reorganization plans.

Sections 133y–10 to 133y–16 of this title are enacted by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in section 133y–11 of this title); and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House. (Dec. 20, 1945, ch. 582, title II, § 201, 59 Stat. 617.)

§ 133y–11. Definition of "resolution".

As used in sections 133y–10 to 133y–16 of this title, the term "resolution" means only a concurrent resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not favor the reorganization plan numbered transmitted to Congress by the President on , 19 .", the blank spaces therein being appropriately filled; and does not include a concurrent resolution which specifies more than one reorganization plan. (Dec. 20, 1945, ch. 582, title II, § 202, 59 Stat. 618.)

§ 133y–12. Reference of resolution of reorganization plan to committee.

A resolution with respect to a reorganization plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. (Dec. 20, 1945, ch. 582, title II, § 203, 59 Stat. 618.)

§ 133y–13. Discharge of committee considering reorganization plan resolution.

(a) If the committee to which has been referred a resolution with respect to a reorganization plan has not reported it before the expiration of ten calendar days after its introduction (or, in the case of a resolution received from the other House, ten calendar days after its receipt), it shall then (but not before) be in order to move either to discharge the committee from further consideration of such resolution, or to discharge the committee from further consideration of any other resolution with respect to such reorganization plan which has been referred to the committee.

(b) Such motion may be made only by a person favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same reorganization plan), and debate thereon shall be limited to not to exceed one hour, to be equally divided between those favoring and those opposing the resolution. No amendment to such motion shall be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(c) If the motion to discharge is agreed to or disagreed to, such motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same reorganization plan. (Dec. 20, 1945, ch. 582, title II, § 204, 59 Stat. 618.)

§ 133y–14. Procedure after report or discharge of committee; debate.

(a) When the committee has reported, or has been discharged from further consideration of, a resolution with respect to a reorganization plan, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. Such motion shall be highly privileged and shall not be debatable. No amendment to such motion shall be in order and it shall not be in order to move to reconsider the vote by which such motion is agreed to or disagreed to.

(b) Debate on the resolution shall be limited to not to exceed ten hours, which shall be equally divided between those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to, or motion to recommit, the resolution shall be in order, and it shall not be in order to move to reconsider

the vote by which the resolution is agreed to or disagreed to. (Dec. 20, 1945, ch. 582, title II, § 205, 59 Stat. 618.)

§ 133y-15. Decisions on motions to postpone or proceed to be without debate.

(a) All motions to postpone, made with respect to the discharge from committee, or the consideration of, a resolution with respect to a reorganization plan, and all motions to proceed to the consideration of other business, shall be decided without debate.

(b) All appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate. (Dec. 20, 1945, ch. 582, title II, § 206, 59 Stat. 618.)

§ 133y-16. Procedure when one House, prior to passage of its resolution, receives resolution from other House on same plan.

If, prior to the passage by one House of a resolution of that House with respect to a reorganization plan, such House receives from the other House a resolution with respect to the same plan, then—

(a) If no resolution of the first House with respect to such plan has been referred to committee, no other resolution with respect to the same plan may be reported or (despite the provisions of section 133y-13 (a) of this title) be made the subject of a motion to discharge.

(b) If a resolution of the first House with respect to such plan has been referred to committee—

(1) the procedure with respect to that or other resolutions of such House with respect to such plan which have been referred to committee shall be the same as if no resolution from the other House with respect to such plan had been received; but

(2) on any vote on final passage of a resolution of the first House with respect to such plan the resolution from the other House with respect to such plan shall be automatically substituted for the resolution of the first House. (Dec. 20, 1945, ch. 582, title II, § 207, 59 Stat. 618.)

COORDINATION OF FEDERAL REPORTING SERVICES

§ 139. Declaration of Congressional policy.

It is hereby declared to be the policy of the Congress that information which may be needed by the various Federal agencies should be obtained with a minimum burden upon business enterprises (especially small business enterprises) and other persons required to furnish such information, and at a minimum cost to the Government, that all unnecessary duplication of efforts in obtaining such information through the use of reports, questionnaires, and other such methods should be eliminated as rapidly as practicable; and that information collected and tabulated by any Federal agency should insofar as is expedient be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public. (Dec. 24, 1942, ch. 811, § 2, 56 Stat. 1078.)

SHORT TITLE

Section 1 of act Dec. 24, 1942, cited to text, provided: "This act may be cited as the 'Federal Reports Act of 1942'."

APPROPRIATIONS

Section 9 of act Dec. 24, 1942, cited to text, provided: "There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act (sections 139–139f of this title)."

§ 139a. Collection of information—(a) Duties of Director of the Bureau of the Budget.

With a view to carrying out the policy of sections 139–139f of this title, the Director of the Bureau of the Budget (hereinafter referred to as the "Director") is directed from time to time (1) to investigate the needs of the various Federal agencies for information from business enterprises, from other persons, and from other Federal agencies; (2) to investigate the methods used by such agencies in obtaining such information; and (3) to coordinate as rapidly as possible the information-collecting services of all such agencies with a view to reducing the cost to the Government of obtaining such information and minimizing the burden upon business enterprises and other persons, and utilizing, as far as practicable, the continuing organization, files of information and existing facilities of the established Federal departments and independent agencies.

(b) Designation of central collection agency.

If, after any such investigation, the Director is of the opinion that the needs of two or more Federal agencies for information from business enterprises and other persons will be adequately served by a single collecting agency, he shall fix a time and place for a hearing at which the agencies concerned and any other interested persons shall have an opportunity to present their views. After such hearing, the Director may issue an order designating a collecting agency to obtain such information for any two or more of the agencies concerned, and prescribing (with reference to the collection of such information) the duties and functions of the collecting agency so designated and the Federal agencies for which it is to act as agent. Any such order may be modified from time to time by the Director as circumstances may require, but no such modification shall be made except after investigation and hearing as hereinbefore provided.

(c) Independent collection by an agency as prohibited.

While any such order or modified order is in effect, no Federal agency covered by such order shall obtain for itself any information which it is the duty of the collecting agency designated by such order to obtain.

(d) Determination for necessity of information; hearing.

Upon the request of any party having a substantial interest, or upon his own motion, the Director is authorized within his discretion to make a determination as to whether or not the collection of any information by any Federal agency is necessary for the proper performance of the functions of such agency or for any other proper purpose. Before

making any such determination, the Director may, within his discretion, give to such agency and to other interested persons an adequate opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines the collection of such information by such agency is unnecessary, either because it is not needed for the proper performance of the functions of such agency or because it can be obtained from another Federal agency or for any other reason, such agency shall not thereafter engage in the collection of such information.

(e) Cooperation of agencies in making information available.

For the purposes of sections 139–139f of this title, the Director is authorized to require any Federal agency to make available to any other Federal agency any information which it has obtained from any person after December 24, 1942, and all such agencies are directed to cooperate to the fullest practicable extent at all times in making such information available to other such agencies: *Provided*, That the provisions of sections 139–139f of this title shall not apply to the obtaining or releasing of information by the Bureau of Internal Revenue, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Accounts, and the Division of Foreign Funds Control of the Treasury Department: *Provided further*, That the provisions of sections 139–139f of this title shall not apply to the obtaining by any Federal bank supervisory agency of reports and information from banks as provided or authorized by law and in the proper performance of such agency's functions in its supervisory capacity. (Dec. 24, 1942, ch. 811, § 3, 56 Stat. 1078.)

§ 139b. Unlawful disclosure of information; penalties; release of information to other agencies.

(a) In the event that any information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law (including penalties) which relate to the unlawful disclosure of any such information shall apply to the officers and employees of the agency to which such information is released to the same extent and in the same manner as such provisions apply to the officers and employees of the agency which originally obtained such information; and the officers and employees of the agency to which the information is released shall in addition be subject to the same provisions of law (including penalties) relating to the unlawful disclosure of such information as if the information had been collected directly by such agency.

(b) Information obtained by a Federal agency from any person or persons may, pursuant to sections 139–139f of this title, be released to any other Federal agency only if (1) the information shall be released in the form of statistical totals or summaries; or (2) the information as supplied by persons to a Federal agency shall not, at the time of collection, have been declared by that agency or by any superior authority to be confidential; or (3) the persons supplying the information shall consent to the release of it to a second agency by the agency to which the information was originally supplied; or (4) the Federal agency to which another Federal agency shall release the information has authority to collect the information itself and such authority is supported by legal provision for criminal penalties against persons failing to supply such information. (Dec. 24, 1942, ch. 811, § 4, 56 Stat. 1079.)

§ 139c. Plans or forms for collecting information; submission to Director; approval.

No Federal agency shall conduct or sponsor the collection of information, upon identical items, from ten to [1] more persons (other than Federal employees considered as such) unless, in advance of adoption or revision of any plans or forms to be used in such collection,

(a) The agency shall have submitted to the Director such plans or forms, together with copies of such pertinent regulations and other related materials as the Director shall specify; and

(b) The Director shall have stated that he does not disapprove the proposed collection of information. (Dec. 24, 1942, ch. 811, § 5, 56 Stat. 1079.)

[1] So in original. Probably should read "or".

§ 139d. Rules and regulations.

The Director is authorized to make such rules and regulations as may be necessary to carry out the provisions of sections 139–139f of this title. (Dec. 24, 1942, ch. 811, § 6, 56 Stat. 1079.)

§ 139e. Definitions.

As used in sections 139–139f of this title—

(a) The term "Federal agency" means any executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government; but such terms shall not include the General Accounting Office nor the governments of the District of Columbia and of the Territories and possessions of the United States, and the various subdivisions of such governments.

(b) The term "person" means any individual, partnership, association, corporation, business trust, or legal representative, any organized group of persons, any State or Territorial government or branch thereof, or any political subdivision of any State or Territory or any branch of any such political subdivision.

(c) The term "information" means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either (1) for answers to identical questions from ten or more persons other then [1] agencies, instrumentalities, or employees of the United States or (2) for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest. (Dec. 24, 1942, ch. 811, § 7, 56 Stat. 1079.)

[1] So in original Probably should read "than".

CROSS REFERENCES

Definition of federal agency in connection with printing of the Federal Register, see section 304 of Title 44, Public Printing and Documents.

§ 139f. Penalty for failure to furnish information.

Any person failing to furnish information required by any such agency shall be subject to such penalties as are specifically prescribed by law, and no other penalty shall be imposed either by way of fine or imprisonment or by the withdrawal or denial of any right, privilege, priority, allotment, or immunity, except when the right, privilege, priority, allotment, or immunity, is legally conditioned on facts which would be revealed by the information requested. (Dec. 24, 1942, ch. 811, §8, 56 Stat. 1080.)

Chapter 2.—DEPARTMENT OF STATE

Sec

168d. Same, continuation of collection, etc., to completion; issuance as government publication, distribution; appropriation (New).

§ 152. Under Secretary of State and Assistant Secretaries of State.

TEMPORARY ASSISTANT SECRETARIES OF STATE

Act Dec 8, 1944, ch 547, 58 Stat 798, provided: "That there shall be in the Department of State beginning immediately for the period of the emergency and not to exceed two years following the cessation of hostilities two additional Assistant Secretaries of State, each of whom shall be appointed by the President by and with the advice and consent of the Senate, and who shall serve without numerical designation of rank."

§ 153a. Dispatch agencies; compensation of personnel; rent and expenses.

There shall be paid compensation to agents and employees of, and rent and other expenses for, dispatch agencies established by the Secretary of State. (As amended June 28, 1941, ch. 258, title I, 55 Stat. 268; July 2, 1942, ch. 472, title I, 56 Stat. 473; July 1, 1943, ch. 182, title I, § 1, 57 Stat. 275; June 28, 1944, ch. 294, title I, § 1, 58 Stat. 399; May 21, 1945, ch. 129, title I, 59 Stat. 173.)

CODIFICATION

Section is based upon provisions contained for many years in annual appropriation acts providing funds for the Foreign Service. Although each of these provisions is by its terms confined to its specific appropriation, the Secretary of State, in a communication dated June 4, 1941, recommended its incorporation into the Code, saying: "As provision for the compensation and expenses involved in the maintenance of the offices of these despatch agents has been included in appropriation acts for many years I believe that you would be warranted in considering it to be permanent general legislation and in my opinion it should be included in * * * the Code."

AMENDMENTS

1943—Act July 1, 1943, cited to text, substituted "established by the Secretary of State" for the words "in New York, San Francisco, Seattle and New Orleans".

PRIOR LAW

Prior provisions on this subject are contained in former Department of State Appropriation Acts.

§ 168d. Same; continuation of collection, etc., to completion; issuance as government publication; distribution; appropriation.

The Secretary of State is authorized to continue to completion the work of collecting, copying, arranging, editing, copy reading, and index making of the official papers relating to the Territories of the United States as initiated and carried on under sections 167–168c of this title, and to have them issued as a Government publication, of which four hundred and twenty copies shall be delivered to the Superintendent of Documents, Government Printing Office, for distribution to the libraries heretofore designated by the Governors of the various States, one hundred copies for the use of the Department of State, and one hundred copies for distribution by the Joint Committee on Printing, and for this purpose there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, sums of not more than $30,000 for any one year: *Provided*, That no expenditure shall be made for printing authorized hereunder until six months after the end of hostilities in the present war. (July 31, 1945, ch. 336, 59 Stat. 510.)

Chapter 3.—DEPARTMENT OF WAR

Sec.

189b Appointment and transfer of employees in United States for duty outside United States; transportation of employees and effects (New).
219a Same; annual reports to Congress on all contracts in excess of $10,000 (New)
222. Availability of Military Establishment appropriation for prisoners of war (New).
223 Transfer of household goods and effects, delegation of Secretary's authority (New)
224 Establishment of the Kermit Roosevelt fund, creation and composition of board of trustees (New).
225 Same, acceptance of funds and property from Mrs. Kermit Roosevelt, purpose and use, disbursement and investment of fund (New)
226 Same, acceptance of funds and property from other sources, limitation, disbursement and investment (New).
227 Same, income from property covered into Treasury, disbursement and investment (New).
228 Same, powers of board; personal liability of members, compensation, decisions reviewable by Secretary of War; annual report; jurisdiction of court (New).

ARMY SPECIALIST CORPS

A corps of uniformed civilian employees to be known as the Army Specialist Corps, with responsibility for recruiting personnel vested in the Civil Service Commission, was established in the War Department for the duration of the present war and six months thereafter by Ex Ord. No 9078, Feb 26, 1942, 7 F R 1607

By a War Department press release of Oct 31, 1942, it was announced that the Army Specialist Corps was abolished. It has become a part of the Office Procurement Service of the Army of the United States.

REORGANIZATION OF ARMY

The Army of the United States was reorganized for the duration of the war and six months thereafter. See note under section 601 of Appendix to Title 50, War.

§ 181a. Under Secretary of War.

TERMINATION DATE

Section 2 of act Dec 16, 1940, cited to text, as amended by act Dec 15, 1944, ch 591, 58 Stat 807, provided in part: "This Act [section 181a of this title and sections 1193–1195 of Title 10] shall remain in force during the continuance of the present war, and for six months after the termination thereof, or until such earlier time as the Congress by concurrent resolution or the President may designate."

§ 188. Detail of clerks and employees.

CROSS REFERENCES

Army Specialist Corps created for duration of present war abolished; see note preceding section 181 of this title.

§ 189b. Appointment and transfer of employees in United States for duty outside United States; transportation of employees and effects.

Under appropriations available to the Military Establishment, the Secretary of War is authorized to effect appointments of employees in the United States, or to effect the transfer of employees in the Federal service in the United States, for duty at any point outside the continental limits of the United States or in Alaska at which it may be found necessary to assign such civilian employees, and to pay the costs of transportation of such employees from place of engagement in the United States, or from present post of duty in the United States, in the case of those employees already in the service of the United States, to the post of duty outside the United States or in Alaska, and return upon completion of assignment or after such period of service as may be prescribed by the head of the Department; to provide for the shipment of personal effects of persons so appointed or transferred from place of engagement or from present post of duty in the United States to the post of duty outside the continental United States or in Alaska. (Apr. 28, 1942, ch. 247, title I, § 102, 56 Stat. 229.)

§ 208. Repealed. July 3, 1943, ch. 189, § 3, 57 Stat. 373.

CROSS REFERENCES

Negligence of Government officers and employees causing damage to private property, settlement of claims, see section 215 of Title 31, Money and Finance

Practice, operations, etc., of Army causing damage to private property, settlement of claims not exceeding $1,000, see section 223 of Title 31, Money and Finance

Settlement of claims arising from actions of United States armed forces in foreign countries during National Emergency, see section 224d of Title 31, Money and Finance, and note thereunder.

§ 209. Claims for damages to private property from military operations.

CROSS REFFRENCES

Settlement of claims arising from actions of United States armed forces in foreign countries during National Emergency, see section 224d of Title 31, Money and Finance, and note thereunder

§ 216a. Repealed. April 28, 1942, ch. 247, title IV, § 401, 56 Stat. 226.

§ 219a. Same; annual reports to Congress on contracts over $150,000.

It shall be the duty of the Secretary of War to file with the Congress, within sixty days after the end of each fiscal year, a complete list of all contracts in excess of $150,000, including contracts for the purchase of land, undertaken during such fiscal year for the expenditure of funds appropriated by any Act, showing (1) a statement of the subject matter of each contract; (2) the names of the contractors; (3) the names of the persons who approved the specifications, consummated the making or concluded the negotiation of any such contract on behalf of the Government, and of all persons who participated in the negotiations on behalf of the contractor; (4) if any such contract was awarded without competitive bidding, a statement of the principal or controlling reason for the selection of the contractor; and (5) as to contracts for the purchase of land, also the location, area, intended use, the purchase price and assessed value thereof. (Aug. 25, 1941, ch. 409, title IV, § 2, 55 Stat. 686, as amended Apr. 28, 1942, ch. 247, title IV, § 401, 56 Stat. 244.)

CODIFICATION

Section is also set out as section 470 of this title.

AMENDMENTS

1942—Act Apr 28, 1942, cited to text, amended section generally.

CROSS REFERENCES

Similar provisions with respect to reports by the Secretary of the Navy, see section 470 of this title

§ 221. Employment of civilian engineers where advantageous to national defense; fees.

CROSS REFERENCFS

Employment by Secretary of War of civilian engineers, architects, etc., for War Department projects, see section 772 of Appendix to Title 50, War.

§ 222. Availability of Military Establishment appropriations for prisoners of war.

The Secretary of War is authorized to utilize any appropriation available for the Military Establishment, under such regulations as he may prescribe, for all expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army custody whose status is determined by the Secretary of War to be similar to prisoners of war, and persons detained in Army custody pursuant to Presidential proclamation. (Dec. 17, 1941, ch. 591, title I, § 103, 55 Stat. 813; July 2, 1942, ch. 477, § 14, 56 Stat. 633; July 1, 1943, ch. 185, § 15, 57 Stat 369; June 28, 1944, ch. 303, § 15, 58 Stat. 595; July 3, 1945, ch. 265, § 15, 59 Stat. 406.)

§ 223. Transfer of household goods and effects; delegation of Secretary's authority.

The Secretary of War may delegate to such officers and employees as he may designate for the purpose, all his authority in connection with the transfer of household goods and effects from one official station to another. (June 28, 1944, ch 303, § 1, 58 Stat 596.)

§ 224. Establishment of the Kermit Roosevelt fund; creation and composition of board of trustees.

There is established in the War Department a board to be known as the Trustees of the Kermit Roosevelt Fund, whose duty it shall be properly to administer all money and property which hereafter may come under its control as part of the Kermit Roosevelt fund, created pursuant to section 225 of this title. The board shall be composed of the Chief of Finance, United States Army, ex officio, and three general officers of the Army who shall be appointed to the board and may be replaced thereon by the Secretary of War. (July 2, 1945, ch. 228, § 1, 59 Stat 316.)

§ 225. Same; acceptance of funds and property from Mrs. Kermit Roosevelt; purpose and use disbursement and investment.

The board is authorized to accept from Mrs. Kermit Roosevelt such money and property as she

may tender, to receipt therefor on behalf of the United States, and to deposit the funds so received in the Treasury of the United States as the original corpus of a trust fund, to be known as the Kermit Roosevelt fund, which shall be used for the purpose of fostering a better understanding and a closer relationship between the military forces of the United States and those of the United Kingdom by sponsoring lectures or courses of instruction to be delivered by officers of the British Army at the United States Military Academy and elsewhere in the United States and by officers of the United States Army at Sandhurst Royal Military College and elsewhere in the United Kingdom or, should such exchange lectures prove or become impracticable or unnecessary for any reason, by such other application of the funds as the board, with the approval of the Secretary of War, may determine. The original corpus of the fund and the income therefrom may be disbursed at the discretion of the board in furtherance of the stated purpose, and shall be subject to investment and reinvestment as provided in section 226 of this title. (July 2, 1945, ch. 228, § 2, 59 Stat. 316.)

§ 226. Same; acceptance of funds and property from other sources; limitation; disbursement and investment.

The board is also authorized to accept, receive, hold, and administer gifts, bequests and devises of money, securities, or other property, whether real or personal, from any source, for the benefit of the Kermit Roosevelt fund, but no such gift, bequest, or devise which entails any expenditure not to be met out of the gift, bequest, devise, or the income thereof shall be accepted without the consent of Congress. Such additional sums or property shall be receipted for by the Chief of Finance and may, at the discretion of the board and unless otherwise restricted by the terms of the gift, bequest, or devise, be administered and disbursed in the same manner as the original corpus of the fund and the income therefrom. The board may in its discretion sell or exchange securities or other property given, bequeathed, or devised to or for the benefit of the Kermit Roosevelt fund, and may invest and reinvest the proceeds thereof, together with any other moneys in the fund, in such investments as it may determine from time to time: *Provided, however*, That the board is not authorized to engage in any business, nor shall it make any investments for the account of the fund which could not lawfully be made by a trust company in the District of Columbia, except that it may make any investment directly authorized by the instrument of gift, bequest, or devise under which the funds to be invested are derived, and may retain any investments accepted by it. (July 2, 1945, ch. 228, § 3, 59 Stat. 317.)

§ 227. Same; income from property covered into Treasury; disbursement and investment.

The income from any property held or administered by the board, as and when collected, shall be deposited in the Treasury of the United States to the credit of the trust fund established pursuant to section 225 of this title, and it shall be and remain subject to investment, reinvestment, and disbursement by the board for the uses and purposes set forth herein. (July 2, 1945, ch. 228, § 4, 59 Stat. 317.)

§ 228. Same; powers of board; personal liability of members; compensation; decisions reviewable by Secretary of War; annual report; jurisdiction of court.

The board shall have all the usual powers of a trustee in respect to all property administered by it, but the members of the board shall not be personally liable, except for misfeasance, on account of any acts performed in their trust capacity. The members of the board shall not be required to furnish bond, and no additional compensation shall accrue to any of them on account of their duties as trustees. Within the limits prescribed by sections 225–227 of this title, the administration, control, and expenditure of this fund and its application to the purposes intended shall be according to the sole discretion of the board, and the exercise of its discretion and authority in regard thereto and its decisions thereon, including any payments made or authorized by it to be made from the Kermit Roosevelt fund, shall not be subject to review except by the Secretary of War, to whom the board shall, on the 1st day of January, each year, render a full report of its activities during the preceding twelve months. The actions of the board shall not be subject to judicial review except in an action brought in the United States District Court for the District of Columbia, which is given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by the board. (July 2, 1945, ch. 228, § 5, 59 Stat. 317.)

Chapter 4.—DEPARTMENT OF TREASURY

GENERAL PROVISIONS

Sec.
249b. Death, resignation or separation from office of Chief Disbursing Officer; accounts and payments, liability for acts of successor; bond of Acting Chief Disbursing Officer (New).

GENERAL PROVISIONS

§ 249b. Death, resignation or separation from office of Chief Disbursing Officer; accounts and payments; liability for acts of successor; bond of Acting Chief Disbursing Officer.

In case of the death or of the resignation or separation from office of the Chief Disbursing Officer, Treasury Department, the accounts of the Chief Disbursing Officer may be continued and payments made in his name by an Assistant Chief Disbursing Officer, designated by the Secretary of the Treasury, for a period of time not to extend beyond the last day of the second month following the month in which the death, resignation, or separation shall occur. Such accounts and payments shall be allowed, audited, and settled in the General Accounting Office, and the checks signed in the name of the former Chief Disbursing Officer shall be honored by the Treasurer of the United States, in the same manner as if the former Chief Disbursing Officer had continued in office. The former Chief Disbursing Officer, his estate, or the sureties on his official bond,

shall not be subject to any legal liability or penalty for the official acts and defaults of the Assistant Chief Disbursing Officer acting in the name or in the place of the former Chief Disbursing Officer under this section, but the Assistant Chief Disbursing Officer and his sureties shall be responsible therefor under their bond. The bond for the Acting Chief Disbursing Officer shall be an amount at least equal to the minimum amount of the bond required of the Chief Disbursing Officer. The Secretary of the Treasury may, from time to time, require the Assistant Chief Disbursing Officer to renew and increase his bond to the United States. (Dec. 24, 1942, ch. 821, 56 Stat. 1086.)

§ 274. Detail of personnel for foreign service of Department of State.

Upon request of the Secretary of State and with the approval of the heads of the departments concerned, personnel of the Army, Navy, Treasury Department, or Federal Works Agency may be assigned for duty as inspectors of buildings owned or occupied by the United States in foreign countries, or as inspectors or supervisors of buildings under construction or repair by or for the United States in foreign countries, under the jurisdiction of the Department of State, or for duty as couriers of the Department of State, and when so assigned they may receive the same traveling expenses as are authorized for officers of the Foreign Service, payable from the applicable appropriations of the Department of State. (As amended June 28, 1941, ch. 258, title I, 55 Stat 277; July 2, 1942, ch. 472, title I, 56 Stat. 480; July 1, 1943, ch. 182, title I, § 1, 57 Stat. 282; June 28, 1944, ch. 294, title I, § 1, 58 Stat. 407; May 21, 1945, ch. 129, title I, 59 Stat. 181.)

AMENDMENTS

1944—Act June 28, 1944, cited to text, amended section by substituting "Upon the request * * * of the departments concerned," for "The President, in his discretion, may assign".

1943—Act July 1, 1943, cited to text, substituted "personnel" for "officers or employees".

BUREAU OF CUSTOMS

§ 281f. Additional deputy commissioner of customs.

Section, act June 17, 1930, ch. 497, title IV, § 650, 46 Stat. 762, is now covered by section 281a of this title

Chapter 5.—DEPARTMENT OF JUSTICE

Sec

300d Same; availability of appropriations to pay compensation of civil service employees (New)

COMMITTEE ON SUBVERSIVE ACTIVITIES

An Interdepartmental Committee to consider cases of subversive activity on part of Federal employees was established within Department of Justice by Ex. Ord. No. 9300, Feb. 5, 1943, 8 F. R. 1701

§ 295. Assistant Attorneys General.

There shall be in the Department of Justice six officers, learned in the law, called the Assistant Attorneys General, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall assist the Attorney General and Solicitor General in the performance of their duties. (As amended Mar. 2, 1943, ch. 7, 57 Stat. 4.)

AMENDMENTS

1943—Act Mar. 2, 1943, cited to text, increased the number of assistant attorneys general from five to six.

§ 299. Officials for investigation of official matters in Departments of Justice and State.

REPEATED—Act June 28, 1941, ch 258, title III, 55 Stat 290; act July 2, 1942, ch. 472, title I, 56 Stat. 481; act July 1, 1943, ch. 182, title II, § 1, 57 Stat. 286; act June 28, 1944, ch 294, title II, § 1, 58 Stat. 411, act May 21, 1945, ch. 129, title II, 59 Stat 184.

§ 300. Officials for detection and prosecution of crimes.

For the detection and prosecution of crimes against the United States and for the acquisition, collection, classification, and preservation of identification and other records and their exchange with the duly authorized officials of the Federal Government, of States, cities, and other institutions, the Attorney General is authorized to appoint officials who shall be vested with the authority necessary for the execution of such duties. (June 28, 1944, ch. 294, title II, § 1, 58 Stat. 411; May 21, 1945, ch. 129, title II, 59 Stat. 134.)

SIMILAR PROVISIONS

1943—July 1, 1943, ch. 182, title II, 57 Stat. 286
1942—July 2, 1942, ch. 472, title II, 56 Stat. 481
1941—June 28, 1941, ch 258, title III, 55 Stat. 290
1940—May 14, 1940, ch. 189, title III, 54 Stat. 200
1939—June 29, 1939, ch. 248, title II, 53 Stat 897
1938—Apr. 27, 1938, ch. 180, title II, 52 Stat. 259
1937—June 16, 1937, ch 359, title II, 50 Stat. 274
1936—May 15, 1936, ch 405, title II, 49 Stat. 1322
1935—Mar. 22, 1935, ch 39, title II, 49 Stat. 77
1934—Apr. 7, 1934, ch. 104, title II, 48 Stat. 537
1933—Mar. 1, 1933, ch 144, title II, 47 Stat. 1380
1932—July 1, 1932, ch. 361, title II, 47 Stat 488
1931—Feb 23, 1931, ch 280, title II, 46 Stat. 1322
1930—Apr. 18, 1930, ch 184, title II, 46 Stat. 187
1929—Jan. 25, 1929, ch. 102, title II, 45 Stat 1108
1928—Feb. 15, 1928, ch. 57, title II, 45 Stat 78
1927—Feb 24, 1927, ch 189, title II, 44 Stat 1193
1926—Apr 29, 1926, ch 195, title II, 44 Stat 342

§ 300a. Federal Bureau of Investigation; authority of officers to serve warrants and make arrests; authority to carry arms.

The Director, Assistant Directors, agents, and inspectors of the Federal Bureau of Investigation of the Department of Justice are empowered to serve warrants and subpoenas issued under the authority of the United States; to make seizures under warrant for violation of the laws of the United States; to make arrests without warrant for felonies which have been committed and which are cognizable under the laws of the United States, in cases where the person making the arrest has reasonable grounds to believe that the person so arrested is guilty of such felony and where there is a likelihood of the person escaping before a warrant can be obtained for his arrest, but the person arrested shall be immediately taken before a committing officer. Such members of the Federal Bureau of Investigation of the Department of Justice are authorized and empowered to carry firearms. (As amended Mar. 22, 1935, ch. 39, title II, 49 Stat. 77.)

CROSS REFERENCES

Change in name of Bureau, see note under section 340 of this title

§ 300d. Same; availability of appropriations to pay compensation of civil service employees.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee. (July 2, 1942, ch. 472, title II, 56 Stat. 482; July 1, 1943, ch. 182, title II, § 1, 57 Stat. 287; June 28, 1944, ch. 294, title II, § 1, 58 Stat. 412; May 21, 1945, ch. 129, title II, 59 Stat. 185.

CODIFICATION

Section is based upon provisions appearing in the Department of Justice Appropriation Act, 1943, constituting act July 2, 1942, cited to text. Somewhat similar provisions were contained in prior appropriation acts.

§ 301. Officials for investigation of official acts, records, and accounts of marshals, attorneys, clerks of courts, United States commissioners, referees, and trustees.

REPEATED —Act June 28, 1941, ch 258, title III, 55 Stat 293, act July 2, 1942, ch 472, title I, 56 Stat. 484; act July 1, 1943, ch. 182, title II, § 1, 57 Stat. 284; act June 28, 1944, ch. 294, title II, § 1, 58 Stat 408, act May 21, 1945, ch. 129, title II, 59 Stat. 182

§ 340. Division of Identification and Information; establishment; duties; cost of maintenance and operation.

There is established under the jurisdiction of the Department of Justice a division of the Federal Bureau of Investigation to be known as the Division of Identification and Information; said bureau shall be vested with the duty of acquiring, collecting, classifying, and preserving criminal identification and other crime records and the exchanging of said criminal identification records with the duly authorized officials of governmental agencies, of States, cities, and penal institutions; and the cost of maintenance and operation of said bureau shall be paid from the appropriation "Detection and prosecution of crimes" for the respective fiscal years concerned, as otherwise provided. (As amended Ex. Ord. No. 6166, § 3, June 10, 1933; Mar. 22, 1935, ch. 39, title II, 49 Stat. 77.)

CODIFICATION

Words "Federal Bureau" originally read "Bureau". Ex Ord. No 6166, cited to text, transferred that Bureau's functions to, and consolidated them in, the Division of Investigation of the Department of Justice Act Mar 22, 1935, cited to text, referred to that Division as the "Federal Bureau of Investigation", by which name it was subsequently known.

Chapter 7.—DEPARTMENT OF NAVY

GENERAL PROVISIONS

Sec

415a. Employment of additional civilian personnel (New)

JUDGE ADVOCATE GENERAL AND BUREAUS

432a. Performance of duties during absence, etc., of Judge Advocate General or bureau chiefs and their assistants (New).

REPORTS TO CONGRESS

470. Contracts in excess of $10,000.

OFFICE OF BUDGET AND REPORTS (NEW)

471 Office of Budget and Reports—Establishment.
(a) Director, appointment, term, rank.
(b) Assistant to the Director; compensation

GENERAL PROVISIONS

§ 411. Establishment of Department.

EX. ORD. NO 9635. ORGANIZATION OF THE NAVY DEPARTMENT AND THE NAVAL ESTABLISHMENT

Ex. Ord No. 9635, Oct. 2, 1945, 10 F R. 12419, provided in part:

By virtue of the authority vested in me by Title I of the First War Powers Act (55 Stat 838; 50 U. S. C. A. App § 601), and other applicable statutes, as Commander in Chief of the Army and Navy, and as President of the United States, it is hereby ordered as follows:

1. In order to provide for the more effective integration of its activities, the Navy Department shall hereafter be organized to take cognizance of the major groupings of: military matters, general and administrative matters, business and related industrial matters. The structure of the organization to accomplish this purpose shall be such as the Secretary of the Navy may deem appropriate and necessary, with due regard for the necessity for delegation and decentralization.

2. The Secretary of the Navy shall prescribe such duties for the Under Secretary of the Navy and the Assistant Secretaries of the Navy, and may transfer to, from, and among the offices and bureaus of the Navy Department such of their functions and duties, as may be appropriate and necessary to effectuate the provisions of this order.

3 As used in this order, the term "naval establishment" means naval sea, air and ground forces—vessels of war, aircraft, auxiliary craft and auxiliary activities, and the personnel who man them—and the naval agencies necessary to support and maintain the naval forces and to administer the Navy as a whole; the term "Navy Department" means the executive part of the naval establishment at the seat of the Government

The Marine Corps is an integral part of the naval establishment. In time of war or when the President shall so direct, the Coast Guard is a part of the naval establishment.

4 The Chief of Naval Operations

(a) shall be the principal naval adviser to the President and to the Secretary of the Navy on the conduct of war, and principal naval adviser and military executive to the Secretary of the Navy on the conduct of the activities of the naval establishment.

(b) shall have command of the operating forces comprising the several fleets, seagoing forces, sea frontier forces, district and other forces, and the related shore establishments of the Navy, and shall be responsible to the Secretary of the Navy for their use in war and for plans and preparations for their readiness for war

(c) shall be charged, under the direction of the Secretary of the Navy, with the preparation, readiness and logistic support of the operating forces, comprising the several fleets, sea-going forces, sea frontier forces, district and other forces, and related shore establishments of the Navy, and with the coordination and direction of effort to this end of the bureaus and offices of the Navy Department

5 The staff of the Chief of Naval Operations shall be composed of such numbers of Vice Chiefs of Naval Operations, Deputy Chiefs of Naval Operations, Assistant Chiefs of Naval Operations, a Naval Inspector General, and other officers as may be considered by the Secretary of the Navy to be appropriate and necessary for the performance of the duties herein prescribed for the Chief of Naval Operations

6 There shall be in the Navy Department

(a) An office charged with coordination and correlation of the activities of bureaus and offices, as the Secretary of the Navy may direct, to effectuate common policies of procurement, contracting and production of material throughout the Naval establishment.

(b) An office charged, as the Secretary of the Navy may direct, with the coordination or naval research, experimental, test and development activities and with such other related duties as may be appropriate

7 The bureaus and offices of the Navy Department, in addition to the Chiefs of such bureaus and offices, shall

be staffed by such officers, including a Deputy and one or more Assistant Chiefs, as may be determined to be appropriate and necessary by the Secretary of the Navy.

8 During the temporary absence of the Secretary of the Navy, the Under Secretary of the Navy, the Assistant Secretary of the Navy, the Assistant Secretary of the Navy for Air, and the Chief of Naval Operations, in that order, shall be next in succession to act as the Secretary of the Navy In the absence of the Chief of Naval Operations, the Vice and Deputy Chiefs of Naval Operations shall be next in succession in accordance with relative rank.

9. Nothing in this order is intended to modify the statutory authority, duties or responsibilities of the Secretary of the Navy, nor shall it be so construed.

10 Executive Orders 8984 of December 18, 1941 and 9096 of March 12, 1942 (as amended by Executive Order 9528 of March 2, 1945 [set out as a note under section 601 of Appendix to Title 50]) are hereby revoked.

§ 415a. Employment of additional civilian personnel.

The Secretary of the Navy is authorized to employ additional civil personnel in the Navy Department at the seat of government, and to provide out of any appropriations available for the Naval Establishment for their salaries: *Provided*, That the average number of all civil personnel in the Navy Department at the seat of Government, excluding the Marine Corps and the Coast Guard, shall not exceed seventeen thousand (June 22, 1944, ch. 269, § 1, 58 Stat. 321, as amended May 29, 1945, ch. 130, § 113, 59 Stat. 221.)

AMENDMENTS

1945—Act May 29, 1945, cited to text, amended section by omitting "and to use * * * Civil Service Commission" following "their salaries" and inserted in lieu thereof the proviso.

§ 421b. Under Secretary of Navy; appointment; duties; compensation.

§ 422. Appointment, powers and duties generally.

CROSS REFERENCES

Fleet Admiral of the Navy and General of the Army, see sections 1691–1697 of Appendix to Title 50, War.

§ 422a. Additional duties.

DUTIES OF COMMANDER IN CHIEF AND CHIEF OF NAVAL OPERATIONS COMBINED

The duties of Commander in Chief, United States Fleet, and Chief of Naval Operations may be combined and devolve upon one person who shall have the title "Commander in Chief, United States Fleet, and Chief of Naval Operations," see Ex Ord No 9096 set out under section 601 of Appendix to Title 50, War

CHIEF OF NAVAL OPERATIONS

§ 424. Rank, title and pay.

CROSS REFERENCES

Fleet Admiral of the Navy, see sections 1691–1697 of Appendix to Title 50, War

§ 425a. Same; subsequent retirement.

Any officer of the Navy or Marine Corps who may be retired while serving as Chief of Naval Operations, as Chief of a Bureau of the Navy Department, as Judge Advocate General of the Navy, or as Commandant of the Marine Corps, or who has served or shall have served two and one-half years or more as Chief of Naval Operations, as Chief of a Bureau of the Navy Department, as Judge Advocate General of the Navy, or as Commandant of the Marine Corps, and is retired after completion of such service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the rank, pay, and allowances authorized by law for the highest grade or rank held by him as such Chief of Naval Operations, Chief of Bureau, Judge Advocate General, or Commandant: *Provided*, That the President in his discretion may extend the privileges herein authorized to such officers as have heretofore been retired and who satisfy the foregoing conditions: *Provided further*, That no increase provided herein in retired pay shall be held to have accrued prior to the passage of this section. (As amended Jan. 20, 1942, ch. 10, § 1, 56 Stat. 10.)

AMENDMENTS

1942—Act Jan 20, 1942, cited to text and constituting section 622 of Title 34, Navy, redesignated "Major General Commandant of the Marine Corps" to be "Commandant of the Marine Corps"

CROSS REFERENCES

Provisions similar to those of this section are also set out as section 685a of Title 34, Navy.

JUDGE ADVOCATE GENERAL AND BUREAUS

§ 429. Bureaus generally; establishment and distribution of business.

Except as otherwise provided in this chapter, the business of the Department of the Navy shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper among the following bureaus:

First. A Bureau of Yards and Docks.

Second. A Bureau of Naval Personnel.

Third. A Bureau of Ordnance.

Fourth. A Bureau of Supplies and Accounts.

Fifth. A Bureau of Medicine and Surgery.

Sixth. A Bureau of Aeronautics.

Seventh. A Bureau of Ships. (As amended May 13, 1942, ch. 303, 56 Stat. 276.)

BUREAU OF NAVIGATION REDESIGNATED BUREAU OF NAVAL PERSONNEL

Act May 13, 1942, cited to text, provided as follows: "(SEC. 1.) Hereafter the Bureau of Navigation of the Department of the Navy shall be designated the Bureau of Naval Personnel The Chief of the Bureau of Navigation and the assistant to the Chief of the Bureau of Navigation shall be designated, respectively, as the Chief of Naval Personnel and the Assistant Chief of Naval Personnel.

"SEC 2 All laws or parts of laws now in force relating to the Bureau of Navigation shall now and hereafter apply to the Bureau of Naval Personnel."

§ 432a. Same; performance of duties during absence of bureau chiefs and their assistants or Judge Advocate General.

During the absence, disability, or a temporary vacancy in the office of the chief of any bureau of the Navy Department or the Judge Advocate General of the Navy, when the assistant to such chief of bureau or the Judge Advocate General is absent or disabled, the heads of the major divisions of such bureau or office shall, unless otherwise directed by the President, perform the duties of the chief of bureau or the Judge Advocate General, in such order as the Secretary of the Navy may direct. (Feb. 3, 1942, ch. 35, § 1, 56 Stat. 47.)

§ 433. Same; Chief of Bureau of Yards and Docks.

CODIFICATION

Catchline changed to reflect amendments to preceding sections.

§ 434. Same; Chiefs of Naval Personnel and Ordnance Bureau.

The Chiefs of Naval Personnel and of the Bureau of Ordnance, shall be appointed from the list of officers of the Navy, not below the grade of commander. (As amended May 13, 1942, ch. 303, 56 Stat. 276.)

AMENDMENTS

1942—Act May 13, 1942, cited to text and set out in note under section 429 of this title, redesignated Chief of the Bureau of Navigation to be Chief of Naval Personnel

§ 435. Same; Chief of Bureau of Ships.

CODIFICATION

Catchline changed to reflect amendments to preceding sections.

§ 436. Same; Chief of Bureau of Engineering.

CODIFICATION

Catchline changed to reflect amendments to preceding sections.

§ 437. Same; Chief of Bureau of Supplies and Accounts.

CODIFICATION

Catchline changed to reflect amendments to preceding sections.

§ 438. Same; Chief of Bureau of Medicine and Surgery.

CODIFICATION

Catchline changed to reflect amendments to preceding sections.

§ 439. Same; Chief of Bureau of Aeronautics.

CODIFICATION

Catchline changed to reflect amendments to preceding sections.

§ 440. Same; titles of Chiefs of Bureaus of Medicine and Surgery and Supplies and Accounts.

CODIFICATION

Catchline changed to reflect amendments to preceding sections.

§ 446. Naval Personnel.

An officer of the Navy not below the rank of commander may be detailed as assistant to the Chief of Naval Personnel in the Navy Department, and, in case of the death, resignation, absence, or sickness of the chief of the bureau, shall, unless otherwise directed by the President, as provided by section 6 of this title, perform the duties of such chief until his successor is appointed or such absence or sickness shall cease. (As amended May 13, 1942, ch. 303, 56 Stat. 276.)

AMENDMENTS

1942—Act May 13, 1942, cited to text and set out in note under section 429 of this title, redesignated Chief of the Bureau of Navigation to be Chief of Naval Personnel.

§ 454. Bureau of Supplies and Accounts; duty as to accounts and reports.

CODIFICATION

"Act June 19, 1892, ch. 206, 27 Stat. 245" should be added to citation.

CROSS REFERENCES

Naval procurement fund, establishment, etc., under Bureau of Supplies and Accounts, see section 645a of Title 31, Money and Finance.

HYDROGRAPHIC OFFICE

§ 457. Establishment and duties.

There shall be a Hydrographic Office attached to the Bureau of Naval Personnel in the Navy Department, for the improvement of the means for navigating safely the vessels of the Navy and of the mercantile marine, by providing, under the authority of the Secretary of the Navy, accurate and cheap nautical charts, sailing directions, navigators, and manuals of instructions for the use of all vessels of the United States, and for the benefit and use of navigators generally. (As amended May 13, 1942, ch. 303, 56 Stat. 276.)

AMENDMENTS

1942—Act May 13, 1942, cited to text and set out in note under section 429 of this title, redesignated Bureau of Navigation to be Bureau of Naval Personnel.

TRANSFER OF FUNCTIONS

Duties and functions of the Hydrographic Office were transferred for the duration of the war and six months thereafter to the cognizance and jurisdiction of the Chief of Naval Operations by Ex Ord No 9126, set out under section 601 of Appendix to Title 50, War

§ 457a. Detail of hydrographic surveyors to Hydrographic Office in District of Columbia.

REPEATED—Act May 6, 1941, ch 86, § 1, 55 Stat. 154; act Feb 7, 1942, ch 46, title I, 56 Stat 58

§ 458. Sale of maps, charts, and books.

The Secretary of the Navy is authorized to cause to be prepared, at the Hydrographic Office attached to the Bureau of Naval Personnel, in the Navy Department, maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators' sailing directions and instructions, as he may consider necessary, and when he may deem it expedient to do so, and under such regulations and instructions as he may prescribe. (As amended May 13, 1942, ch. 303, 56 Stat. 276.)

AMENDMENTS

1942—Act May 13, 1942, cited to text and set out in note under section 429 of this title, redesignated Bureau of Navigation to be Bureau of Naval Personnel.

§ 460. Branch hydrographic offices.

TRANSFER OF FUNCTIONS

Duties and functions of the Hydrographic Office were transferred for the duration of the war and six months thereafter to the cognizance and jurisdiction of the Chief of Naval Operations by Ex Ord No. 9126, set out under section 601 of Appendix to Title 50, War.

NAVAL OBSERVATORY AND NAUTICAL ALMANAC

TRANSFER OF FUNCTIONS

Duties and functions of the Naval Observatory were transferred for the duration of the war and six months thereafter to the cognizance and jurisdiction of the Chief of Naval Operations by Ex Ord No 9126, set out under section 601 of Appendix to Title 50, War.

REPORTS TO CONGRESS

§ 469. Repealed. April 28, 1942, ch. 247, title IV, § 401, 56 Stat. 244.

§ 470. Annual reports on contracts over $150,000.

It shall be the duty of the Secretary of the Navy to file with the Congress, within sixty days after the end of each fiscal year, a complete list of all contracts in excess of $150,000, including contracts for the purchase of land, undertaken during such fiscal year for the expenditure of funds appropriated by any Act, showing (1) a statement of the subject matter of each contract; (2) the names of the contractors; (3) the names of the persons who approved the specifications, consummated the making or concluded the negotiation of any such contract on behalf of the Government, and of all persons who participated in the negotiations on behalf of the contractor; (4) if any such contract was awarded without competitive bidding, a statement of the principal or controlling reason for the selection of the contractor; and (5) as to contracts for the purchase of land, also the location, area, intended use, the purchase price and assessed value thereof. (Aug 25, 1941, ch. 409, title IV, § 2, 55 Stat 686, as amended Apr. 28, 1942, ch. 247, title IV, § 401, 56 Stat. 244.)

CODIFICATION

Section is also set out as section 219a of this title.

AMENDMENTS

1942—Act Apr. 28, 1942, cited to text, amended section generally.

CROSS REFERENCES

Similar provisions with respect to reports by the Secretary of War, see section 219a of this title

OFFICE OF BUDGET AND REPORTS (NEW)

§ 471. Office of Budget and Reports—Establishment.

There is hereby created and established in the Office of the Secretary of the Navy an Office of Budget and Reports, which shall be charged with such duties pertaining to naval budgetary matters and statistical and work reporting as may be prescribed by the Secretary of the Navy. All of the duties of this Office shall be performed under the authority of the Secretary of the Navy, and its orders shall be considered as emanating from him, and shall have full force and effect as such.

(a) Director; appointment, term, rank.

At the head of the Office of Budget and Reports there shall be a director of Budget and Reports, appointed by the President, by and with the advice and consent of the Senate, for a term of three years, from among line officers not below the grade of lieutenant commander on the active list of the Navy. The Director of Budget and Reports shall have the same rank and shall be entitled to the same pay, allowances, and privileges of retirement as are now or may hereafter be prescribed by or in pursuance of law for chiefs of bureaus in the Navy Department.

(b) Assistant to the Director; compensation.

An officer of the line of the Navy may be detailed as assistant to the Director of Budget and Reports, and, in case of death, resignation, absence, or sickness of such Director, shall perform the duties of such Director until his successor is appointed or such absence or sickness shall cease. The assistant to the Director of Budget and Reports shall, while so serving, receive the highest pay of his rank. (Aug. 25, 1941, ch. 409, title II, § 1, 55 Stat. 680.)

Chapter 8.—DEPARTMENT OF INTERIOR

Sec.
499. Construction limitations on buildings purchased, erected, etc., in connection with soil conservation program (New).
500 Rewards to departmental personnel for suggestions and inventions, amount; creation of a Board of Awards (New).

§ 482. First Assistant and Assistant Secretaries of the Interior.

ADDITIONAL ASSISTANT SECRETARY

Act Feb. 29, 1944, ch 72, 58 Stat. 107, provided as follows: "That there shall be in the Department of the Interior an additional Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such duties in the Department of the Interior as shall be prescribed by the Secretary, or may be required by law. The Assistant Secretaries of the Interior shall be without numerical distinction of rank and shall have salaries of $9,000 per annum. The additional office provided for by this Act shall cease to exist at the expiration of six months after the cessation of hostilities in the present war as determined by the President by proclamation or by the Congress by concurrent resolution."

§ 485. Duties of Secretary.

CODIFICATION

The following subjects and agencies were placed under the supervision of the Secretary of the Interior by acts and Executive orders cited thereto:

Commissioner to the Philippine Islands, duties and powers of—Ex. Ord. No. 9245, Sept. 16, 1942, 7 F. R 7328.

OFFICE OF CONSUMERS' COUNSEL OF NATIONAL BITUMINOUS COAL COMMISSION

Office of Consumers' Counsel of National Bituminous Coal Commission was abolished, and its functions were transferred to office of Solicitor of Department of Interior, by Reorg Plan No. II, § 4 (c), eff July 1, 1939, set out in note under section 133t of this title Its functions, records, property, and personnel were subsequently transferred from the said Solicitor to the newly created Bituminous Coal Consumers' Counsel by section 852 of Title 15, Commerce and Trade.

EX. ORD. NO. 9633 RESERVING AND PLACING CERTAIN RESOURCES OF THE CONTINENTAL SHELF UNDER THE CONTROL AND JURISDICTION OF THE SECRETARY OF THE INTERIOR

Ex. Ord No 9633, Sept 28, 1945, 10 F R 12305, provided in part:

By virtue of and pursuant to the authority vested in me as President of the United States, it is ordered that the natural resources of the subsoil and sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States declared this day by proclamation [Proc No 2667, Sept 28, 1945, 10 F.R. 12305] to appertain to the United States and to be subject to its jurisdiction and control, be and they are hereby reserved, set aside, and placed under the jurisdiction and control of the Secretary of the Interior for administrative purposes, pending the enactment of legislation in regard thereto. Neither this Order nor the aforesaid proclamation shall be deemed to affect the determination by legislation or judicial decree of any issues between the United States and the several states, relating to the ownership or control of the subsoil and sea bed of the continental shelf within or outside of the three-mile limit.

CROSS REFERENCES

Injuries received during hospital treatment, see section 501a of Title 38, Pensions, Bonuses, and Veterans' Relief.

Reduction of pension to veterans of Spanish-American War, Philippine Insurrection, and Boxer Rebellion, and their widows and children limited, see section 366 of Title 38, Pensions, Bonuses, and Veterans' Relief

Restoration of compensation to 1933 level, see section 703b of Title 38, Pensions, Bonuses, and Veterans' Relief.

Spanish-American War Veterans as unaffected by section, see section 701 of Title 38, Pensions, Bonuses, and Veterans' Relief

§ 499. Construction limitations on buildings purchased, erected, etc., in connection with soil conservation program.

In carrying out directly and in cooperation with other agencies a soil and moisture conservation program on lands under the jurisdiction of the Department of the Interior in accordance with the provisions of sections 590a–590f of Title 16 the cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same with any such building, shall not exceed $2,500, and all such improvements shall be on Government-owned or Indian lands. (June 28, 1941, ch. 259, § 1, 55 Stat. 306; July 2, 1942, ch. 473, § 1, 56 Stat. 508.)

§ 500. Rewards to departmental personnel for suggestions and inventions; amount; creation of a Board of Awards.

The Secretary of the Interior is authorized to pay cash rewards, subject to such regulations as he shall prescribe, to officers and employees of the Department of the Interior, who, in the course of their employment, and subsequent to November 17, 1942, make suggestions or inventions which are of such a nature that their adoption would result in improved technological or scientific processes or methods, or in improvements in the administration or operations of the Department of Interior. The amount expended for the payment of such rewards during any one fiscal year shall not exceed $20,000 in the aggregate and shall not exceed $1,000 to any one person, unless a greater amount is specifically appropriated for a named person in an exceptionally meritorious case. For the purposes of this section, the Secretary of the Interior is authorized and directed to set up in the Department a Board of Awards, the proceedings of which shall be available to the public. Nothing in this section shall be taken or construed as amending or modifying the present patent and trade-mark laws as they now exist or may hereafter be amended. (June 26, 1944, ch. 280, 58 Stat. 360.)

Chapter 9.—DEPARTMENT OF AGRICULTURE

Sec.
514d. Delegation of specific powers (New).
541a. Mileage allowance to officers and employees using privately owned vehicles (New).
541b. Expenses of persons serving in an advisory capacity (New)
542–1. Working capital fund established; use of central services by bureaus, etc., of the Department (New).
552a Manufacture and sale of copies of bibliographies, photographic reproductions of books, and library supplies (New).
558a Schedule of expenditures of working capital fund (New).
564a. Amount and character of cooperation (New).
565a Construction and repair of buildings and public improvements (New)
566. Reimbursement of Agricultural Adjustment Administration appropriations for expenses of maintaining registers of indebtedness and making set-offs (New)
567. Adjustment by Secretary of titles to lands acquired by Government and subject to his control (New).
568. Construction limitation on buildings of Bureau of Agricultural and Industrial Chemistry (New).
568a Construction and repair of buildings of Agricultural Research Administration (New).
569. Reimbursement of War Food Administration appropriations for costs of procuring agricultural commodities for nongovernmental agencies or foreign governments (New)
570 Membership in International Wheat Advisory Committee, International Sugar Council, etc (New).
571 Inspections, analysis, and tests for other Government departments and agencies; reimbursement (New).
572 Interchangeability of funds for miscellaneous expenses and general expenses (New).
573 Purchase of newspapers (New).
574. Employment of temporary personnel (New)
575 Market-inspection certificates as prima facie evidence (New).

§ 514. General duties of Secretary.

TRANSFER OF DUTIES

Functions of Secretary of Agriculture administered through the Bureau of Biological Survey relating to conservation of wildlife, game, and migratory birds were transferred to Secretary of the Interior by Reorg. Plan No II, § 4 (f), 4 F R 2731, 53 Stat 1433, set out in note under section 133t of Title 5, Executive Departments and Government Officers and Employees

DELEGATION OF AUTHORITY

Delegation to Secretary of authority with respect to the nation's food program during war emergency, see Ex Ord No 9280, set out as a note under section 601 of Appendix to Title 50, War

§ 514d. Delegation of specific powers.

The Secretary of Agriculture is authorized to delegate to such officers as he shall designate the authority to expend such contingent funds as may be appropriated to the Department.

The Secretary of Agriculture may delegate to such officers as he shall designate the authority to employ personnel in the departmental service wherever located.

The Secretary of Agriculture may delegate to such officers as he shall designate the function of authorizing payment of expenses of the transfer of household goods of employees on change of official stations. (Sept 21, 1944, ch. 412, title VII, §§ 705, 709, 710, 58 Stat. 742, 743.)

CODIFICATION

Section is composed of sections 705 (a), 709, and 710 of act Sept 21, 1944, cited to text

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 516. Custody of property and records.

TRANSFER OF FUNCTIONS

Libraries administered by agencies and units of Department of Agriculture consolidated for duration of war, see Ex. Ord No 9069, set out in note under section 601 of Appendix to Title 50, War.

§ 520a. Stenographic reporting service.

The Department of Agriculture is authorized to contract for stenographic reporting services. (Sept. 21, 1944, ch. 412, title VII, § 705 (b), 58 Stat. 742.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

SIMILAR PROVISIONS

Provisions similar to this section were carried in Department of Agriculture Appropriation Acts for the following years:

1945—June 28, 1944, ch 296, § 1, 58 Stat 426
1944—July 12, 1943, ch 215, § 1, 57 Stat 392
1943—July 22, 1942, ch. 516, § 1, 56 Stat 665
1942—July 1, 1941, ch. 267, § 1, 55 Stat. 408

§ 524. Bureaus; laws relating to plant industry.

TRANSFER OF FUNCTIONS

Wartime consolidation of certain agencies, see note under section 601 of Appendix to Title 50, War.

§ 532. Same; from and to library and bureaus and offices.

TRANSFER OF FUNCTIONS

Libraries administered by agencies and units of Department of Agriculture consolidated for duration of war, see Ex Ord No 9069, set out in note under section 601 of Appendix to Title 50, War

§ 541a. Mileage allowance to officers and employees using privately owned vehicles.

Officers and employees of the Department of Agriculture who, under proper authorization, use privately owned motor vehicles in the performance of official travel within the corporate limits of their official stations for the purpose of inspecting and grading farm and food products and the supervision thereof at points located within the said corporate limits may be reimbursed for such travel at a rate not to exceed 3 cents per mile. (Sept. 21, 1944, ch. 412, title IV, § 401 (d), 58 Stat. 738.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 541b. Expenses of persons serving in an advisory capacity.

The Department of Agriculture is authorized to pay actual transportation and other necessary expenses and not to exceed $10 per diem in lieu of subsistence of persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Department of Agriculture: *Provided*, That such expenditures shall not be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein. (Sept. 21, 1944, ch. 412, title VII, § 706 (b), 58 Stat. 742.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

§ 542–1. Working capital fund established; use of central services by bureaus, etc., of the Department.

A working capital fund of $400,000 is established without fiscal year limitation, for the payment of salaries and other expenses necessary to the maintenance and operation of (1) central duplicating, photographic, and tabulating services, (2) a central motor-transport service for the maintenance, repair, and operation of motor-transport vehicles and other equipment, (3) a central supply service for the purchase, storage, handling, issuance, packing, or shipping of stationery, supplies, equipment, blank forms, and miscellaneous materials, for which stocks thereof, not to exceed $200,000 in value (except for the value of blank forms) at the close of any fiscal year, may be maintained sufficient to meet, in whole or in part, requirements of the bureaus and offices of the Department in the city of Washington and elsewhere, and (4) such other services as the Secretary, with the approval of the Director of the Bureau of the Budget, determines may be performed more advantageously as central services; said fund to be reimbursed from applicable funds of bureaus, offices, and agencies for which services are performed on the basis of rates which shall include estimated or actual charges for personal services, materials, equipment (including maintenance, repairs, and depreciation) and other expenses: *Provided*, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the bureaus, offices, and agencies of the department. (July 12, 1943, ch. 215, § 1, 57 Stat. 393.)

§ 543b. Official expenses of employees stationed abroad.

Employees of the Department of Agriculture stationed abroad may, with the approval of the Secretary of Agriculture, enter into leases for official quarters, for periods not exceeding one year, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of their offices and the discharge of their duties, in advance, in any foreign country where custom or practice requires payment in advance. (Sept. 21, 1944, ch. 412, title VII, § 705 (c), 58 Stat 742.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, substituted "secretary" for "Secretary of Agriculture" and "Department" for "Department of Agriculture."

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

SIMILAR PROVISIONS

Provisions similar to this section were carried in Department of Agriculture Appropriation Acts for the following years:

1945—June 28, 1944, ch 296, § 1, 58 Stat 426
1944—July 12, 1943, ch. 215, § 1, 57 Stat 393.
1943—July 22, 1942, ch. 516, § 1, 56 Stat 665.
1942—July 1, 1941, ch 267, § 1, 55 Stat 409

§ 547. Exchange of motor-propelled vehicles.

REPEATED —Act July 1, 1941, ch 267, § 1, 55 Stat 443; act July 22, 1942, ch 516, § 1, 56 Stat 699.

§ 548. Exchange of books.

TRANSFER OF FUNCTIONS

Libraries administered by agencies and units of Department of Agriculture consolidated for duration of war, see Ex. Ord. No. 9069, set out in note under section 601 of Appendix to Title 50, War.

§ 552a. Manufacture and sale of copies of bibliographies, photographic reproductions of books, and library supplies.

The Secretary of Agriculture is authorized to make copies of bibliographies prepared by the Department library, microfilm and other photographic reproductions of books and other library materials in the Department and sell such bibliographies and reproductions at such prices (not less than estimated total cost of furnishing same) as he may determine, the money received from such sales to be deposited in the Treasury to the credit of the applicable appropriation current at the time the materials are furnished or payment therefor is received. (Sept. 21, 1944, ch. 412, title VII, § 708, 58 Stat. 742.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

SIMILAR PROVISIONS

Provisions similar to this section were carried in Department of Agriculture Appropriation Acts for the following years:

1945—June 28, 1944, ch 296, § 1, 58 Stat 429.
1944—July 12, 1943, ch. 215, § 1, 57 Stat 396.
1943—July 22, 1942, ch. 516, § 1, 56 Stat 665.

§ 558a. Schedule of expenditures of working capital fund.

A separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the working capital fund as of the close of the last completed fiscal year, shall be included in the annual Budget. (As amended July 1, 1941, ch. 267, § 1, 55 Stat. 410; July 22, 1942, ch. 516, § 1, 56 Stat. 666; July 12, 1943, ch. 215, § 1, 57 Stat. 393.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, amended section generally

§ 563. Cooperation with State and other agencies; expenditures.

CROSS REFERENCES

Application to cooperative work by Fish and Wildlife Service, see section 753 of Title 16, Conservation.

§ 564a. Amount and character of cooperation.

Unless otherwise provided by the Department of Agriculture Organic Act of 1944 or by other statute, the measure and character of cooperation authorized by said Act on the part of the Federal Government and on the part of the cooperator shall be such as may be prescribed by the Secretary, unless otherwise provided for in the applicable appropriation. (Sept. 21, 1944, ch. 412, title VII, § 711, 58 Stat. 743.)

REFERENCES IN TEXT

The Department of Agriculture Organic Act of 1944, referred to in the text has been classified to the following titles in the Code: sections 514d, 520a, 541a, 541b, 543b, 552a 564, 565a, 568–574 of this title; sections 57a, 147a, 228a, 283, 343c-1, 395, 415e, 427, 429–432, 903–905, 915 1605 of title 7, sections 657, 832, 833, 1020a–1 of title 12; sections 500, 501, 526 527, 554b, 554c, 559a, 572a, 579a, 580, 580a, 590f, 590h, 590q-1 of title 16; and section 114a of title 21.

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

§ 565. Construction limitations on buildings of Bureau of Entomology and Plant Quarantine.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 427; act July 22, 1942, ch. 516, § 1, 56 Stat 684; act July 12, 1943, ch 215, § 1, 57 Stat 406; act June 28, 1944, ch. 296, § 1, 58 Stat 438.

TRANSFER OF FUNCTIONS

Bureau of Entomology and Plant Quarantine consolidated with other agencies into Agricultural Research Administration for duration of war, see Ex. Ord No 9069, set out in note under section 601 of Appendix to Title 50, War.

§ 565a. Construction and repair of buildings and public improvements.

The Department of Agriculture is authorized to erect, alter, and repair such buildings and other public improvements as may be necessary to carry out its authorized work: *Provided,* That no building or improvement shall be erected or altered under this authority unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein. (Sept. 21, 1944, ch. 412, title VII, § 703, 58 Stat. 742.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 566. Reimbursement of Agricultural Adjustment Administration appropriations for expenses of maintaining registers of indebtedness and making set-offs.

Beginning with the fiscal year 1942, each appropriation to enable the Secretary of Agriculture to carry into effect any program administered through the Agricultural Adjustment Administration may, in the discretion of the Secretary, be reimbursed out of the then current appropriation for the agency affected, for a fair share of the administrative expense, as estimated periodically or in advance by the Agricultural Adjustment Administration of maintaining registers of indebtedness and making, out of such Agricultural Adjustment Administration appropriation, set-offs under the order entered by the Secretary on May 8, 1937, as heretofore or hereafter amended, in favor of any other agency of the Government. (July 22, 1942, ch. 516, § 1, 56 Stat. 691.)

§ 567. Adjustment by Secretary of titles to lands acquired by Government and subject to his control.

If the Secretary of Agriculture shall find within ten years after the acquisition by the United States of any land or interest therein which is subject to his administration, custody, or control, other than land acquired by exchange of public domain land or resources, that the title thereto is legally insufficient for the purposes for which such land or interest was acquired and no consideration therefor has been paid by the United States, or that title or color of title to such land or interest was acquired through mistake, misunderstanding, error, or inadvertence, he is hereby authorized to execute and deliver on behalf of and in the name of the United States to the person from whom the title was acquired or to the person whom he finds entitled thereto a quitclaim deed to such land or interest: *Provided, however,* That if the person to whom such deed is made is the same person from whom the United

States acquired title, or his successor in interest, any consideration given by the United States for such land or interest shall be restored or, in lieu thereof, the value equivalent of such consideration as determined by the Secretary of Agriculture shall be paid to the United States; and any consideration or value equivalent so restored or paid shall, so far as is practicable, be restored to the jurisdiction, or deposited to the credit, of the department, agency, appropriation, or fund from which the consideration was transferred or paid at the time of the acquisition of title by the United States. (July 8, 1943, ch. 197, 57 Stat. 388.)

CROSS REFERENCES

Option to purchase lands, see section 428 of Title 7, Agriculture.

§ 568. Construction limitation on buildings of Bureau of Agricultural and Industrial Chemistry.

The cost of erecting any one building outside the District of Columbia by the Bureau of Agricultural and Industrial Chemistry shall not exceed $7,500, and the cost of alterations to any one building shall not exceed $500 or 2 per centum of the cost of the building as certified by the Secretary, whichever is greater. (June 28, 1944, ch. 296, § 1, 58 Stat. 441.)

SIMILAR PROVISIONS

Similar provisions for the Bureau of Agricultural Chemistry and Engineering have been carried in prior appropriation acts as follows:

1943—July 12, 1943, ch 215, § 1, 57 Stat 408
1942—July 22, 1942, ch 516, § 1, 56 Stat. 682.
1941—July 1, 1941, ch 267, § 1, 55 Stat. 425.
1940—June 25, 1940, ch 421, § 1, 54 Stat 550.
1939—June 30, 1939, ch. 253, § 1, 53 Stat 958.

§ 568a. Construction and repair of buildings of Agricultural Research Administration.

The several appropriations of the Agricultural Research Administration shall be available for the construction, alteration, and repair of buildings and improvements: *Provided, however,* That unless otherwise provided, the cost of constructing any one building (excepting headhouses connecting greenhouses) shall not exceed $5,000, the total amount for construction of buildings costing more than $2,500 each shall be within the limits of the estimates submitted and approved therefor, and the cost of altering any one building during the fiscal year shall not exceed $2,500 or 2 per centum of the cost of the building as certified by the Research Administrator, whichever is greater. (May 5, 1945, ch. 109, § 1, 59 Stat. 142.)

§ 569. Reimbursement of War Food Administration appropriations for costs of procuring agricultural commodities for nongovernmental agencies or foreign governments.

Applicable appropriations available to the War Food Administration current at the time services are rendered or payment therefor is received may be reimbursed by nongovernmental agencies or foreign governments (by advance credits or reimbursements) for the actual or estimated costs, as determined by the War Food Administration, incident to procuring agricultural commodities for such nongovernmental agencies or foreign governments. (Sept. 21, 1944, ch. 412, title IV, § 402, 58 Stat. 738.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 570. Membership in International Wheat Advisory Committee, International Sugar Council, etc.

The Secretary of Agriculture is authorized to expend funds, available for agricultural conservation, adjustment, and land use programs, for the share of the United States as a member of the International Wheat Advisory Committee, the International Sugar Council, or like events or bodies concerned with the objectives of said programs, together with traveling and other necessary expenses relating thereto: *Provided,* That expenditures under this authority shall not be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein. (Sept. 21, 1944, ch. 412, title VII, § 701 (a), 58 Stat. 741.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 571. Inspections, analyses, and tests for other Government departments and agencies; reimbursement.

The head of any department or independent establishment of the Government requiring inspections, analyses, and tests of food and other products, within the scope of the functions of the Department of Agriculture and which that Department is unable to perform within the limits of its appropriations, may, with the approval of the Secretary, transfer to the Department for direct expenditure such sums as may be necessary for the performance of such work. (Sept. 21, 1944, ch. 412, title VII, § 702 (a), 58 Stat. 741.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

§ 572. Interchangeability of funds for miscellaneous expenses and general expenses.

Not to exceed 7 per centum of the amounts appropriated for any fiscal year for the miscellaneous expenses of the work of any bureau, division, or office of the Department of Agriculture shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 7 per centum shall be added to any one item of appropriation except in cases of extraordinary emergency. (Sept. 27, 1944, ch. 412, title VII, § 702 (b), 58 Stat. 741.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 573. Purchase of newspapers.

The Department of Agriculture is authorized to subscribe for such newspapers as may be necessary to carry out its authorized work: *Provided,* That purchases under this authority shall not be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess

of limitations prescribed therein. (Sept. 21, 1944, ch. 412, title VII, § 704, 58 Stat. 742.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

§ 574. Employment of temporary personnel.

The War Food Administrator is authorized to employ personnel in accordance with the provisions of law applicable to the appointment and compensation of persons employed by the Agricultural Adjustment Agency. The Department of Agriculture may employ persons or organizations, on a temporary basis, by contract or otherwise, without regard to sections 661–663, 664–673, and 674 of this title: *Provided*, That no expenditures for such temporary employment shall be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein. (Sept 21, 1944, ch. 412, title VII, § 706 (a), 58 Stat. 742.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

CROSS REFERENCES

Employment of personnel by the Agriculture Adjustment Agency, see section 610 of Title 7, Agriculture

§ 575. Market-inspection certificates as prima facie evidence.

Market-inspection certificates issued by authorized agents of the Department of Agriculture shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained. (Sept. 21, 1944, ch. 412, title IV, § 401 (c), 58 Stat. 738.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

Chapter 10.—DEPARTMENT OF COMMERCE

Sec

593a Designation of officer to sign routine papers (New)
606 Fees for services or publications furnished by department, disposition of receipts (New)
607 Working capital fund, establishment; amount; uses, reimbursement (New)

§ 593. Chief clerk and superintendent.

REPEATED—Act June 28, 1941, ch 258, title II, 55 Stat 277; act July 2, 1942, ch 472, title III, 56 Stat 489; act July 1, 1943, ch 182, title III, § 1, 57 Stat. 290; act June 28, 1944, ch 294, title III, § 1, 58 Stat. 414

§ 593a. Designation of officer to sign routine papers.

The Secretary may designate an officer of the Department to sign minor routine official papers and documents during the temporary absence of the Secretary, the Under Secretary, and the Assistant Secretary of the Department. (May 21, 1945, ch. 129, title III, 59 Stat. 188.)

§ 596. Powers and duties of department.

SMALLER WAR PLANTS CORPORATION

All functions of the Corporation were transferred to the Reconstruction Finance Corporation and the Department of Commerce by Ex. Ord. No. 9665, Dec. 27, 1945, 10 F R. 15365, set out as a note under section 1104 of Appendix to Title 50, War.

§ 597. Bureaus in department.

BUREAU OF MARINE INSPECTION AND NAVIGATION

* * * * *

Functions of Bureau of Marine Inspection and Navigation and certain functions of Secretary of Commerce transferred to Bureau of Customs and the Coast Guard during present War, see Ex Ord No. 9083, set out in note under section 601 of Appendix to Title 50, War

§ 600. Same; merchant vessels, shipping, navigation, etc.

TRANSFER OF FUNCTIONS

Functions of Bureau of Marine Inspection and Navigation and certain functions of Secretary of Commerce pertaining to shipping transferred to Bureau of Customs and the Coast Guard during present War, see Ex Ord No 9083, set out in note under section 601 of Appendix to Title 50, War.

§ 606. Fees for services or publications furnished by department; disposition of receipts.

The Secretary of Commerce is hereby authorized to establish, from time to time, a schedule or schedules of reasonable fees or charges for services performed or for any publications furnished by the Department of Commerce or any of the agencies thereof, to, for, or on behalf of individuals, corporations, associations, or others, at their request or as required by law, except those services performed for or publications furnished to the Government of the United States, its Territories or possessions, and the governments of the several States and the District of Columbia. All charges or fees authorized hereby shall be collected by the Secretary of Commerce or his representatives from the aforesaid individuals, corporations, associations, or others, and the proceeds thereof shall be covered into the Treasury of the United States as miscellaneous receipts: *Provided*, That nothing in this section shall alter, amend, modify, or repeal any existing law prescribing fees or charges or authorizing the prescribing of fees or charges for services performed or for any publications furnished by the Department of Commerce, or any or [1] its several agencies. (Dec. 19, 1942, ch. 780, 56 Stat. 1067.)

[1] So in original Probably should read "of"

§ 607. Working capital fund; establishment; amount; uses; reimbursement.

There is established a working capital fund of $100,000, without fiscal year limitation, for the payment of salaries and other expenses necessary to the maintenance and operation of (1) central duplicating, photographic, drafting, and photostating services and (2) such other services as the Secretary, with the approval of the Director of the Bureau of the Budget, determines may be performed more advantageously as central services; said fund to be reimbursed from applicable funds of bureaus, offices, and agencies for which services are performed on the basis of rates which shall include estimated or actual charges for personal services, materials, equipment (including maintenance, repairs, and depreciation) and other expenses: *Provided*, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the bureaus, offices, and agencies of the Department: *Provided further*, That

a separate schedule of expenditures and reimbursements, and a statement of the current assets and liabilities of the working capital fund as of the close of the last completed fiscal year, shall be included in the annual Budget. (June 28, 1944, ch. 294, title III, § 1, 58 Stat. 415.)

Chapter 12.—CIVIL SERVICE COMMISSION AND CLASSIFIED CIVIL SERVICE

§ 631. Regulation of admissions to Civil Service.

TRANSFER AND RELEASE OF PERSONNEL

Ex. Ord. No. 9243, Sept. 12, 1942, 7 F. R. 7213, as amended by Ex. Ord. No. 9451, June 20, 1944, eff. July 1, 1944, 9 F. R. 6905, provides:

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403), and by section 1753 of the Revised Statutes of the United States (U. S. C., Title 5, sec. 631) (this chapter), it is hereby ordered:

1. Effective on and after the fifteenth day following the date of this order, transfers of employees between departments, agencies, and independent establishments of the civilian executive branch of the Federal Government, the release of such employees to private enterprise, and the establishment, granting, and conditioning of reemployment rights in the event of such transfers and releases, shall be governed by policies and directives issued by the Chairman of the War Manpower Commission in conformity with Executive Order No. 9139 of April 18, 1942.

2. Revoked. Ex. Ord. No. 9451.

3. Executive Order No. 8973 of December 12, 1941, and Executive Order No. 9067 of February 20, 1942, are hereby revoked, effective on the fifteenth day following the date of this order, provided that nothing contained in this order shall be construed to affect reemployment rights theretofore acquired by any employee under Executive Orders Nos. 8973 and 9067.

PROHIBITING, WITH CERTAIN EXCEPTIONS, INSTRUCTION OF APPLICANTS FOR CIVIL SERVICE AND FOREIGN SERVICE EXAMINATIONS BY OFFICERS OR EMPLOYEES OF THE GOVERNMENT

Ex. Ord. No. 9367, Aug. 4, 1943, 8 F. R. 11017, provides.

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (U. S. C., title 5, sec. 631) [this section], and as President of the United States, it is hereby ordered as follows.

1. No officer or employee of the Government shall directly or indirectly instruct or be concerned in any manner in the instruction of any person or classes of persons with a view to their special preparation for the examinations of the United States Civil Service Commission or the examinations of the Boards of Examiners for the Foreign Service of the Department of State: *Provided*, That this order shall not be construed to prevent any agency of the Government from utilizing Government facilities and the services of Federal officers and employees whenever such facilities or services may be necessary or useful in carrying out the duties imposed upon such agency by law in the training and testing of disabled members or former members of the armed forces of the United States or in the conduct of educational or training programs which are open exclusively to members or former members of the armed forces: *Provided further*, That due credit in civil service examinations shall be given by the Civil Service Commission to any member or former member of the armed forces of the United States who has satisfactorily completed any such educational or training program conducted by a Government agency.

2. Violation of the provisions of this order by any officer or employee of the Government shall be considered sufficient cause for removal from the service.

3. This order supersedes Executive Orders No. 359 of October 13, 1905, No. 1277 of December 23, 1910, No. 3088 of May 17, 1919, and No. 3215 of January 13, 1920.

SUBVERSIVE ACTIVITIES

An Interdepartmental Committee to consider cases of subversive activity on part of Federal employees was established within Department of Justice by Ex. Ord. No. 9300, Feb. 5, 1943, 8 F. R. 1701.

CROSS REFERENCES

Army Specialist Corps created for duration of present war abolished; see note preceding section 181 of this title.

§ 631b. Same; civil service status of incumbents of positions covered into civil service and of certain legislative branch employees.

(a) The incumbent of any office or position which is covered into the classified civil service under the provisions of section 631a of this title shall not thereby acquire a classified civil-service status, except (1) upon a finding by the Civil Service Commission on the basis of the personal record of the incumbent that such incumbent has served with merit for not less than six months immediately prior to the date such office or position was covered into the classified civil service; and (2) upon passing such suitable noncompetitive examination as the Commission may prescribe: *Provided*, That any such incumbent shall be given only one such noncompetitive examination: *Provided further*, That any such incumbent who fails to pass the noncompetitive examination provided in his case shall be separated from the service not later than six months after the Commission advises the appointing officer that such employee has failed.

The appointment of any person occupying any position covered into the apportioned civil service in the District of Columbia under the provisions of section 631a of this title shall be charged to the apportionment of his State. As used in this section "State" includes a Territory and the District of Columbia. (As amended Dec. 28, 1945, ch. 603, 59 Stat. —.)

* * * * *

AMENDMENTS

1945—Subsec. (a) (1) amended by act Dec. 28, 1945, cited to text, which substituted "upon a finding * * * of the incumbent" in lieu of "upon recommendation by the head of the agency concerned within one year after such office or position has been covered into the classified civil service, and certification within such period by such head to the Civil Service Commission that" in clause (1).

§ 636. Detail of employees.

REPEATED—Act Apr. 5, 1941, ch. 40, § 1, 55 Stat. 96; act June 27, 1942, ch. 450, § 1, 56 Stat. 397; act June 26, 1943, ch. 145, title I, § 1, 57 Stat. 175; act June 27, 1944, ch. 286, title I, § 1, 58 Stat. 363; act May 3, 1945, ch. 106, title I, § 1, 59 Stat. 109.

§ 643. Applications for examinations; certificate of residence.

CROSS REFERENCES

Computation of overtime time, see section 944 of this title.

§ 652. Removals from classified Civil Service for cause only.

SUMMARY DISMISSAL OF EMPLOYEES OF WAR OR NAVY DEPARTMENT DURING THE PRESENT WAR

Act Dec. 17, 1942, ch. 739, § 3, 56 Stat. 1053, made effective by section 4 thereof from June 30, 1942, until termination

of the present war or such earlier date as Congress or the President may designate, provided: "The provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555; U. S. C., Title 5, sec. 652), shall not apply to any civil-service employee of the War or Navy Departments or of the Coast Guard, or their field services, whose immediate removal is, in the opinion of the Secretary concerned warranted by the demands of national security, but nothing herein shall be construed to repeal, modify, or suspend the proviso in that section Those persons summarily removed under the authority of this section may, if in the opinion of the Secretary concerned, subsequent investigation so warrants, be reinstated, and if so reinstated may, in the discretion of the Secretary concerned, be allowed compensation for all or any part of the period of such removal in an amount not to exceed the difference between the amount such person would normally have earned during the period of such removal, at the rate he was receiving on the date of removal, and the interim net earnings of such person: *Provided*, That within thirty days after such removal any such person shall have an opportunity personally to appear before the official designated by the Secretary concerned and be fully informed of the reasons for such removal, and to submit, within thirty days thereafter, such statement or affidavits, or both, as he may desire to show why he should be retained and not removed."

Chapter 13.—CLASSIFICATION OF CIVILIAN POSITIONS

Sec.

672a. Increase in basic rates of compensation (New).

§ 661. Short title.

CROSS REFERENCES

Bureau of Indian Affairs, assistant or deputy commissioners as subject to sections 661–663, 664–673, 674 of this title, see section 2a of Title 25, Indians.

District of Columbia public works projects excepted from sections 661–673 and 674 of this title, see section 1563 of Title 42, The Public Health and Welfare.

General Land Office, assistant or deputy commissioners as subject to sections 661–663, 664–673, 674 of this title, see section 3a of Title 43, Public Lands.

§ 662. Definitions.

* * * * *

The term "department" means an executive department of the United States Government, a governmental establishment in the executive branch of the United States Government which is not a part of an executive department, the municipal government of the District of Columbia, the Botanic Garden, Library of Congress, Library Building and Grounds, Government Printing Office, the Smithsonian Institution, and the office of the Architect of the Capitol: *Provided*, That this section shall not operate to reduce the compensation of the incumbent in any position on June 20, 1929, nor to prevent the Architect of the Capitol from employing professional and technical services in connection with construction projects at such rates of compensation as he may deem necessary in the public interest: *Provided further*, That the compensation of any employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration may be fixed by the Architect of the Capitol without reference to the provisions of the Classification Act of 1923, as amended. (As amended Aug. 1, 1941, ch. 346, § 6, 55 Stat. 615.)

* * * * *

AMENDMENTS

1941—Second proviso was added to par. defining "department" by act Aug. 1, 1941, cited to text

CROSS REFERENCES

Appropriations, repeal, effective date relative to amendment of Aug. 1, 1941, see note under section 667 of this title.

§ 663. Rules and regulations; classification; establishment of compensation rates for classes of positions within grade; report to Congress; application and effect of actions by Civil Service Commission.

* * * * *

In subdividing any grade into classes of positions, as provided in the foregoing paragraph, the Civil Service Commission, whenever it deems such action warranted by the nature of the duties and responsibilities of a class of positions in comparison with other classes in the same grade, and in the interests of good administration, is authorized to establish for any such class a minimum rate, which shall be one of the pay rates, but not in excess of the middle rate, of that grade as set forth in section 673 of this title. Whenever the Commission shall find that within the same Government organization and at the same location gross inequities exist between basic per annum rates of pay fixed for any class of positions under sections 661–663, 664–673 and 674 of this title and the compensation of employees whose basic rates of pay are fixed by wage boards or similar administrative authority serving the same purpose, the Commission is empowered, in order to correct or reduce such inequities, to establish as the minimum rate of pay for such class of positions any rate not in excess of the middle rate within the range of pay fixed by said sections for the grade to which such class of positions is allocated. For the purposes of this section the fourth rate of a six-rate grade shall be considered to be the middle rate of that grade. Minimum rates established under this paragraph shall be duly published by regulation and, subject to the foregoing provisions, may be revised from time to time by the Commission. The Commission shall make a report of such actions or revisions with the reasons therefor to Congress at the end of each fiscal year. Actions by the Civil Service Commission under this paragraph shall apply to both the departmental and field services and shall have the force and effect of law. (As amended June 30, 1945, ch. 212, title IV, § 401, 59 Stat. 298.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by adding second par.

EFFECTIVE DATE

Amendment of section by act June 30, 1945, cited to text, was made effective on July 1, 1945, by section 610 of said act June 30, 1945.

§ 667. Increases in compensation.

* * * * *

(b) All employees compensated on a per annum basis, and occupying permanent positions within the scope of the compensation schedules fixed by sections 661–663, 664–673, and 674 of this title, who have not

attained the maximum rate of compensation for the grade in which their positions are respectively allocated, shall be advanced in compensation successively to the next higher rate within the grade at the beginning of the next pay period following the completion of (1) each twelve months of service if such employees are in grades in which the compensation increments are less than $200, or (2) each eighteen months of service if such employees are in grades in which the compensation increments are $200 or more, subject to the following conditions:

(1) That no equivalent increase in compensation from any cause was received during such period, except increase made pursuant to subsection (f) of this section;

(2) That an employee shall not be advanced unless his current efficiency is "good" or better than "good";

(3) That the service and conduct of such employee are certified by the head of the department or agency or such official as he may designate as being otherwise satisfactory; and

(4) That any employee, (A) who, while serving under permanent, war service, temporary, or any other type of appointment, has left his position to enter the armed forces or the merchant marine, or to comply with a war transfer as defined by the Civil Service Commission, (B) who has been separated under honorable conditions from active duty in the armed forces, or has received a certificate of satisfactory service in the merchant marine, or has a satisfactory record on war transfer, and (C) who, under regulations of the Civil Service Commission or the provisions of any law providing for restoration or reemployment, or under any other administrative procedure with respect to employees not subject to civil service rules and regulations, is restored, reemployed, or reinstated in any position subject to this section, shall upon his return to duty be entitled to within-grade salary advancements without regard to paragraphs (2) and (3) of this subsection, and to credit such service in the armed forces, in the merchant marine, and on war transfer, toward such within-grade salary advancements. As used in this paragraph the term "service in the merchant marine" shall have the same meaning as when used in sections 1471–1475 of Appendix to Title 50.

(c) The term "good" as used in this section shall be defined in accordance with the systems of efficiency rating established pursuant to section 669 of this title.

(d) For the purposes of this section, the fourth salary rate in grades 2 and 3 of the custodial service shall be considered the middle rate.

(e) Employees eligible under subsection (b) for compensation advancement by reason of service immediately preceding the effective date of this amendment shall be advanced to the next higher rate of compensation within the grade to which their positions are respectively allocated at the beginning of the next quarter immediately following the effective date of this amendment.

(f) Within the limit of available appropriations, as a reward for superior accomplishment, under standards to be promulgated by the Civil Service Commission, and subject to prior approval by the Civil Service Commission, or delegation of authority as provided in subsection (g), the head of any department or agency is authorized to make additional within-grade compensation advancements, but any such additional advancements shall not exceed one step and no employee shall be eligible for more than one additional advancement hereunder within each of the time periods specified in subsection (b). All actions under this subsection and the reasons therefor shall be reported to the Civil Service Commission. The Commission shall present an annual consolidated report to the Congress covering the numbers and types of actions taken under this subsection.

(g) The Civil Service Commission is authorized to issue such regulations as may be necessary for the administration of this section. In such regulations the Commission is empowered, in its discretion, to delegate to the head of any department or agency, or his designated representative, the authority to approve additional within-grade compensation advancements provided for in subsection (f), without prior approval in individual cases by the Commission. The Commission is also authorized to withdraw or suspend such authority from time to time, whenever post-audit of such actions by the Commission indicates that standards promulgated by the Commission have not beeen observed.

(h) The provisions of subsections (b)–(f), both inclusive, of this section shall not apply to the compensation of persons appointed by the President, by and with the advice and consent of the Senate. (As amended Aug. 1, 1941, ch. 346, § 2, 55 Stat. 613; June 30, 1945, ch. 212, title IV, §§ 402–404, 59 Stat. 299.)

AMENDMENTS

1945—Subsec (b) amended generally by act June 30, 1945, cited to text

Subsec. (f), amended by act June 30, 1945, cited to text, which struck out "and in recognition of especially meritorious services", and inserted in lieu thereof "as a reward * * * in subsection (g),".

Subsec. (g), amended generally by act June 30, 1945, cited to text

1941—Subsec (a), formerly entire section, was so designated by act Aug 1, 1941, cited to text.

EFFECTIVE DATE

Amendment of section by act June 30, 1945, cited to text, was made effective on July 1, 1945, by section 610 of said act June 30, 1945.

APPROPRIATIONS, REPEAL, EFFECTIVE DATE RELATIVE TO AMENDMENT OF AUG 1, 1941

Sections 7–9 of act Aug. 1, 1941, cited to text, provided:

"SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry the provisions of this Act into effect.

"SEC. 8 Insofar as they are inconsistent or in conflict with prior laws, the provisions of this Act shall control.

"SEC. 9. This Act shall take effect on July 1, 1941."

§ 669. Efficiency ratings.

* * * * *

The Civil Service Commission and heads of departments are authorized and directed to take such action as will apply the provisions of this section uniformly to all employees occupying positions within

the compensation schedules fixed by sections 661–663, 664–673 and 674 of this title as nearly as is practicable. (As amended Aug. 1, 1941, ch. 346, § 3, 55 Stat. 669.)

AMENDMENTS

1941—Par. beginning "The Civil Service Commission and heads of departments" was added by act Aug. 1, 1941, cited to text.

CROSS REFERENCES

Appropriations, repeal, effective date relative to amendment of Aug. 1, 1941, see note under section 667 of this title.

§ 672a. Increase in basic rates of compensation.

Each of the existing rates of basic compensation set forth in section 673 of this title, except those of charwomen working part time, head charwomen, and positions in the clerical-mechanical services in Grades 1–4, is increased by 20 per centum of that part thereof which is not in excess of $1 200 per annum, plus 10 per centum of that part thereof which is in excess of $1,200 per annum but not in excess of $4,600 per annum, plus 5 per centum of that part thereof which is in excess of $4,600 per annum. Such augmented rates shall be considered to be the regular basic rates of compensation provided by section 673 of this title.

The increase in existing rates of basic compensation provided by this section and those for charwomen working part time, head charwomen and positions in the clerical-mechanical services in Grades 1–4 shall not be construed to be an "equivalent increase" in compensation within the meaning of section 667 (b) (1) of this title. (June 30, 1945, ch. 212, title IV, § 405 (a, c), 59 Stat. 300, 301.)

§ 673. Compensation schedules enumerated.

* * * * *

PROFESSIONAL AND SCIENTIFIC SERVICE

* * * * *

Grade 7 in this service, which may be referred to as the head professional grade, shall include all classes of positions the duties of which are to act as assistant head of one of the largest and most important professional or scientific bureaus, or to act as the scientific and administrative head of a major professional or scientific bureau, or to act as professional consultant to a department head or a commission or board dealing with professional, scientific, or technical problems, or to perform professional or scientific work of equal importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be $6,500, $6,750, $7,000, $7,250, $7,500, unless a higher rate is specifically authorized by law.

Grade 8 in this service, which may be referred to as the chief professional grade, shall include all classes of positions the duties of which are to act as the administrative head of one of the largest and most important professional or scientific bureaus, or to perform professional or scientific work of equal importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be $8,000, $8,250, $8,500, $8,750, $9,000, unless a higher rate is specifically authorized by law.

* * * * *

SUBPROFESSIONAL SERVICE

* * * * *

Grade 1 * * *

The annual rates of compensation for positions in this grade shall be $1,200, $1,260, $1,320, $1,380, $1,440, $1,500, and $1,560.

Grade 2 * * *

The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, $1,620, and $1,680.

* * * * *

CLERICAL, ADMINISTRATIVE, AND FISCAL SERVICE

* * * * *

Grade 14 in this service, which may be referred to as the executive grade, shall include all classes of positions the duties of which are to act as assistant head of one of the largest and most important bureaus, or to act as head of a major bureau, in case professional or scientific training is not required, or to supervise the design of systems of accounts for use by private corporations subject to regulation by the United States, or to act as the technical consultant to a department head or a commission or board in connection with technical or fiscal matters, or to perform work of similar importance, difficulty, and responsibility.

The annual rates of compensation for positions in this grade shall be $6,500, $6,750, $7,000, $7,250, $7,500, unless a higher rate is specifically authorized by law.

Grade 15 in this service, which may be referred to as the senior executive grade, shall include all classes of positions, the duties of which are to act as the head of one of the largest and most important bureaus, in case professional or scientific training is not required, or to perform work of similar importance, difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be $8,000, $8,250, $8,500, $8,750, $9 000, unless a higher rate is specifically authorized by law.

CRAFTS, PROTECTIVE, AND CUSTODIAL SERVICE

The crafts, protective, and custodial service shall include all classes of positions the duties of which are to supervise or perform the work of an apprentice, helper, or journeyman in a recognized trade or craft, or other skilled mechanical craft, or the work of an unskilled or skilled laborer, or police or fire protection work, or domestic or other manual or mechanical work involved in the protection, operation, or maintenance of public buildings, premises, and equipment; the transportation of public officers, employees, and property; the transmission of official papers; the guarding of persons in the custody of the Government, and caring for their domestic needs and those of persons in the employ or care of the Government.

Grade 1 in this service, which may be referred to as the junior messenger grade, shall include all classes of positions, the duties of which are to run errands, to check parcels, or to perform other light manual or mechanical tasks with little or no responsibility.

The annual rates of compensation for positions in this grade shall be $720, $780, $840, $900, and $960.

Grade 2 in this service, which may be referred to as the office-laborer grade, shall include all classes of positions the duties of which are to handle desks, mail sacks, and other heavy objects, and to perform similar work ordinarily required of unskilled laborers; to operate elevators; to clean office rooms; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,200, $1,260, $1,320, $1,380, $1,440, and $1,500: *Provided,* That charwomen working part time be paid at the rate of 78 cents an hour, and head charwomen at the rate of 83 cents an hour.

Grade 3 in this service, which may be referred to as the minor crafts, protective, and custodial grade, shall include all classes of positions the duties of which are to perform, under immediate supervision, custodial, or manual office work with some degree of responsibility, such as operating paper-cutting, canceling, envelope-opening, or envelope-sealing machines; firing and keeping up steam in boilers used for heating purposes in office buildings, cleaning boilers, and oiling machinery and related apparatus; operating passenger or freight automobiles; packing goods for shipment; supervising a large group of charwomen; running errands and doing light manual or mechanical tasks with some responsibility; carrying important documents from one office to another; or attending the door and private office of a department head or other public officer.

The annual rates of compensation for positions in this grade shall be $1,320, $1,380, $1,440, $1,500, $1,560, and $1,620.

Grade 4 in this service, which may be referred to as the under crafts, protective, and custodial grade, shall include all classes of positions the duties of which are to perform, under general supervision, custodial work of a responsible character, such as guarding office or storage buildings; supervising a small force of unskilled laborers; firing and keeping up steam in heating apparatus and operating the boilers and other equipment used for heating purposes; or performing general, semimechanical, new, or repair work requiring some skill with hand tools.

The annual rates of compensation for positions in this grade shall be $1,500, $1,560, $1,620, $1,680, $1,740, $1,800, and $1,860.

Grade 5 in this service, which may be referred to as the junior crafts, protective, and custodial grade, shall include all classes of positions the duties of which are to directly supervise a small detachment of watchmen or building guards; to supervise the operation and maintenance of a small heating plant and its auxiliary equipment; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,680, $1,740, $1,800, $1,860, $1,920, $1,980, and $2,040.

Grade 6 in this service, which may be referred to as the assistant crafts, protective, and custodial grade, shall include all classes of positions the duties of which are to have general supervision over a small force of watchmen or building guards, or to have direction of a considerable detachment of such employees; to supervise a large force of unskilled laborers; to repair office appliances; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $1,860, $1,920, $1,980, $2,040, $2,100, $2,160, and $2,220

Grade 7 in this service, which may be referred to as the main crafts, protective, and custodial grade, shall include all classes of positions the duties of which are to supervise the work of skilled mechanics; to supervise the operation and maintenance of a large heating, lighting, and power plant and all auxiliary mechanical and electrical devices and equipment; to assist in the supervision of large forces of watchmen and building guards, or to have general supervision over smaller forces; or to perform other work of similar character.

The annual rates of compensation for positions in this grade shall be $2,040, $2,100, $2,160, $2,220, $2 300, $2,400, and $2,500.

Grade 8 in this service, which may be referred to as the senior crafts, protective, and custodial grade, shall include all classes of positions the duties of which are to direct supervisory and office assistants, mechanics, watchmen, elevator conductors, laborers, janitors, messengers, and other employees engaged in the custody, maintenance, and protection of a small building, or to assist in the direction of such employees when engaged in similar duties in a large building; to have general supervision over large forces of watchmen and building guards; or to perform other work of equal difficulty and responsibility.

The annual rates of compensation for positions in this grade shall be $2,200, $2,300, $2,400, $2,500, $2,600, $2,700, and $2,800.

* * * * *

CLERICAL-MECHANICAL SERVICE

The clerical-mechanical service shall include all classes of positions which are not in a recognized trade or craft and which are located in the Bureau of Engraving and Printing, the mail equipment shop, the duties of which are to perform or to direct manual or machine operations requiring special skill or experience, or to perform or direct the counting, examining, sorting, or other verification of the product of manual or machine operations.

Grade 1 shall include all classes of positions in this service the duties of which are to perform the simpler operations or processes requiring special skill and experience.

The rates of compensation for classes of positions in this grade shall be 78 to 85 cents an hour.

Grade 2 shall include all classes of positions in this service the duties of which are to operate simple machines or to perform operations or processes requiring a higher degree of skill than those in grade 1.

The rates of compensation for classes of positions in this grade shall be 91 to 98 cents an hour.

Grade 3 shall include all classes of positions in this service the duties of which are to operate ma-

chines or to perform operations or processes requiring the highest degree of skill, or supervise a small number of subordinates.

The rates of compensation for classes of positions in this grade shall be $1.05 to $1.11 an hour.

Grade 4 shall include all classes of positions in this service the duties of which are to perform supervisory work over a large unit of subordinates.

The rates of compensation for classes of positions in this grade shall be $1.18 to $1.31 an hour.

The heads of the several executive departments and independent establishments of the Government whose duty it is to carry into effect the provisions of this section are hereby directed to so administer the same that the positions and employees affected herein shall retain in the classification schedules herein provided the same relative position or positions within their respective grades as they held on July 1, 1928: *Provided,* That nothing herein shall prevent the promotion or allocation for an employee to a higher grade: *Provided further,* That nothing contained in this section shall operate to decrease the pay of any present employee, nor deprive any employee of any advancement authorized by law and for which funds are available.

Whenever in any case the basic qualifications of any already existing grade or subdivision of a service are by this section made the basic qualifications of a higher grade or subdivision, the positions of all employees in said existing grade or subdivision are by this section advanced to said higher grade or subdivision of a service. (As amended Aug. 1, 1941, ch. 346, § 4, 55 Stat. 673; Aug. 1, 1942, ch. 543, § 1, 56 Stat. 733; June 30, 1945, ch. 212, title IV, § 405 (b), 59 Stat. 300.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by increasing the hourly wage of charwomen working part time from "65 cents" to "78 cents" and head charwomen from "70 cents" to "83 cents" in the proviso to the fifth paragraph under heading "Crafts, Protective and Custodial Service", and by increasing the hourly rate of Grade 1 from "55 to 60 cents" to "78 to 85 cents", Grade 2 from "65 to 70 cents" to "91 to 98 cents", Grade 3 from "75 to 80 cents" to "$1.05 to $1 11", and Grade 4 from "85 to 95 cents" to "$1.18 to $1.31" under heading "Clerical-Mechanical Service".

1942—Act Aug. 1, 1942, cited to text, amended the compensation paragraphs for grades 1 and 2 of "Subprofessional Service" and also amended the title, opening paragraph, and grades 1–8 of "Crafts, Protective and Custodial Service."

1941—Act Aug 1, 1941, cited to text, amended Grades 14 and 15 under "Clerical, Administrative, and Fiscal Service" by substituting "$6,500, $6,750, $7,000, $7,250, $7,500" for "$6,500, $7,000, and $7,500", and "$8,000, $8,250, $8,750, $9,000" for "$8,000, $8,500, and $9,000", respectively. Said act also amended Grades 7 and 8 under "Professional and Scientific Service" by substituting "$6,500, $6,750, $7,000, $7,250, $7,500" for "$6,500, $7,000, and $7,500", and "$8,000, $8,250, $8,500, $9,000" for "$8,000, $8,500, and $9,000," respectively.

EFFECTIVE DATE

Amendment of section by act June 30, 1945, cited to text, was made effective on July 1, 1945, by section 610 of said act June 30, 1945.

INCREASE IN BASIC COMPENSATION RATE

All existing rates of basic compensation as set forth in this section, except rates for part time charwomen, head charwomen, and Grades 1–4 in the Clerical-Mechanical Service, have been increased by the percentages set out in section 672a of this title.

ADJUSTMENT OF PAY AND ALLOCATION OF POSITIONS

Section 3 of act Aug. 1, 1942, cited to text, provided as follows: "In adjusting initially the rates of pay of employees affected by the provisions of this Act (amending title 5, §§ 673, 681 (d) (viii)), the rules prescribed by section 6 of the Classification Act of 1923, as amended (section 666 of this title), shall govern: *Provided,* That existing allocations of positions previously made by the Civil Service Commission in the custodial service shall be used for initial pay-adjustment purposes under this Act and shall remain in effect until changed by the Civil Service Commission under provisions of this Act: *Provided further,* That in the case of positions subject to the allocation jurisdiction of the Civil Service Commission, and allocable to new grades six, seven, eight, nine, and ten of the professional and scientific service or new grades thirteen, fourteen, fifteen, sixteen, and seventeen of the clerical, administrative, and financial service, no such position shall be allocated to any of such new grades nor any incumbent paid any increased rate under this Act, unless and until the position concerned has been finally allocated to such grade by the Civil Service Commission in accordance with the provisions of this Act: *And provided further,* That nothing contained in this Act shall operate to decrease the pay of any present employee."

APPROPRIATIONS

Sums sufficient to carry out the provisions of act Aug. 1, 1942, cited to text, were appropriated by section 4 of said act.

CROSS REFERENCES

Appropriations, repeal, effective date relative to amendment of Aug. 1, 1941, see note under section 667 of this title.

Basic note for overtime computation, see note under section 1402 of Appendix to Title 50, War.

Compensation for holiday work, see section 922 of this title.

Field positions in grades affected by act Aug. 1, 1942, cited to text, adjustment of compensation by department heads, see note under section 678 of this title

Night pay differential, see section 921 of this title.

Overtime compensation rates, see sections 911–913 of this title.

Waiver of restrictions in appropriations limiting amounts payable for personal services, see note under section 1402 of Appendix to Title 50, War.

War Overtime Pay Act, see sections 1401–1415 of Appendix to Title 50, War.

§ 678. Same; adjustment by heads of executive departments and independent establishments.

EMPLOYEES AFFECTED BY ACT AUG. 1, 1942

Act Aug. 1, 1942, ch. 543, § 2 (a), 56 Stat. 735, section 1 of which amended pay paragraphs for grades 1 and 2 of "Subprofessional Service" and all of "Crafts, Protective, and Custodial Service" preceding grade 9 thereof in section 673 of this title, and section 2 (b) of which amended section 681 (d) (viii) of this title, provided as follows: "Until such time as the provisions of title II of the Act of November 26, 1940 (Public, Numbered 880, Seventy-sixth Congress) (sections 632, 635, 669, 681–684, of this title), become effective, the heads of the several executive departments and independent establishments having field positions in the grades affected by this Act (grades 1–8 under Crafts, Protective, and Custodial Service in section 673 of this title), the compensation of which is required to be fixed in accordance with section 13 of the Classification Act of 1923, as amended (section 673 of this title), are authorized and directed to adjust such compensation to conform to the rates established for such grades under this Act."

§ 681. Extension of Classification Act by President.

* * * * *

(d) Offices and positions excepted from section.

* * * * *

(viii) Offices or positions of clerks in the Customs Service of the Treasury Department, the compensation of which is fixed under sections 6a–6d of Title 19;

(As amended Aug. 1, 1941, ch. 346, § 5 (a), 55 Stat. 615; Aug. 1, 1942, ch. 543, § 2 (b), 56 Stat. 735.)

* * * * *

AMENDMENTS

1942, 1941—Subsec (d) (viii) was amended by acts Aug. 1, 1941; Aug. 1, 1942, both cited to text. Act Aug. 1, 1941, omitted "verifiers, openers, packers, guards, inspectors, station inspectors". Act Aug 1, 1942, omitted "and laborers" after "clerks".

ALLOCATION OF POSITIONS TO SERVICES AND GRADES OF COMPENSATION

1942 Act—Subsecs. (c) and (d) of section 2 of act Aug. 1, 1942, cited to text, provided as follows:

"(c) Upon the passage of this Act, the Secretary of the Treasury shall allocate to the services and grades of the compensation schedules of the Classification Act of 1923, as amended (this chapter), the positions of laborers heretofore covered by the Act of May 29, 1928 (45 Stat. 955) (sections 6a–6d of Title 19), as amended, in the same manner as other positions in the field service of the Treasury Department are allocated under section 2 of the Act of July 3, 1930 (46 Stat. 1005) (section 678a of this title)

"(d) Nothing contained in subsections (b) or (c) of this section shall be construed to decrease the existing compensation of any employee, but when his position shall become vacant it shall be filled in accordance with the regular compensation schedule applicable to such position."

1941 Act—Subsecs. (b) and (c) of section 5 of act Aug 1, 1941, cited to text, provided:

"(b) Upon the passage of this Act (August 1, 1941), the Secretary of the Treasury shall allocate to the services and grades of the compensation schedules of the Classification Act of 1923, as amended (this chapter), the other positions heretofore covered by said Act of May 29, 1928 (sections 6a–6d of Title 19), in the same manner as other positions in the field service of the Treasury Department are allocated under section 2 of the Act of July 3, 1930 (46 Stat. 1003) (section 678a of this title).

"(c) Nothing contained in this section shall be construed to decrease the existing compensation of any employee, but when his position shall become vacant it shall be filled in accordance with the regular compensation schedule applicable to such position."

APPROPRIATIONS

Sums sufficient to carry out the provisions of act Aug. 1, 1942, cited to text, were appropriated by section 4 of said act.

CROSS REFERENCES

Appropriations, repeal, effective date relative to amendment of Aug. 1, 1941, see note under section 667 of this title.

Field positions in grades affected by act Aug. 1, 1942, cited to text, adjustment of compensation by department heads, see note under section 678 of this title.

Chapter 14.—RETIREMENT OF CIVIL SERVICE EMPLOYEES

Sec.

719b Deductions from salaries of employees in legislative branch; request for retirement benefits; effective date (New).

729a Recovery of annuity payments (New).

§ 691. Voluntary retirement; involuntary retirement of disqualified employees; payment of annuities; automatic separation.

(a) All officers and employees to whom this chapter applies who shall have attained, or shall hereafter attain the age of seventy years and have rendered at least fifteen years of service computed as prescribed in section 707 of this title shall be eligible for retirement on an annuity as provided in section 698 of this title.

(b) Any officer or employee to whom this chapter applies who shall have attained, or shall hereafter attain the age of sixty years and have rendered at least thirty years of service computed as prescribed in section 707 of this title, or who shall have attained, or shall hereafter attain the age of sixty-two years and have rendered at least fifteen years of such service may, upon his own option, retire and shall be paid an annuity computed as provided in section 698 of this title.

(c) The head of a department or independent Government agency concerned may request the retirement of any such officer or employee described in subsection (b) of this section who, by reason of a disqualification is unable to perform satisfactorily and efficiently the duties of his position or some other position of the same grade or class as that occupied by the employee and to which he could be assigned. No such request shall be submitted to the Civil Service Commission unless and until the said officer or employee has been notified in writing of the proposed retirement. Each such officer or employee shall, upon request by him, have opportunity for a hearing before the Civil Service Commission, at which hearing the officer or employee may appear in person or he may be represented by a person of his choice. No such officer or employee shall be so retired unless the Civil Service Commission after examination finds that he is so disqualified. The determination of the Civil Service Commission as to whether the officer or employee shall be retired under this subsection shall be final and conclusive. Any person so retired shall be paid an annuity computed as provided in section 698 of this title. Nothing in this subsection shall be deemed to authorize any person to request the retirement of any officer or employee in the legislative branch of the Government within the classes of officers and employees which were made eligible for the benefits of this chapter by sections 693b–693d, 698b, 715d, and 719a of this title, or any employee of the office of the Architect of the Capitol.

(d) Any officer or employee who has completed thirty years of service computed in accordance with the provisions of section 707 of this title and who has reached or may hereafter reach the age of fifty-five years may voluntarily retire and shall be paid an immediate life annuity beginning on the first day of the month following the date of separation from the service having a value equal to the present worth of a deferred annuity at the age of sixty years computed as provided in section 698 of this title.

If none of the options provided in this section is exercised prior to the date upon which the officer

or employee would otherwise be eligible for retirement from the service, the provisions of this chapter with respect to automatic separation from the service shall apply. (As amended July 3, 1926, ch. 801, § 1, 44 Stat. 904; May 29, 1930, ch. 349, § 1, 46 Stat 468; Jan. 24, 1942, ch. 16, § 1, 56 Stat. 13; Mar. 7, 1942, ch. 166, § 16 (a), 56 Stat. 147.)

AMENDMENTS

1942—Act Jan 24, 1942, cited to text, amended section by striking out former provisions and substituting new text

Subsec. (c) was amended by act Mar. 7, 1942, cited to text, which struck out "any elective officer," after "retirement of" in last sentence thereof.

CONSTRUCTION AND EFFECTIVE DATE OF ACT JAN 24, 1942

Sections 10 and 11 of act Jan 24, 1942, which act affected sections 691, 693, 698, 715, 718a, 719, 724, 733, 735, 736, and 736b of this title, provided as follows

"Sec. 10. Nothing in this Act shall be so construed as to affect any rights of persons separated prior to the effective date of this Act, but all such rights shall continue and may be enforced in the same manner as though this Act had not been made.

"Sec 11. This Act shall take effect upon approval except as otherwise provided herein."

REIMBURSEMENT OF OFFICERS MADE INELIGIBLE BY ACT MAR. 7, 1942

Section 16 (d) of act Mar. 7, 1942, cited to text, provided as follows: "The amounts deducted and withheld from the basic salary, pay, or compensation of any officer made ineligible for the benefits of such Act of May 29, 1930, as amended (Title 5, § 691 et seq), by the amendments made by this section to such Act of May 29, 1930 (affecting Title 5, §§ 691 (c), 693 (a), and 715 (a)), and deposited to the credit of the civil-service retirement and disability fund, and any additional amounts paid into such fund by such officer, shall be returned to such officer within thirty days after the date of enactment of this Act"

HISTORY OF CIVIL SERVICE RETIREMENT ACTS

Act May 22, 1920, cited to text, was the original Civil Service Retirement Act and as such was the basis of this chapter Acts July 3, 1926, and May 29, 1930, also cited, purported to be general amendments of the 1920 act and acts amendatory thereof, and of the 1926 act, respectively; yet despite their declared purport each appears to have been treated actually as a basic act, superseding all prior enactments.

Word "chapter" in this section refers to the entire act of May 29, 1930, cited to text, which affected sections 691, 693, 698, 706–715, 718–719–1, 720–736, 736b, and 736c of this title.

CROSS REFERENCES

Automatic separation generally, see section 715 et seq of this title

Definition of term "department" as used in this section, see note under section 693 of this title

§ 691a. Eligibility for superannuation retirement.

CODIFICATION

Section, act July 3, 1926, ch 801, § 1, 44 Stat 904, as amended May 29, 1930, ch 349, § 1, 46 Stat 468, is now incorporated in section 691 of this title.

§§ 692a–692d.

CODIFICATION

The beginning of section 692a to the first proviso, and last paragraph of section now constitute section 715; remainder of section was omitted

Section 692b is now covered by section 715a of this title

Section 692c is now covered by section 715b of this title

Section 692d is now covered by section 736a of this title.

§ 693. Employees included.

(a) This chapter shall apply to all officers and employees in or under the executive, judicial, and legislative branches of the United States Government, and to all officers and employees of the municipal government of the District of Columbia, except elective officers and heads of executive departments: *Provided*, That this chapter shall not apply to any such officer or employee of the United States or of the municipal government of the District of Columbia subject to another retirement system for such officers and employees of such governments: *Provided further*, That this chapter shall not apply to any officer or employee in the legislative branch of the Government within the classes of officers and employees which were made eligible for the benefits of this chapter by sections 693b–693d, 698b, 715d, and 719a of this title, until he gives notice in writing to the disbursing officer by whom his salary is paid, of his desire to come within the purview of this chapter; and any officer or employee within such classes may, within sixty days after January 24, 1942, withdraw from the purview of this chapter by giving similar notice of such desire. In the case of any officer or employee in the service of the legislative branch of the Government on January 24, 1942, such notice of desire to come within the purview of this chapter must be given within the calendar year 1942. In the case of any officer or employee of the legislative branch of the Government who enters the service after January 24, 1942, such notice of desire to come within the purview of this chapter must be given within six months after the date of entrance to the service.

(b) The President shall have power, in his discretion, to exclude from the operation of this chapter any officer or employee or group of officers or employees in the executive branch of the service whose tenure of office or employment is intermittent or of uncertain duration.

(c) The provisions of this chapter shall not apply to employees of the Senate or the House of Representatives whose employment is temporary or of uncertain duration; and the Architect of the Capitol is authorized to exclude from the operation of this chapter any employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration. (As amended July 3, 1926, ch. 801, § 3, 44 Stat. 905; May 29, 1930, ch. 349, § 3, 46 Stat. 470; July 3, 1930, ch. 863, §§ 1–5, 46 Stat 1016, 1017; June 23, 1936, ch 728, 49 Stat. 1888; Aug. 4, 1939, ch. 426, § 1, 53 Stat. 1200; Jan 24, 1942, ch. 16, § 3, 56 Stat. 15; Mar. 7, 1942, ch. 166, § 16 (c), 56 Stat. 147.)

AMENDMENTS

1942—Act Jan. 24, 1942, cited to text, amended act May 29, 1930, also cited, by striking out all thereof and inserting in lieu thereof the material therein set out. The section had previously consisted of subsecs (a)–(h)

Subsec (a) was amended by act Mar 7, 1942, cited to text.

REFERENCES IN TEXT

Word "chapter" read "Act" in amendatory acts cited to text

CONSTRUCTION AND EFFECTIVE DATE

Act Jan. 24, 1942, cited to text, effective date and construction with regard to rights of persons separated prior thereto, see note under section 691 of this title

"DEPARTMENT" IN SUBSECTION (a) DEFINED

Section 1 (d) of act Mar. 7, 1942, cited to text, provided as follows: "(d) the term 'department', including such term when used in the amendment made by section 16 (section 1016 of Appendix to Title 50, amending Title 5, §§ 691, 693, and 715), means any executive department, independent establishment, or agency (including corporations) in the executive branch of the Federal Government." Said section 1 (d) was made effective from Sept. 8, 1939, until twelve months after the termination of the present war, as proclaimed by the President, by provision of section 15 of that act, constituting section 1015 of Appendix to Title 50, War.

CROSS REFERENCES

Reimbursement of officers made ineligible for benefits by act Mar 7, 1942, cited to text, see note under section 691 of this title.

§ 694a. Method of computing annuities.

CODIFICATION

First paragraph of section now constitutes section 698. Second paragraph of section now constitutes section 706.

§ 695a. Computation of accredited service.

CODIFICATION

Subject matter of this section is now covered by section 707 of this title

§ 696a. Disability retirement; medical examinations required.

CODIFICATION

First paragraph of section now section 710 Second paragraph now section 711 Third paragraph now section 713 Fourth paragraph now section 714 Fifth paragraph now section 712

§ 697a. Involuntary separation from service.

CODIFICATION

The first and second paragraphs of this section now constitute section 733 The third paragraph now constitutes section 735. The fourth paragraph now constitutes section 736.

§ 698. Method of computing annuities.

(a) The annuity of an employee retired under the provisions of the preceding sections of this chapter shall be a life annuity, terminable upon the death of the annuitant and shall be composed of (1) a sum equal to $30 for each year of service not exceeding thirty: *Provided*, That such portion of the annuity shall not exceed three-fourths of the average annual basic salary, pay, or compensation received by the employee during any five consecutive years of allowable service at the option of the employee; nor shall such portion be less than an amount equal to the employee's purchasable annuity as provided in (2) of this section; and (2) the amount of annuity purchasable with the sum to the credit of the employee's individual account as provided in section 724 (a) of this title, together with interest of 4 per centum per annum compounded on December 31 of each year, according to the experience of the civil-service retirement and disability fund as may from time to time be set forth in tables of annuity values by the Board of Actuaries.

(b) The total annuity paid shall in no case be less than an amount equal to the average annual basic salary, pay, or compensation, not to exceed $1,600 per annum, received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of service, not exceeding thirty years, and divided by forty; nor shall such total annuity paid be less than an amount equal to the average annual basic salary, pay, or compensation received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of service, not exceeding thirty-five years, and divided by seventy. (As amended Jan. 24, 1942, ch. 16, § 4, 56 Stat. 16; Nov. 9, 1945, ch. 456, § 2, 59 Stat. 577)

* * * * *

AMENDMENTS

1945—Subsec (a) amended by act Nov 9, 1945, cited to text, which substituted "December 31 of each year" in lieu of "June 30 of each year".

1942—Subsection (b) was amended by act Jan. 24, 1942, cited to text, which added matter following semicolon.

CONSTRUCTION AND EFFECTIVE DATE

Act Jan 24, 1942, cited to text, effective date and construction with regard to rights of persons separated prior thereto see note under section 691 of this title.

APPROPRIATIONS

Section 3 of act Nov 9, 1945, cited to text, provided: "There are hereby authorized to be appropriated annually to the civil-service retirement and disability fund such sums as may be necessary to meet the cost of this amendment"

COMPOUNDING OF INTEREST

Section 2 of act Nov. 9, 1945, cited to text, provided in part. "That interest shall not be compounded as of December 31, 1945".

CROSS REFERENCES

Authorization of annuity payments, see section 691 of this title

History of civil service retirement acts, see note under section 693 of this title

§ 699a. Credit for past service.

CODIFICATION

Subject matter of this section is now contained in section 736b of this title

§ 700a. Deductions and donations.

CODIFICATION

First paragraph of section now section 719; second paragraph of section now section 721; third paragraph of section now section 722

§ 701a. Investments and accounts.

CODIFICATION

Subject matter of this section is now contained in section 720 of this title.

§ 702a. Return of amounts deducted from salaries.

CODIFICATION

Subject matter of this section is now contained in section 724 of this title

§ 703a. Payment of annuities and form of application.

CODIFICATION

First paragraph of section now section 725 First sentence of second paragraph now section 716. Second sentence of second paragraph now section 717. Third paragraph now section 718.

§ 704a. Credit for services beyond purview of sections 691a to 708a.

CODIFICATION

Subject matter of this section is now covered by section 723 of this title.

§ 705a. Duties of Civil Service Commission.

CODIFICATION

Subject matter of this section is now contained in section 727 of this title.

§ 706. Basic salary, pay, or compensation defined.

CODIFICATION

Section has been transferred and now constitutes section 698 (f) of this title. It was from acts May 22, 1920, ch. 195, § 2, 41 Stat. 614; July 3, 1926, ch 801, § 4, 44 Stat. 907; May 29, 1930, ch. 349, § 4 (f), 46 Stat. 471; Aug 4, 1939, ch. 426, § 2, 53 Stat 1201.

§ 706a. Board of Actuaries.

CODIFICATION

Subject matter of this section is now contained in section 731 of this title.

§ 707. Computation of period service.

Subject to the provisions of section 736b of this title, the aggregate period of service which forms the basis for calculating the amount of any benefit provided in sections 691, 693, 698, 706–715, 716–719, 720–736, 736b, and 736c of this title, shall be computed from the date of original employment, whether as a classified or an unclassified employee in the civil service of the United States, or in the service of the District of Columbia, including periods of service at different times and in one or more departments, branches, or independent offices, or the legislative branch of the Government, and also periods of service performed overseas under authority of the United States, and periods of honorable service in the Army, Navy, Marine Corps, or Coast Guard of the United States; in the case of an employee, however, who is eligible for and receives retired pay on account of military or naval service, the period of service upon which such retired pay is based shall not be included; in the case of an employee who is eligible for and receives a pension on account of non-service-connected disability under laws administered by the Veterans' Administration the minimum period of service necessary to entitle him to pension shall not be included; but in the case of an employee who is eligible for and receives pension or compensation under laws administered by the Veterans' Administration on account of service-connected disability, all honorable military or naval service shall be included; and nothing in sections 691, 693, 698, 706–715, 716–719, 720–736, 736b, and 736c of this title, shall be construed as to affect in any manner an employee's right to retired pay, pension, or compensation in addition to the annuity therein provided.

In computing length of service for the purposes of sections 691, 693, 698, 706–715, 716–719, 720–736, 736b, and 736c of this title, all periods of separation from the service, and so much of any leaves of absence as may exceed six months in the aggregate in any calendar year, shall be excluded, except leaves of absence granted employees while performing active military or naval service in the Army, Navy, Marine Corps, or Coast Guard of the United States or while receiving benefits under sections 751–791 and 793 of this title, and in the case of substitutes in the Postal Service credit shall be given from date of original appointment as a substitute.

No officer or employee to whom sections 691, 693, 698, 706–715, 716–719, 720–736, 736b, and 736c of this title applies who during the period of any war, or of any national emergency as proclaimed by the President or declared by the Congress, has left or leaves his position to enter the armed forces of the United States shall be considered as separated from such position for the purposes of said sections by reason of his service with the armed forces of the United States. This paragraph shall not be so construed as to prevent the payment of refunds as provided by sections 733 (a) or 724 (b) of this title.

In determining the aggregate period of service upon which the annuity is to be based, the fractional part of a month, if any, in the total service shall be eliminated. (As amended Nov. 9, 1945, ch. 456, § 1, 59 Stat. 577; Dec. 21, 1945, ch. 584, 59 Stat. 621.)

AMENDMENTS

1945—Act Nov. 9, 1945, cited to text, amended section by adding third par.

Act Dec. 21, 1945, cited to text, amended section by striking out second par and inserting in lieu thereof a new second par. which differs from struck par. in that "while performing active * * * United States or" was inserted

EFFECTIVE DATE

Section 4 of act Nov. 9, 1945, cited to text, provided: "The amendment made by the first section of this Act [this section] shall become effective as of September 8, 1939."

§ 707a. Administration; powers and duties of Commissioner of Pensions; estimates and appropriations necessary.

CODIFICATION

First paragraph of section now section 709 Second paragraph now section 728. Third paragraph omitted

§ 708a. Exemption from execution, and so forth.

CODIFICATION

Subject matter of this section is now contained in section 729 of this title.

§ 713. Same; discontinuance of annuity; refund of excess of contributions over.

In all cases where the annuity is discontinued under the provisions of sections 710–714 of this title before the annuitant has received a sum equal to the amount credited to his individual account as provided in section 724 (a) of this title, together with interest at 4 per centum per annum compounded on December 31 of each year, the difference, unless he shall become reemployed in a position within the purview of this chapter, shall be paid to the retired employee, as provided in section 724 (b) of this title, upon application therefor in such form and manner as the Civil Service Commission may direct. In case of reemployment in a position within the purview of this chapter the amount so refunded shall be redeposited as provided in section 724 (b) of this title. (As amended Nov. 9, 1945, ch. 456, § 2, 59 Stat. 577.)

AMENDMENTS

1945—Act Nov. 9, 1945, cited to text, amended section by substituting "December 31 of each year" in lieu of "June 30 of each year".

COMPOUNDING OF INTEREST

Section 2 of act Nov. 9, 1945, cited to text, provided in part: "That interest shall not be compounded as of December 31, 1945".

§ 714. Compensation under chapter and lump-sum compensation for injuries.

* * * * *

Notwithstanding any provision of law to the contrary, the right of any person entitled to an annuity under sections 691, 693, 698, 707–715, 716–718, 719, 719–1, 720–731, 733, 736b and 736c of this title shall not be affected because such person has received an award of compensation in a lump sum under section 764 of this title, except that where such annuity is payable on account of the same disability for which compensation under section 764 of this title has been paid, so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the United States Employees' Compensation Commission, shall be refunded to the United States Employees' Compensation Commission, to be covered into the Employees' Compensation Fund. Before such person shall receive such annuity he shall (1) refund to such Commission the amount representing such commuted payments for such extended period, or (2) authorize the deduction of such amount from the annuity payable to him under sections 691, 693, 698, 707–715, 716–718, 719, 719–1, 720–731, 733, 736b and 736c of this title, which amount shall be transmitted to such Commission for reimbursement to such fund. Deductions from such annuity may be made from accrued and accruing payments, or may be prorated against and paid from accruing payments in such manner as the United States Employees' Compensation Commission shall determine, whenever it finds that the financial circumstances of the annuitant are such as to warrant such deferred refunding. (As amended Dec. 23, 1944, ch. 728, 58 Stat. 927.)

AMENDMENTS

1944—Act Dec. 23, 1944, cited to text, amended section by adding second par.

§ 715. Automatic separation; notice to employee; subsequent appointment to Government position.

(a) Except as provided in sections 715a and 715d of this title, all officers or employees to whom this chapter applies shall, on the last day of the month in which they attain retirement age as defined in section 691 of this title; and having rendered at least fifteen years of service, be automatically separated from the service, and all salary, pay, or compensation shall cease from that date, and it shall be the duty of the head of each department, branch, or independent office of the Government concerned to notify each such employee under his direction of the date of his separation from the service at least sixty days in advance thereof.

(b) No person separated from the service who is receiving an annuity under the provisions of section 691 of this title shall be eligible again to appointment to any appointive office, position, or employment under the United States or of the government of the District of Columbia unless the appointing authority determines that he is possessed of special qualifications, in which event payment of his annuity shall be terminated during the period of his appointment: *Provided, however,* That nothing in sections 691, 693, 698, 707–715, 716–718, 719, 719–1, 720–731, 733, 736b, and 736c of this title shall be so constructed as to affect the rights of the annuitant's beneficiary if the annuitant has been receiving or had elected and was otherwise entitled to a reduced annuity under section 698 (d) of this title and dies while so reemployed or continued in the service or within thirty days after the termination of his reemployment or continuation, but all such rights shall continue and may be enforced in the same manner as if the annuitant had not been reemployed or continued: *And provided further,* That during such reemployment or continuation there shall be deducted and withheld from the salary, pay, or compensation of such employee at each pay period a proportionate amount of the annual difference between the life annuity to which the employee would have been entitled and the reduced annuity elected by the employee. The amounts so deducted and withheld shall be deposited in the Treasury of the United States to the credit of civil service retirement and disability fund. Any such person whose annuity is terminated shall, upon the termination of his appointment, have his subsequent annuity rights determined under the provisions of law in effect at the time of such termination. (July 3, 1926, ch. 801, § 2, 44 Stat. 905; Mar. 3, 1927, ch. 346, § 1, 44 Stat. 1380; Feb. 20, 1929, ch. 271, 45 Stat. 1248; May 29, 1930, ch. 349, § 2, 46 Stat. 469; June 30, 1932, ch. 314, § 204, 47 Stat. 404; Jan. 24, 1942, ch. 16, § 2, 56 Stat. 14; Mar. 7, 1942, ch. 166, § 16 (b), 56 Stat. 147; Dec. 19, 1944, ch. 606, § 1, 58 Stat. 815.)

AMENDMENTS

1944—Subsec. (b) amended by act Dec. 19, 1944, cited to text, which added provisos.

1942—Act Jan. 24, 1942, cited to text, struck out former provisions and substituted new text.

Subsec (a) was amended by act Mar 7, 1942, cited to text, which struck out a proviso excepting elective officers from application of automatic separation provisions.

CONSTRUCTION AND EFFECTIVE DATE

Act Jan. 24, 1942, cited to text, effective date and construction with regard to rights of persons separated prior thereto, see note under section 691 of this title.

REFERENCES IN TEXT

Word "chapter" in this section refers to act May 29, 1930, ch. 349, 46 Stat. 468, distribution of which in this Code is shown in note under section 691 of this title.

EFFECTIVE DATE

Section 2 of act Dec 19, 1944, cited to text, provided that the amendment of section should be effective as of Jan. 1, 1940

EX ORD No. 9047 EXEMPTION FROM OPERATION OF AUTOMATIC SEPARATION

Ex Ord 9047, §§ 1, 2, January 30, 1942, 7 F. R. 629 provided as follows:

"1. All officers and employees in the Executive branch of the Government appointed by the President are hereby exempted from automatic separation from the service for

an indefinite period of time not extending beyond the duration of their appointment or term of service.

"2. All officers and employees in the Executive branch of the Government not within the scope of section 1 hereof who have reached or shall reach prior to April 1, 1942, the retirement age prescribed for automatic separation from the service and are not now exempted therefrom by Executive order, are hereby exempted from automatic separation from the service until April 30, 1942 *Provided*, That the head of the department or agency concerned may, in his discretion, require the retirement of any such officer or employee at the end of any month prior to April 1942, except that the date of retirement shall be fixed so as to permit the allowance of any annual leave (accumulated or current) to which such officer or employee may be entitled."

CROSS REFERENCES

History of civil service retirement acts, see note under section 691 of this title.

Reimbursement of officers made ineligible for benefits by act Mar 7, 1942, cited to text, see note under section 691 of this title.

Definition of term "department" as used in this section, see note under section 693 of this title.

§ 715a. Automatic separation; reappointment.

CODIFICATION

Section has been omitted from the Code Its provisions now constitute a paragraph of section 1371a of Title 48, Territories and Insular Possessions.

§ 718a. Definition of annuitant.

The term "annuitant" as used in this chapter shall include any employee who has met all requirements of the chapter for title and has filed claim therefor, notwithstanding final administrative action was not taken by the Civil Service Commission prior to his death. Nothing in sections 716–718a and 725 of this title shall be so construed as to reduce any benefit otherwise payable. (May 22, 1920, ch. 195, § 7, 41 Stat. 618, as amended July 3, 1926, ch. 801, § 13, 44 Stat. 912, May 29, 1930, ch 349, § 13, 46 Stat. 476; Jan. 24, 1942, ch. 16, § 9, 56 Stat. 17.)

CODIFICATION

Section is from a paragraph of act May 29, 1930, § 13, cited to text, which paragraph was added by act Jan 24, 1942, also cited The former act purported to be a general amendment of act July 3, 1926 cited to text which in turn purported to be a general amendment of act May 22, 1920, also cited

REFERENCES IN TEXT

Word "chapter" read "Act" in act Jan 24, 1942, cited to text, which amended act May 29, 1930, also cited

CONSTRUCTION AND EFFECTIVE DATE

Act Jan 24, 1942, § 9, cited to text, was made "effective from January 1, 1940," by the enacting words thereof For general effective date of that act, see note under section 691 of this title

Construction of act Jan 24, 1942, cited to text, with regard to rights of persons separated prior thereto, see note under section 691 of this title

§ 719. Deductions from salaries; amount; civil-service retirement and disability fund.

Beginning as of July 1, 1926, there shall be deducted and withheld from the basic salary, pay, or compensation of each employee to whom this chapter applies a sum equal to 3½ per centum of such employee's basic salary, pay, or compensation: *Provided*, That after June 30, 1942, there shall be deducted and withheld from the basic salary, pay, or compensation of any officer or employee to whom this chapter applies a sum equal to 5 per centum of such officer's or employee's basic salary, pay, or compensation. The amounts so deducted and withheld from the basic salary, pay, or compensation of each employee shall, in accordance with such procedure as may be prescribed by the Comptroller General of the United States, be deposited in the Treasury of the United States to the credit of the "civil-service retirement and disability fund" created by this chapter, and said fund is hereby appropriated for the payment of annuities, refunds, and allowances as provided in said chapter. (As amended July 3, 1926, ch 801, § 10, 44 Stat. 910; May 29, 1930, ch. 349, § 10, 46 Stat. 475; Jan. 24, 1942, ch. 16, § 7, 56 Stat. 16.)

AMENDMENTS

1942—Act Jan. 24, 1942, cited to text, added proviso in first sentence.

CONSTRUCTION AND EFFECTIVE DATE

Act Jan 24, 1942, cited to text, effective date and construction with regard to rights of persons separated prior thereto, see note under section 691 of this title.

REFERENCES IN TEXT

Word "chapter" in this section refers to act May 29, 1930, ch. 349, 46 Stat 468, distribution of which in this Code is shown in note under section 691 of this title.

CROSS REFERENCES

History of civil service retirement acts, see note under section 691 of this title

§ 719–1. Voluntary deposit of additional sums; refund in event of death.

Any employee may at his option and under such regulations as may be prescribed by the Civil Service Commission deposit additional sums in multiples of $25 but not to exceed 10 per centum per annum of his annual basic salary, pay, or compensation, for service rendered since August 1, 1920, which amount together with interest thereon at 3 per centum per annum compounded as of December 31 of each year, shall, at the date of his retirement, be available to purchase, as he shall elect and in accordance with such rules and regulations as may be prescribed by the Civil Service Commission with the approval of the Board of Actuaries, in addition to the annuity provided by this chapter, an annuity according to the experience of the civil-service retirement and disability fund as may from time to time be set forth in tables of annuity values by the Board of Actuaries based on an interest rate of 4 per centum. In the event of death or separation from the service of such employee before becoming eligible for retirement on annuity, the total amount so deposited with interest at 3 per centum per annum compounded on December 31 of each year shall be refunded in accordance with the provisions of section 724 of this title. (As amended Nov. 9, 1945, ch. 456, § 2, 59 Stat. 577.)

AMENDMENTS

1945—Act Nov 9, 1945, cited to text, amended section by substituting "December 31 of each year" in lieu of "June 30 of each year".

COMPOUNDING OF INTEREST

Section 2 of act Nov 9, 1945, cited to text, provided in part: "That interest shall not be compounded as of December 31, 1945".

§ 719b. Deductions from salaries of employees in legislative branch; request for retirement benefits.

Nothing contained in section 719a of this title, shall be construed to prevent the deduction and withholding from the basic salary, pay, or compensation of any employee with less than seven years of service, whose salary or any part thereof is paid by the disbursing officer of the Senate, of sums required to be deducted and withheld by sections 719, 719–1, 721, and 722 of this title, if such employee shall have given notice in accordance with section 693 of this title of his desire to come within the purview of this chapter. (June 26, 1944, ch 274, § 2, 58 Stat. 326.)

REFERENCES IN TEXT

Word "chapter" in this section refers to act May 29, 1930, cited to text, distribution of which is shown under section 691 of this title.

RETROACTIVE

Act June 26, 1944, cited to text, provided in part: "This section shall take effect as of January 24, 1942."

§ 724. Return of deductions to employee on transfer from classified to unclassified status or separation from service on death or incompetency of employee.

* * * * *

(b) In the case of any officer or employee to whom this chapter applies who shall be transferred to a position not within the purview of this chapter, or who shall become absolutely separated from the service before he shall have completed an aggregate of five years of service computed in accordance with section 707 of this title, the amount of deductions from his basic salary, pay, or compensation credited to his individual account, together with interest at 4 per centum compounded on December 31 of each year shall be returned to such officer or employee: *Provided*, That when an officer or employee becomes involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency before completing five years of creditable service the total amount of deductions from his basic salary, pay, or compensation with interest at 4 per centum compounded on December 31 of each year shall be returned to such officer or employee: *Provided further*, That no such interest shall be allowed on any separation unless the service covered thereby aggregates more than one year: *Provided further*, That all deductions from basic salary, pay, or compensation so returned to an officer or employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this chapter be redeposited with interest at 4 per centum compounded on December 31 of each year before such officer or employee may derive any benefits under this chapter, except as provided in this section, but interest shall not be required covering any period of separation from the service. In computing interest under this subsection, a fractional part of a month in the total service of an officer or employee shall be disregarded. (As amended Jan. 24, 1942, ch 16, § 8, 56 Stat. 16; June 28, 1944, ch. 276, 58 Stat. 334; June 28, 1944, ch 295, 58 Stat 425; Nov. 9, 1945, ch. 456, § 2, 59 Stat. 577.)

* * * * *

REFERENCES IN TEXT

Word "chapter" in this section refers to act May 29, 1930, ch 349, 46 Stat. 468, distribution of which in this Code is shown in note under section 691 of this title.

AMENDMENTS

1945—Subsec. (b) amended by act Nov. 9, 1945, cited to text, which substituted "December 31 of each year" in lieu of "June 30 of each year".

1944—Subsec (b) amended by acts June 26, 1944, and June 28, 1944, both cited to text, which added last sentence to last proviso and inserted second proviso, respectively.

1942—Par (b) was inserted in lieu of former par (b) by act Jan 24 1942, cited to text, which also struck out said former paragraph.

CONSTRUCTION AND EFFECTIVE DATE

Act Jan 24, 1942, cited to text, effective date and construction with regard to rights of persons separated prior thereto, see note under section 691 of this title.

COMPOUNDING OF INTEREST

Section 2 of act Nov. 9, 1945, cited to text, provided in part: "That interest shall not be compounded as of December 31, 1945".

CROSS REFERENCES

History of civil service retirement acts, see note under section 691 of this title

§ 729a. Recovery of annuity payments.

Notwithstanding any other provision of this chapter, there shall be no recovery of annuity payments from any annuitant under this chapter who, in the judgment of the Civil Service Commission, is without fault and when, in the judgment of the Civil Service Commission, such recovery would be contrary to equity and good conscience. (May 29, 1930, ch. 349, § 17, 46 Stat. 478, as amended June 26, 1944, ch. 274, § 1, 58 Stat. 326.)

REFERENCES IN TEXT

Word "chapter" in this section refers to act May 29, 1930, cited to text, distribution of which is shown under section 691 of this title.

§ 731. Board of Actuaries; duties, etc.

* * * * *

The required five-year valuation of the civil-service retirement and disability fund may be omitted or deferred in the discretion of the Civil Service Commission for the duration of the present war and for one year thereafter. (As amended Dec. 23, 1944, ch. 726, 58 Stat. 926.)

AMENDMENTS

1944—Act Dec 23, 1944, cited to text, amended section by adding second paragraph

§ 733. Annuities to employees separated from service before becoming eligible for retirement; effect of reemployment; interest.

(a) Should any officer or employee to whom this chapter applies, after having served for a total period of not less than five years and before becoming eligible for retirement become separated from the service, such officer or employee shall be paid a deferred annuity beginning at the age of sixty-two years, computed as provided in clauses (1) and (2) of section 693 (a) of this title: *Provided*, That any such person involuntarily separated from the service not by removal for cause on charges of misconduct or delinquency may elect to receive an imme-

diate annuity beginning at the age of fifty-five or at the date of separation from the service if subsequent to that age having a value equal to the present worth of a deferred annuity beginning at the age of sixty-two years, or at age of separation if subsequent to age sixty-two, computed as provided in section 698 of this title: *Provided further,* That nothing in this chapter shall be so construed as to prohibit the refund of deductions, deposits, or redeposits made prior to the effective date of this chapter with interest thereon, or of any voluntary contributions made under the provisions of sections 719, 719–1, 721, and 722 of this title, with interest: *And provided further,* That all moneys, except voluntary contributions, so refunded an officer or employee must be redeposited with interest before such officer or employee may derive any annuity benefits based on the service covered by the refund.

(b) Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this chapter, the annuity and any right to an immediate or deferred annuity as provided herein shall cease as of the date of such employment. If such annuitant is reemployed in any position in the service of the United States or the District of Columbia, not within the provisions of this chapter, annuity payments shall be discontinued during the period of such employment, and resumed in the same amount upon termination of such employment.

(c) Interest shall be allowed on the amount credited to such separated officer's or employee's individual account in the retirement fund at 3 per centum compounded on December 31 of each year until the beginning date of annuity. (Sept. 22, 1922, ch. 428, §§ 1, 3, 4, 42 Stat. 1047, 1048, as amended July 3, 1926, ch. 801, § 7, 44 Stat. 909; May 29, 1930, ch. 349, § 7, 46 Stat. 474; Jan. 24, 1942, ch. 16, § 5, 56 Stat. 16; Nov. 9, 1945, ch. 456, § 2, 59 Stat. 577.)

REFERENCES IN TEXT

Word "chapter" in this section refers to act May 29, 1930, ch. 349, 46 Stat. 468, distribution of which in this Code is shown in note under section 691 of this title.

AMENDMENTS

1945—Subsec. (c) amended by act Nov. 9, 1945, cited to text, which substituted "December 31 of each year" in lieu of "June 30 of each year".

1942—Act Jan 24, 1942, cited to text, repealed former section 7 of act May 29, 1930, also cited, and substituted new text in lieu thereof.

CONSTRUCTION AND EFFECTIVE DATE

Act Jan. 24, 1942, cited to text, effective date and construction with regard to rights of persons separated prior thereto, see note under section 691 of this title.

COMPOUNDING OF INTEREST

Section 2 of act Nov. 9, 1945, cited to text, provided in part: "That interest shall not be compounded as of December 31, 1945".

§§ 735, 736. Repealed. Jan. 24, 1942, ch. 16, § 5, 56 Stat. 16.

CODIFICATION

Act May 29, 1930, ch 349, § 7, 46 Stat. 474, from which these sections were taken, was repealed by act Jan 24, 1942, ch 16, § 5, 56 Stat 16 Said act May 29, 1930, purported to amend act July 3, 1926, ch. 801, 44 Stat 904, section 7 of which contained provisions on this subject; the latter act purported to amend act May 22, 1920, ch 195, 41 Stat 614, which was amended by act Sept. 22, 1922, ch. 428, §§ 3, 4, 42 Stat. 1048, containing provisions on this subject.

A new section 7 was added to act May 29, 1930, ch. 349, by the repealing act, and this constitutes section 733 of this title. It relates to much the same subject as did former section 7 of said act May 29, 1930.

§ 736b. Credit for past service.

All employees who may be brought within the purview of this chapter by legislative enactment, or by appointment, or through classification, or by transfer, or reinstatement, or Executive order, or otherwise, shall be required to deposit with the Treasurer of the United States to the credit of the "civil-service retirement and disability fund" a sum equal to 2½ per centum of the employee's basic salary, pay, or compensation received for services rendered after July 31, 1920, and prior to July 1, 1926, and also 3½ per centum of the basic salary, pay, or compensation for services rendered from and after July 1, 1926, and prior to July 1, 1942, and also 5 per centum of such basic pay, salary, or compensation for services rendered on and after July 1, 1942 together with interest computed at the rate of 4 per centum per annum compounded on December 31 of each fiscal year, but such interest shall not be included for any period during which the employee was separated from the service. All employees who may hereafter be brought within the purview of this chapter may elect to make such deposits in installments during the continuance of their service in such amounts and under such conditions as may be determined in each instance by the Civil Service Commission. The amount so deposited, less $1 for each month, or major fraction thereof, of service after July 1, 1930, shall be credited to the employee's individual account: *Provided,* That failure to make such deposit shall not deprive the employee of credit for any past service rendered prior to August 1, 1920, to which he or she would otherwise be entitled: *And provided further,* That, notwithstanding the failure of an employee to make such deposit, credit shall be allowed for the service rendered, but the annuity of such employee shall be reduced by the amount such deposit would purchase if made, unless the employee shall elect to eliminate such service entirely from credit under this chapter. (July 3, 1926, ch. 801, § 9, 44 Stat. 910, as amended May 29, 1930, ch. 349, § 9, 46 Stat. 475; July 3, 1930, ch. 863, § 2, 46 Stat. 1016; Ex. Ord. No. 6670, April 7, 1934; June 23, 1938, ch. 596, 52 Stat. 943; Jan. 24, 1942, ch. 16, § 6, 56 Stat. 16; Nov. 9, 1945, ch. 456, § 2, 59 Stat. 577.)

REFERENCES IN TEXT

Word "chapter" in this section refers to act May 29, 1930, ch. 349, 46 Stat 468, distribution of which in this Code is shown in note under section 691 of this title.

AMENDMENTS

1945—Act Nov. 9, 1945, cited to text, amended section by substituting "December 31 of each year" in lieu of "June 30 of each year".

1942—Act Jan. 24, 1942, cited to text, inserted "and prior to July 1, 1942, * * * after July 1, 1942".

CONSTRUCTION AND EFFECTIVE DATE

Act Jan. 24, 1942, cited to text, effective date and construction with regard to rights of persons separated prior thereto, see note under section 691 of this title.

COMPOUNDING OF INTEREST

Section 2 of act Nov. 9, 1945, cited to text, provided in part: "That interest shall not be compounded as of December 31, 1945".

Chapter 14-A.—RETIREMENT OF CITIZEN EMPLOYEES OF ALASKA RAILROAD

REEMPLOYMENT OF RETIRED ALASKA RAILROAD EMPLOYEES DURING PRESENT WAR

Act Dec 22, 1942, ch. 801, §§ 1-4, 56 Stat. 1070, provided:

"SEC. 1. Any person heretofore or hereafter retired from the service under the provisions of the Alaska Railroad Retirement Act (49 Stat. 2017; 5 U. S. C., ch. 14A) and who is beyond the retirement age shall be eligible for reemployment in the service of the Alaska Railroad or in the service of the War or Navy Departments if the appointing authority determines that such person is qualified and is physically capable of performing the duties of the position

"SEC. 2 There shall be deducted and withheld from the basic salary, pay, or compensation of such reemployed person and credited to his account as provided in the Alaska Railroad Retirement Act (sections 745-745r of this title) the regular deductions prescribed by such Act The payment of the annuity of such person shall be terminated during the period of reemployment under this Act. Any such person whose annuity is terminated shall, upon the termination of his appointment, have his subsequent annuity rights determined under the provisions of law in effect at the time of such termination.

"SEC. 3. The appointing officer may terminate the employment of any person reemployed under this Act, without prejudice to his annuity rights, when such appointing officer believes it to be in the best interest of the service to do so, or when such reemployed person's services are no longer required

"SEC 4 The provisions of this Act shall remain in force only during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate."

§ 745d. Involuntary separation from service; deferred annuity; reemployment.

CROSS REFERENCES

Reemployment during present war, see note preceding section 745 of this title.

§ 745h. Deductions from salaries; amount; Alaska Railroad retirement and disability fund; consent of employees to deductions deemed given.

CROSS REFERENCES

Persons reemployed during present war, see note preceding section 745 of this title.

Chapter 15.—COMPENSATION FOR INJURIES TO EMPLOYEES OF UNITED STATES

Sec

791b. Artificial limbs or other appliances for civilian employees of military or naval forces of Regular Establishment for injuries received prior to September 7, 1916; transportation fund, compensation fund available (New).

799. Officers of Public Health Service injured between November 10, 1943 and termination of World War II; election; notice; claim; limitations (New)

800. Rights of beneficiaries of officers of Public Health Service killed between December 7, 1941 and November 11, 1943 (New).

801. Compensation for disability or death suffered after capture, detention, etc., by enemy during World War II; limitations (New).

CROSS REFERENCES

Applicability of chapter for compensation for injury, death, or detention of employees of contractors with United States outside of the United States, see sections 1701-1706 and 1711-1717 of Title 42, the Public Health and Welfare.

Applicability of chapter for compensation for injury or death of temporary members of Reserve and Auxiliary members of Coast Guard, see section 312 of Title 14, Coast Guard.

Compensation for disability or death to persons employed at Military, Air, and Naval Bases outside the United States, see sections 1651-1654 of Title 42, the Public Health and Welfare.

§ 751. Disability or death of employee; willful misconduct.

WOMEN'S RESERVE

Applicability of this chapter to personnel of Women's Reserve, see section 857e of Title 34, Navy.

§ 757. Person receiving not to be paid for other services; pensions.

As long as the employee is in receipt of compensation under sections 751-791, 793 of this title, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States: *Provided,* That whenever any person is entitled to receive any benefits under sections 751-791 and 793 of this title by reason of his injury, or by reason of the death of an employee, as defined in section 790 of this title, and is also entitled to receive from the United States any payments or benefits (other than the proceeds of any insurance policy), by reason of such injury or death under any other Act of Congress, because of service by him (or in the case of death, by the deceased) as an employee, as so defined, such person shall elect which benefits he shall receive. Such election shall be made within one year after the injury or death, or such further time as the Commission may for good cause allow, and when made shall be irrevocable unless otherwise provided by law. (As amended July 1, 1944, ch. 373, title VI, § 605 (a), 58 Stat. 712.)

AMENDMENTS

1944—Act July 1, 1944, cited to text, amended section by adding proviso

CROSS REFERENCES

Public Health Service commissioned officers, application of chapter to, see sections 799 and 800 of this title.

§ 760. Compensation to heirs in case of death.

If death results from the injury the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employee's monthly pay:

* * * * *

(G) The compensation of each beneficiary under clauses (E) and (F) shall be paid from the time of the death, until he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable

of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian. (As amended July 28, 1945, ch. 328, §§ 2, 3, 59 Stat. 503.)

* * * * *

AMENDMENTS

1945—First par of section amended by act July 28, 1945, cited to text, which struck out "within six years" following "from the injury," deleted comma following "monthly pay" and inserted in lieu thereof a colon, and struck out all text following "monthly pay "

Subd (G) amended by act July 28, 1945, cited to text, which struck out "for a period of eight years" following "shall be paid", "before that time" following "death, until", and substituted "until" for "unless" following "time of the death.".

RETROACTIVE EFFECT OF 1945 AMENDMENT TO FIRST PAR.

Subsec (a) (2) of section 5 of act July 28, 1945, cited to text provided. "The amendment in section 2 (act July 28, 1945, cited to text) shall be applicable in any case of death following injury where the injury occurred prior to the date of approval of this Act (July 28, 1945) and the employee is receiving or is entitled to receive compensation for injury on or after such date."

RETROACTIVE EFFECT OF 1945 AMENDMENT TO SUBD G

Subsec (a) (3) of section 5 of act July 28, 1945, cited to text, provided: "The amendment in section 3 (act July 28, 1945, cited to text) shall be applicable in any case where a beneficiary, affected by the provisions of section 10 (G) of such Act (this section), (a) is receiving compensation (or whose claim is in the process of initial adjudication) on the date of the approval of this Act (July 28, 1945), or (b) whose compensation has been terminated by reason of the limitation provisions of such section 10 (G) (this section) within three years prior to the date of such approval, should be found by the Commission to be suffering hardship at the time of approval of this Act by reason of such termination."

§ 761. Payment to personal representative where death results within six years; transportation of remains; burial expenses.

If death results from the injury the United States shall pay to the personal representative of the deceased employee funeral and burial expenses not to exceed $200, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee (As amended July 28, 1945, ch. 328, § 2, 59 Stat 503)

AMENDMENTS

1945—Act July 28, 1945, cited to text, amended section by striking out "within six years" following "from the injury", and last sentence beginning "Such funeral expenses * * *"

RETROACTIVE EFFECT OF 1945 AMENDMENT

Subsec (a) (2) of section 5 of act July 28, 1945, cited to text, provided "The amendment in section 2 (act July 28, 1945, cited to text) shall be applicable in any case of death following injury where the injury occurred prior to the date of approval of this Act (July 28, 1945) and the employee is receiving or is entitled to receive compensation for injury on or after such date."

§ 770. Time for making claims.

All original claims for compensation for disability shall be made within sixty days after the injury. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability to be made at any time within one year. Failure to give notice of injury or to file claim for compensation for disability or death within the time and in the manner prescribed by sections 751–791 and 793 of this title shall not bar the claim of any person thereunder if such claim is filed within five years after the injury or death and if the Commission shall find (1) that such failure was due to circumstances beyond the control of the person claiming benefits, or (2) that such person has shown sufficient cause or reason in explanation thereof, and material prejudice to the interest of the United States has not resulted from such failure; and upon such finding the Commission may waive compliance with the applicable provisions of sections 751–791 and 793 of this title. (As amended July 28, 1945, ch. 328, § 1, 59 Stat. 503.)

AMENDMENTS

1945—Act July 28, 1945, cited to text, amended section by adding last sentence

RETROACTIVE EFFECT OF 1945 AMENDMENT

Subsec. (a) (1) of section 5 of act July 28, 1945, cited to text, provided: "The amendment in section 1 of this act (act July 28, 1945, cited to text) shall apply to injury and death cases, whether or not reported or acted upon, where the injury (or injury causing death) occurred on or after December 7, 1940."

§ 784. Same; reports.

* * * * *

The provisions of section 941 of Title 33 shall, insofar as not inapplicable, apply in the same manner and to the same extent as though such provisions were incorporated in sections 751–791 and 793 of this title. (As amended Dec. 22, 1944, ch. 664, 58 Stat. 887.)

AMENDMENTS

1944 –Act Dec 22, 1944, cited to text, amended section by adding second paragraph.

§ 785. Employees' compensation fund.

CROSS REFERENCES

Availability of fund for payment of artificial limbs or other appliances to certain civilian employees, see section 791b of this title

§ 790. Terms defined.

* * * * *

The term "employee" includes all civil employees of the United States and of the Panama Railroad Company, commissioned officers of the Regular Corps of the Public Health Service, officers in the Reserve of the Public Health Service on active duty, and all persons, other than independent contractors and their employees, employed on the Menominee Indian Reservation in the State of Wisconsin, subsequent to September 7, 1916, in operations conducted pursuant to the Act entitled "An Act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin," approved March 28, 1908, as amended,

or any other Act relating to tribal timber and logging operations on the Menominee Reservation. (As amended July 1, 1944, ch. 373, title VI, § 605 (b), 58 Stat. 712.)

* * * * *

REFERENCES IN TEXT

Words "the Act entitled 'An Act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forest on the Menominee Indian Reservation in the State of Wisconsin,' approved March 28, 1908, as amended" refer to act Mar 28, 1908, ch. 111, 35 Stat. 51.

AMENDMENTS

1944—Act July 1, 1944, cited to text, amended the definition of the term "employee" generally

§ 791b. Artificial limbs or other appliances for civilian employees of military or naval forces of Regular Establishment for injuries received prior to September 7, 1916; transportation fund; compensation fund available.

The United States Employees' Compensation Commission, under such regulations as the Commission may prescribe, is hereby authorized to furnish any civilian employee of the military or naval service, Regular Establishment, who lost a limb or the use thereof through injury or disease incurred or contracted in line of duty as such prior to September 7, 1916, with an artificial limb or other appliance, or commutation in lieu thereof, at least once in every three years, upon the application of the person entitled thereto, or someone on his behalf, including necessary transportation to effect the fitting thereof and the compensation fund, established pursuant to section 785 of this title, shall be available for expenditures under this section: *Provided*, That the commutation payable to any civilian employee in lieu of such artificial limb or other appliance shall be in the amount last paid to such employee under the laws repealed by section 3 of this Act. (May 23, 1944, ch. 202, § 2, 58 Stat. 225.)

REFERENCES IN TEXT

Words "the laws repealed by section 3 of this Act" refer to section 583 (9) of Title 31 and sections 241–250 of Title 38.

REPEALS

Section 3 of act May 23, 1944, cited to text, provided: "Any other Acts, or parts of Acts, in conflict or inconsistent with the provisions of this Act, are hereby repealed to the extent of such conflict or inconsistency."

§ 793. Transfer of administration to other bodies; regulations as to payment; employees of Panama Canal, Panama Railroad Company, and Alaska Railroad; appeals; application to noncitizen and nonresident employees.

* * * * *

The minimum limit on the monthly compensation for disability as established by section 756 of this title and the minimum limit on the monthly pay on which death compensation is to be computed as established by clause (K) of section 760 of this title, shall not apply in the case of employees of the United States who are not citizens of the United States, or of any class or classes of such noncitizen employees, who sustain injury outside of the United States: *Provided*, That the Commission may in its discretion establish a minimum monthly pay on which death compensation shall be computed in the case of any class or classes of such noncitizen employees. The Commission is further authorized, in its discretion, to arrange and provide for the making of initial payments of compensation and the initial furnishing of other benefits provided in sections 751–791 and 793 of this title in the cases of employees injured outside of the United States, by any officer or agent of the United States designated by the Commission for such purpose in the locality in which the employee was employed or the injury occurred. The provisions of this paragraph shall apply also in the cases of citizens of Puerto Rico, except those citizens of the United States who by residence have acquired or shall acquire citizenship in Puerto Rico under the provisions of section 733a of Title 48.

Whenever the Commission shall find that the amount of compensation, as provided by other provisions of sections 751–791 and 793 of this title, payable to employees of the United States who are neither citizens nor residents of the United States, any Territory, or Canada, or payable to any dependents of such employees, is substantially disproportionate to compensation for disability or death which may be payable in similar cases under local law, regulation, custom, or otherwise, at the place outside the United States, any Territory, or Canada, where such employees may be working at the time of injury, the Commission may provide for payment of compensation upon such basis as will be reasonably in accord with prevailing local payments in similar cases, (1) by the adoption or adaptation of the substantive features (by a schedule or otherwise) of local workmen's compensation provisions, or other local law, regulation or custom applicable in cases of personal injury or death, or (2) by establishing and promulgating, for specific classes of employees, areas or places, special schedules of compensation for injury and death (including schedules for the loss or loss of use of members and functions of the body); and irrespective of the basis adopted may at any time modify or limit therein (a) the maximum monthly and total aggregate payments for injury and death (including modification and limitation of medical or other benefits), and (b) the percentages of the employee's wage payable as compensation for such injury or death, and to modify, limit, or redesignate the class or classes of beneficiaries entitled to death benefits, including the designation of persons, representatives, or groups, who would be entitled under local law or custom to payment on account of death, whether or not included in the classes of beneficiaries otherwise specified in sections 751–791 and 793 of this title. In the cases of such noncitizens and nonresidents, the Commission or its designees are authorized to make lump-sum awards (in the manner prescribed by section 764 of this title), whenever the Commission or its authorized designee shall deem such settlement to be for the best interest of the United States, and also in any such cases to compromise and pay claims for any benefits so provided for, including claims in which there is a dispute as to jurisdiction or other facts, or

questions of law. Compensation so payable shall be in lieu of all other compensation from the United States for the same injury or death, and any payment so made shall for all purposes be considered as compensation under sections 751–791 and 793 of this title and as satisfaction of all liability of the United States in respect to the particular injury or death. The Commission may delegate to any officer, agency, or employee of the United States, with such limitations and right of review as it deems advisable, authority to process, adjudicate, commute by lump-sum award, compromise, and pay any claim or class of claims for compensation, and to provide other benefits, locally, under this paragraph, in accordance with such regulations and instructions as the Commission shall deem necessary, and for such purpose the Commission is authorized to provide or transfer funds (including reimbursement of amounts paid under sections 751–791 and 793 of this title). Should the Commission find (1) that conditions prevent the establishment of facilities for processing and adjudicating claims of such noncitizens and nonresidents, or (2) that such noncitizens and nonresidents are alien enemies, the Commission may waive the application of sections 751–791 and 793 of this title, in whole or in part, and for such period or periods of time as the Commission shall fix. The provisions of this paragraph may be applied retrospectively [1] as the Commission may determine, and, where necessary, with such adjustment of compensation and benefits as the Commission may find to be proper. The action of the Commission or its designees in allowing or denying any payment under sections 751–791 and 793 of this title shall be final and conclusive for all purposes and with respect to all questions of law and fact, and not subject to review by any other official of the United States, or by any court by mandamus or otherwise, and credit shall be allowed in the accounts of any certifying or disbursing officer for payments in accordance with such action. Wherever used in this section, the geographical reference to the United States shall mean the continental United States. (As amended July 29, 1942, ch. 533, 56 Stat. 725; July 28, 1945, ch. 328, § 4, 59 Stat. 503.)

[1] So in original. Probably should read "retroactively".

AMENDMENTS

1945—Act July 28, 1945, cited to text, added last paragraph

1942—Act July 29, 1942, cited to text, added next to last paragraph.

§ 796. Application to employees of Federal Civil Works Administration; limitations and exceptions.

WAR RELOCATION AUTHORITY

Section was made applicable, with certain limitations, to persons performing work, including work performed in the War Relocation Work Corps, in connection with the program of evacuating persons from military areas by acts July 25, 1942, ch. 524, title I, 56 Stat. 710; July 12, 1943, 3 p. m., E W T., ch. 228, § 1, 57 Stat 534; June 28, 1944, ch. 301, title I, § 1, 58 Stat. 545; July 17, 1945, ch. 319, § 1, 59 Stat. 486.

§ 797. Members of Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army.

CROSS REFERENCES

Hospital benefits to certain reserve officers, see section 457 of Title 10, Army

§ 799. Officers of Public Health Service injured between November 10, 1943 and termination of World War II; election; notice; claim; limitations.

In the case of injury or death of a commissioned officer of the Service occurring after November 10, 1943, and on or before the date of the termination of the present war, the election required by section 757 of this title, may be made, and the notice required by section 765 of this title and the written claim required by section 768 of this title may be filed, within such time as may be provided by regulations of the United States Employees' Compensation Commission, but not later than the expiration of one year following the termination of the present war. Prior to the expiration of such year any such election may be revised and such revision shall operate retroactively to the date of death or injury, but there shall be deducted from the compensation or other benefit payable pursuant to a revised election any sum (except the proceeds of any insurance policy) theretofore paid on account of such death or injury. (July 1, 1944, ch. 373, title VI, § 605 (c), 58 Stat. 713.)

§ 800. Rights of beneficiaries of officers of Public Health Service killed between December 7, 1941 and November 11, 1943.

In the case of death of a commissioned officer of the Service which occurred after December 7, 1941, and prior to November 11, 1943, the rights provided to surviving beneficiaries by section 10 of the Public Health Service Act of 1943 shall continue notwithstanding the repeal of that Act. Such beneficiaries, in addition to the right to receive six months' pay, shall have the same right of election and of revising elections as is provided by section 799 of this title, except that in case of a revised election no deduction shall be made on account of such six months' pay. (July 1, 1944, ch. 373, title VI, § 605 (d), 58 Stat. 713.)

REFERENCES IN TEXT

Section 10 of the Public Health Service Act of 1943, which was repealed by act July 1, 1944, ch 373, title VI, § 611, 58 Stat. 714, and which was formerly classified to section 11 of Title 42, provided "The surviving beneficiaries of any commissioned officer of the Public Health Service, regular or reserve, who, since December 7, 1941, and prior to November 11, 1943, has lost his life while on active duty in the Public Health Service or while detailed to the Army, Navy, or Coast Guard, shall receive six months' pay as provided in section 943 of Title 34, and, unless entitled to compensation under the laws administered by the Veterans' Administration, shall receive the benefits provided under section 1h of this title."

Section 9 of said act which was formerly classified to section 1h of Title 42, provided: "Commissioned officers of the Public Health Service, regular and reserve (including their surviving beneficiaries), shall be entitled to receive the same benefits for injury or death in the performance of their duties as civil officers and employees of the United States under sections 751–795 of Title 5: *Provided*, That any such officer or beneficiary of such officer eligible to receive any benefit authorized by this section who is also eligible to receive any payment or benefit (except the proceeds of any insurance policy) under any provision of law other than sections 751–795 of Title 5, on account of the same injury or death, shall elect which benefit he shall receive."

§ 801. Compensation for disability or death suffered after capture, detention, etc., by enemy during World War II; limitations.

In any case where an employee employed by the United States within the purview of sections 751–

791 and 793 of this title or any extension thereof suffers disability or death after capture, detention, or other restraint by an enemy of the United States, during the present war, such disability or death shall in the administration of sections 751–791 and 793 of this title be deemed to have resulted from injury occurring while in the performance of duty, whether or not the employee was engaged in the course of his employment when taken by the enemy: *Provided,* That this section shall not apply in the case of any person (1) whose residence is at or in the vicinity of the place from whence he was thus taken, and (2) who was not living there solely by virtue of the exigencies of his employment, unless such person was so taken while he was engaged in the course of his employment: *Provided further,* That compensation for disability or death shall not be paid during any period of time during which the disabled person (or the dependents of such person, or any one of them) should receive or be entitled to receive any pay, other benefit, or gratuity from the United States on account of detention by the enemy or by reason of the same disability or death, unless such pay, benefit, or gratuity is refunded or renounced. (July 28, 1945, ch. 328, § 5 (b), 59 Stat 505.)

CODIFICATION

Section is based on subsec. (b) of section 5 of act July 28, 1945, cited to text. Subsec. (a) (1), (a) (2), and (a) (3) of said section are set out as notes under sections 770, 760, and 761 of this title, respectively.

Chapter 16.—SUBSISTENCE EXPENSE ACT OF 1926

§ 823. Officers and employees away on official business; allowance of actual necessary expenses.

Civilian officers and employees of the departments and establishments, while traveling on official business and away from their designated posts of duty, shall be allowed, in lieu of their actual expenses for subsistence and all fees or tips to porters and stewards, a per diem allowance to be prescribed by the heads of the departments and establishments concerned at a rate not to exceed $6 within the limits of the continental United States, and not to exceed an average of $7 beyond the limits of the continental United States. (As amended Jan. 30, 1942, ch. 29, 56 Stat. 39.)

AMENDMENTS

1942—Act of Jan 30, 1942, cited to text, increased rates from $5 and $6 to $6 and $7, respectively.

§ 823a. Transportation of effects; automobiles.

CROSS REFERENCES

Transportation of dependents and household effects of personnel of Army of the United States, see section 764 of Appendix to Title 50, War.

War, household and personal effects of civilian employees appointed and transferred to foreign service, evacuation of dependents for military reasons, see section 763 of Appendix to Title 50, War.

§ 834. Mileage and expenses for employees of the Federal Housing Administration.

Employees of the Federal Housing Administration may be allowed, in addition to mileage at a rate not to exceed 4 cents per mile for travel by motor vehicle, reimbursement for the actual cost of ferry fares and bridge, road, and tunnel tolls, and employees engaged in the inspection of property, servicing of loans, or the liquidation of delinquent accounts, may be paid an allowance not to exceed 4 cents per mile for all travel performed in privately owned automobiles within the limits of their official posts of duty when such travel is performed in connection with such inspection, servicing, or liquidation. (As amended Apr. 5, 1941, ch. 40, § 1, 55 Stat. 100; June 27, 1942, ch. 450, § 1, 56 Stat. 401; June 26, 1943, ch. 145, title I, § 1, 57 Stat. 187; June 27, 1944, ch. 286, title I, 58 Stat. 377; May 3, 1945, ch. 106 title I, § 1, 59 Stat. 123.)

AMENDMENTS

1945—Act May 3, 1945, cited to text, amended section by adding "servicing of loans, or the liquidation of delinquent accounts" following "inspection of property", and "servicing, or liquidation" following "such inspection,".

Chapter 17.—PREFERENCE OF VETERANS IN GOVERNMENT EMPLOYMENT (NEW)

Sec
- 851. Persons entitled to federal employment preferences.
- 852. Examinations; earned ratings, additional credit.
- 853 Credit for experience.
- 854 Waiver of physical and educational qualifications.
- 855 Exemption from certain restrictive laws
- 856. Register of lists of eligibles; entry rank
- 857. Certification of eligibles, selection from available names, exceptions, promotion of substitutes in postal service.
- 858. Unclassified civil service, selection from qualified applicants.
- 859. Periodic examinations by Civil Service Commission.
- 860. Rules and regulations by Civil Service Commission
- 861. Reduction in personnel; considerations affecting release.
- 862. Recertification and reappointment of resigned, dismissed, or furloughed employees.
- 863. Discharge, suspension, etc., only for cause; reason in writing, advance notice; personal appearance; findings and recommendations.
- 864. Separated or furloughed eligibles as entitled to reclassification and reappointment.
- 865. Resigned eligibles as entitled to reclassification and reappointment
- 866. Definition of "Civil Service Commission" or "Commission."
- 867. Repeal of inconsistent laws; saving clause
- 868. Enforcement of rules and regulations by Commission
- 869 Positions exempt from chapter.

§ 851. Persons entitled to federal employment preferences.

In certification for appointment, in appointment, in reinstatement, in reemployment, and in retention in civilian positions in all establishments, agencies, bureaus, administrations, projects, and departments of the Government, permanent or temporary, and in either (a) the classified civil service; (b) the unclassified civil service; (c) any temporary or emergency establishment, agency, bureau, administration, project, and department created by Acts of Congress or Presidential Executive order; and (d) the civil service of the District of Columbia, preference shall be given to (1) those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable condi-

tions and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department; (2) the wives of such service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil-service appointment; (3) the unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and who were separated therefrom under honorable conditions; and (4) those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions. (June 27, 1944, ch. 287, § 2, 58 Stat. 387.)

SHORT TITLE

Section 1 of act June 27, 1944, cited to text, provided: "That this Act [sections 851–869 of this title] may be cited as the 'Veterans' Preference Act of 1944'."

SEPARABILITY PROVISIONS

Section 21 of act June 27, 1944, cited to text, provided: "If any part of this Act [sections 851–869 of this title] shall be found to be unconstitutional, the rest of it shall be considered as in full force and effect."

CROSS REFERENCES

Mustering-out pay for veterans, see sections 691–691g of Title 38, Pensions, Bonuses, and Veterans' Relief

Readjustment of servicemen to civilian life, see sections 693–697e of Title 38, Pensions, Bonuses, and Veterans' Relief

§ 852. Examinations; earned ratings; additional credit.

In all examinations to determine the qualifications of applicants for entrance into the service ten points shall be added to the earned ratings of these persons included under section 851 (1), (2), and (3) of this title, and five points shall be added to the earned ratings of those persons included under section 851 (4) of this title: *Provided*, That in examinations for the positions of guards, elevator operators, messengers, and custodians competition shall be restricted to persons entitled to preference under this chapter as long as persons entitled to preference are available and during the present war and for a period of five years following the termination of the present war as proclaimed by the President or by a concurrent resolution of the Congress for such other positions as may from time to time be determined by the President. (June 27, 1944, ch. 287, § 3, 58 Stat. 388.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

§ 853. Credit for experience.

In examinations where experience is an element of qualification, time spent in the military or naval service of the United States shall be credited in a veteran's rating where his or her actual employment in a similar vocation to that for which he or she is examined was interrupted by such military or naval service. In all examinations to determine the qualifications of a veteran applicant, credit shall be given for all valuable experience, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether any compensation was received therefor. (June 27, 1944, ch. 287, § 4, 58 Stat. 388.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

§ 854. Waiver of physical and educational qualifications.

In determining qualifications for examination, appointment, promotion, retention, transfer, or reinstatement, with respect to preference eligibles, the Civil Service Commission or other examining agency shall waive requirements as to age, height, and weight, provided any such requirement is not essential to the performance of the duties of the position for which examination is given. The Civil Service Commission or other examining agency, after giving due consideration to the recommendation of any accredited physician, shall waive the physical requirements in the case of any veteran, provided such veteran is, in the opinion of the Civil Service Commission, or other examining agency physically able to discharge efficiently the duties of the position for which the examination is given. No minimum educational requirement will be prescribed in any civil-service examination except for such scientific, technical, or professional positions the duties of which the Civil Service Commission decides cannot be performed by a person who does not have such education. The Commission shall make a part of its public records its reasons for such decision. (June 27, 1944, ch. 287, § 5, 58 Stat. 388.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title

§ 855. Exemption from certain restrictive laws.

Preference eligibles shall not be subject to the provisions of section 641 of this title concerning two or more members of a family in the service, or to the provisions of section 633 of this title concerning apportionment of appointments in the Government departments in the District of Columbia among the several States and Territories according to population, but may be required to furnish evidence of residence and domicile. (June 27, 1944, ch. 287, § 6, 58 Stat. 389.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title

§ 856. Register or lists of eligibles; entry rank.

The names of preference eligibles shall be entered on the appropriate registers or lists of eligibles in accordance with their respective augmented ratings, and the name of a preference eligible shall be entered ahead of all others having the same rating: *Provided*, That, except for positions in the professional and scientific services for which the entrance salary is over $3,000 per annum, the names of all qualified preference eligibles, entitled to ten points in

addition to their earned ratings shall be placed at the top of the appropriate civil-service register or employment list, in accordance with their respective augmented ratings. (June 27, 1944, ch. 287, § 7, 58 Stat. 389.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title

§ 857. Certification of eligibles; selection from available names; exceptions; promotion of substitutes in postal service.

When, in accordance with civil-service laws and rules, a nominating or appointing officer shall request certification of eligibles for appointment purposes, the Civil Service Commission shall certify, from the top of the appropriate register of eligibles, a number of names sufficient to permit the nominating or appointing officer to consider at least three names in connection with each vacancy The nominating or appointing officer shall make selection for each vacancy from not more than the highest three names available for appointment on such certification, unless objection shall be made, and sustained by the Commission, to one or more of the persons certified, for any proper and adequate reason, as may be prescribed in the rules promulgated by the Civil Service Commission: *Provided*, That an appointing officer who passes over a veteran eligible and selects a nonveteran shall file with the Civil Service Commission his reasons in writing for so doing, which shall become a part of the record of such veteran eligible, and shall be made available upon request to the veteran or his designated representative, the Civil Service Commission is directed to determine the sufficiency or such submitted reasons and, if found insufficient, shall require such appointing officer to submit more detailed information in support thereof; the findings of the Civil Service Commission as to the sufficiency or insufficiency of such reasons shall be transmitted to and considered by such appointing officer, and a copy thereof shall be sent to the veteran eligible or to his designated representative upon request therefor: *Provided, further*, That if, upon certification, reasons deemed sufficient by the Civil Service Commission for passing over his name shall three times have been given by an appointing officer, certification of his name for appointment may thereafter be discontinued, prior notice of which shall be sent to the veteran eligible. Whenever in the Postal Service two or more substitutes are appointed on the same day, they shall be promoted to the regular force in the order in which their names appeared on the civil-service register from which they were originally appointed, whenever there are substitutes of the required sex who are eligible and will accept, unless such vacancies are filled by transfer or reinstatement. (June 27, 1944, ch. 287, § 8, 58 Stat. 389.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title

§ 858. Unclassified civil service; selection from qualified applicants.

In the unclassified Federal, and District of Columbia, civil service, and in all other positions and employment hereinbefore referred to in (c) of section 851 of this title, the nominating or appointing officer or employing official shall make selection from the qualified applicants in accordance with the provisions of this chapter. (June 27, 1944, ch. 287, § 9, 58 Stat. 389.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

§ 859. Periodic examinations by Civil Service Commission.

The Civil Service Commission is authorized and directed to hold an examination, during the next succeeding quarterly period, for any position to which any appointment has been made within the preceding three years, for any person included under section 851 (1), (2), and (3) of this title upon application for examination for any such position. (June 27, 1944, ch. 287, § 10, 58 Stat. 390.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

§ 860. Rules and regulations by Civil Service Commission.

The Civil Service Commission is hereby authorized to promulgate appropriate rules and regulations for the administration and enforcement of the provisions of this chapter. (June 27, 1944, ch. 287, § 11, 58 Stat. 390.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

§ 861. Reduction in personnel; considerations affecting release.

In any reduction in personnel in any civilian service of any Federal agency, competing employees shall be released in accordance with Civil Service Commission regulations which shall give due effect to tenure of employment, military preference, length of service, and efficiency ratings: *Provided*, That the length of time spent in active service in the armed forces of the United States of each such employee shall be credited in computing length of total service: *Provided further*, That preference employees whose efficiency ratings are "good" or better shall be retained in preference to all other competing employees and that preference employees whose efficiency ratings are below "good" shall be retained in preference to competing nonpreference employees who have equal or lower efficiency ratings: *And provided further*, That when any or all of the functions of any agency are transferred to, or when any agency is replaced by, some other agency, or agencies, all preference employees in the function or functions transferred or in the agency which is replaced by some other agency shall first be transferred to the replacing agency, or agencies, for employment in positions for which they are qualified, before such agency, or agencies, shall appoint additional employees from any other source for such positions. (June 27, 1944, ch. 287, § 12, 58 Stat. 390.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

§ 862. Recertification and reappointment of resigned, dismissed, or furloughed employees.

Any preference eligible who has resigned or who has been dismissed or furloughed may, at the request of any appointing officer, be certified for, and appointed to, any position for which he may be eligible in the civil service, Federal, or District of Columbia, or in any establishment, agency, bureau, administration, project, or department, temporary or permanent. (June 27, 1944, ch. 287, § 13, 58 Stat. 390.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

§ 863. Discharge, suspension, etc., only for cause; reason in writing; advance notice; personal appearance; findings and recommendations.

No permanent or indefinite preference eligible, who has completed a probationary or trial period employed in the civil service, or in any establishment, agency, bureau, administration, project, or department, hereinbefore referred to shall be discharged, suspended for more than thirty days, furloughed without pay, reduced in rank or compensation, or debarred for future appointment except for such cause as will promote the efficiency of the service and for reasons given in writing, and the person whose discharge, suspension for more than thirty days, furlough without pay, or reduction in rank or compensation is sought shall have at least thirty days' advance written notice (except where there is reasonable cause to believe the employee to be guilty of a crime for which a sentence of imprisonment can be imposed), stating any and all reasons, specifically and in detail, for any such proposed action; such preference eligible shall be allowed a reasonable time for answering the same personally and in writing, and for furnishing affidavits in support of such answer, and shall have the right to appeal to the Civil Service Commission from an adverse decision of the administrative officer so acting, such appeal to be made in writing within a reasonable length of time after the date of receipt of notice of such adverse decision: *Provided*, That such preference eligible shall have the right to make a personal appearance, or an appearance through a designated representative, in accordance with such reasonable rules and regulations as may be issued by the Civil Service Commission; after investigation and consideration of the evidence submitted, the Civil Service Commission shall submit its findings and recommendations to the proper administrative officer and shall send copies of same to the appellant or to his designated representative: *Provided further*, That the Civil Service Commission may declare any such preference eligible who may have been dismissed or furloughed without pay to be eligible for the provisions of section 864 of this title. (June 27, 1944, ch. 287, § 14, 58 Stat. 390.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

§ 864. Separated or furloughed eligibles as entitled to reclassification and reappointment.

Any preference eligible, who has been furloughed, or separated without delinquency or misconduct, upon request, shall have his name placed on all appropriate civil-service registers and/or on all employment lists, for every position for which his qualifications have been established, as maintained by the Civil Service Commission, or as shall be maintained by any agency or project of the Federal Government, or of the District of Columbia, in the order as provided in section 856 of this title, and shall then be eligible for recertification and reappointment in the order and according to the procedure as provided for in sections 856 and 857 of this title. No appointment shall be made from an examination register of eligibles, except of ten-point preference eligibles, when there are three or more names of preference eligibles on any appropriate reemployment list for the position to be filled. (June 27, 1944, ch. 287, § 15, 58 Stat. 391.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

§ 865. Resigned eligibles as entitled to reclassification and reappointment.

Any preference eligible who has resigned shall, upon request to the Civil Service Commission, have his name again placed on all proper civil-service registers for which he may have been qualified, in the order as provided for in section 856 of this title, and shall then be eligible for recertification and reappointment in the order, and according to the procedure, as provided for in sections 856 and 857 of this title. (June 27, 1944, ch. 287, § 16, 58 Stat. 391.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

§ 866. Definition of "Civil Service Commission" or "Commission."

The term "Civil Service Commission" or "Commission" as used in this chapter shall mean the present United States Civil Service Commission or any body or person who may by law succeed to its powers and duties, or any of them, or which or who may be designated by law to perform any specific duty and possess any specific power concerning matters covered by this chapter. (June 27, 1944, ch. 287, § 17, 58 Stat. 391.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

§ 867. Repeal of inconsistent laws; saving clause.

All Acts and parts of Acts inconsistent with the provisions hereof are hereby modified to conform herewith, and this chapter shall not be construed to take away from any preference eligible any rights heretofore granted to, or possessed by, him under any existing law, Executive order, civil-service rule or regulation, of any department of the Government or officer thereof. (June 27, 1944, ch. 287, § 18, 58 Stat. 391.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

§ 868. Enforcement of rules and regulations by Commission.

It shall be the authority and duty of the Civil Service Commission in all cases under the classified civil service to make and enforce appropriate rules and regulations to carry into full effect the provisions, intent, and purpose of this chapter and such Executive orders as may be issued pursuant thereto and in furtherance thereof. (June 27, 1944, ch. 287, § 19, 58 Stat. 391.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

§ 869. Positions exempt from chapter.

Nothing contained in this chapter is intended to apply to any position in or under the legislative or judicial branch of the Government or to any position or appointment which by the Congress is required to be confirmed by, or made with, the advice and consent of the United States Senate: *Provided, however,* That the provisions of this chapter shall apply to appointments under sections 31a, 31b, and 39a of title 39. (June 27, 1944, ch. 287, § 20, 58 Stat. 391.)

SAVING CLAUSE

Separability provisions, see note set out under section 851 of this title.

Chapter 18. FEDERAL EMPLOYEES PAY PROVISIONS (New)

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SUBCHAPTER I. COVERAGE AND EXEMPTIONS

§ 901. Coverage of employees.

(a) Subject to the exemptions specified in section 902 of this title, subchapters II and III of this chapter shall apply (1) to all civilian officers and employees in or under the executive branch of the Government, including Government-owned or controlled corporations, and in or under the District of Columbia municipal government, and (2) to those officers and employees of the judicial branch of the Government, the Library of Congress, the Botanic Garden, and the Office of the Architect of the Capitol who occupy positions subject to sections 661–663, 664–673, and 674 of this title.

(b) Sections 663, 667, 672a, and 673 of this title shall apply to officers and employees who occupy positions subject to sections 661–663, 664–673, and 674 of this title.

(c) Subject to the exemptions specified in section 902 of this title, subchapter IV of this chapter shall apply to officers and employees in or under the legislative or the judicial branch of the Government whose compensation is not fixed in accordance with sections 661–663, 664–673, and 674 of this title, and to the official reporters of proceedings and debates of the Senate and their employees.

(d) Subject to the exemptions specified in section 902 of this title, subchapter V of this chapter (containing miscellaneous provisions) shall apply to civilian officers and employees of the Government according to the terms thereof.

(e) All provisions of sections 84, 663, 667, 672a, 673 of this title, and this chapter applicable to the executive branch of the Government shall be applicable to the General Accounting Office. (June 30, 1945, ch. 212, title I, § 101, 59 Stat. 295.)

SHORT TITLE

Section 1 of act June 30, 1945, cited to text, provided: "That this Act [sections 84, 663, 667, 672a, 673 of this title, and this chapter] may be cited as the 'Federal Employees Pay Act of 1945'."

EFFECTIVE DATE

Section 610 of act June 30, 1945, cited to text, provided: "This Act [sections 84, 663, 667, 672a, 673 of this title, and this chapter] shall take effect on July 1, 1945."

APPROPRIATIONS

Section 609 of act June 30, 1945, cited to text, provided: "There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [sections 84, 663, 667, 672a, 673 of this title and this chapter]."

§ 902. Exemptions from coverage; definition.

(a) Sections 84, 663, 667, 672a, 673 of this title, and this chapter shall not apply to (1) elected officials; (2) Federal judges; (3) heads of departments or of independent establishments or agencies of the Federal Government, including Government-owned or controlled corporations; (4) employees of the District of Columbia municipal government whose compensation is fixed by the Teachers' Salary Act of June 4, 1924, as amended; and (5) officers and members of the Metropolitan Police or of the Fire Department of the District of Columbia As used in this subsection the term "elected officials" shall not include officers elected by the Senate or House of Representatives who are not members of either body

(b) Sections 84, 663, 667, 672a, 673 of this title, and this chapter, except section 947 of this title, shall not apply to (1) officers and employees in the field service of the Post Office Department; (2) employees outside the continental limits of the United States, including those in Alaska, who are paid in accordance with local native prevailing wage rates for the area in which employed; (3) officers and employees of the Inland Waterways Corporation; (4) officers and employees of the Tennessee Valley Authority; (5) individuals to whom the provisions of section 1291 (a) of Appendix to Title 50 are applicable; and (6) officers and members of the United States Park Police and the White House Police.

(c) Sections 84, 663, 667, 672a, 673 of this title, and this chapter, except sections 913 and 947 of this title, shall not apply to employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose.

(d) Sections 84, 663, 667, 672a, 673 of this title, and this chapter, except sections 946 and 947 of this title, shall not apply to employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, to vessel employees of the Coast and Geodetic Survey, or to vessel employees of the Panama Railroad Company. (June 30, 1945, ch 212, title I, § 102, 59 Stat. 296.)

REFERENCES IN TEXT

Teachers' Salary Act of June 4, 1924, as amended, referred to in text was formerly set out as sections 31–109, 31–119, 31 601 to 31–606, 31–610, 31–617 to 31–619, 31–621, and 31 626 to 31–629 of the 1940 District of Columbia Code.

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

CROSS REFFRENCES

Compensation of federal judges, see section 197 of Title 22, Foreign Relations and Intercourse, sections 5, 213, 241, 296, 301, and 324 of Title 28, Judicial Code and Judiciary, and sections 101, 641, 863, 1348, 1350, 1392a of Title 48, Territories and Insular Possessions

Compensation of officers and employees of the Tennessee Valley Authority, see sections 831a, 831b of Title 16, Conservation.

Compensation of White House police force, see section 63 of Title 3, The President.

SUBCHAPTER II. COMPENSATION FOR OVERTIME

§ 911. Payment of overtime; time and one-half rate; computation schedule of rates.

Officers and employees to whom this subchapter applies shall, in addition to their basic compensation, be compensated for all hours of employment, officially ordered or approved, in excess of forty hours in any administrative workweek, at overtime rates as follows:

(a) For employees whose basic compensation is at a rate less than $2,980 per annum, the overtime hourly rate shall be one and one-half times the basic hourly rate of compensation: *Provided*, That in computing such overtime compensation for per annum employees, the basic hourly rate of compensation shall be determined by dividing the per annum rate by two thousand and eighty.

(b) For employees whose basic compensation is at a rate of $2,980 per annum or more, the overtime hourly rate shall be in accordance with and in proportion to the following schedule:

Basic rate of compensation per annum	Overtime rate of compensation per 416 overtime hours
$2,980	$894. 000
3,090	885. 554
3,200	877. 108
3,310	868. 662
3,420	860. 216
3,530	851. 770
3,640	843. 324
3,750	834. 878
3,860	826. 432
3,970	817 986
4,080	809. 540
4,190	801 094
4,300	792. 648
4,410	784. 202
4,520	775. 756
4,630	767. 310
4.740	758. 864
4,960	741. 972
5,180	725. 080
5,390	708. 955
5,600	692. 831
5,810	676. 707
6,020	660. 583
6,230	644. 458
6,440 and over	628, 334

(June 30, 1945, ch. 212, title II, § 201, 59 Stat. 296.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

§ 912. Compensatory time off for irregular or occasional overtime work.

(a) The heads of departments, or of independent establishments or agencies, including Government-owned or controlled corporations, and of the District of Columbia municipal government, and the heads of legislative or judicial agencies to which this subchapter applies, may by regulation provide for the granting of compensatory time off from duty, in lieu

of overtime compensation for irregular or occasional duty in excess of forty-eight hours in any regularly scheduled administrative workweek, to those per annum employees requesting such compensatory time off from duty.

(b) The Architect of the Capitol may, in his discretion, grant per annum employees compensatory time off from duty in lieu of overtime compensation for any work in excess of forty hours in any regularly scheduled administrative workweek. (June 30, 1945, ch. 212, title II, § 202, 59 Stat. 297.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

§ 913. Payment of overtime to wage-board employees; computation.

Employees whose basic rate of compensation is fixed on an annual or monthly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose shall be entitled to overtime pay in accordance with the provisions of section 673c of this title. The rate of compensation for each hour of overtime employment of any such employee shall be computed as follows:

(a) If the basic rate of compensation of the employee is fixed on an annual basis, divide such basic rate of compensation by two thousand and eighty and multiply the quotient by one and one-half; and

(b) If the basic rate of compensation of the employee is fixed on a monthly basis, multiply such basic rate of compensation by twelve to derive a basic annual rate of compensation, divide such basic annual rate of compensation by two thousand and eighty, and multiply the quotient by one and one-half. (June 30, 1945, ch. 212, title II, § 203, 59 Stat. 297.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

SUBCHAPTER III. COMPENSATION FOR NIGHT AND HOLIDAY WORK

§ 921. Night pay differential.

Any officer or employee to whom this subchapter applies who is assigned to a regularly scheduled tour of duty, any part of which falls between the hours of 6 o'clock postmeridian and 6 o'clock antemeridian, shall, for duty between such hours, excluding periods when he is in a leave status, be paid compensation at a rate 10 per centum in excess of his basic rate of compensation for duty between other hours: *Provided,* That such differential for night duty shall not be included in computing any overtime compensation to which the officer or employee may be entitled: *And provided further,* That this section shall not operate to modify the provisions of section 180 of Title 31, or any other law authorizing additional compensation for night work. (June 30, 1945, ch. 212, title III, § 301, 59 Stat. 298.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

§ 922. Compensation for holiday work; rate; effective date.

Officers and employees to whom this subchapter applies who are assigned to duty on a holiday designated by Federal statute or Executive order shall be compensated for such duty, excluding periods when they are in leave status, in lieu of their regular pay for that day, at the rate of one and one-half times the regular basic rate of compensation: *Provided,* That extra holiday compensation paid under this section shall not serve to reduce the amount of overtime compensation to which the employee may be entitled under sections 663, 667, 672a, 673 of this title, and this chapter or any other Act during the administrative workweek in which the holiday occurs, but such extra holiday compensation shall not be considered to be a part of the basic compensation for the purpose of computing such overtime compensation. This section shall take effect upon the cessation of hostilities in the present war as proclaimed by the President, or at such earlier time as the Congress by concurrent resolution may prescribe. Prior to so becoming effective, it shall be effective with respect to any designated holiday only if the President has declared that such day shall not be generally a workday in the Federal service. (June 30, 1945, ch. 212, title III, § 302, 59 Stat. 298.)

SUBCHAPTER IV EMPLOYEES OF LEGISLATIVE AND JUDICIAL BRANCHES

§ 931. Legislative branch employees; increases in basic compensation rates.

Except as provided in section 933 of this title, each officer and employee in or under the legislative branch to whom this subchapter applies shall be paid additional compensation computed as follows: 20 per centum of that part of his rate of basic compensation which is not in excess of $1,200 per annum, plus 10 per centum of that part of such rate which is in excess of $1,200 per annum but not in excess of $4,600 per annum, plus 5 per centum of that part of such rate which is in excess of $4,600 per annum. The additional compensation provided by this section shall be considered a part of the basic compensation of any such officer or employee for the purposes of sections 691, 693, 698, 706, 707, 709, 710, 711–715, 716 to 719–1, 720–725, 727–731, 733, 735, 736, 736b, 736c of this title. The additional compensation provided for by this section and section 932 of this title shall not be taken into account in determining whether any amount expended for clerk hire, or the compensation paid to an officer or employee, is within any limit now prescribed by law. (June 30, 1945, ch. 212, title V, § 501, 59 Stat. 301.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

§ 932. Same; temporary additional compensation in lieu of overtime; termination date.

During the period beginning on July 1, 1945, and ending on June 30, 1947, each officer and employee in or under the legislative branch entitled to the benefits of section 931 of this title shall be paid additional compensation at the rate of 10 per centum

of (a) the aggregate of the rate of his basic compensation and the rate of additional compensation received by him under section 931 of this title, or (b) the rate of $2,900 per annum, whichever is the smaller. (June 30, 1945, ch. 212, title V, § 502, 59 Stat. 301.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

§ 933. Same; overtime compensation for certain employees of the Office of the Architect of the Capitol.

For overtime pay purposes, per diem and per hour employees under the Office of the Architect of the Capitol not subject to sections 661–663, 664–673, and 674 of this title, shall be regarded as subject to the provisions of section 673c of this title, and sections 931 and 932 of this title shall not be applicable to such employees. (June 30, 1945, ch. 212, title V, § 503, 59 Stat. 301.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

§ 934. Judicial branch employees; increase in basic compensation rates; secretaries and law clerks of circuit and district judges affected.

Each officer and employee in or under the judicial branch to whom this subchapter applies shall be paid additional basic compensation computed as follows: 20 per centum of that part of his rate of basic compensation which is not in excess of $1,200 per annum, plus 10 per centum of that part of such rate which is in excess of $1,200 per annum but not in excess of $4,600 per annum, plus 5 per centum of that part of such rate which is in excess of $4,600 per annum. The limitations of $6,500 and $7,500 with respect to the aggregate salaries payable to secretaries and law clerks of circuit and district judges, contained in section 374b of Title 28, shall be increased by the amounts necessary to pay the additional basic compensation provided by this section; and the changes in the rates of basic compensation in sections 661–663, 664–673, and 674 of this title, made by sections 672a and 673 of this title shall not be taken into account in fixing salaries under section 374b of title 28. (June 30, 1945, ch. 212, title V, § 521, 59 Stat. 301.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title

§ 935. Same; temporary additional compensation in lieu of overtime; termination date; definition.

During the period beginning on July 1, 1945, and ending on June 30, 1947, each officer and employee in or under the judicial branch entitled to the benefits of section 934 of this title shall be paid additional compensation at the rate of 10 per centum of (a) the rate of his basic compensation, or (b) the rate of $2,900 per annum, whichever is the smaller. As used in this section the term "basic compensation" includes the additional basic compensation provided for by section 934 of this title. (June 30, 1945, ch. 212, title V, § 522, 59 Stat. 302.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

SUBCHAPTER V. MISCELLANEOUS PROVISIONS

§ 941. Inspectional groups exempted from coverage.

The provisions of sections 84, 663, 667, 672a, 673 of this title, and this chapter shall not operate to prevent payment for overtime services or extra pay for Sunday or holiday work in accordance with any of the following sections: Sections 394 of Title 7; 109 and 109a of Title 8; 261, 267 and 1450–1452 of Title 19; 382b of Title 46; 154 (f) (2) of Title 47: *Provided*, That the overtime, Sunday, or holiday services covered by such payment shall not also form a basis for overtime or extra pay under sections 84, 663, 667, 672a, 673 of this title, and this chapter. (June 30, 1945, ch. 212, title VI, § 601, 59 Stat. 302.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

§ 942. Increase in basic compensation rates of employees of customs and immigration services; employees not specifically provided for.

(a) The existing basic rates of pay set forth in sections 6a–6d of Title 19, and those set forth in the second paragraph of section 109 of Title 8, are increased in the same amount that corresponding rates would be increased under the provisions of sections 672a and 673 of this title; and each such augmented rate shall be considered to be the regular basic rate of compensation.

(b) Basic rates of compensation specifically prescribed by statute of Congress for positions in the executive branch or the District of Columbia municipal government which are not increased by any other provision of sections 84, 663, 667, 672a, 673 of this title, and this chapter are increased in the same amount that corresponding rates would be increased under the provisions of sections 672a and 673 of this title; and each such augmented rate shall be considered to be the regular basic rate of compensation. (June 30, 1945, ch. 212, title VI, § 602, 59 Stat. 302.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

§ 943. Limitations on reductions and increases in compensation.

The aggregate per annum rate of compensation with respect to any pay period, in the case of any full-time employee in the service on July 1, 1945, (1) who was a full-time employee on June 30, 1945, (2) whose per annum basic rate of compensation on June 30, 1945, did not exceed a rate of $1,800 per annum, and (3) whose compensation is fixed in accordance with the provisions of sections 661–663, 664–673, and 674 of this title or sections 6a–6d of Title 19, shall not, under the rates of compensation established by sections 84, 663, 667, 672a, 673 of this title, and this chapter, so long as he continues to occupy the position he occupied on June 30, 1945, be less than his per annum basic rate of compensa-

tion on such date, plus the rate of $300 per annum or 25 per centum of such per annum basic rate of compensation, whichever is the smaller amount.

(b) Notwithstanding any other provision of sections 84, 663, 667, 672a, 673 of this title, and this chapter, no officer or employee shall, by reason of the enactment of said sections, be paid, with respect to any pay period, basic compensation, or basic compensation plus any additional compensation provided by said sections, at a rate in excess of $10,000 per annum, except that (1) any officer or employee who was receiving overtime compensation on June 30, 1945, and whose aggregate rate of compensation on such date was in excess of $10,000 per annum may receive overtime compensation at such rate as will not cause his aggregate rate of compensation for any pay period to exceed the aggregate rate of compensation he was receiving on June 30, 1945, until he ceases to occupy the office or position he occupied on such date or until the overtime hours of work in his administrative workweek are reduced by action of the head of his department or independent establishment or agency, or Government-owned or controlled corporation, and when such overtime hours are reduced such rate of overtime compensation shall be reduced proportionately, and (2) any officer or employee who, because of the receipt of additional compensation in lieu of overtime compensation, was receiving aggregate compensation at a rate in excess of $10,000 per annum on June 30, 1945, may continue to receive such rate of aggregate compensation so long as he continues to occupy the office or position he occupied on such date but in no case beyond June 30, 1947. (June 30, 1945, ch. 212, title VI, § 603, 59 Stat. 302.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title

§ 944. Establishment of basic workweek; pay period; pay computation methods; application by Architect of the Capitol and Librarian of Congress.

It shall be the duty of the heads of the several departments and independent establishments and agencies in the executive branch, including Government-owned or controlled corporations, and the District of Columbia municipal government, to establish as of July 1, 1945, for all full-time officers and employees in their respective organizations, in the departmental and the field services, a basic administrative workweek of forty hours, and to require that the hours of work in such workweek be performed within a period of not more than six of any seven consecutive days.

Beginning not later than October 1, 1945, each pay period for all officers and employees of the organizations referred to in subsection (a), except officers and employees on the Isthmus of Panama in the service of The Panama Canal or the Panama Railroad Company, shall cover two administrative workweeks. When a pay period for such officers and employees begins in one fiscal year and ends in another, the gross amount of the earnings for such pay period may be regarded as a charge against the appropriation or allotment current at the end of such pay period.

For all pay computation purposes affecting officers or employees in or under the executive branch, the judicial branch, or the District of Columbia municipal government, basic per annum rates of compensation established by or pursuant to law shall be regarded as payment for employment during fifty-two basic administrative workweeks of forty hours.

Whenever for any such purpose it is necessary to convert a basic monthly or annual rate to a basic weekly, daily, or hourly rate, the following rules shall govern:

(A) A monthly rate shall be multiplied by twelve to derive an annual rate;

(B) An annual rate shall be divided by fifty-two to derive a weekly rate;

(C) A weekly rate shall be divided by forty to derive an hourly rate; and

(D) A daily rate shall be derived by multiplying an hourly rate by the number of daily hours of service required.

The Architect of the Capitol may, in his discretion, apply the provisions of subsection (a) to any officers or employees under the Office of the Architect of the Capitol or the Botanic Garden, and the Librarian of Congress may, in his discretion, apply the provisions of such subsection to any officers or employees under the Library of Congress; and officers and employees to whom such subsection is so made applicable shall also be subject to the provisions of subsections (b) and (d) of this section. (June 30, 1945, ch. 212, title VI, § 604 (a, b, d, e), 59 Stat. 303, 304.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

§ 945. Regulations.

The Civil Service Commission is authorized to issue such regulations, subject to the approval of the President, as may be necessary for the administration of the foregoing provisions of sections 84, 663, 667, 672a, 673 of this title, and this chapter insofar as said sections affects officers and employees in or under the executive branch of the Government. (June 30, 1945, ch. 212, title VI, § 605, 59 Stat. 305.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title

§ 946. Vessel employees.

Employees of the Transportation Corps of the Army of the United States on vessels operated by the United States, vessel employees of the Coast and Geodetic Survey, and vessel employees of the Panama Railroad Company, may be compensated in accordance with the wage practices of the maritime industry. (June 30, 1945, ch. 212, title VI, § 606, 59 Stat. 305.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

§ 947. Personnel ceilings—(a) Termination of unnecessary employment.

It is declared to be the sense of the Congress that in the interest of economy and efficiency the heads

of departments, and of independent establishments or agencies, in the executive branch, including Government-owned or controlled corporations, shall terminate the employment of such of the employees thereof as are not required for the proper and efficient performance of the functions of their respective departments, establishments, and agencies.

(b) Reports to Director of the Budget; contents; determination of necessary personnel; reports by Director to Congress; contents; definition.

The heads of departments, and of independent establishments or agencies, in the executive branch, including Government-owned or controlled corporations, shall present to the Director of the Bureau of the Budget such information as the Director shall from time to time, but at least quarterly, require for the purpose of determining the numbers of full-time civilian employees (including full-time intermittent employees who are paid on a "when actually employed" basis, and full-time employees paid nominal compensation, such as $1 a year or $1 a month) and the man-months of part-time civilian employment (including part-time employment by intermittent employees who are paid on a "when actually employed" basis, and part-time employment by employees paid nominal compensation such as $1 a year or $1 a month) required within the United States for the proper and efficient performance of the authorized functions of their respective departments, establishments, and agencies. The Director shall, within sixty days after July 1, 1945, and from time to time, but at least quarterly, thereafter, determine the numbers of full-time employees and man-months of part-time employment, which in his opinion are required for such purpose, and any personnel or employment in such department, establishment, or agency in excess thereof shall be released or terminated at such times as the Director shall order. Such determinations, and any numbers of employees or man-months of employment paid in violation of the orders of the Director, shall be reported quarterly to the Congress. Each such report shall include a statement showing for each department, independent establishment, and agency the net increase or decrease in such employees and employment as compared with the corresponding data contained in the next preceding report, together with any suggestions the Director may have for legislation which would bring about economy and efficiency in the use of Government personnel. As used in this subsection the term "United States" shall include the Territories and possessions.

(c) Determinations by Director.

Determinations by the Director of numbers of employees and man-months of employment required shall be by such appropriation units or organization units as he may deem appropriate.

(d) Duties of Director.

The Director shall maintain a continuous study of all appropriations and contract authorizations in relation to personnel employed and shall, under such policies as the President may prescribe, reserve from expenditure any savings in salaries, wages, or other categories of expense which he determines to be possible as a result of reduced personnel requirements. Such reserves may be released by the Director for expenditure only upon a satisfactory showing of necessity.

(e) Exclusion of casual and unpaid employees.

Casual employees, as defined by the Civil Service Commission, and employees hired without compensation may be excluded from the determinations and reports required by this section.

(f) Exemption of certain employees until cessation of present war; definition.

Until the cessation of hostilities in the present war as proclaimed by the President, the provisions of this section shall not be applicable to (1) employees of the War and Navy Departments except those who are subject to the provisions of subchapters II and III of this chapter; or (2) individuals employed or paid by or through the War Shipping Administration (A) who are outside the United States, (B) to whom the provisions of section 1291 (a) of Appendix to Title 50, are applicable, (C) who are undergoing a course of training under the United States Maritime Service or who have completed such training and are awaiting assignment to ships, or (D) who are on stand-by wages awaiting assignment to ships. As used in this subsection the term "United States" means the several States and the District of Columbia (June 30, 1945, ch. 212, title VI, § 607, 59 Stat. 304.)

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title

§ 948. Exemption of compensation increases from determination of annual income under veterans laws and regulations.

Amounts payable under the provisions of sections 84, 663, 667, 672a, 673 of this title, and this chapter, other than increases under sections 672a, 673, 931, 934, and 942 of this title, shall not be considered in determining the amount of a person's annual income or annual rate of compensation for the purposes of paragraph II (a) of part III of Veterans' Regulations Numbered 1 (a), as amended, or sections 59a and 59b of this title. (June 30, 1945, ch. 212, title VI, § 608, 59 Stat. 305.)

REFERENCES IN TEXT

Paragraph II (a) of part II of Veterans' Regulation Numbered 1 (a), as amended, referred to in text, is set out following Chapter 12 of Title 38, Pensions, Bonuses, and Veterans' Relief.

EFFECTIVE DATE

Effective date of section, see note set out under section 901 of this title.

§ 3. Renewal; continuance of liability.

Every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every four years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deem such action necessary. In the discretion of such officer the requirement of a new bond may be waived for the period of service of a bonded officer after the expiration of a four-year term of service pending the appointment and qualification of his successor. The nonperformance of any requirement of the provisions of sections 1–3 of this title, or of that part of section 27 of Title 19 relating to transmitting copies of oaths to the Secretary of the Treasury, on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States. The liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal. Nothing in said sections shall be construed to repeal or modify section 38 of Title 39: *Provided*, That the payment and acceptance of the annual premium on corporate surety bonds furnished by postal officers and employees, officers and employees of other civilian agencies of the United States and bonded officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be a compliance with the requirement for the renewal of such bonds within the meaning of sections 1–3 of this title. (As amended Mar. 31, 1944, ch. 148, 58 Stat. 135.)

AMENDMENTS

1944—Act Mar. 31, 1944, cited to text, amended proviso of section by inserting "officers and employees * * * and Coast Guard".

TITLE 7.—AGRICULTURE

Chap. Sec.
8A. Rubber (New)..... 171

Chapter 2.—COTTON STANDARDS ACT

Sec.
57a. Agreements with cotton associations, etc., in foreign countries to establish cotton standards (New).

§ 57a. Agreements with cotton associations, etc., in foreign countries to establish cotton standards.

The Secretary of Agriculture is authorized to effectuate agreements with cotton associations, cotton exchanges, and other cotton organizations in foreign countries, for (1) the adoption, use, and observance of universal standards of cotton classification, (2) the arbitration or settlement of disputes with respect thereto, and (3) the preparation, distribution, inspection, and protection of the practical forms or copies thereof under such agreements. (Mar. 4, 1923, ch. 288, § 6 (b), as added Sept. 21, 1944, ch. 412, title IV, § 401 (b), 58 Stat. 738.)

CODIFICATION

Section was enacted as subsec. (b) of section 6 of act Mar. 4, 1923, cited to text, by act Sept. 21, 1944, cited to text.

Said act Sept. 21, 1944, was the Department of Agriculture Organic Act of 1944.

Chapter 7.—INSECT PESTS GENERALLY

Sec.
147a. Control and eradication of pests and plant diseases; cooperation of States and farmers' associations; definition of State; rules and regulations; appropriations (New).
149. Regulation, cleaning, etc., of vehicles and materials entering from Mexico; administration by Secretary, fees (New).

TICK ERADICATION ON SEMINOLE RESERVATION IN FLORIDA

Act July 22, 1942, ch. 516, § 1, 56 Stat. 675, provided in part: "The Secretary of Agriculture, his agent or agents, in cooperation with the duly constituted authorities of the State of Florida, is authorized to conduct tick eradication on the Seminole Indian Reservation in the State of Florida under the provisions of the laws of that State."

§ 147a. Control and eradication of pests and plant diseases; cooperation of States and farmers' associations; definition of State; rules and regulations; appropriations.

(a) The Secretary of Agriculture either independently or in cooperation with States or political subdivisions thereof, farmers' associations, and similar organizations, and individuals, is authorized to carry out operations or measures to eradicate, suppress, control, or to prevent or retard the spread of Japanese beetle, sweetpotato weevil, Mexican fruitflies, citrus canker, gypsy and brown-tail moth, Dutch elm disease, phony peach and peach mosaic, cereal rusts, corn borer, and pink bollworm and thurberia weevil: *Provided*, That the Secretary of Agriculture is further authorized to cooperate with the Government of Mexico or local Mexican authorities in carrying out necessary surveys and control operations in Mexico in connection with the eradication, suppression, control, and prevention or retardation of the spread of Mexican fruitflies, and pink bollworm and thurberia weevil. In performing the operations or measures herein authorized, the cooperating foreign country, State, or local agency shall be responsible for the authority necessary to carry out the operations or measures on all lands and properties within the foreign country or State other than those owned or controlled by the Federal Government and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary. As used in this section, the term "State" includes the District of Columbia and the Territories and possessions of the United States.

(b) The Secretary of Agriculture is authorized and directed to promulgate such rules and regulations and use such means as he may deem necessary to provide for the inspection of domestic plants and plant products offered for export and to certify to shippers and interested parties as to the freedom of such products from injurious insect pests and plant diseases according to the sanitary requirements of the foreign countries to which such products may be exported.

(c) There are hereby authorized to be appropriated such sums as the Congress may from time to time determine to be necessary to enable the Secretary of Agriculture to carry out the provisions of this section. Unless otherwise specifically authorized, or provided for in appropriations, no part of such sums shall be used to pay the cost or value of property injured or destroyed. (Sept. 21, 1944, ch. 412, title I, § 102, 58 Stat. 735.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 149. Regulation, cleaning, etc., of vehicles and materials entering from Mexico; administration by Secretary; fees.

To prevent the introduction of insect pests and plant diseases the Secretary of Agriculture is authorized and directed to promulgate such rules and regulations as he may deem necessary to regulate the entry into the United States from Mexico of railway cars and other vehicles and freight, express, baggage, and other materials which may carry such pests and to provide for the inspection, cleaning, and, when necessary, disinfection of such vehicles and materials; to carry out the activities required to accomplish this purpose, the Secretary of Agriculture shall use such means as he may deem necessary, including construction and repair of buildings, plants, and equipment for fumigation and disinfection or cleaning of vehicles and materials; the cleaning and disinfection of vehicles or materials necessary to

accomplish the purpose shall be carried out by and under the direction of authorized inspectors of the Department of Agriculture, and the Secretary of Agriculture shall make and collect such charge as will cover, as nearly as may be, the average cost of materials, facilities, and special labor used in performing such disinfection, and fees so collected shall be covered into the Treasury of the United States as miscellaneous receipts. (Jan. 31, 1942, ch. 31, 56 Stat. 40.)

DISPOSITION OF MONEYS

Department of Agriculture Appropriation Acts July 12, 1943, ch. 215, § 1, 57 Stat. 408, June 28, 1944, ch. 296, § 1, 58 Stat 440, provided that any moneys received in payment of charges shall be covered into the Treasury as miscellaneous receipts.

Chapter 8.—NURSERY STOCK AND OTHER PLANTS AND PLANT PRODUCTS

Sec.

161a Inspection and certification of domestic plants and plant products for export; disposition of moneys (New).

§ 161a. Inspection and certification of domestic plants and plant products for export; disposition of moneys.

Any moneys received on account of the inspection under such rules and regulations as the Secretary of Agriculture may prescribe of domestic plants and plant products when offered for export and on account of the certification to shippers and interested parties of freedom of such products from injurious plant diseases and insect pests according to the sanitary requirements of the foreign countries affected shall be covered into the Treasury as miscellaneous receipts. (July 12, 1943, ch. 215, § 1, 57 Stat. 408; June 28, 1944, ch. 296, § 1, 58 Stat. 440.)

§ 164a. Enforcement of quarantine against nursery stock and plant products; search and seizure.

REFERENCES IN TEXT

Reference "151 to 164" in three places in this section should read "151–154, 156–161, 162–165, and 167".

Chapter 8A.—RUBBER (New)

Sec.

171. Program for development of guayule and other rubber-bearing plants.
172 Same, appointment of employees, delegation of powers, cooperation with other agencies; allotment of funds.
173 Same, appropriations
174 Disposition of proceeds from sales.
175 Same; lease or sublease of unsuitable lands; disposal of water supply.
176. Sale of guayule shrub to Rubber Reserve Company (New).

§ 171. Program for development of guayule and other rubber-bearing plants.

The Secretary of Agriculture (hereinafter called the "Secretary") is authorized—

(1) To acquire by purchase, license, or other agreement, the right to operate under processes or patents relating to the growing and harvesting of guayule or the extraction of rubber therefrom, and such properties, processes, records, and data as are necessary to such operation, including but not limited to any such rights owned or controlled by the Intercontinental Rubber Company, or any of its subsidiaries, and all equipment, materials, structures, factories, real property, seed, seedlings, growing shrub, and other facilities, patents and processes of the Intercontinental Rubber Company, or any of its subsidiaries, located in California, and for such rights, properties, and facilities of the Intercontinental Rubber Company or any of its subsidiaries, the Secretary is authorized to pay not to exceed $2,000,000;

(2) To plant, or contract for the planting of, not in excess of five hundred thousand acres of guayule in areas in the Western Hemisphere where the best growth and yields may be expected in order to maintain a nucleus planting of guayule to serve as a domestic source of crude rubber as well as of planting material for use in further expanding guayule planting to meet emergency needs of the United States for crude rubber; to establish and maintain nurseries to provide seedlings for field plants; and to purchase necessary equipment, facilities, land for nurseries and administrative sites and water rights;

(3) To acquire by lease, or other agreement, for not exceeding ten years, rights to land for the purpose of making plantings of guayule; to acquire water rights; to erect necessary buildings on leased land where suitable land cannot be purchased; to make surveys, directly or through appropriate Government agencies, of areas in the Western Hemisphere where guayule might be grown; and to establish and maintain records indicating areas to which guayule cultivation could be extended for emergency production;

(4) To construct or operate, or to contract for the operation of, factories for the extraction of rubber from guayule, and from Chrysothamnus, commonly known as rabbit brush; to purchase guayule shrub; and to purchase, operate, and maintain equipment for the harvesting, storing, transporting, and complete processing of guayule, and Chrysothamnus, commonly known as rabbit brush, and to purchase land as sites for processing plants;

(5) To conduct studies, in which he may cooperate with any other public or private agency, designed to increase the yield of guayule by breeding or by selection, and to improve planting methods; to make surveys of areas suitable for cultivating guayule; to make experimental plantings; and to conduct agronomic tests;

(6) To conduct tests, in which he may cooperate with any other public or private agency, to determine the qualities of rubber obtained from guayule and to determine the most favorable methods of compounding and using guayule in rubber manufacturing processes;

(7) To improve methods of processing guayule shrubs and rubber and to obtain and hold patents on such new processes;

(8) To sell guayule or rubber processed from guayule and to use funds so obtained in replanting and maintaining an area not in excess of five hundred thousand acres of guayule inside the Western Hemisphere; and

(9) To exercise with respect to rubber-bearing plants other than guayule the same powers as are granted in the foregoing provisions of this section with respect to guayule. (Mar. 5, 1942, ch. 140,

§ 1, 56 Stat. 126, as amended Oct. 20, 1942, ch. 617, §§ 1–4, 56 Stat. 796, 797.)

AMENDMENTS

1942—Par. (2) was amended by act Oct. 20, 1942, § 1, cited to text, which inserted words "five hundred" in lieu of "seventy-five", and words "land for nurseries and administrative sites and water rights" in lieu of words "and land for nurseries."

Par. (3) was amended by act Oct. 20, 1942, § 2, cited to text, by inserting the words "to acquire water rights; to erect necessary buildings on leased land where suitable land cannot be purchased;"

Par. (4) was amended by act Oct. 20, 1942, § 3, cited to text, by inserting the words "to purchase guayule shrub;".

Par. (8) was amended by act Oct 20, 1942, § 4, cited to text, by inserting the words "not in excess of five hundred" in lieu of words "of seventy-five".

ADDITIONAL ACREAGE AUTHORIZED

Act of Oct. 26, 1942, ch. 629, title II, 56 Stat. 1002, provided in part as follows: "The Secretary of Agriculture, in connection with the appropriations herein and heretofore made for such project, is authorized to plant, or contract for the planting of, not to exceed twenty-five thousand acres of guayule in areas in the Western Hemisphere in addition to the acreage permitted under the provisions of paragraph (1), section 1, of the Act of March 5, 1942 (Public Law 473) (par (1) of this section.)"

§ 172. Same; appointment of employees; delegation of powers; cooperation with other agencies; allotment of funds; leases of facilities and disposal of water.

(a) The Secretary is authorized to appoint such employees, including citizens of other countries, as may be necessary for carrying out the provisions of this chapter. Such appointments may be made without regard to the provisions of the civil-service laws, and the compensation of the persons so appointed may be fixed without regard to the provisions of sections 661–673 and 674 of Title 5. (Sections 321 to 324, inclusive, and section 325a of Title 40 of the United States Code (1940 edition), shall not apply to any nursery, planting, cultivating or harvesting operations conducted pursuant to this chapter.) All appointments so made by the Secretary shall be made only on the basis of merit and efficiency.

(b) The Secretary may delegate any of the powers and duties conferred on him by this chapter to any agency or bureau of the Department of Agriculture.

(c) The Secretary, with the consent of any board, commission, independent establishment, corporation, or executive department of the Government, including any field service thereof, may avail himself of the use of information, services, facilities, officers and employees thereof, in carrying out the provisions of this chapter.

(d) The Secretary may allot to bureaus and offices of the Department of Agriculture, or may transfer to such other agencies of the State and Federal Governments as may be requested by him to assist in carrying out this chapter, any funds made available to him under this chapter.

(e) In carrying out the provisions of this chapter the Secretary shall have all of the authority conferred upon him by section 502 of Title 16.

(f) The Secretary may lease at reasonable rentals structures erected by the Government with essential facilities for such periods as such structures and facilities are not required for the purposes of this chapter; and any part of land or structures with essential facilities acquired by lease, deed, or other agreement pursuant to this chapter, which are not required or suitable for the purposes of this chapter during the period the United States is entitled to possession thereof may be leased or subleased at a reasonable rental; and any surplus water controlled by the United States on land owned or leased by the United States for the purposes of this chapter may be disposed of at reasonable rates. (Mar. 5, 1942, ch. 140, § 2, 56 Stat. 127, as amended Oct. 20, 1942, ch. 617, §§ 5–7, 56 Stat. 797.)

AMENDMENTS

1942—Subd. (a) was amended by act Oct. 20, 1942, §§ 5, 7, cited to text, by inserting after the words "citizens of" the word "other", by striking out the words "in the Western Hemisphere", and by inserting the sentence immediately following the words "of Title 5 "

Subsecs. (e) and (f) were added by act Oct. 20, 1942, § 6, cited to text.

§ 173. Same; appropriations.

There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this chapter. Any amounts so appropriated, and any funds received by the Secretary under this chapter, shall remain permanently available for the purposes of this chapter without regard to the provisions of any other laws relating to the availability and disposition of appropriated funds and the disposition of funds collected by officers or agencies of the United States. (Mar. 5, 1942, ch. 140, § 3, 56 Stat. 128.)

§ 174. Same; disposition of proceeds from sale.

Any proceeds from the sales of guayule, rubber processed from guayule, or other rubber-bearing plants, or from other sales, rentals, and fees resulting from operations under sections 171, 172, and 173 of this title, shall be covered into the Treasury as miscellaneous receipts. (Apr. 28, 1942, ch. 247, title III, 56 Stat. 240, as amended July 2, 1942, ch. 476, title I, § 1, 56 Stat. 597; July 12, 1943, ch. 215, § 1, 57 Stat. 415; June 28, 1944, ch. 296, § 1, 58 Stat. 447; May 5, 1945, ch. 109, § 1, 59 Stat. 152; July 5, 1945, ch. 271, title I, 59 Stat. 423.)

CODIFICATION

Text of section is from act July 2, 1942, cited thereto. Act Apr. 28, 1942, also cited, contained identical provisions, except for words "rentals, and fees," which did not appear therein.

§ 175. Same; lease or sublease of unsuitable lands; disposal of water supply.

Subject to conditions prescribed by the Secretary of Agriculture, any part of the land acquired by lease, deed, or other agreement pursuant to sections 171, 172, and 173 of this title, which is not required or suitable for the purposes of said sections may be leased or subleased at a reasonable rental during the period the United States is entitled to possession thereof; and any surplus water supplies controlled by the United States on such land may be disposed of at reasonable rates. (July 2, 1942, ch. 476, title I, § 1, 56 Stat. 597.)

§ 176. Sale of guayule shrub to Rubber Reserve Company.

Guayule shrub may be sold to the Rubber Reserve Company at a price reflecting the net realization from the sale of the rubber recovered from such shrub in mills operated by said Company after deducting the cost of milling and amortization of the cost of mills constructed for the purpose by said Company. (July 5, 1945, ch. 271, title I, 59 Stat. 423.)

Chapter 9.—PACKERS AND STOCKYARDS

STOCKYARDS AND STOCKYARD DEALERS

Sec
217a. Brand inspection fees by registered market agencies (New).

STOCKYARDS AND STOCKYARD DEALERS

§ 204. Bond and suspension of registrants.

Hereafter the Secretary may require reasonable bonds from every market agency and dealer, under such rules and regulations as he may prescribe, to secure the performance of their obligations, and whenever, after due notice and hearing, the Secretary finds any registrant is insolvent or has violated any provisions of said Act he may issue an order suspending such registrant for a reasonable specified period. Such order of suspension shall take effect within not less than five days, unless suspended or modified or set aside by the Secretary or a court of competent jurisdiction. (As amended July 1, 1941, ch. 267, § 1, 55 Stat. 432; July 22, 1942, ch. 516, § 1, 56 Stat. 689; July 12, 1943, ch. 215, § 1, 57 Stat. 422.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, substituted "Secretary" for "Secretary of Agriculture".

§ 217a. Brand inspection fees by registered market agencies.

(a) The Secretary may, upon written application made to him, and if he deems it necessary, authorize the charging and collection, at any stockyard subject to the provisions of this chapter, by any department or agency of any State in which branding or marking or both branding and marking livestock as a means of establishing ownership prevails by custom or statute, or by a duly organized livestock association of any such State, of a reasonable and nondiscriminatory fee for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from such State, for the purpose of determining the ownership of such livestock. No charge shall be made under any such authorization until the authorized department, agency, or association has registered as a market agency. No more than one such authorization shall be issued with respect to such inspection of livestock originating in or shipped from any one State. If more than one such application is filed with respect to such inspection of livestock originating in or shipped from any one State, the Secretary shall issue such authorization to the applicant deemed by him best qualified to perform the proposed service, on the basis of (1) experience, (2) financial responsibility, (3) extent and efficiency of organization, (4) possession of necessary records, and (5) any other factor relating to the ability of the applicant to perform the proposed service. The Secretary may receive and consider the recommendations of the commissioner, secretary, or director of agriculture, or other appropriate officer or agency of a State as to the qualifications of any applicant in such State. The decision of the Secretary as to the applicant best qualified shall be final.

(b) The provisions of sections 201–203 and 205–217a of this title relating to the filing, publication, approval, modification, and suspension of any rate or charge for any stockyard service shall apply with respect to charges authorized to be made under this section.

(c) Charges authorized to be made under this section shall be collected by the market agency or other person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and paid by it to the department, agency, or association performing such service.

(d) The Secretary may, if he deems it to be in the public interest, suspend, and after hearing, revoke any authorization and registration issued under the provisions of this section or any similar authorization and registration issued under any other provision of law. The order of the Secretary suspending or revoking any such authorization and registration shall not be subject to review. (Aug. 15, 1921, ch 64, title III, § 317, as added June 19, 1942, ch. 421, 56 Stat. 372.)

PRIOR LAW

Former provisions relating to fees for inspection of brands appearing upon livestock were contained in section 231 of this title

COMMON PROVISIONS

§ 228a. Inspection of livestock, hides, animal products, etc.; place; charges; disposal of funds.

The Secretary of Agriculture upon application of any exporter, importer, packer, or owner of, or the agent thereof, or dealer in, livestock, hides, skins, meat, or other animal products may, in his discretion, cause to be made inspections and examinations at places other than the headquarters of inspectors for the convenience of said applicants, who may be charged for the expenses of travel and subsistence incurred for such inspections and examinations, the funds derived from such charges to be deposited in the Treasury of the United States to the credit of the appropriation from which the expenses are paid. (Sept. 21, 1944, ch. 412, title I, § 101 (c), 58 Stat. 734.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

APPROPRIATIONS

Section 101 (g) of Act Sept. 21, 1944, cited to text, provided that Congress may appropriate such funds as are necessary to accomplish the purpose of this section.

SIMILAR PROVISIONS

Provisions similar to this were carried in prior Department of Agriculture Appropriation Acts for the following years:

1945—June 28, 1944, ch. 296, § 1, 58 Stat 433.
1944—July 12, 1943, ch. 215, § 1, 57 Stat. 400.
1943—July 22, 1942, ch. 516, § 1, 56 Stat 673.
1942—July 1, 1941, ch. 267, § 1, 55 Stat. 415.

CHARGE FOR INSPECTION

§ 231. Fee for inspection of brands appearing upon livestock.

CODIFICATION

Section has been eliminated from the Code. It was from provisions of the Agricultural Appropriation Acts cited and repeated in act July 1, 1941, ch 267, § 1, 55 Stat. 432; act July 22, 1942, ch 516, § 1, 56 Stat. 689. Permanent provisions on this subject are now contained in section 217a of this title

Chapter 11.—HONEYBEES

Sec.

283. Sale of surplus bee-breeding stock; disposition of moneys (New).

§ 283. Sale of surplus bee-breeding stock; disposition of moneys.

The Secretary of Agriculture may propagate bee-breeding stock and distribute by sale stock surplus to research needs: *Provided*, That the rates at which such sales are made shall be fixed by regulations of the Secretary and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts. (Sept. 21, 1944, ch 412, title I, § 103, 58 Stat 735.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

SIMILAR PROVISIONS

Provisions similar to this section were contained in prior Department of Agriculture Appropriation Acts for the following years.

1945—June 28, 1944, ch 296, § 1, 58 Stat 439.
1944—July 12, 1943, ch 215, § 1, 57 Stat. 407.

Chapter 13.—AGRICULTURAL AND MECHANICAL COLLEGES

AGRICULTURAL EXTENSION WORK APPROPRIATION

Sec.

343d–1. Further additional appropriation for extension work (New)

AGRICULTURAL EXTENSION WORK APPROPRIATION

FARM LABOR

For appropriation available for expenditure by agricultural extension services of the land-grant colleges to assist in providing a supply and distribution of farm labor for 1944, see sections 1351–1355 of Appendix to Title 50, War.

§ 343c. Further additional appropriation for extension work.

In order to further develop the cooperative extension system as inaugurated under sections 341–343, 344–348 of this title, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of cooperative extension work in agriculture and home economics and the necessary printing and distribution of information in connection with the same, the sum of $8,000,000 for the fiscal year beginning after June 29, 1935, and for the fiscal year following the first fiscal year for which an appropriation is made in pursuance of the foregoing authorization the additional sum of $1,000,000, and for each succeeding fiscal year thereafter an additional sum of $1,000,000 until the total appropriations authorized by this section shall amount to $12,000,000 annually, the authorization to continue in that amount for each succeeding fiscal year. The sums appropriated in pursuance of this section shall be paid to the several States and the Territory of Hawaii in the same manner and subject to the same conditions and limitations as the additional sums appropriated under section 343 of this title, except that (1) $980,000 shall be paid to the several States and the Territory of Hawaii in equal shares; (2) the remainder shall be paid to the several States and the Territory of Hawaii in the proportion that the farm populuation [1] of each bears to the total farm population of the several States and the Territory of Hawaii, as determined by the last preceding decennial census, and (3) the several States and the Territory of Hawaii shall not be required to offset the allotments authorized in this section. The sums appropriated pursuant to this section shall be in addition to, and not in substitution for, sums appropriated under such section 343 of this title, or sums otherwise appropriated for agricultural extension work. Allotments to any State or the Territory of Hawaii for any fiscal year from the appropriations herein authorized shall be available for payment to such State or the Territory of Hawaii only if such State or the Territory of Hawaii complies, for such fiscal year, with the provisions with reference to offset of appropriations (other than appropriations under this section and section 343d–1 of this title) for agricultural extension work. (As amended June 6, 1945, ch. 175, § 2, 59 Stat. 233.)

AMENDMENTS

1945—Act June 6, 1945, cited to text, amended section by inserting "(other than appropriations * * * of this title)" in lieu of "(other than appropriations under this section)".

§ 343c–1. Same; additional appropriation.

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of cooperative extension work in agriculture and home economics and the necessary printing and distribution of information in connection with the same, the sum of $555,000 annually. The sums appropriated pursuant to this section shall be allotted by the Secretary of Agriculture to the several States in such amounts as he may deem necessary, and shall be paid to the several States in the same manner and subject to the same conditions and limitations as the initial payments of $10,000 to each State appropriated under sections 341–343, 344–348 of this title. The sums appropriated pursuant to this section shall be in addition to and not in substitution for sums appropriated under such sections 341–343, 344–348 of this title, as amended and supplemented, and sums otherwise appropriated for agricultural extension work: *Provided*, That the appropriations made pursuant to this authorization shall be apportioned to the States in accordance with the apportionment of the like sum in the fiscal year 1944. (As amended Sept. 21, 1944, ch. 412, title VII, § 707, 58 Stat. 742.)

[1] So in original. Probably should read "population".

AMENDMENTS

1944—Act Sept. 21, 1944, cited to text, amended section by striking out $300,000 and inserting in lieu thereof $550,000 immediately preceding the proviso in the first sentence, and by adding proviso to the first sentence.

CODIFICATION

This section was amended by the Department of Agriculture Organic Act of 1944.

§ 343d–1. Further additional appropriation for extension work.

(a) In order to further develop the cooperative extension system as inaugurated under sections 341–343, 344–348 of this title, particularly for the further development of county extension work, there are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of cooperative extension work in agriculture and home economics, including technical and educational assistance to farm people in improving their standards of living, in developing individual farm and home plans, better marketing and distribution of farm products, work with rural youth in 4–H Clubs and older out-of-school youth, guidance of farm people in improving farm and home buildings, development of effective programs in canning, food preservation, and nutrition, and for the necessary printing and distribution of information in connection with the foregoing, the following sums:

(1) $4,500,000 for the fiscal year ending June 30, 1946, and each subsequent fiscal year;

(2) An additional $4,000,000 for the fiscal year ending June 30, 1947, and each subsequent fiscal year; and

(3) An additional $4,000,000 for the fiscal year ending June 30, 1948, and each subsequent fiscal year.

(b) The sums appropriated pursuant to this section shall be paid to the several States and the Territory of Hawaii in the same manner and subject to the same conditions and limitations as the additional sums appropriated under sections 341–343, 344–348 of this title, except that—

(1) not more than 2 per centum of the sum appropriated pursuant to this section for each fiscal year shall be available for paying expenses of the Extension Service in the United States Department of Agriculture;

(2) $500,000 of the sum so appropriated for each fiscal year shall be allotted among the States and the Territory of Hawaii by the Secretary of Agriculture on the basis of special needs due to population characteristics, area in relation to farm population, or other special problems, as determined by such Secretary: *Provided*, That not to exceed 10 per centum shall be allotted under this subparagraph to any one State or the Territory of Hawaii for any fiscal year: *Provided further*, That these funds shall be matched by the State or Territory receiving them, on the same basis as other funds under sections 343c to 343d–1, 427–427g of this title; and

(3) the remainder of the sum so appropriated for each fiscal year shall be paid to the several States and the Territory of Hawaii in the proportion that the farm population of each bears to the total farm population of the several States and Territory of Hawaii, as determined by the census of 1940.

(c) The sums appropriated pursuant to this section shall be in addition to and not in substitution for sums appropriated under sections 341–343, 344–348 of this title, or sums otherwise appropriated for agricultural extension work. Allotments to any State or the Territory of Hawaii for any fiscal year from the appropriations herein authorized shall be available for payment to such State or the Territory of Hawaii only if such State or the Territory of Hawaii complies, for such fiscal year, with the provisions with reference to offset of appropriations (other than appropriations under this section and section 343c of this title) for agricultural extension work. (June 29, 1935, ch. 338, § 23, as added June 6, 1945, ch. 175, § 1, 59 Stat. 231.)

Chapter 14.—AGRICULTURAL EXPERIMENT STATIONS

GENERAL PROVISIONS

§ 367. Secretary to prescribe form of financial report by stations and to coordinate departmental work with that of stations.

The Secretary shall prescribe the form of the annual financial statement required under this chapter, ascertain whether the expenditures are in accordance with their provisions, coordinate the research work of the State agricultural colleges and experiment stations in the lines authorized in this chapter with research of the Department in similar lines, and make report thereon to Congress (As amended July 1, 1941, ch. 267, § 1, 55 Stat. 412; July 22, 1942, ch. 516, § 1, 56 Stat. 670; July 12, 1943, ch. 215, § 1, 57 Stat. 400; June 28, 1944, ch. 296, § 1, 58 Stat. 432; May 5, 1945, ch. 109, § 1, 59 Stat. 143.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, made several minor changes in the wording of the section without affecting its substance

Chapter 15.—BUREAU OF ANIMAL INDUSTRY

Sec.

395. Fees for rabies diagnoses; disposition of moneys (New).

§§ 391–393.

TRANSFER OF FUNCTIONS

Bureau of Animal Industry consolidated with certain other agencies into Agricultural Research Administration for duration of war, see Ex Ord No 9069, set out in note under section 601 of Appendix to Title 50, War.

The functions of the Bureau of Animal Industry of Agricultural Research Administration concerned primarily with regulatory activities were consolidated with other agencies into the Food Distribution Administration of the Department of Agriculture by Ex Ord No 9280, Dec 5, 1942, 7 F.R. 10179, set out following section 601 of Appendix to Title 50, War.

§ 394. Overtime of employees engaged in enforcement of Meat Inspection Act.

TRANSFER OF FUNCTIONS

Bureau of Animal Industry consolidated with certain other agencies into Agricultural Research Administration

for duration of war, see Ex. Ord. No. 9069, set out in note under section 601 of Appendix to Title 50, War.

The functions of the Bureau of Animal Industry of Agricultural Research Administration concerned primarily with regulatory activities were consolidated with other agencies into the Food Distribution Administration of the Department of Agriculture by Ex Ord. No 9280, Dec. 5, 1942, 7 F R. 10179, set out following section 601 of Appendix to Title 50, War.

CROSS REFERENCES

War Overtime Pay Act of 1943, construction with, see section 1406 of Appendix to Title 50, War.

§ 395. Fees for rabies diagnoses; disposition of moneys.

Fees shall be charged for all diagnoses in connection with rabies, except those performed for agencies of the United States Government, in such amounts as the Secretary shall prescribe, and such fees shall be covered into the Treasury as miscellaneous receipts. (Sept. 21, 1944, ch. 412, title I, § 101 (e), 58 Stat. 734.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

SIMILAR PROVISIONS

Provisions similar to this were carried in prior Department of Agriculture Appropriation Acts for the following years:

1945—June 28, 1944, ch 296, § 1, 58 Stat 433.
1944—July 12, 1943, ch 215, § 1, 57 Stat. 401.
1943—July 22, 1942, ch 516, § 1, 56 Stat 674.

APPROPRIATIONS

Section 101 (g) of act Sept. 21, 1944, cited to text, provided that Congress may appropriate such funds as are necessary to accomplish the purpose of this section.

Chapter 16.—BUREAU OF DAIRYING

§§ 401–404.

NAME OF BUREAU

The "Bureau of Dairying" established by act May 29, 1924, cited to text, was designated "Bureau of Dairy Industry" by Department of Agriculture Appropriation Act of 1927. Words "Bureau of Dairying" in text should be changed to "Bureau of Dairy Industry" and "May 11, 1926, ch 286, 44 Stat 499" should be added to credit

TRANSFER OF FUNCTIONS

Bureau of Dairy Industry consolidated with other agencies into Agricultural Research Administration for duration of war, see Ex. Ord No. 9069, set out in note under section 601 of Appendix to Title 50, War.

Chapter 17.—MISCELLANEOUS MATTERS

Sec.
429. Improvement of poultry, poultry products, and hatcheries (New).
430. Purchasing and testing of serums or analogous products; dissemination of test results (New)
431 Purchase of tags, labels, stamps, and certificates (New).
432. Purchase of cultures for soil and fertilizer investigations (New).

§ 411. Establishment of Bureau of Agricultural Economics; transfer of powers.

TRANSFER OF FUNCTIONS

Agricultural Statistics Division of the Agricultural Marketing Service and its functions, personnel, property, etc., transferred to Bureau of Agricultural Economics for duration of war, see Ex. Ord. No. 9069, set out in note under section 601 of Appendix to Title 50, War

The functions, personnel and property of the Division of Farm Management and Costs of the Bureau of Agricultural Economics concerned primarily with the planning of current agricultural production were consolidated with other agencies into the Food Production Administration of the Department of Agriculture by Ex Ord. No. 9280, Dec. 5, 1942, 7 F. R 10179, set out following section 601 of Appendix to Title 50, War.

§ 411b. Estimates of apple production.

REPEALED—Act July 1, 1941, ch 267, § 1, 55 Stat. 430; act July 22, 1942, ch. 516, § 1, 56 Stat. 687; act July 12, 1943, ch 215, § 1, 57 Stat. 398, act June 28, 1944, ch. 296, § 1, 58 Stat 430, act May 5, 1945, ch 109, § 1, 59 Stat. 140.

§ 414. Investigation and certification of condition, etc., of farm products offered for interstate shipment.

The Secretary, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, is authorized to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, canned, or otherwise processed, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered. (As amended July 1, 1941, ch. 267, § 1, 55 Stat. 431; July 22, 1942, ch. 516, § 1, 56 Stat. 687; July 12, 1943, ch. 215, § 1, 57 Stat. 421; June 28, 1944, ch. 296, § 1, 58 Stat. 453; May 5, 1945, ch. 109, § 1, 59 Stat. 158.)

AMENDMENTS

1945—Act May 5, 1945, cited to text, amended section by eliminating the provisos which provided for reimbursement of employees for use of private vehicles, and the certificates of authorized agents as prima facie evidence.

1943—Act July 12, 1943, cited to text, substituted "Secretary" for "Secretary of Agriculture".

§ 415e. Farm or food products; sale of samples, practical forms, etc.

The Secretary of Agriculture is authorized to sell samples, illustrations, practical forms, or sets of the grades recommended or promulgated by him for farm or food products, under such rules and regulations as he may prescribe, and the receipts therefrom shall be deposited in the Treasury to the credit of miscellaneous receipts. (Sept. 21, 1944, ch. 412, title IV, § 401 (a), 58 Stat. 738.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

SIMILAR PROVISIONS

Provisions similar to this section were contained in Department of Agriculture Appropriation Acts for the following years:

1945—June 28, 1944, ch. 296, § 1, 58 Stat. 454.
1944—July 12, 1943, ch 215, § 1, 57 Stat. 421.
1943—July 22, 1942, ch. 516, § 1, 56 Stat. 688.
1942—July 1, 1941, ch. 267, § 1, 55 Stat. 431.

§ 419. Sale by Secretary of Agriculture of products of agricultural experiment station in Puerto Rico; disposition of moneys.

The Secretary is authorized to sell such products as are obtained on the land belonging to the agricultural experiment station in Puerto Rico, and the amount obtained from the sale thereof shall be covered into the Treasury of the United States as miscellaneous receipts. (As amended July 1, 1941, ch. 267, § 1, 55 Stat. 413; July 22, 1942, ch. 516, § 1, 56 Stat. 670; July 12, 1943, ch. 215, § 1, 57 Stat. 400; June 28, 1944, ch. 296, § 1, 58 Stat. 432; May 5, 1945, ch. 109, § 1, 59 Stat. 143.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, substituted "Secretary" for "Secretary of Agriculture".

§ 426. Predatory and other wild animals; eradication and control; investigations, experiments, and tests by Secretary of Agriculture; cooperation with other agencies.

TRANSFER OF FUNCTIONS

Functions of Secretary of Agriculture administered through the Bureau of Biological Survey, relating to conservation of wildlife, game, and migratory birds were transferred to Secretary of Interior by Reorg. Plan No. II, § 4 (f), effective July 1, 1939, set out in note under section 133t of Title 5, Executive Departments and Government Officers and Employees. See also sections 401–404 of said plan for provisions relating to transfer of functions, records, property, personnel, and funds

§ 427d. Same; allocation of appropriation for purposes of section 427a.

* * * * *

(c) In order to prevent reduced allotments because of changes in relative rural populations, $63,708 of the funds appropriated for any fiscal year and available for the purposes of this section shall be available for allotment during the fiscal year in the same amount and to the same States and Territories which received allotments from such appropriation in the fiscal year 1942. (As amended Sept. 21, 1944, ch. 412, title I, § 105, 58 Stat. 735.)

AMENDMENTS

1944—Subsec. (c) added by act Sept. 21, 1944, cited to text.

CODIFICATION

This section was amended by the Department of Agriculture Organic Act of 1944.

§ 428. Option to purchase lands.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 408; act July 22, 1942, ch. 516, § 1, 56 Stat. 665; act July 12, 1943, ch. 215, § 1, 57 Stat. 393; act June 28, 1944, ch 296, § 1, 58 Stat. 426, act May 5, 1945, ch. 109, § 1, 59 Stat. 136.

CROSS REFERENCES

Adjustment of title to lands under jurisdiction of Secretary of Agriculture, see section 567 of Title 5, Executive Departments and Government Officers and Employees.

§ 429. Improvement of poultry, poultry products, and hatcheries.

The Secretary of Agriculture is authorized to cooperate with State authorities in the administration of regulations for the improvement of poultry, poultry products, and hatcheries. (Sept. 21, 1944, ch. 412, title I, § 101 (b), 58 Stat. 734.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

APPROPRIATIONS

Section 101 (g) of act Sept. 21, 1944, cited to text, provided that Congress may appropriate such funds as are necessary to accomplish the purpose of this section.

§ 430. Purchasing and testing of serums or analogous products; dissemination of test results.

The Secretary of Agriculture may purchase in the open market from applicable appropriations samples of all tuberculin, serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, test the same, and disseminate the results of said tests in such manner as he may deem best. (Sept. 21, 1944, ch. 412, title I, § 101 (d), 58 Stat. 734.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

APPROPRIATIONS

Section 101 (g) of act Sept. 21, 1944, cited to text, provided that Congress may appropriate such funds as are necessary to accomplish the purpose of this section.

§ 431. Purchase of tags, labels, stamps, and certificates.

The Secretary of Agriculture is authorized to expend appropriations for meat inspection for the purchase of printed tags, labels, stamps, and certificates without regard to existing laws applicable to public printing. (Sept. 21, 1944, ch. 412, title I, § 101 (f), 58 Stat. 734.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

APPROPRIATIONS

Section 101 (g) of act Sept 21, 1944, cited to text, provided that Congress may appropriate such funds as are necessary to accomplish the purpose of this section.

§ 432. Purchase of cultures for soil and fertilizer investigations.

The Secretary of Agriculture may purchase from applicable appropriations cultures in the open market for use in connection with soil and fertilizer investigations. (Sept. 21, 1944, ch. 412, title I, § 104, 58 Stat. 735.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

Chapter 19.—COTTON STATISTICS AND ESTIMATES

Sec.
473d Quality tests and analyses by Secretary for breeders and others; fees (New).

§ 473d. Quality tests and analyses by Secretary for breeders and others; fees.

The Secretary of Agriculture is authorized to make analyses of fiber properties, spinning tests, and other tests of the quality of cotton samples submitted to him by cotton breeders and other persons, subject to such terms and conditions and to the payment by such cotton breeders and other persons of such fees

as he may prescribe by regulations under this chapter. The fees to be assessed hereunder shall be reasonable, and, as nearly as may be, to cover the cost of the service rendered. (Mar. 3, 1927, ch. 337, § 3d, as added Apr. 7, 1941, ch. 42, 55 Stat. 131.)

Chapter 20A.—PERISHABLE AGRICULTURAL COMMODITIES ACT

§ 499b. Unfair conduct; what constitutes.

* * * * *

(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold, or consigned, in such commerce by such dealer, or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account and make full payment promptly in respect of any transaction in any such commodity to the person with whom such transaction is had; or to fail, without reasonable cause, to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction;

(As amended Apr. 6, 1942, ch. 211, 56 Stat. 200.)

* * * * *

AMENDMENTS

1942—Par. (4) was amended by act Apr 6, 1942, cited to text.

Chapter 26.—AGRICULTURAL ADJUSTMENT ACT OF 1933

COMMODITY BENEFITS

§ 608c. Orders regulating handling of commodity.

* * * * *

OTHER COMMODITIES; TERMS AND CONDITIONS OF ORDERS

(6) In the case of fruits (including pecans and walnuts but not including apples, other than apples produced in the States of Washington, Oregon, and Idaho, and not including fruits, other than olives, for canning) and their products, tobacco and its products, vegetables (not including vegetables, other than asparagus, for canning) and their products, soybeans and their products, hops and their products, honeybees, and naval stores as included in sections 91–99 of this title and standards established thereunder (including refined or partially refined oleoresin), orders issued pursuant to this section shall contain one or more of the following terms and conditions, and (except as provided in subsection (7)) no others:

* * * * *

(F) In the case of hops and their products, in addition to, or in lieu of, the foregoing terms and conditions, orders may contain one or more of the following:

(i) Limiting, or providing methods for the limitation of, the total quantity thereof, or of any grade, type, or variety thereof, produced during any specified period or periods, which all handlers may handle in the current of or so as directly to burden, obstruct, or affect interstate or foreign commerce in hops or any product thereof.

(ii) Apportioning, or providing methods for apportioning, the total quantity of hops of the production of the then current calendar year permitted to be handled equitably among all producers in the production area to which the order applies upon the basis of one or more or a combination of the following: The total quantity of hops available or estimated will become available for market by each producer from his production during such period; the normal production of the acreage of hops operated by each producer during such period upon the basis of the number of acres of hops in production, and the average yield of that acreage during such period as the Secretary determines to be representative, with adjustments determined by the Secretary to be proper for age of plantings or abnormal conditions affecting yield; such normal production or historical record of any acreage for which data as to yield of hops are not available or which had no yield during such period shall be determined by the Secretary on the basis of the yields of other acreage of hops of similar characteristics as to productivity, subject to adjustment as just provided for.

(iii) Allotting, or providing methods for allotting, the quantity of hops which any handler may handle so that the allotment fixed for that handler shall be limited to the quantity of hops apporioned under preceding section (ii) to each respective producer of hops; such allotment shall constitute an allotment fixed for that handler within the meaning of subsection (5) of section 608a of this title. (As amended Feb. 10, 1942, ch. 52, §§ 2, 3, 56 Stat. 85.)

* * * * *

AMENDMENTS

1942—Subsec. (6), opening par., was amended by act Feb 10, 1942, § 2, cited to text, which inserted "and their products" immediately after "hops".

Subsec. (6) (F) was added by act Feb. 10, 1942, § 3, cited to text

§ 608c–1. Repealed. June 29, 1945, ch. 196, 59 Stat. 263.

Section, as amended by act Feb 10, 1942, ch. 52, § 1, 56 Stat. 85, related to orders applicable to hops.

§ 610. Powers of Secretary of Agriculture generally.

APPROPRIATIONS FOR REFUNDS AND PAYMENTS OF PROCESSING AND RELATED TAXES AND LIMITATIONS THEREON

Act May 31, 1941, ch. 156, title I, § 1, 55 Stat. 218; act Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat. 156; act June 30, 1943, ch. 179, title I, 57 Stat. 257; act Apr. 22, 1944, ch. 175, title I, § 1, 58 Stat. 201; act Apr. 24, 1945, ch. 92, title I, 59 Stat. 62.

TRANSFER OF FUNCTIONS

Agricultural Adjustment Administration consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of war, see Ex. Ord. No. 9069, set out in note under section 601 of Appendix to Title 50, War.

§ 612. Appropriation; use of revenues derived from taxes; administrative expenses, what included.

SETTLEMENT OF CERTAIN CLAIMS AND ACCOUNTS

Act June 5, 1942, ch. 349, §§ 2, 3, 56 Stat. 324, authorized Comptroller General to relieve disbursing and certifying

officers from liability for payments made prior to January 6, 1936, under Agricultural Adjustment Act of 1933 or amendments thereto, or under the appropriation "Payments for Agricultural Adjustment" in act Feb. 11, 1936, ch 49, 49 Stat. 1116, upon certificate of Secretary of Agriculture that such payments were made in good faith, and also provided that no action should be taken to recover such excess payments, if the Secretary of Agriculture should further certify that in view of the good faith of the parties or other circumstances of the case, such attempt to recover them would be inadvisable or inequitable.

§ 612a. Additional appropriation authorized; use in connection with dairy and beef products.

TRANSFER OF FUNCTIONS

Surplus Marketing Administration, including Federal Surplus Commodities Corporation as an agency of Department of Agriculture, consolidated with other agencies into Agricultural Marketing Administration for duration of war, see Ex. Ord No 9069, set out in note under section 601 of Appendix to Title 50, War.

§ 612c. Appropriation to encourage exportation and domestic consumption of agricultural products.

ADDITIONAL APPROPRIATIONS

Res. July 1, 1941, ch. 266, § 34, 55 Stat 407, appropriated, in addition to the funds already provided, $25,000,000, to be used by the Secretary of Agriculture, for the purpose of effectuating this section, subject to the provisions of law relating to the expenditure of such funds

Act July 1, 1941, ch 267, § 1, 55 Stat 435, made the funds provided for in this section available for the fiscal year 1942

FOOD STAMP PLAN

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat 438.

§§ 615–617.

CROSS REFERENCES

Appropriations for refunds, etc., see note under section 610 of this title.

REFUNDS

APPROPRIATIONS FOR REFUNDS AND PAYMENTS OF PROCESSING AND RELATED TAXES AND LIMITATIONS THEREON

Act May 31, 1941, ch 156, title I, § 1, 55 Stat. 218; act Mar 10, 1942, ch 178, title I, § 1, 56 Stat 156, act June 30, 1943, ch 179, title I, 57 Stat. 257; act Apr 22, 1944, ch. 175, title I, § 1, 58 Stat 201, act Apr. 24, 1945, ch. 92, title I, 59 Stat. 62.

§§ 642, 643.

CROSS REFERENCES

Appropriations for refunds, etc, see note under subchapter heading "Refunds", preceding section 641 of this title.

§ 644. Conditions on allowance of refunds.

No refund shall be made or allowed, in pursuance of court decisions or otherwise, of any amount paid by or collected from any claimant as tax under sections 601–608, 608a–608c, 608d–612, 613–619, 620, 623, 624 of this title, unless the claimant establishes to the satisfaction of the Commissioner in accordance with regulations prescribed by him, with the approval of the Secretary, or to the satisfaction of the trial court, or the Board of Tax Appeals (hereinafter referred to as the "Board") in cases provided for under section 648 of this title, as the case may be—

(As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 510 (e), 56 Stat. 968.)

* * * * *

AMENDMENTS

1942—Act Oct 21, 1942, cited to text, substituted "Tax Appeals (hereinafter referred to as the 'Board')" for "Review".

EFFECTIVE DATE

The amendments to this section by act Oct. 21, 1942, cited to text, were made effective Jan. 1, 1943, by section 510 (*l*) thereof.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of Title 26, Internal Revenue Code.

CROSS REFERENCES

Appropriations for refunds, etc, see note under subchapter heading "Refunds", preceding section 641 of this title.

§§ 645–647.

CROSS REFERENCES

Appropriations for refunds, etc., see note under subchapter heading "Refunds", preceding section 641 of this title.

§ 648. Procedure on claims for refunds of processing taxes.

* * * * *

(b) The Board shall have jurisdiction in proceedings under this section to review the allowance or disallowance of the Commissioner of a claim for refund, and to determine the amount of refund due any claimant with respect to such claim. The Commissioner shall make refund of any such amount determined by a decision of the Board which has become final.

(c) The allowance or disallowance of the Commissioner of a claim for refund under this section shall be final, unless within ninety days (not counting Sunday or a legal holiday in the District of Columbia as the ninetieth day) after the date of mailing by registered mail by the Commissioner of notice that a claim for refund of any such amount has been disallowed, in whole or in part, the claimant files a petition with the Board requesting a hearing on the merits of his claim, in whole or in part. Upon the filing of any such petition the claimant shall be entitled to a hearing as provided herein. Notice and opportunity to be heard shall be given to the claimant and the Commissioner. If the notice is addressed to a person outside the States of the Union and the District of Columbia, the period specified in this subsection shall be one hundred and fifty days in lieu of ninety days.

(d) Each such hearing shall be conducted by a division of the Board and shall be open to the public. The proceedings in such hearings shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the Board may prescribe, and in accordance with the rules of evidence applicable in courts of equity of the District of Columbia. The claimant and the Commissioner shall be entitled to be represented by counsel, to have witnesses subpenaed, and to examine and cross-examine witnesses. The division shall have authority to administer oaths, examine witnesses, rule on questions of procedure and the admissibility of evidence, and to require by subpena, signed by any member of the Board, the attendance and testimony of witnesses, and the production of all necessary returns, books, papers, records, correspondence, memoranda, and other evidence, from any place in the United States at any designated place of hearing, and to require the taking of a depo-

sition by any designated individual competent to administer oaths. Any witness summoned or whose deposition is taken pursuant to this section shall receive the same fees and mileage as witnesses in the courts of the United States. Such fees and mileage and the expenses of taking any such deposition shall be paid as follows:

(1) Witnesses for Commissioner. In the case of witnesses for the Commissioner such payments shall be made by the Secretary out of any moneys appropriated for the collection of internal-revenue taxes, and may be made in advance.

(2) Other witnesses. In the case of any other witnesses, such payments shall be made, subject to rules prescribed by the Board, by the party at whose instance the witness appears or the deposition is taken.

(e) After the conclusion of the hearing a report and a decision thereon shall be made as quickly as practicable by the division conducting such hearing. The report of the division shall become the report of the Board within thirty days after such report by the division, unless within such period the chairman has directed that such report shall be reviewed by the Board. Any preliminary action by a division which does not form the basis for the entry of the final decision shall not be subject to review by the Board except in accordance with such rules as the Board may prescribe. The report of a division shall not be a part of the record in any case in which the chairman directs that such report shall be reviewed by the Board. It shall be the duty of the Board and of each division to include in its report upon any proceeding its findings of fact or opinion or memorandum opinion. The Board shall report in writing all its findings of fact, opinions, and memorandum opinions. A decision of the Board (except a decision dismissing a proceeding for lack of jurisdiction) shall be held to be rendered upon the date that an order specifying the amount of the refund, or that no refund is due, is entered in the records of the Board. If the Board dismisses a proceeding for lack of jurisdiction, an order to that effect shall be entered in the records of the Board and the decision of the Board shall be held to have been rendered upon the date of such entry.

(f) The Board is authorized to fix a fee, not in excess of the fee fixed by law to be charged and collected therefor by the clerks of the district courts, for comparing, or for preparing and comparing, a transcript of the record, or for copying any record, entry, or other paper and the comparison and certification thereof.

(g) A decision of the Board rendered after January 1, 1943, may be reviewed by a circuit court of appeals or the United States Court of Appeals for the District of Columbia, if a petition for such review is filed by either the claimant or the Commissioner within three months after the decision is rendered. Such decision may be reviewed by the circuit court of appeals for the circuit in which the claimant resides, or has his principal place of business, or, if none, by the United States Court of Appeals for the District of Columbia: *Provided, however,* that in any event such decision may be reviewed by any circuit court of appeals or the United States Court of Appeals for the District of Columbia which may be designated by the Commissioner and the claimant by stipulation in writing. Such courts shall have exclusive jurisdiction to affirm the decision of the Board, or to modify or reverse such decision, if it is not in accordance with law, with or without demanding the cause for a rehearing as justice may require. The judgments of such courts shall be final, subject to review by the Supreme Court of the United States upon certification or certiorari as provided in sections 346 and 347 of Title 28 as amended. Such courts are authorized to adopt rules for the filing of petitions for review, preparation of the record for review, and the conduct of the proceedings on review. A decision of the Board rendered after January 1, 1943 shall become final in the same manner that decisions of the Board become final under section 1140 of the Internal Revenue Code. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 510 (b), (f) (1), (g–j), 56 Stat. 967.)

AMENDMENTS

1942—Act Oct. 21, 1942, cited to text, amended subsecs (b)–(g).

EFFECTIVE DATE

The amendments to this section by act Oct. 21, 1942, cited to text, were made effective Jan. 1, 1943, by section 510 (*l*) thereof.

TRANSFER OF FUNCTIONS

Section 510 (a), (c) and (d) of act Oct 21, 1942, cited to text, provided as follows:

"(a) Effective as of the close of business on December 31, 1942, the Board of Review, established under section 906 (b) of the Revenue Act of 1936 (subsection (b) of this section), is hereby abolished and the jurisdiction vested in said Board of Review is hereby transferred to and vested in the Board of Tax Appeals

"(c) All proceedings pending in the said Board of Review on December 31, 1942, shall be deemed pending in and be transferred forthwith to the Board of Tax Appeals, and shall be proceeded with and disposed of by the Board of Tax Appeals as if originally begun therein.

"(d) All journals, dockets, books, files, records, and property, including office equipment of the said Board of Review, shall be transferred to the Board of Tax Appeals."

FILING OF PETITION

Section 510 (f) (2) of act Oct 21, 1942, cited to text, provided as follows: "(2) The amendment made by this subsection (to subsection (c) of this section), insofar as applicable to the date for filing the petition, shall not apply if the Commissioner has prior to January 1, 1943, mailed notice by registered mail that the claim for refund has been disallowed in whole or in part."

SAVINGS CLAUSE

Section 510 (k) of act Oct 21, 1942, cited to text, provided as follows "(k) Section 906 (g) of the Revenue Act of 1936 (subsection (g) of this section), as in effect prior to the date of enactment of the Revenue Act of 1942 (Oct. 21, 1942, 4 30 p. m., E W T.), shall remain in effect as to petitions to review decisions of the Board of Review rendered prior to January 1, 1943, but shall not, if any case involving any such petition is remanded for further proceedings in the Board of Tax Appeals, remain in effect with respect to any further proceedings in such case."

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of Title 26, Internal Revenue Code.

CROSS REFERENCES

Appropriations for refunds, etc., see note under subchapter heading "Refunds", preceding section 641 of this title.

§§ 649–656, 658, 659.

CROSS REFERENCES

Appropriations for refunds, etc., see note under subchapter heading "Refunds", preceding section 641 of this title.

Chapter 27.—COTTON MARKETING

§§ 701–723.

APPROPRIATIONS FOR REFUNDS AND PAYMENTS OF PROCESSING AND RELATED TAXES AND LIMITATIONS THEREON

Act May 31, 1941, ch. 156, title I, § 1, 55 Stat 218; act Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat. 156; act June 30, 1943, ch 179, title I, 57 Stat. 257; act Apr. 22, 1944, ch. 175, title I, § 1, 58 Stat. 201; act Apr. 24, 1945, ch 92, title I, 59 Stat. 62.

Chapter 28.—TOBACCO INDUSTRY

§§ 751–766.

APPROPRIATIONS FOR REFUNDS AND PAYMENTS OF PROCESSING AND RELATED TAXES AND LIMITATIONS THEREON

Act May 31, 1941, ch. 156, title I, § 1, 55 Stat. 218; act Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat 156, act June 30, 1943, ch 179, title I, 57 Stat. 257; act Apr. 22, 1944, ch. 175, title I, § 1, 58 Stat. 201; act Apr. 24, 1945, ch. 92, title I, 59 Stat. 62

Chapter 29.—POTATO ACT OF 1935

§§ 801–833.

APPROPRIATIONS FOR REFUNDS AND PAYMENTS OF PROCESSING AND RELATED TAXES AND LIMITATIONS THEREON

Act May 31, 1941, ch 156, title I, § 1, 55 Stat 218; act Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat 156, act June 30, 1943, ch. 179, title I, 57 Stat. 257, act Apr. 22, 1944, ch. 175, title I, § 1, 58 Stat. 201, act Apr 24, 1945, ch. 92, title I, 59 Stat 62

Chapter 31.—RURAL ELECTRIFICATION

Sec.
915. Purchase of financial and credit reports (New).

§ 903. Funds of Administrator—(a) Loans by Reconstruction Finance Corporation to Administrator.

The Reconstruction Finance Corporation is hereby authorized and directed to make loans to the Administrator, upon the request and approval of the Secretary of Agriculture, in such amounts in the aggregate for each fiscal year commencing with the fiscal year ending June 30, 1945, as the Congress may from time to time determine to be necessary, with interest at a rate of 1¾ per centum per annum upon the security of the obligations of borrowers from the Administrator appointed pursuant to the provisions of this chapter or from the Administrator of the Rural Electrification Administration established by Executive Order Numbered 7037. Interest rates on the unpaid balance of any loans made by the Reconstruction Finance Corporation to the Administrator prior to September 21, 1944 shall be adjusted to a rate of 1¾ per centum per annum: *Provided*, That no such loan shall be in an amount exceeding 85 per centum of the principal amount outstanding of the obligations constituting the security therefor: *And provided further*, That such obligations incurred for the purpose of financing the construction and operation of generating plants, electric transmission and distribution lines, or systems shall be fully amortized over a period not to exceed thirty-five years, and that the maturity of such obligations incurred for the purpose of financing the wiring of premises and the acquisition and installation of electrical and plumbing appliances and equipment shall not exceed two-thirds of the assured life thereof and not more than five years. The Administrator is hereby authorized to make all such endorsements, to execute all such instruments, and to do all such acts and things as shall be necessary to effect the valid transfer and assignment to the Reconstruction Finance Corporation of all such obligations. The amount of the notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions hereof.

(b) Appropriations.

There are hereby authorized to be appropriated such sums as the Congress may from time to time determine to be necessary for the purposes of this chapter as hereinafter provided.

* * * * *

(e) Unexpended funds; limitation on loans by Reconstruction Finance Corporation.

If any part of the annual sums made available for the purposes of this chapter shall not be loaned or obligated during the fiscal year for which such sums are made available, such unexpended or unobligated sums shall be available for loans by the Administrator in the following year or years without allotment: *Provided, however*, That not more than 10 per centum of said sums may be employed in any one State or in all of the Territories. (As amended Sept. 21, 1944, ch. 412, title V, §§ 501, 503, 504, 58 Stat. 739, 740.)

* * * * *

AMENDMENTS

1944—Subsec. (a) amended by act Sept. 21, 1944, cited to text, which struck out words "The Reconstruction Finance Corporation * * * at 3 per centum per annum" and inserted in lieu thereof "The Reconstruction Finance Corporation * * * of 1¾ per centum per annum", changed colon to period following "Numbered 7037", inserted "Interest rates on * * * 1¾ per centum per annum:", added sentence "The amount of the notes * * * out the provisions hereof", and substituted "thirty-five years" for "twenty-five years" in second proviso.

Subsec. (b) amended by act Sept. 21, 1944, cited to text, which struck out entire subsec limiting amount of appropriation and renewal of appropriations to eight years after June 30, 1938, and inserted in lieu thereof new subsec.

Subsec. (e) amended by act Sept. 21, 1944, cited to text, which struck out "*and provided further*, * * * after June 30, 1939.", and changed colon to period following "Territories".

CODIFICATION

This section was amended by the Department of Agriculture Organic Act of 1944

§ 904. Loans by Administrator for electrical plants and transmission lines; preferences; consent of State authorities.

The Administrator is authorized and empowered, from the sums hereinbefore authorized, to make loans to persons, corporations, States, Territories, and subdivisions and agencies thereof, municipalities, peoples' utility districts and cooperative, nonprofit, or limited-dividend associations, organized

under the laws of any State or Territory of the United States, for the purpose of financing the construction and operation of generating plants, electric transmission and distribution lines or systems for the furnishing of electric energy to persons in rural areas who are not receiving central station service, and loans, from funds available under the provisions of sections 903 (d) and 903 (e) of this title but without regard to the 10 per centum limitation therein contained, to cooperative associations for the purpose of enabling said cooperative associations to discharge or refinance long-term debts owed by them to the Tennessee Valley Authority on account of loans made or credit extended under the terms of sections 831–831dd of Title 16: *Provided,* That the Administrator, in making such loans, shall give preference to States, Territories, and subdivisions and agencies thereof, municipalities, peoples' utility districts, and cooperative, nonprofit, or limited-dividend associations, the projects of which comply with the requirements of this chapter. Such loans shall be on such terms and conditions relating to the expenditure of the moneys loaned and the security therefor as the Administrator shall determine and may be made payable in whole or in part out of the income: *Provided further,* That all such loans shall be self-liquidating within a period of not to exceed thirty-five years, and shall bear interest at the rate of 2 per centum per annum; interest rates on the unmatured and unpaid balance of any loans made pursuant to this section prior to December 23, 1944, shall be adjusted to 2 per centum per annum, and the maturity date of any such loans may be readjusted to occur at a date not beyond thirty-five years from the date of such loan: *And provided further,* That no loan for the construction, operation, or enlargement of any generating plant shall be made unless the consent of the State authority having jurisdiction in the premises is first obtained Loans under this section and section 905 of this title shall not be made unless the Administrator finds and certifies that in his judgment the security therefor is reasonably adequate and such loan will be repaid within the time agreed. (As amended Sept 21, 1944, ch. 412, title V, §§ 502 (a), 503, 58 Stat. 739; Dec. 23, 1944, ch. 725, 58 Stat 925.)

AMENDMENTS

1944—Act Dec. 23, 1944, cited to text, amended section by adding "and loans, from funds * * * of sections 831–831dd of Title 16" preceding first proviso.

Act Sept 21, 1944, cited to text, amended section by substituting "thirty-five years" for "twenty-five years", striking out "at a rate equal * * * such obligations were issued" and inserting in lieu thereof "at a rate of 2 * * * date of such loan" both in second proviso.

CODIFICATION

This section was amended by the Department of Agriculture Organic Act of 1944.

§ 905. Loans for electrical and plumbing equipment; persons eligible for loans.

The Administrator is authorized and empowered, from the sums hereinbefore authorized, to make loans for the purpose of financing the wiring of the premises of persons in rural areas and the acquisition and installation of electrical and plumbing appliances and equipment. Such loans may be made to any of the borrowers of funds loaned under the provisions of section 904 of this title, or to any person, firm, or corporation supplying or installing the said wiring, appliances, or equipment. Such loans shall be for such terms, subject to such conditions, and so secured as reasonably to assure repayment thereof, and shall be at a rate of interest of 2 per centum per annum; interest rates on the unmatured and unpaid balance of any loans made pursuant to this section prior to September 21, 1944, shall be adjusted to 2 per centum per annum. (As amended Sept. 21, 1944, ch. 412, title V, § 502 (b), 58 Stat. 739.)

AMENDMENTS

1944—Act Sept. 21, 1944, cited to text, amended section by striking out "at a rate of interest * * * such obligations were issued.", and inserted in lieu thereof "at a rate of interest * * * 2 per centum per annum."

CODIFICATION

This section was amended by the Department of Agriculture Organic Act of 1944

§ 915. Purchase of financial and credit reports.

The Rural Electrification Administration is authorized to purchase such financial and credit reports as may be necessary to carry out its authorized work: *Provided,* That purchases under this authority shall not be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein. (Sept. 21, 1944, ch. 412, title V, § 505, 58 Stat. 740.)

CODIFICATION

This section was not enacted as a part of the Rural Electrification Act of 1936

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

Chapter 33.—FARM TENANCY

SUBCHAPTER II.—REHABILITATION LOANS

Sec.
1007a. Conditions and penalties attaching to loans (New).

SUBCHAPTER I—FARM TENANT PROVISIONS

§ 1001. Farm acquirement loans; power of Secretary of Agriculture; persons eligible.

APPROPRIATIONS FOR LOANS

The Department of Agriculture Appropriation Act of 1946, May 5, 1945, ch. 109, § 1, 59 Stat. 161, provided in part, "For loans to individual farmers in accordance with title I of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (7 U S C. 1000-1006) and section 505 (b) of the Servicemen's Readjustment Act of 1944 (Public Law 346) (38 U S C. § 694e (b)), $50,000,000, including $25,000,000 for loans to eligible veterans which may be distributed, without regard to the provisions of section 4 of the Bankhead-Jones Farm Tenant Act (section 1004 of this title), among the States and Territories in such amounts as are necessary to make such loans, which sums shall be borrowed from the Reconstruction Finance Corporation at an interest rate of not to exceed 3 per centum per annum and no loan, excepting those to eligible veterans, shall be made in an amount greater than 15 per centum above the census value of the average farm unit of thirty acres and more in the county, parish, or locality where the purchase is made, as determined by the 1940 farm census, and the Reconstruction Finance Corporation is hereby authorized and directed to lend such sum to the Secretary upon the security of any obligations of borrowers from the Secretary under the provisions of title I of the Bankhead-Jones Farm Tenant Act,

approved July 22, 1937 (7 U. S. C. 1000–1006): *Provided*, That the amount loaned by the Reconstruction Finance Corporation shall not exceed 85 per centum of the principal amount outstanding of the obligations constituting the security therefor."

Similar appropriations have been carried in prior appropriation acts as follows:

1944—June 28, 1944, ch. 296, § 1, 58 Stat. 457.
1943—July 12, 1943, ch. 215, § 1, 57 Stat 427.
1942—July 22, 1942, ch. 516, § 1, 56 Stat 695.
1941—July 1, 1941, ch 267, § 1, 55 Stat 439.
1940—June 25, 1940, ch 421, § 1, 54 Stat. 564.

SUBCHAPTER II.—REHABILITATION LOANS

§ 1007a. Conditions and penalties attaching to loans.

Hereafter rural rehabilitation loans shall be subject to the conditions and penalties prescribed by sections 1020k and 1020n of Title 12, except that the functions conferred upon the Governor of the Farm Credit Administration by said sections are hereby conferred, for the purposes hereof, upon the Secretary of Agriculture. (July 1, 1941, ch. 267, § 1, 55 Stat. 440.)

CODIFICATION

Section is not a part of "The Bankhead-Jones Tenant Act" which constitutes this chapter.

SUBCHAPTER III.—RETIREMENT OF SUBMARGINAL LAND

§ 1011. Same; powers of Secretary of Agriculture.

* * * * *

(c) To sell, exchange, lease, or otherwise dispose of, with or without a consideration, any property so acquired, under such terms and conditions as he deems will best accomplish the purposes of sections 1010–1013 of this title, but any sale, exchange, or grant shall be made only to public authorities and agencies and only on condition that the property is used for public purposes: *Provided, however,* That an exchange may be made with private owners and with subdivisions or agencies of State governments in any case where the Secretary of Agriculture finds that such exchange would not conflict with the purposes of this chapter, and that the value of the property received in exchange is substantially equal to that of the property conveyed. The Secretary may recommend to the President other Federal, State, or Territorial agencies to administer such property, together with the conditions of use and administration which will best serve the purposes of a land-conservation and land-utilization program, and the President is authorized to transfer such property to such agencies. (As amended July 28, 1942, ch. 531, 56 Stat. 725.)

* * * * *

AMENDMENTS

1942—Subsec (c) amended by act July 28, 1942, cited to text, which added proviso thereto.

ADJUSTMENT OF SEBASTIAN MARTIN GRANT BOUNDARY DISPUTES

Act Aug. 11, 1945, ch. 366, 59 Stat. 532, provided: "That either the War Food Administrator or the Secretary of Agriculture be, and either of them is hereby, authorized to adjust claims to any portions of the so-called Sebastian Martin grant lands, situated between State Highway Numbered 64 and the western boundary of said grant, and between the fence constructed by the Government on the west side of Ojo Sarco Creek and the eastern boundary of said grant, in the State of New Mexico, which are administered under title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522, 525) (7 U. S. C §§ 1010–1012).

"SEC. 2 That for the purpose of carrying out the provisions of this Act (act Aug. 11, 1945, ch. 366, 59 Stat. 532), if the War Food Administrator or the Secretary of Agriculture shall find, within twenty years after the acquisition by the United States of the lands described in section 1, that the title to any portion or portions of the aforesaid lands is in dispute, and that the person or persons claiming the same or their predecessors in the occupancy thereof and under whom the right thereto is claimed, have been in open, actual, visible, exclusive, hostile, continuous, and adverse possession thereof, for a period of ten years previous to the date on which the United States acquired such land or interest, irrespective of whether color of title during such possession can be established or not, either the War Food Administrator or the Secretary of Agriculture is hereby authorized to execute and deliver, on behalf of and in the name of the United States, to the person or persons so occupying said lands, whom either of them finds entitled thereto under the provisions of this Act, a quitclaim deed to such land or interest.

"SEC. 3. Either the War Food Administrator or the Secretary of Agriculture is further authorized, upon a finding by either of them, that any lands situated within the areas described in section 1, which are not claimed by any person or persons as aforesaid, or right to which cannot be established as aforesaid, are not suitable for use and administration in connection with the land-conservation and land-utilization program administered under title III of the Bankhead-Jones Farm Tenant Act (7 U S. C. §§ 1010–1012), to sell such lands so situated, under such terms and conditions as either of them deems will best accomplish the purposes of title III of the Bankhead-Jones Farm Tenant Act (7 U S C. §§ 1010–1012). *Provided, however,* That the consideration to be paid for such lands shall not be less than the value as appraised by authorized representatives of the United States."

SUBCHAPTER IV—GENERAL PROVISIONS

§ 1014. Farmers' Home Corporation.

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

Chapter 34.—SUGAR PRODUCTION AND CONTROL

SUBCHAPTER II.—QUOTA PROVISIONS

§§ 1111–1122.

PROCLAMATION NO. 2551

April 13, 1942, 7 F. R. 2826

SUSPENSION OF OPERATION OF SECTIONS 1111–1122

Proclamation provided in part.

"Whenever the President finds and proclaims that a national economic or other emergency exists with respect to sugar or liquid sugar, he shall by proclamation suspend the operation of title II or III above, which he determines, on the basis of such findings, should be suspended, and, thereafter, the operation of any such title shall continue in suspense until the President finds and proclaims that the facts which occasioned such suspension no longer exist . . ."; and

"WHEREAS the outbreak of war has resulted in dislocation of sugar supplies from certain customary sources; and

"WHEREAS such dislocation of supplies has brought about a shortage of sugar required to meet the needs of consumers; and

"WHEREAS it is possible to obtain sugar from areas not included, or not adequately included, in the quota provisions of that Act:

"NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of the Sugar Act of 1937, as amended, do hereby find and proclaim that a national economic emergency exists with respect to sugar and do by this proclamation suspend the operation of title II of that Act"

SUBCHAPTER III.—CONDITIONAL PAYMENT PROVISIONS

§ 1131. Conditions of production.

* * * * *

(a) Child labor.

That no child under the age of fourteen years shall have been employed or permitted to work on the farm, whether for gain to such child or any other person, in the production, cultivation, or harvesting of a crop of sugar beets or sugarcane with respect to which application for payment is made, except a member of the immediate family of a person who was the legal owner of not less than 40 per centum of the crop at the time such work was performed; and that no child between the ages of fourteen and sixteen years shall have been employed or permitted to do such work, whether for gain to such child or any other person, for a longer period than eight hours in any one day, except a member of the immediate family of a person who was the legal owner of not less than 40 per centum of the crop at the time such work was performed. The Secretary is authorized to make payments, notwithstanding a failure to comply with the conditions provided in this subsection, but the payments made with respect to any crop shall be subject to a deduction of $10 for each child for each day, or a portion of a day, during which such child was employed or permitted to work contrary to the foregoing provisions of this subsection, in the 1940, and subsequent crops. (As amended Dec. 26, 1941, ch. 638, § 2, 55 Stat 872.)

* * * * *

AMENDMENTS

1941—Subsec (a) was amended by act Dec 26, 1941, cited to text, which substituted "in the 1940, and subsequent crops" for "in the 1937, 1938, and 1939 crops".

§ 1134. Computation of payments; recipients thereof—(a) Base rate.

The amount of the base rate of payment shall be 80 cents per hundred pounds of sugar or liquid sugar, raw value.

* * * * *

(c) Total payment.

The total payment with respect to a farm shall be the product of the base rate specified in subsection (a) of this section multiplied by the amount of sugar and liquid sugar, raw value, with respect to which payment is to be made, except that reduction shall be made from such total payment in accordance with the following scale of reductions:

That portion of the quantity of sugar and liquid sugar which is included within the following intervals of short tons, raw value	Reduction in the base rate of payment per hundredweight of such portion
350 to 700	$0 05
700 to 1,000	.10
1,000 to 1,500	.20
1,500 to 3,000	.25
3,000 to 6,000	.275
6,000 to 12,000	.30
12,000 to 30,000	.325
More than 30,000	.50

(As amended Dec. 26, 1941, ch. 638, § 3, 55 Stat. 873.)

* * * * *

AMENDMENTS

1941—Subsecs. (a) and (c) were amended by act Dec. 26, 1941, § 3 (a), (b), respectively, cited to text.

§ 1137. Territorial application.

This subchapter shall apply to the continental United States, the Territory of Hawaii, Puerto Rico and the Virgin Islands. (As amended Dec. 26, 1941, ch. 638, § 4 (a), 55 Stat. 873.)

AMENDMENTS

1941—Act Dec. 26, 1941, cited to text, amended section by adding "and the Virgin Islands".

EFFECTIVE DATE

Section 4 (b) of act Dec 26, 1941, cited to text, provided as follows: "(b) The amendment made by this section shall be applicable to the 1942 crop and subsequent crops"

CROSS REFERENCES

Proceeds of taxes paid under this section covered into the general funds of Philippine Treasury, see section 1249 of Title 48, Territories and Insular Possessions.

SUBCHAPTER V.—GENERAL PROVISIONS

§ 1173. Appropriation for financing Philippine program of economic adjustment.

There is authorized to be appropriated an amount equal to the amount of the taxes collected or accrued under subchapter IV on sugars produced from sugarcane grown in the Commonwealth of the Philippine Islands which are manufactured in or brought into the United States on or prior to June 30, 1947, minus the costs of collecting such taxes and the estimates of amounts of refunds required to be made with respect to such taxes, for transfer to the Government of the Commonwealth of the Philippines for the purpose of financing a program of economic adjustment in the Philippines, the transfer to be made under such terms and conditions as the President of the United States may prescribe: *Provided,* That no part of the appropriations herein authorized shall be paid directly or indirectly for the production or processing of sugarcane in the Philippine Islands (As amended Dec. 26, 1941, ch. 638, § 6, 55 Stat. 873; June 20, 1944, ch. 266, § 2, 58 Stat. 284.)

AMENDMENTS

1944—Act June 20, 1944, cited to text, amended section by striking out "June 30, 1945" and inserting in lieu thereof "June 30, 1947"

1941—Act Dec 26, 1941, cited to text, submitted "June 30, 1945" for "June 30, 1942".

§ 1183. Termination of chapter.

The powers vested in the Secretary under this chapter shall terminate on December 31, 1946, except that the Secretary shall have power to make payments under Subchapter III under programs applicable to the crop year 1946 and previous crop years. (As amended Dec. 26, 1941, ch. 638, § 1, 55 Stat. 872; June 20, 1944, ch. 266, § 1, 58 Stat. 283.)

AMENDMENTS

1944—Act June 20, 1944, cited to text, amended section by extending termination date from Dec. 31, 1944 to Dec 31, 1946 and the "crop year 1944" to the "crop year 1946".

1941—Act Dec 26, 1941, cited to text, amended section by changing termination date from December 31, 1941 to December 31, 1944.

Chapter 35.—AGRICULTURAL ADJUSTMENT ACT OF 1938

SUBCHAPTER II.—LOANS, PARITY PAYMENTS, CONSUMER SAFEGUARDS, AND MARKETING QUOTAS

B. MARKETING QUOTAS

PART II.—MARKETING QUOTAS—CORN

Sec.
1330. Supplemental provisions relating to corn and wheat marketing quotas (New).

PART IV.—MARKETING QUOTAS—WHEAT

1340. Supplemental provisions relating to corn and wheat marketing quotas (New).

PART VI.—MARKETING QUOTAS—PEANUTS (NEW)

1357. Legislative findings.
1358 Marketing quotas.
1359 Marketing penalties.

GENERAL PROVISIONS

§ 1282. Declaration of policy.

TRANSFER OF FUNCTIONS

Soil Conservation Service and Agricultural Adjustment Administration consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of war, see Ex. Ord. No 9069, set out in note under section 601 of Appendix to Title 50, War.

SUBCHAPTER II.—LOANS, PARITY PAYMENTS, CONSUMER SAFEGUARDS, AND MARKETING QUOTAS

A. DEFINITIONS, LOANS, PARITY PAYMENTS, AND CONSUMER SAFEGUARDS

§ 1301. Definitions.

* * * * *

(b) Definitions applicable to one or more commodities.

(1) * * *

* * * * *

(B) "Actual production" of any number of acres of cotton or peanuts on a farm means the actual average yield for the farm times such number of acres.

* * * * *

(6) * * *

* * * * *

(C) "Market", in the case of peanuts, means to dispose of peanuts, including farmers' stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

* * * * *

(13) * * *

(B) "Normal yield" for any county, in the case of cotton or peanuts, shall be the average yield per acre of cotton or peanuts for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. For 1942, the normal yield for any county, in the case of peanuts, shall be the average yield per acre for peanuts for the county, adjusted for abnormal conditions, during the years 1936–1940, inclusive, except that for any county in which the years 1935–1939, inclusive, are equally as representative, such period may be used in determining the normal yields for counties in the State.

* * * * *

(E) "Normal yield" for any farm, in the case of corn, wheat, cotton or peanuts, shall be the average yield per acre of corn, wheat, cotton or peanuts, as the case may be, for the farm, adjusted for abnormal weather conditions and, in the case of corn and wheat, but not in the case of cotton or peanuts, for trends in yields, during the ten calendar years in the case of corn and wheat, and five calendar years in the case of cotton or peanuts, immediately preceding the year in which such normal yield is determined. For 1942, the normal yield for any farm, in the case of peanuts, shall be the average yield per acre of peanuts for the farm, adjusted for abnormal conditions, during the years 1936–1940, inclusive, except that for any county in which the years 1935–1939, inclusive, are equally as representative, such period may be used in determining normal yields for farms in the county. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.

(As amended Apr. 3, 1941, ch. 39, §§ 2, 3, 55 Stat. 91, 92; July 9, 1942, ch. 497, § 1 (4), (5), 56 Stat. 654.)

AMENDMENTS

1942—Subsec (b) (13) (B) was amended by act July 9, 1942, § 1 (4), cited to text, which inserted "or peanuts" after "cotton", wherever appearing, and added the last sentence

Subsec (b) (13) (E) was amended by act July 2, 1942, § 1 (5), cited to text which deleted "or" after "wheat" and before "cotton" wherever appearing, inserted "or peanuts" after "cotton" wherever appearing, and added second sentence

1941—Subsec (b) (1) (B) was amended by act April 3, 1941, § 2, cited to text

Subsec (b) (6) (C) was added by act April 3, 1941, § 3, cited to text Former (b) (6) (C) was omitted in amendment to subsec (b) (6) by act July 2, 1940 § 3, also cited

§ 1302. Loans by Commodity Credit Corporation on agricultural commodities.

PAYMENTS FOR INCREASED FLAX PRODUCTION

Section 5 of act Dec. 23, 1944, ch 713, 58 Stat 919 provided: "Notwithstanding the provisions of the item entitled 'Conservation and use of agricultural land resources', contained in the Department of Agriculture Appropriation Act, 1945 [act June 28, 1944, ch 296, 58 Stat 425], there is hereby authorized to be appropriated to the War Food Administrator an additional amount not exceeding $30,000,000 for making payments, subject to the applicable provisions of the Soil Conservation and Domestic Allotment Act, as amended [sections 590a–590h, 590l, 590j–590q of Title 16], to producers to encourage an increased production of flax for the crop year 1945 and the Administrator is authorized to make commitments to the producers of such commodity accordingly in advance of the appropriation of the funds herein authorized."

CROSS REFERENCES

Peanut crop loans, see sections 1330 (10) and 1340 (10) of this title.

B. Marketing Quotas

PART I.—MARKETING QUOTAS—TOBACCO

§ 1312. National marketing quota—Proclamation of quota.

(a) Whenever the Secretary finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year. The amount of the national marketing quota so proclaimed may, not later than the following March 1, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands, or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level. (As amended Feb. 28, 1942, ch. 123, 56 Stat. 121.)

* * * * *

AMENDMENTS

1942—Subsec. (a) was amended by act Feb 28, 1942, which substituted "the following March 1" for "December 31" in the last sentence thereof.

QUOTAS FOR FIRE-CURED AND DARK AIR-CURED TOBACCO FOR MARKETING YEARS 1946 1948, LOANS AND PRICE SUPPORT BY COMMODITY CREDIT CORPORATION

Joint Res. July 28, 1945, ch. 330, 59 Stat. 506, provided: "That notwithstanding the provisions of section 312 (a) of the Agricultural Adjustment Act of 1938, as amended (this section), relating to the finding of the total supply of tobacco, the reserve supply level, and the amount of the national marketing quota, and the provisions of section 313 of said Act (section 1313 of this title) relating to the apportionment of the national marketing quota for tobacco among the States and farms, national marketing quotas for fire-cured and dark air-cured tobacco for the marketing years 1946–1947, 1947–1948, and 1948–1949, shall be proclaimed and the national marketing quota and State and farm acreage allotments shall be the same for the marketing year 1946–1947 as were established for the marketing year 1943–1944, and the farm acreage allotments for the marketing years 1947–1948 and 1948–1949 shall be increased or decreased in the ratio which the national marketing quota for the 1943-1944 marketing year bears to the amount of tobacco which the Secretary determines to be required to make the carry-over at the beginning of the marketing year equal the reserve supply level: *Provided, however*, That an additional acreage not in excess of 5 per centum of the total acreage allotted to all farms in each State for the 1943–1944 marketing year shall be allotted each year by the local committees among farms in the State in accordance with regulations prescribed by the Secretary so as to establish allotments which the committee find will be fair and equitable in relation to the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; and crop-rotation practices, and an additional acreage equal to not more than 5 per centum of the acreage allotted to all farms for the 1943–1944 marketing year shall be allotted each year to farms on which no tobacco was produced in the last five years in accordance with the provisions of subsection (g) of section 313 (this section) applicable to farms on which no tobacco was produced during the last five years. The foregoing provisions of this section shall not have the effect of modifying or repealing any other provisions of said Act (sections 1281–1407 of this title, and sections 590h and 590o of title 16).

"SEC. 2. Notwithstanding any other provision of law, the Commodity Credit Corporation is authorized and directed, beginning with the 1945 crop, to make available upon any crop of fire-cured, dark air-cured and Virginia sun-cured tobacco, if producers have not disapproved marketing quotas for such tobacco for the marketing year beginning with the calendar year in which such crop is harvested, loans or other price support at, in the case of fire-cured tobacco, 75 per centum of the loan rate for burley tobacco for the corresponding crop and, in the case of dark air-cured and Virginia sun-cured tobacco, at 66⅔ per centum of such burley tobacco loan rate."

§ 1313. Apportionment of national marketing quota.

(a) Apportionment among States.

The national marketing quota for tobacco established pursuant to the provisions of section 1312 of this title, less the amount to be allotted under subsection (c) of this section, shall be apportioned by the Secretary among the several States on the basis of the total production of tobacco in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period. Notwithstanding any other provision of this section and section 1312 of this title, except the provisions in subsection (g) of this section relating to reduction of allotments, for any of the three marketing years, 1941–1942 to 1943–1944, in which a national marketing quota is in effect for Burley or flue-cured tobacco, such national marketing quota shall not be reduced below the 1940–1941 national marketing quota by more than 10 per centum and the farm-acreage allotments (other than allotments established in each year under subsection (g) of this section for farms on which no tobacco was produced in the last five years) shall be determined by increasing or decreasing the farm-acreage allotments established in the last preceding year in which marketing quotas were in effect in the same ratio as such national marketing quota is increased or decreased above or below the last preceding national marketing quota: *Provided*, That in the case of flue-cured tobacco no allotment shall be decreased below the 1940 allotment if such allotment was two acres or less, and in the case of Burley tobacco no allotment shall be decreased below the 1939 allotment if such allotment was one-half acre or less, or below the 1940 allotment if such allotment was over one-half acre and not over one acre: *And provided further*, That an additional acreage not in excess of 2 per centum of the total acreage allotted to all farms in each State in 1940 shall be allotted by the local committees, without regard to the ratio

aforesaid, among farms in the State in accordance with regulations prescribed by the Secretary so as to establish allotments which the committees find will be fair and equitable in relation to the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; and crop-rotation practices: *And provided further*, That the Burley tobacco acreage allotment which would otherwise be established for any farm having a Burley acreage allotment in 1942 shall not be less than one-half acre, and the acreage required for apportionment under this proviso shall be in addition to the National and State acreage allotments.

* * * * *

(h) Adjustment of allotment upon acquisition of part of farms by United States for defense.

Notwithstanding any other provision of sections 1311–1314 of this title, any person who owned a farm, which in 1940 or thereafter was acquired by the United States for national-defense purposes, and who owns or acquires one or more other farms, shall, upon application to the local committee, be entitled to have an allotment for any one of such other farms owned by him for each of the five years succeeding the acquisition by the United States equal to the allotment which would have been made to such farm plus the allotment which would have been made to the farm acquired by the United States except for such acquisition: *Provided*, That such allotment shall not exceed 50 per centum of the acreage of cropland in the farm in the case of flue-cured tobacco, and 20 per centum of the acreage of cropland in the farm, in the case of kinds of tobacco other than flue-cured. Any farm for which the allotment has been determined under this subsection shall, after the end of such five years, have its allotment determined on the basis of past acreage of tobacco, land, labor, and equipment available for the production of tobacco, crop-rotation practices, and soil and other physical factors affecting the production of tobacco: *Provided further*, That the provisions of this subsection shall not be applicable so long as there is any penalty due and unpaid, or a failure to account for the disposition of tobacco produced on the farm acquired by the United States, or if the allotment next established for such farm would have been reduced because of the false or improper identification of tobacco produced on or marketed from such farm. Nothing in this subsection shall be construed as preventing the Secretary from operating any allotment pool from which allotments are made to share tenants or sharecroppers who move from farms acquired by the United States for national-defense purposes to other farms purchased and operated by such persons. (As amended Feb. 6, 1942, ch. 44, § 1, 56 Stat. 51; Apr. 29, 1943, ch. 80, 57 Stat. 69.)

AMENDMENTS

1943—Subsec (a) was amended by act Apr 29, 1943, cited to text, which added proviso beginning "That the Burley tobacco acreage".

1942—Subsec. (h) was added by act Feb. 6, 1942, cited to text

QUOTAS FOR BURLEY AND FLUE-CURED TOBACCO FOR MARKETING YEARS 1944–45, 1945–46, AND 1946–47

Res. July 7, 1943, ch. 195, 57 Stat. 387, as amended by Joint Res. Mar. 31, 1944, ch 149, 58 Stat. 136, provided: "That notwithstanding the provisions of section 312 (a) of the Agricultural Adjustment Act of 1938, as amended, [section 1312 of this title] relating to the finding of the total supply of tobacco, the reserve supply level and the amount of the national marketing quota, and the provisions of section 313 of said Act [section 1313 of this title] relating to the apportionment of the national marketing quota for tobacco among the States and farms, national marketing quotas for burley and flue-cured tobacco for the marketing years 1944–45, 1945–46, and 1946–47 shall be proclaimed and the national marketing quotas and State and farm acreage allotments shall be the same as for the preceding year: *Provided, however*, That an additional acreage not in excess of 2 per centum of the total acreage allotted to all farms in each State in 1940 shall be allotted in accordance with the applicable provisions of subsection (a) of section 313 [section 1313 of this title] and an additional acreage equal to not more than 5 per centum of the national marketing quota shall be allotted to farms on which no tobacco was produced in the last five years in accordance with the provisions of subsection (g) of section 313 [section 1313 of this title]. This joint resolution shall not have the effect of modifying or repealing any other provision of said Act, [sections 1281–1407 of this title, and sections 590h and 590o of Title 16]."

APPORTIONMENT OF BURLEY ACREAGE ALLOTMENT

Joint Res Mar 31, 1944, ch 149, 58 Stat. 136, provided: "That notwithstanding the provisions of section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, [section 1313 of this title] the burley tobacco acreage allotment which would otherwise be established for any farm having a burley acreage allotment in 1943 shall not be less than one acre, or 25 per centum of the cropland, whichever is the smaller, and the acreage required for apportionment under this joint resolution [Mar. 31, 1944, ch 149, 58 Stat. 136] shall be in addition to the National and State acreage allotments "

PART II.—MARKETING QUOTAS—CORN

§ 1323. Amount of farm marketing quota.

CROSS REFERENCES

Supplemental provisions relating to corn and wheat marketing quotas, see section 1330 of this title.

§ 1330. Supplemental provisions relating to corn and wheat marketing quotas.

Notwithstanding the other provisions of this chapter (hereinafter referred to as this chapter)—

(1) The farm marketing quota under this chapter for any crop of wheat shall be the actual production of the acreage planted to wheat on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to wheat on the farm which is in excess of the farm acreage allotment for wheat. The farm marketing quota under this chapter for any crop of corn shall be the actual production of the acreage planted to corn on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to corn on the farm which is in excess of the farm acreage allotment for corn.

The normal production, or the actual production, whichever is the smaller, of such excess acreage is hereinafter called the "farm marketing excess" of corn or wheat, as the case may be. For the purposes of this section, "actual production" of any number of acres of corn or wheat on a farm means the actual average yield of corn or wheat, as the case may be, for the farm times such number of acres.

(2) During any marketing year for which quotas are in effect, the producer shall be subject to a penalty on the farm marketing excess of corn and wheat. The rate of the penalty shall be 50 per centum of the basic rate of the loan on the commodity for cooperators for such marketing year under section 1302 of this chapter and this section.

(3) The farm marketing excess for corn and wheat shall be regarded as available for marketing, and the penalty and the storage amount or amounts to be delivered to the Secretary of the commodity shall be computed upon the normal production of the excess acreage. Where, upon the application of the producer for an adjustment of penalty or of storage, it is shown to the satisfaction of the Secretary that the actual production of the excess acreage is less than the normal production thereof, the difference between the amount of the penalty or storage as computed upon the basis of normal production and as computed upon the basis of actual production shall be returned to or allowed the producer. The Secretary shall issue regulations under which the farm marketing excess of the commodity for the farm may be stored or delivered to him. Upon failure to store or deliver to the Secretary the farm marketing excess within such time as may be determined under regulations prescribed by the Secretary, the penalty computed as aforesaid shall be paid by the producer. Any corn or wheat delivered to the Secretary hereunder shall become the property of the United States and shall be disposed of by the Secretary for relief purposes in the United States or in foreign countries or in such other manner as he shall determine will divert it from the normal channels of trade and commerce.

(4) Until the producers on any farm store, deliver to the Secretary, or pay the penalty on, the farm marketing excess of any crop of corn or wheat, the entire crop of corn or wheat, as the case may be, produced on the farm shall be subject to a lien in favor of the United States for the amount of the penalty.

(5) The penalty upon corn or wheat stored shall be paid by the producer at the time, and to the extent, of any depletion in the amount of the commodity so stored, except depletion resulting from some cause beyond the control of the producer.

(6) Whenever the planted acreage of the then current crop of corn or wheat on any farm is less than the farm acreage allotment for such commodity, the total amount of the commodity from any previous crops required to be stored in order to postpone or avoid payment of penalty shall be reduced by that amount which is equal to the normal production of the number of acres by which the farm acreage allotment exceeds the planted acreage. The provisions of section 1326 (b) and (c) of this chapter shall be applicable also to wheat.

(7) A farm marketing quota on corn or wheat shall not be applicable to any farm on which the acreage planted to the commodity is not in excess of fifteen acres. The marketing penalty on corn or wheat shall not be applicable to any farm which, under the terms of the then current agricultural conservation program formulated under sections 590g–590q of Title 16, is classified as a nonallotment farm if the acreage of the commodity harvested on such nonallotment farm is not in excess of fifteen acres or the acreage allotment for the farm, whichever is larger. If the acreage of the commodity harvested on any such nonallotment farm is in excess of fifteen acres and in excess of such acreage allotment, the normal production or the actual production, whichever is the smaller, of the acreage harvested in excess of fifteen acres or such acreage allotment, whichever is larger, shall be taken as the farm marketing excess and shall be subject to penalty: *Provided*, That there shall be no penalty on wheat harvested on any such nonallotment farm from which no wheat is sold if the acreage of wheat harvested on such farm does not exceed such acreage per family living thereon as may be used for home consumption without reducing the payment with respect to the farm under the then current agricultural conservation program: *Provided further*, That for the marketing year beginning in 1941, there shall be no marketing penalty on wheat with respect to any such nonallotment farm if the acreage of wheat harvested on the farm is not in excess of the usual acreage determined for the farm under the 1941 agricultural conservation program and the county committee determines, in accordance with regulations of the Secretary, that there will not be marketed an amount of wheat in excess of the 1941 farm marketing quota.

(8) Until the farm marketing excess of corn or wheat, as the case may be, is stored or delivered to the Secretary or the penalty thereon is paid, each bushel of the commodity produced on the farm which is sold by the producer to any person within the United States shall be subject to the penalty as specified in paragraph (2) of this section. Such penalty shall be paid by the buyer, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(9) The marketing penalty for cotton and rice produced in the calendar year in which any marketing year begins (if beginning with or after the 1941–1942 marketing year) shall be at a rate equal to 50 per centum of the basic rate of the loan for cooperators for such marketing year under section 1302 of this chapter and this section.

(10) The Commodity Credit Corporation is directed to make available upon the 1941, 1942, 1943, 1944, 1945 and 1946 crops of the commodities cotton, corn, wheat, rice, tobacco and peanuts, for which producers have not disapproved marketing quotas for the marketing year beginning in the calendar year in which such crop is harvested, loans as follows:

(a) To cooperators (except cooperators outside the commercial corn-producing area, in the case of corn) at the rate of 85 per centum of the parity price for the commodity as of the beginning of the marketing year;

(b) To cooperators outside the commercial corn-producing area, in the case of corn, at the rate of 75 per centum of the rate specified in (a) above;

(c) To noncooperators (except noncooperators outside the commercial corn-producing area, in the

case of corn) at the rate of 60 per centum of the rate specified in (a) above and only on so much of the commodity as would be subject to penalty if marketed.

(11) The provisions of this section are amendatory of and supplementary to this chapter, and all provisions of law applicable in respect of marketing quotas and loans under such chapter as so amended and supplemented shall be applicable, but nothing in this section shall be construed to amend or repeal section 1301 (b) (6), 1323 (b), or 1335 (d) of this chapter.

(12) Notwithstanding any of the foregoing provisions, the farm marketing excess for any crop of wheat for any farm shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat-acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary. Where a downward adjustment in the amount of the farm marketing excess is made pursuant to the provisions of this paragraph, the difference between the amount of the penalty or storage as computed upon the farm marketing excess before such adjustment and as computed upon the adjusted farm marketing excess shall be returned to or allowed the producer. (May 26, 1941, ch. 133, 55 Stat. 203, as amended Dec. 26, 1941, ch. 626, § 2, 55 Stat. 860, eff. Dec. 26, 1941; Dec. 26, 1941, ch. 636, 55 Stat. 872, eff May 26, 1941.)

AMENDMENTS

1941—Par (10) was amended by act Dec 26, 1941, ch. 626, cited to text.

Par. (12) was added, effective as of May 26, 1941, by act Dec. 26, 1941, ch 636, cited to text.

CODIFICATION

Section is not a part of the Agricultural Adjustment Act of 1938 Similar provisions are also set out as section 1340 of this title

PART III.—MARKETING QUOTAS—WHEAT

§ 1334. Apportionment of national acreage allotment.

* * * * *

(d) Adjustment of allotment upon acquisition of part of farms by United States for defense.

Notwithstanding any other provision of this section, the allotments established, or which would have been established, for any farm acquired in 1940 or thereafter by the United States for national-defense purposes shall be placed in an allotment pool and shall be used only to establish allotments for other farms owned or acquired by the owner of the farm so acquired by the United States The allotment so made for any farm, including a farm on which wheat has not been planted during any of the three marketing years preceding the marketing year in which the allotment is made, shall compare with the allotments established for other farms in the same area which are similar except for the past acreage of wheat. (As amended Feb. 6, 1942, ch. 44, § 2, 56 Stat. 52.)

AMENDMENTS

1942—Subsec. (d) was added by act Feb. 6, 1942, cited to text.

EMERGENCY FARM ACREAGE ALLOTMENT

Act Feb. 28, 1945, ch. 15, 59 Stat. 9, provided: "That in establishing acreage allotments under subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended (sections 1311–1359 of this title), or under the Soil Conservation and Domestic Allotment Act, as amended (sections 590a–590e, 590f–590h, 590i, 590j–590q of title 16), the Secretary of Agriculture, under regulations prescribed by him, may provide that for any crop year (beginning with the crop year 1945) during the present emergency any farm, with respect to which a cotton, wheat, or peanut allotment was established for the 1942 crop, shall be regarded as a farm on which cotton, wheat, or peanuts, as the case may be, were planted and grown, if the Secretary determines that, with respect to cotton or wheat, because of the production of war crops designated by him on such farm, or, with respect to cotton, wheat, or peanuts, because the owner or operator was serving in the armed forces of the United States, the cotton, wheat, or peanut production history of the farm for such year is not representative of the normal history of the farm.

The Secretary may also provide with respect to any such farm that the past acreage of peanuts shall be adjusted upward to the extent that the acreage used for growing peanuts on such farm in such year is below the normal history of the farm"

§ 1335. Marketing quotas.

CROSS REFERENCES

Supplemental provisions relating to corn and wheat marketing quotas, see section 1340 of this title.

§ 1340. Supplemental provisions relating to corn and wheat marketing quotas.

Notwithstanding the other provisions of this chapter (hereinafter referred to as this chapter)—

(1) The farm marketing quota under this chapter for any crop of wheat shall be the actual production of the acreage planted to wheat on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to wheat on the farm which is in excess of the farm acreage allotment for wheat. The farm marketing quota under this chapter for any crop of corn shall be the actual production of the acreage planted to corn on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to corn on the farm which is in excess of the farm acreage allotment for corn.

The normal production, or the actual production, whichever is the smaller, of such excess acreage is hereinafter called the "farm marketing excess" of corn or wheat, as the case may be. For the purposes of this section, "actual production" of any number of acres of corn or wheat on a farm means the actual average yield of corn or wheat, as the case may be, for the farm times such number of acres.

(2) During any marketing year for which quotas are in effect, the producer shall be subject to a penalty on the farm marketing excess of corn and wheat. The rate of the penalty shall be 50 per centum of the basic rate of the loan on the commodity for cooperators for such marketing year under section 1302 of this chapter and this section.

(3) The farm marketing excess for corn and wheat shall be regarded as available for marketing, and the penalty and the storage amount or amounts to be delivered to the Secretary of the commodity shall be computed upon the normal production of the excess acreage. Where, upon the application of

the producer for an adjustment of penalty or of storage, it is shown to the satisfaction of the Secretary that the actual production of the excess acreage is less than the normal production thereof, the difference between the amount of the penalty or storage as computed upon the basis of normal production and as computed upon the basis of actual production shall be returned to or allowed the producer. The Secretary shall issue regulations under which the farm marketing excess of the commodity for the farm may be stored or delivered to him. Upon failure to store or deliver to the Secretary the farm marketing excess within such time as may be determined under regulations prescribed by the Secretary, the penalty computed as aforesaid shall be paid by the producer. Any corn or wheat delivered to the Secretary hereunder shall become the property of the United States and shall be disposed of by the Secretary for relief purposes in the United States or in foreign countries or in such other manner as he shall determine will divert it from the normal channels of trade and commerce.

(4) Until the producers on any farm store, deliver to the Secretary, or pay the penalty on, the farm marketing excess of any crop of corn or wheat, the entire crop of corn or wheat, as the case may be, produced on the farm shall be subject to a lien in favor of the United States for the amount of the penalty.

(5) The penalty upon corn or wheat stored shall be paid by the producer at the time, and to the extent, of any depletion in the amount of the commodity so stored, except depletion resulting from some cause beyond the control of the producer.

(6) Whenever the planted acreage of the then current crop of corn or wheat on any farm is less than the farm acreage allotment for such commodity, the total amount of the commodity from any previous crops required to be stored in order to postpone or avoid payment of penalty shall be reduced by that amount which is equal to the normal production of the number of acres by which the farm acreage allotment exceeds the planted acreage. The provisions of section 1326 (b) and (c) of this chapter shall be applicable also to wheat.

(7) A farm marketing quota on corn or wheat shall not be applicable to any farm on which the acreage planted to the commodity is not in excess of fifteen acres. The marketing penalty on corn or wheat shall not be applicable to any farm which, under the terms of the then current agricultural conservation program formulated under sections 590g–590q of Title 16, is classified as a nonallotment farm if the acreage of the commodity harvested on such nonallotment farm is not in excess of fifteen acres or the acreage allotment for the farm, whichever is larger. If the acreage of the commodity harvested on any such nonallotment farm is in excess of fifteen acres and in excess of such acreage allotment, the normal production or the actual production, whichever is the smaller, of the acreage harvested in excess of fifteen acres or such acreage allotment, whichever is larger, shall be taken as the farm marketing excess and shall be subject to penalty: *Provided*, That there shall be no penalty on wheat harvested on any such nonallotment farm from which no wheat is sold if the acreage of wheat harvested on such farm does not exceed such acreage per family living thereon as may be used for home consumption without reducing the payment with respect to the farm under the then current agricultural conservation program: *Provided further*, That for the marketing year beginning in 1941, there shall be no marketing penalty on wheat with respect to any such nonallotment farm if the acreage of wheat harvested on the farm is not in excess of the usual acreage determined for the farm under the 1941 agricultural conservation program and the county committee determines, in accordance with regulations of the Secretary, that there will not be marketed an amount of wheat in excess of the 1941 farm marketing quota.

(8) Until the farm marketing excess of corn or wheat, as the case may be, is stored or delivered to the Secretary or the penalty thereon is paid, each bushel of the commodity produced on the farm which is sold by the producer to any person within the United States shall be subject to the penalty as specified in paragraph (2) of this section. Such penalty shall be paid by the buyer, who may deduct an amount equivalent to the penalty from the price paid to the producer.

(9) The marketing penalty for cotton and rice produced in the calendar year in which any marketing year begins (if beginning with or after the 1941–1942 marketing year) shall be at a rate equal to 50 per centum of the basic rate of the loan for cooperators for such marketing year under section 1302 of this chapter and this section.

(10) The Commodity Credit Corporation is directed to make available upon the 1941, 1942, 1943, 1944, 1945 and 1946 crops of the commodities cotton, corn, wheat, rice, tobacco and peanuts, for which producers have not disapproved marketing quotas for the marketing year beginning in the calendar year in which such crop is harvested, loans as follows:

(a) To cooperators (except cooperators outside the commercial corn-producing area, in the case of corn) at the rate of 85 per centum of the parity price for the commodity as of the beginning of the marketing year;

(b) To cooperators outside the commercial corn-producing area, in the case of corn, at the rate of 75 per centum of the rate specified in (a) above;

(c) To noncooperators (except noncooperators outside the commercial corn-producing area, in the case of corn) at the rate of 60 per centum of the rate specified in (a) above and only on so much of the commodity as would be subject to penalty if marketed.

(11) The provisions of this section are amendatory of and supplementary to this chapter, and all provisions of law applicable in respect of marketing quotas and loans under such chapter as so amended and supplemented shall be applicable, but nothing in this section shall be construed to amend or repeal section 1301 (b) (6), 1323 (b), or 1335 (d) of this chapter.

(12) Notwithstanding any of the foregoing provisions, the farm marketing excess for any crop of

wheat for any farm shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat-acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary. Where a downward adjustment in the amount of the farm marketing excess is made pursuant to the provisions of this paragraph, the difference between the amount of the penalty or storage as computed upon the farm marketing excess before such adjustment and as computed upon the adjusted farm marketing excess shall be returned to or allowed the producer. (May 26, 1941, ch. 133, 55 Stat. 203, as amended Dec. 26, 1941, ch. 626, § 2, 55 Stat. 860, eff. Dec. 26, 1941; Dec. 26, 1941, ch. 636, 55 Stat. 872, eff. May 26, 1941.)

AMENDMENTS

1941—Par (10) was amended by act Dec 26, 1941, ch 626, cited to text.

Par. (12) was added, effective as of May 26, 1941, by act Dec. 26, 1941, ch 636, cited to text

CODIFICATION

Section is not a part of the Agricultural Adjustment Act of 1938 Similar provisions are also set out as section 1330 of this title

PART IV.—MARKETING QUOTAS—COTTON

§ 1344. Apportionment of national allotment.

* * * * *

Adjustment of allotment upon acquisition of part of farms by United States for defense.

(j) Notwithstanding any other provision of this section, the allotment established, or which would have been established, for any farm acquired in 1940 or thereafter by the United States for national-defense purposes shall be placed in an allotment pool and shall be used only for establishing allotments for farms owned or acquired by the owner of the farm so acquired by the United States. The allotment so made for any farm, including a farm which was not used for cotton production during any of the three calendar years immediately preceding the year for which the allotment is made, shall compare with the allotments established for other farms in the same area which are similar except for the past acreage of cotton, taking into consideration the character and adaptability of soil and other physical facilities affecting the production of cotton. Allotments established pursuant to this subsection shall not affect the allotments for other farms in the county and the acreage allotted to farms in the county shall be increased to the extent of such allotments. (As amended Feb. 6, 1942, ch. 44, § 3, 56 Stat. 52.)

AMENDMENTS

1942—Subsec (j) was added by act Feb. 6, 1942, cited to text.

EMERGENCY FARM ACREAGE ALLOTMENT

Act Feb. 28, 1945, ch. 15, 59 Stat. 9, provided: "That in establishing acreage allotments under subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended (sections 1311–1359 of this title), or under the Soil Conservation and Domestic Allotment Act, as amended (sections 590a–590e, 590f–590h, 590i, 590j–590q of title 16), the Secretary of Agriculture, under regulations prescribed by him, may provide that for any crop year (beginning with the crop year 1945) during the present emergency any farm, with respect to which a cotton, wheat, or peanut allotment was established for the 1942 crop, shall be regarded as a farm on which cotton, wheat, or peanuts, as the case may be, were planted and grown, if the Secretary determines that, with respect to cotton or wheat, because of the production of war crops designated by him on such farm, or, with respect to cotton, wheat, or peanuts, because the owner or operator was serving in the armed forces of the United States, the cotton, wheat, or peanut production history of the farm for such year is not representative of the normal history of the farm.

"The Secretary may also provide with respect to any such farm that the past acreage of peanuts shall be adjusted upward to the extent that the acreage used for growing peanuts on such farm in such year is below the normal history of the farm."

PART VI.—MARKETING QUOTAS—PEANUTS

§ 1357. Legislative findings.

The production, marketing, and processing of peanuts and peanut products employs a large number of persons and is of national interest. The movement of peanuts from producer to consumer is preponderantly in interstate and foreign commerce, and, owing to causes beyond their control, the farmers producing such commodity and the persons engaged in the marketing and processing thereof are unable to regulate effectively the orderly marketing of the commodity. As the quantity of peanuts marketed in the channels of interstate and foreign commerce increases above the quantity of peanuts needed for cleaning and shelling, the prices at which all peanuts are marketed are depressed to low levels. These low prices tend to cause the quantity of peanuts available for marketing in later years to be less than normal, which in turn tends to cause relatively high prices. This fluctuation of prices and marketings of peanuts creates an unstable and chaotic condition in the marketing of peanuts for cleaning and shelling and for crushing for oil in the channels of interstate and foreign commerce. Since these unstable and chaotic conditions have existed for a period of years and are likely, without proper regulation, to continue to exist, it is imperative that the marketing of peanuts for cleaning and shelling and for crushing for oil in interstate and foreign commerce be regulated in order to protect producers, handlers, processors, and consumers. (Feb. 16, 1938, 3 p. m., ch. 30, title III, § 357, as added Apr. 3, 1941, ch. 39, § 1, 55 Stat. 88.)

§ 1358. Marketing quotas.

(a) Between July 1 and December 1 of each calendar year the Secretary shall proclaim the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions, and the quota so proclaimed shall be in effect with respect to such crop. The national marketing quota for peanuts for any year shall be converted to a national acreage allot-

ment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustments as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields in such five years: *Provided,* That the national marketing quota established for the crop produced in the calendar year 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than one million six hundred and ten thousand acres, and that the national marketing quota established for any subsequent year shall be quantity of peanuts sufficient to provide a national acreage allotment of not less than 95 per centum of that established for the crop produced in the calendar year 1941.

(b) Not later than December 15 of each calendar year the Secretary shall conduct a referendum of farmers engaged in the production of peanuts in the calendar year in which the referendum is held to determine whether such farmers are in favor of or opposed to marketing quotas with respect to the crops of peanuts produced in the three calendar years immediately following the year in which the referendum is held, except that, if as many as two-thirds of the farmers voting in any referendum vote in favor of marketing quotas, no referendum shall be held with respect to quotas for the second and third years of the period. The Secretary shall proclaim the results of the referendum within thirty days after the date on which it is held, and, if more than one-third of the farmers voting in the referendum vote against marketing quotas, the Secretary also shall proclaim that marketing quotas will not be in effect with respect to the crop of peanuts produced in the calendar year immediately following the calendar year in which the referendum is held. Notwithstanding any other provisions of this section, the Secretary shall proclaim a national marketing quota with respect to the crop of peanuts produced in the calendar year 1941 equal to the minimum quota provided for said year in subsection (a) hereof and shall provide for the holding of a referendum on such quota within thirty days after April 3, 1941, and the State and farm acreage allotments established under the 1941 agricultural conservation program shall be the State and farm acreage allotments for the 1941 crop of peanuts.

(c) The national acreage allotment shall be apportioned among States on the basis of the average acreage of peanuts harvested for nuts in the five years preceding the year in which the national allotment is determined, with adjustments for trends, abnormal conditions of production, and the State peanut-acreage allotment for the crop immediately preceding the crop for which the allotment hereunder is established: *Provided,* That the allotment established for any State for any year subsequent to 1941 shall be not less than 95 per centum of the allotment established for such State for the crop produced in the calendar year 1941: *Provided further,* That for the second or third year of any three-year period in which marketing quotas are in effect the acreage allotment for each State for such year shall be increased above or decreased below the allotment for the State for the immediately preceding year by the same percentage as the national marketing quota for such year is increased above or decreased below the national marketing quota for the preceding year.

(d) The Secretary shall provide for apportionment of the State acreage allotment for any State through local committees among farms on which peanuts were grown in any of the three years immediately preceding the year for which such allotment is determined. Such apportionment shall be made on the basis of the tillable acreage available for the production of peanuts and the past acreage of peanuts on the farm, taking into consideration the peanut-acreage allotments established for the farm under previous agricultural adjustment and conservation programs. Any acreage of peanuts harvested in excess of the allotted acreage for any farm for any year shall not be considered in the establishment of the allotment for the farm until the third year following the year in which such excess acreage is harvested and the total increases made in farm-acreage allotments in any year based on such excess acreage shall not exceed 2 per centum of the national acreage allotment for such year: *Provided,* That in the distribution of such increases based on such excess acreage the total allotments established for new farms shall not be less than 50 per centum of such increases. The amount of the marketing quota for each farm shall be a number of pounds of peanuts equal to the normal production or the actual production, whichever is the greater, of the farm peanut acreage allotment and no peanuts shall be marketed under the quota for any farm other than peanuts actually produced on the farm. (Feb. 16, 1938, 3 p. m., ch. 30, title III, § 358, as added Apr. 3, 1941, ch. 39, § 1, 55 Stat. 88, and amended July 9, 1942, ch. 497, § 1 (1), 56 Stat 653.)

AMENDMENTS

1942—Subsec. (d) was amended by act July 9, 1942, cited to text, which substituted last sentence for former last sentence.

EMERGENCY FARM ACREAGE ALLOTMENT

Act Feb. 28, 1945, ch 15, 59 Stat. 9, provided "That in establishing acreage allotments under subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended (sections 1311–1359 of this title), or under the Soil Conservation and Domestic Allotment Act, as amended (sections 590a–590e, 590f–590h, 590i, 590j–590q of title 16), the Secretary of Agriculture, under regulations prescribed by him, may provide that for any crop year (beginning with the crop year 1945) during the present emergency any farm, with respect to which a cotton, wheat, or peanut allotment was established for the 1942 crop, shall be regarded as a farm on which cotton, wheat, or peanuts, as the case may be, were planted and grown, if the Secretary determines that, with respect to cotton or wheat, because of the production of war crops designated by him on such farm, or, with respect to cotton, wheat, or peanuts, because the owner or operator was serving in the armed forces of the United States, the cotton, wheat, or peanut production history of the farm for such year is not representative of the normal history of the farm.

The Secretary may also provide with respect to any such farm that the past acreage of peanuts shall be adjusted upward to the extent that the acreage used for

growing peanuts on such farm in such year is below the normal history of the farm."

§ 1359. Marketing penalties.

(a) The marketing of any peanuts in excess of the marketing quota for the farm on which such peanuts are produced, or the marketing of peanuts from any farm for which no acreage allotment was determined, shall be subject to a penalty of 3 cents per pound, except as provided in subsection (b) of this section. Such penalty shall be paid by the person who buys or otherwise acquires the peanuts from the producer, or, if the peanuts are marketed by the producer through an agent, the penalty shall be paid by such agent, and such person or agent may deduct an amount equivalent to the penalty from the price paid to the producer. The Secretary may require collection of the penalty upon a portion of each lot of peanuts marketed from the farm equal to the proportion which the acreage of peanuts in excess of the farm-acreage allotment is of the total acreage of peanuts on the farm. If the person required to collect the penalty fails to collect such penalty, such person and all persons entitled to share in the peanuts marketed from the farm or the proceeds thereof shall be jointly and severally liable for the amount of the penalty. All funds collected pursuant to this section shall be deposited in a special deposit account with the Treasurer of the United States and such amounts as are determined, in accordance with regulations prescribed by the Secretary, to be penalties incurred shall be transferred to the general fund of the Treasury of the United States. Amounts collected in excess of determined penalties shall be paid to such producers as the Secretary determines, in accordance with regulations prescribed by him, bore the burden of the payment of the amount collected. Such special account shall be administered by the Secretary and the basis for, the amount of, and the producer entitled to receive a payment from such account, when determined in accordance with regulations prescribed by the Secretary, shall be final and conclusive. If, in the course of marketing, any peanuts produced on one farm are falsely identified by a representation that such peanuts were produced on another farm, or, if there is a failure to make a report of the disposition of peanuts available for marketing from any farm, each person participating in the false identification of the peanuts or failing to make a report of the disposition of such peanuts as required by regulations issued by the Secretary shall be subject to a penalty of $25 for each acre, or fraction thereof, of peanuts harvested in excess of the farm-acreage allotment for the farm on which such peanuts were produced and such penalty shall be in addition to any other penalty due hereunder.

(b) Beginning with the 1941 crop of peanuts, payment of the penalty of 3 cents per pound upon the marketing of peanuts as provided in subsection (a) above will not be required if such excess peanuts are delivered to or marketed through an agency or agencies designated each year by the Secretary or if the producer pays to the United States, with respect to excess peanuts which, when marketed, were identified in the manner prescribed in the regulations of the Secretary as quota peanuts, an amount determined under regulations of the Secretary to represent the amount received for the peanuts in excess of the amount which would have been received had such peanuts been delivered to a designated agency as excess peanuts. Any peanuts received under this subsection by such agency shall be sold by such agency (i) for crushing for oil under a sales agreement approved by the Secretary; (ii) for cleaning and shelling at prices not less than those established for quota peanuts under any peanut diversion, peanut loan, or peanut purchase program; or (iii) for seed at prices established by the Secretary. For all peanuts so delivered to a designated agency under this subsection, producers shall be paid for the portion of the lot constituting excess peanuts, the market value thereof for crushing for oil as of the date of such delivery less the estimated cost of storing, handling, and selling such peanuts but not less than prices established by the Secretary pursuant to authority contained in existing law. Any person who, pursuant to the provisions of this subsection, acquires peanuts for crushing for oil and who uses or disposes of such peanuts for any purpose other than that for which acquired shall pay a penalty of 3 cents per pound upon the peanuts so used or disposed of and shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both, for each and every offense. Operations under this subsection shall be carried on under regulations prescribed by the Secretary, and the operations of any agency designated to receive and market peanuts may be separate from or combined with operations of other agencies.

(c) The provisions of this part shall not apply to peanuts produced on any farm on which the acreage harvested for nuts is one acre or less.

(d) The word "peanuts" for the purposes of this chapter shall mean all peanuts produced, excluding any peanuts which it is established by the producer or otherwise, in accordance with regulations of the Secretary, were not picked or threshed either before or after marketing from the farm.

(e) If, in any referendum carried out pursuant to subsection (b) of section 1358, marketing quotas with respect to peanuts are opposed by more than one-third of the farmers voting in such referendum, no peanut-diversion program or peanut loan shall be in effect with respect to the crop produced in the calendar year immediately following that in which the referendum is held. If quotas are approved by not less than two-thirds of the farmers voting in such referendum, either a peanut-diversion program or a peanut-loan program, or both, shall be in effect with respect to the crops of peanuts produced in the three calendar years immediately following the year in which the referendum is held. The Commodity Credit Corporation is directed to make available loans upon peanuts during any marketing year in which marketing quotas are in effect. Such loans shall be made only to producers, farmer cooperatives, and farmer associations, only on the marketing quota for each farm, at rates not less than 50 per centum

and not more than 75 per centum of the parity price of peanuts as of the beginning of the marketing year (which parity price shall be on the basis of the formula used in determining the parity price of peanuts as published by the Bureau of Agricultural Economics in The Agricultural Situation, volume 25, number 1, January 1941), and the peanuts shall be the sole security for such loans. If a referendum is held in 1941 with respect to the crop produced in 1941, the provisions of this subsection shall apply as though such referendum had been held in the calendar year 1940.

(f) There is hereby authorized to be appropriated, each fiscal year beginning with the fiscal year 1941, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the purposes set forth in this part and for the expenses of administering this part.

(g) The provisions of this section shall not apply to nor interfere with the inauguration or the operation of any program approved by the Secretary pursuant to authority contained in existing law designed to establish new uses for peanuts and peanut products or expand markets for peanuts and peanut products. (Feb. 16, 1938, 3 p. m., ch. 30, title III, § 359, as added Apr. 3, 1941, ch. 39, § 1, 55 Stat. 90, and amended July 9, 1942, ch. 497, § 1 (2), (3), 56 Stat. 653.)

AMENDMENTS

1942—Subsecs (b) and (d) were amended by act July 9, 1942, § 1 (2), (3), respectively, cited to text

C. ADMINISTRATIVE PROVISIONS

PART I.—PUBLICATION AND REVIEW OF QUOTAS

§ 1361. Application of Part.

This Part shall apply to the publication and review of farm marketing quotas established for tobacco, corn, wheat, cotton, peanuts, and rice, established under sections 1311–1359 of this title. (As amended Apr. 3, 1941, ch. 39, § 4, 55 Stat. 92.)

AMENDMENTS

1941—Act April 3, 1941, cited to text, inserted "peanuts," after "cotton."

PART II.—ADJUSTMENT OF QUOTAS AND ENFORCEMENT

§ 1371. General adjustment of quotas—(a) Investigation and adjustment to maintain normal supply.

If at any time the Secretary has reason to believe that in the case of corn, wheat, cotton, rice, peanuts, or tobacco the operation of farm marketing quotas in effect will cause the amount of such commodity which is free of marketing restrictions to be less than the normal supply for the marketing year for the commodity then current, he shall cause an immediate investigation to be made with respect thereto. In the course of such investigation due notice and opportunity for hearing shall be given to interested persons. If upon the basis of such investigation the Secretary finds the existence of such fact, he shall proclaim the same forthwith. He shall also in such proclamation specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such commodity which is free of marketing restrictions equal the normal supply.

(b) Adjustment because of emergency or export demand.

If the Secretary has reason to believe that, because of a national emergency or because of a material increase in export demand, any national marketing quota for corn, wheat, cotton, rice, peanuts, or tobacco should be increased or terminated, he shall cause an immediate investigation to be made to determine whether the increase or termination is necessary in order to effectuate the declared policy of this chapter or to meet such emergency or increase in export demand. If, on the basis of such investigation, the Secretary finds that such increase or termination is necessary, he shall immediately proclaim such finding (and if he finds an increase is necessary, the amount of the increase found by him to be necessary) and thereupon such quota shall be increased, or shall terminate, as the case may be. (As amended Apr. 3, 1941, ch. 39, § 5, 55 Stat. 92.)

* * * * *

AMENDMENTS

1941—Subsecs. (a) and (b) were amended by act April 3, 1941, cited to text.

§ 1373. Reports and records—(a) Persons reporting.

This subsection shall apply to warehousemen, processors, and common carriers of corn, wheat, cotton, rice, peanuts, or tobacco, and all ginners of cotton, all persons engaged in the business of purchasing corn, wheat, cotton, rice, peanuts, or tobacco from producers, all persons engaged in the business of redrying, prizing, or stemming tobacco for producers, all brokers and dealers in peanuts, all agents marketing peanuts for producers, or acquiring peanuts for buyers and dealers, and all peanut growers' cooperative associations, all persons engaged in the business of cleaning, shelling, crushing, and salting of peanuts and the manufacture of peanut products, and all persons owning or operating peanut-picking or peanut-threshing machines. Any such person shall, from time to time on request of the Secretary, report to the Secretary such information and keep such records as the Secretary finds to be necessary to enable him to carry out the provisions of this subchapter. Such information shall be reported and such records shall be kept in accordance with forms which the Secretary shall prescribe. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, the Secretary is hereby authorized to examine such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as he has reason to believe are relevant and are within the control of such person. Any such person failing to make any report or keep any record as required by this subsection or making any false report or record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required by this subsection within fifteen days after notice to him of such violation shall be subject to

an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided,* That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at any established place of business operated by him, or both.

(b) Proof of acreage yield.

Farmers engaged in the production of corn, wheat, cotton, rice, peanuts, or tobacco for market shall furnish such proof of their acreage, yield, storage, and marketing of the commodity in the form of records, marketing cards, reports, storage under seal, or otherwise as the Secretary may prescribe as necessary for the administration of this title. (As amended Apr. 3, 1941, ch. 39, §§ 6, 7, 55 Stat. 92.)

* * * * *

AMENDMENTS

1941—Subsecs (a) and (b) were amended by sections 6 and 7, respectively, of act Apr. 3, 1941, cited to text.

§ 1374. Measurement of farms and report of plantings.

The Secretary shall provide, through the county and local committees, for measuring farms on which corn, wheat, cotton, peanuts, or rice is produced and for ascertaining whether the acreage planted for any year to any such commodity is in excess of the farm acreage allotment for such commodity for the farm under this subchapter. If in the case of any farm the acreage planted to any such commodity on the farm is in excess of the farm acreage allotment for such commodity for the farm, the committee shall file with the State committee a written report stating the total acreage on the farm in cultivation and the acreage planted to such commodity. (As amended Apr. 3, 1941, ch. 39, § 8, 55 Stat. 92c.)

AMENDMENTS

1941—Act April 3, 1941, cited to text, inserted "peanuts," after "cotton,".

§ 1375. Regulations.

(a) The Secretary shall provide by regulations for the identification, wherever necessary, of corn, wheat, cotton, rice, peanuts, or tobacco so as to afford aid in discovering and identifying such amounts of the commodities as are subject to and such amounts thereof as are not subject to marketing restrictions in effect under this subchapter. (As amended Apr. 3, 1941, ch. 39, § 9, 55 Stat. 92.)

* * * * *

AMENDMENTS

1941—Subsec. (a) was amended by act April 3, 1941, cited to text

D. MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

PART I.—MISCELLANEOUS

§ 1381. Cotton price adjustment payments.

TEMPORARY SUSPENSION OF SUBSEC. (c)

Section 2 of act Apr. 12, 1945, ch 54, 59 Stat. 50, provided: "The provisions of subsection (c) of section 381 of the Agricultural Adjustment Act of 1938 (52 Stat. 67) (subsection (c) of this section) are suspended until the expiration of the two-year period beginning with the 1st day of January immediately following the date on which the President, by proclamation, or the Congress, by concurrent resolution, declares that hostilities in the present war have terminated. During the period of such suspension the Commodity Credit Corporation shall not sell any farm commodity owned or controlled by it at less than the parity or comparable price therefor, except that the foregoing restriction shall not apply to (1) sales for new or byproduct uses; (2) sales of peanuts for the extraction of oil; (3) sales for export; (4) sales for seed or feed: *Provided,* That no wheat or corn shall be sold for feed at less than parity price for corn at the time such sale is made: *And provided further,* That in making regional adjustments in the sale price of corn or wheat for feed, the minimum price need not be higher in any area than the United States average parity price for corn; (5) sales of commodities which have substantially deteriorated in quality or of nonbasic perishable commodities where there is danger of loss or waste through spoilage, or (6) sales for the purpose of establishing claims against persons who have committed fraud, misrepresentation, or other wrongful acts with respect to the commodity The method that is now used for the purposes of Commodity Credit Corporation loans for determining the parity price or its equivalent for seven-eighths-inch Middling cotton at the average location used in fixing the base loan rate for cotton shall also be used for determining the parity price for seven-eighths-inch Middling cotton at such average location for the purposes of this section."

§ 1389. Personnel.

TRANSFER OF FUNCTIONS

Agricultural Adjustment Administration consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of war, see Ex Ord. No 9069, set out in note under section 601 of Appendix to Title 50, War.

PART II.—APPROPRIATIONS AND ADMINISTRATIVE EXPENSES

§ 1392. Administrative expenses; posting names and compensation of local employees.

(a) The Secretary is authorized and directed to make such expenditures as he deems necessary to carry out the provisions of this chapter and sections 590g, 590h, 590i, 590j–509q of Title 16, including personal services and rents in the District of Columbia and elsewhere; traveling expenses; supplies and equipment; lawbooks, books of reference, directories, periodicals, and newspapers; and the preparation and display of exhibits, including such displays at community, county, State, interstate, and international fairs within the United States. The Secretary of the Treasury is authorized and directed upon the request of the Secretary to establish one or more separate appropriation accounts into which there shall be transferred from the respective funds available for the purposes of this chapter and sections 590g, 590h, 590i, 590j–590q of Title 16, in connection with which personnel or other facilities of the Agricultural Adjustment Administration are utilized, proportionate amounts estimated by the Secretary to be required by the Agricultural Adjustment Administration for administrative expenses in carrying out or cooperating in carrying out any of the provisions of this chapter and sections 590g, 590h, 590i, 590j–590q of Title 16.

(b) In the administration of sections 1301–1393 of this title and sections 590g, 590h, 590i, 590j–590q of Title 16, the aggregate amount expended in any fiscal year, beginning with the fiscal year ending June 30, 1942, for administrative expenses in the District of Columbia, including regional offices, and in the several States (not including the expenses of

county and local committees) shall not exceed 3 per centum of the total amount available for such fiscal year for carrying out the purposes of sections 1301–1393 of this title and sections 590a–590h, 590i, 590j–590q of Title 16. In the administration of section 612c of this title, and sections 601, 602, 608a–608e, 610, 612, 614, 624, 671–674 of this title, the aggregate amount expended in any fiscal year, beginning with the fiscal year ending June 30, 1942, for administrative expenses in the District of Columbia, including regional offices, and in the several States (not including the expenses of county and local committees) shall not exceed 4 per centum of the total amount available for such fiscal year for carrying out the purposes of said sections. In the event any administrative expenses of any county or local committee are deducted in any fiscal year, beginning with the fiscal year ending June 30, 1939, from Soil Conservation Act payments, parity payments, or loans, each farmer receiving benefits under such provisions shall be apprised of the amount or percentage deducted from such benefit payment or loan on account of such administrative expenses. The names and addresses of the members and employees of any county or local committee, and the amount of such compensation received by each of them, shall be posted annually in a conspicuous place in the area within which they are employed. (As amended Jan. 31, 1942, ch. 32, 56 Stat. 41.)

REFERENCES IN TEXT

Words "Soil Conservation Act" set out in subsec. (b) mean Soil Conservation and Domestic Allotment Act, set out as sections 590a–590h, 590i, 590j–590q of Title 16, Conservation.

AMENDMENTS

1942—Act Jan. 31, 1942, cited to text, amended section generally.

EFFECTIVE DATE

Amendment of subsecs (a) and (b) of this section by act Jan 31, 1942, cited to text, was made "effective for the fiscal year 1942 and subsequent fiscal years" by said act.

SUBCHAPTER III.—COTTON POOL PARTICIPATION TRUST CERTIFICATES

§ 1401. Appropriation.

SETTLEMENT OF CERTAIN CLAIMS AND ACCOUNTS

Act June 5, 1942, ch 349, §§ 2, 3, 56 Stat 324, authorized Comptroller General to relieve disbursing and certifying officers from liability for payments made under sections 1401–1404, 1405- 1407 of this title, upon certificate of Secretary of Agriculture that such payments were made in good faith, and also provided that no action should be taken to recover such excess payments, if the Secretary of Agriculture should further certify that, in view of the good faith of the parties or other circumstances of the case, such attempt to recover them would be inadvisable or inequitable.

Chapter 36.—CROP INSURANCE

§ 1502. Declaration of purpose.

It is the purpose of this chapter to promote the national welfare by alleviating the economic distress caused by crop failures due to drought and other causes, by maintaining the purchasing power of farmers, and by providing for stable supplies of agricultural commodities for domestic consumption and the orderly flow thereof in interstate commerce. (As amended June 21, 1941, ch. 214, § 1, 55 Stat. 255.)

AMENDMENTS

1941—Act June 21, 1941, cited to text, substituted "crop" for "wheat-crop" and "agricultural commodities" for "wheat".

§ 1503. Federal Crop Insurance Corporation; creation; offices.

TRANSFER OF FUNCTIONS

Federal Crop Insurance Corporation consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of war, see Ex. Ord. No. 9069, set out in note under section 601 of Appendix to Title 50, War.

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

§ 1506. General powers of Corporation.

* * * * *

(h) may conduct researches, surveys, and investigations relating to crop insurance, and preparatory to the application of the chapter to other basic commodities when so provided by law, shall assemble data relative to field corn, for the purpose of establishing a satisfactory actuarial basis for such commodity. (As amended June 21, 1941, ch. 214, § 2, 55 Stat. 255.)

* * * * *

AMENDMENTS

1941—Subsec. (h) was amended by act June 21, 1941, cited to text, which substituted for "for wheat and other agricultural commodities" the words "and preparatory to the application of the chapter to other basic commodities when so provided by law, shall assemble data relative to field corn, for the purpose of establishing a satisfactory actuarial basis for such commodity".

TRANSFER OF FUNCTIONS

Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note under section 1503 of this title.

§ 1508. Agricultural commodity crop insurance.

* * * * *

(a) **Insurance against loss authorized; terms and conditions.**

(1) Commencing with the wheat, cotton, and flax crops planted for harvest in 1945, to insure, upon such terms and conditions not inconsistent with the provisions of this chapter as it may determine, producers of wheat, cotton, and flax against loss in yields due to unavoidable causes, including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wild-life, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board. Such insurance shall cover a percentage to be determined by the Board not in excess of 75 per centum of the recorded or appraised average yield of such commodities on the insured farm for a representative period subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms in the same area, which are subject to the same conditions, may be fair and just. Such insurance shall not cover losses due to the neglect or malfeasance of the producer, or to the failure of the producer to reseed to the same crop in areas and under circumstances where it is customary to so reseed, or to the failure of the producer to follow established good farming practices. Insurance shall not be provided in any county

unless written applications therefor are filed covering at least fifty farms or one-third of the farms normally producing the agricultural commodities authorized to be insured, except that insurance may be provided for producers on farms situated in a local producing area bordering on a county with a crop-insurance program. The Board may limit insurance in any county or area, or on any farm, on the basis of the insurance risk involved.

(2) For the purpose of determining the most practical plan, terms, and conditions of insurance with respect to corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugar beets, sugarcane, timber and forests, potatoes and other vegetables, citrus and other fruits, tame hay, and any other agricultural commodity, if sufficient actuarial data are available, as determined by the Board, to insure upon such terms and conditions not inconsistent with the provisions of this chapter as it may determine, producers of such agricultural commodities against loss due to the unavoidable causes covered in paragraph (1) of this subsection: *Provided,* That such insurance shall be limited in 1945 to corn and tobacco and to not more than three additional crops for each year thereafter. Insurance provided for any agricultural commodity under this paragraph shall be subject to the limitations and conditions provided in paragraph (1) of this subsection, shall be for a period of not more than three years, and shall be limited to producers in not to exceed twenty counties selected by the Board as representative of the several areas where the agricultural commodity is normally produced: *Provided, however,* That such insurance may cover a percentage not in excess of 75 per centum of the investment in the crop, as determined by the Board. The Corporation shall report annually to the Congress the results of its operations as to each commodity under this paragraph.

(b) Premiums.

To fix adequate premiums for insurance in the agricultural commodity or in cash, at such rates as the Board deems sufficient to cover claims for crop losses on such insurance and to establish as expeditiously as possible a reasonable reserve against unforeseen losses. Such premiums shall be collected at such time or times, or shall be secured in such manner, as the Board may determine: *Provided,* That, after the crop year of 1949, not more than a sum equivalent to 25 per centum of the premiums collected in the preceding year (beginning calculation of premiums collected in the crop year of 1949) shall be used for administrative expenses in any current operating year.

(c) Payment of claims; actions on claims.

To adjust and pay claims for losses in the agricultural commodity or in cash, under rules prescribed by the Board *Provided, however,* That, after the crop year of 1949, if the total amount of accumulated claims for losses on any agricultural commodity for any year exceeds the total amount of the premiums collected less the accumulated premium reserves of the Corporation with respect to any such commodity, (which reserves, after the crop year of 1948, shall not be less than 10 per centum of the premiums collected on such commodity), such claims shall be paid on a pro rata reduced basis. The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses on farms in such county. In the event that any claim for indemnity under the provisions of this chapter is denied by the Corporation, an action on such claim may be brought against the Corporation in the United States district court, or in any court of record of the State having general jurisdiction, sitting in the district or county in which the insured farm is located, and jurisdiction is hereby conferred upon such district courts to determine such controversies without regard to the amount in controversy: *Provided,* That no suit on such claim shall be allowed under this section unless the same shall have been brought within one year after the date when notice of denial of the claim is mailed to and received by the claimant.

(d) Purchase and sale of agricultural commodity.

From time to time, in such manner and through such agencies as the Board may determine, to purchase, handle, store, insure, provide storage facilities for, and sell the agricultural commodity, and pay any expenses incidental thereto, it being the intent of this provision, however, that, insofar as practicable, the Corporation shall purchase the agricultural commodity only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly the agricultural commodity sold to prevent deterioration; and shall sell the agricultural commodity only to the extent necessary to cover payments of indemnities and to prevent deterioration: *Provided, however,* That nothing in this section shall prevent prompt offset purchases and sales of the agricultural commodity for convenience in handling. Nothing in this section shall prevent the Corporation from accepting, for the payment of premiums, notes payable in the commodity insured, or the cash equivalent, upon such security as may be determined pursuant to subsection (b) of this section, and from purchasing the quantity of the commodity represented by any of such notes not paid at maturity. The restriction on the purchase and sale of the agricultural commodity provided in this section shall be made a part of any crop insurance agreement made under this chapter. Notwithstanding any provision of this chapter, there shall be no limitation upon the legal or equitable remedies available to the insured to enforce against the Corporation the foregoing restriction with respect to purchases and sales of the agricultural commodity.

(e) Additional premium and indemnity to cover cottonseed losses.

In connection with insurance upon yields of cotton, to include provision for additional premium and indemnity in terms of lint cotton to cover loss of cottonseed, such additional premium and indemnity to be determined on the basis of the average relationship between returns from cottonseed and returns from lint cotton for the same period of years as that used for computing yields and premium rates. (As amended June 21, 1941, ch. 214, §§ 3–7, 10, 55

Stat 255, 256; Dec. 23, 1944, ch. 713, §§ 1–3, 58 Stat. 918, 919.)

AMENDMENTS

1944—Subsec. (a) amended generally by act Dec 23, 1944, cited to text, to provide insurance against loss not only for wheat and cotton crops but also for flax, corn, oats, etc.

Subsec. (b) amended by act Dec. 23, 1944, cited to text, which provided for the establishment of such rates as would cover crop losses and build up a reasonable reserve, and added proviso.

Subsec. (c) amended by act Dec. 23, 1944, cited to text, which inserted first proviso, and inserted "and received" following "mailed to" in last proviso.

1941—Subsec (a) was amended by act June 21, 1941, cited to text, which struck out comma following "1939" and inserted in lieu thereof "and with the cotton crop planted for harvest in 1942;" struck out the words "producers of wheat against loss in yields of wheat" and substituted in lieu thereof "producers of the agricultural commodity against loss in yields of the agricultural commodity" in the first sentence; and substituted "the agricultural commodity" for "wheat" in the third sentence.

Subsecs (b), (c), (d) were amended by act June 21, 1941, cited to text, which substituted the words "the agricultural commodity" for "wheat" throughout, and in subsec (d) second sentence was inserted

Subsec. (e) was added by act June 21, 1941, cited to text

TRANSFER OF FUNCTIONS

Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note under section 1503 of this title

§ 1513. Accounting by corporation.

CROSS REFERENCES

Auditing procedures and costs, see sections 850 and 866 of Title 31, Money and Finance

§ 1516. Appropriations and regulations.

(a) There are hereby authorized to be appropriated such sums, not in excess of $12,000,000 for each fiscal year beginning after June 30, 1938, as may be necessary to cover the operating and administrative costs of the Corporation, which shall be allotted to the Corporation in such amounts and at such time or times as the Secretary of Agriculture may determine: *Provided*, That expenses in connection with the purchase, transportation, handling, or sale of the agricultural commodity may be considered by the Corporation as being nonadministrative or nonoperating expenses For the fiscal year ending June 30, 1939, the appropriation authorized under this subsection is authorized to be made only out of the unexpended balances for the fiscal year ending June 30, 1938, of the sums appropriated pursuant to section 590o of Title 16, as amended. (As amended June 21, 1941, ch 214, §§ 6, 8, 55 Stat. 255, 256.)

* * * * *

AMENDMENTS

1941—Subsec (a) was amended by act June 21, 1941, cited to text, which substituted the words "the agricultural commodity" for "wheat", and substituted "$12,000,000" for "$6 000 000"

TRANSFER OF FUNCTIONS

Wartime consolidation of Federal Crop Insurance Corporation into Agricultural Conservation and Adjustment Administration, see note under section 1503 of this title.

ADDITIONAL APPROPRIATION

Section 6 of act Dec 23, 1944, ch 713, 58 Stat 920, provided: "For the administration of the Federal Crop Insurance Act, as amended [sections 1501–1504, 1505–1519 of this title], including amendments made by this Act [act Dec. 23, 1944, ch 713, 58 Stat. 918], there is hereby made immediately available for the remainder of the fiscal year ending June 30, 1945, as an additional amount, not in excess of $3,000,000 of the unobligated balances of the funds appropriated for carrying out the provisions of the Federal Crop Insurance Act for the fiscal years 1943 and 1944, and such amount thereof as may be required shall be available for deposit to the general fund of the Treasury for the cost of penalty mail incident to the crop insurance program as required by section 2 of the Act of June 28, 1944 (Public Law 364, Seventy-eighth Congress) [section 321d of Title 39]. The provisos in the items entitled 'Federal Crop Insurance Act' contained in the Department of Agriculture Appropriation Act, 1944 [act July 12, 1943, ch. 215, 57 Stat. 392], and the Department of Agriculture Appropriation Act, 1945 [act June 28, 1944, ch. 296, 58 Stat. 425], are hereby repealed."

§ 1518. Agricultural commodity defined.

"Agricultural commodity", as used in this chapter, means wheat, cotton, flax, corn, dry beans, oats, barley, rye, tobacco, rice, peanuts, soybeans, sugar beets, sugarcane, timber and forests, potatoes and other vegetables, citrus and other fruits, tame hay, or any other agricultural commodity determined by the Board pursuant to subsection (a) (2) of section 1508 of this title, or any one or more of such commodities, as the context may indicate. (Feb. 16, 1938, 3 p. m., ch. 30, title V, § 518, as added June 21, 1941, ch. 214, § 9, 55 Stat. 256, and amended Dec. 23, 1944, ch. 713, § 4, 58 Stat. 919.)

AMENDMENTS

1944—Act Dec 23, 1944, cited to text, amended section by increasing scope of definition of "agricultural commodity" from "wheat or cotton" to include all crops now set out.

FORMER SECTION 1518 RENUMBERED

Former section 1518 was renumbered by act June 21, 1941, cited to text and now constitutes section 1519 of this title.

§ 1519. Amendment or repeal.

The right to alter, amend, or repeal this chapter is hereby reserved. (Feb. 16, 1938, 3 p. m., ch. 30, title V, § 518, 52 Stat 77; renumbered § 519, June 21, 1941, ch. 214, § 9, 55 Stat 256.)

Chapter 37.—SEEDS

SUBCHAPTER IV.—GENERAL PROVISIONS

§ 1605. Authorization for appropriations.

* * * * *

Appropriations made under this authorization, within the limit prescribed in such appropriations, may be expended for the share of the United States in the expense of the International Seed Testing Congress in carrying out plans for correlating the work of the various adhering governments on problems relating to seed analyses or other subjects which the Congress may determine to be necessary in the interest of international seed trade. (As amended Sept. 21, 1944, ch. 412, title VII, § 701 (b), 58 Stat. 741.)

AMENDMENTS

1944—Act Sept 21, 1944, cited to text, amended section by adding last par This paragraph probably should be numbered subsection (c)

CODIFICATION

This section was amended by the Department of Agriculture Organic Act of 1944

TITLE 8.—ALIENS AND NATIONALITY

Chapter 5.—ALIEN OWNERSHIP OF LAND

§ 83. Public lands in Hawaii; right to acquire in general.

CROSS REFERENCES

Ratification of Hawaiian realty transactions consummated on or before November 25, 1941, see section 664a of Title 48, Territories and Insular Possessions.

Chapter 6.—IMMIGRATION

SUBCHAPTER I.—IMMIGRATION AND NATURALIZATION AGENCIES, OFFICERS, AND STATIONS

Sec.
103a. Reimbursement of expenses incurred by other agencies of Federal, State, and local governments (New).
109d Same, employment of interpreters (New).

SUBCHAPTER III—QUOTA AND NONQUOTA IMMIGRANTS

212a Same; Chinese persons (New).
232 Admission of alien spouses and minor children of members of United States armed forces during Second World War, medical examination (New).
233 Same; nonquota immigrant (New)
234 Same, readmission after temporary absence abroad (New).
235. Same; non-imposition of fines or penalties because of transportation to United States (New).
236 Same, commencement and termination of Second World War (New).

SUBCHAPTER I—IMMIGRATION AND NATURALIZATION AGENCIES, OFFICERS, AND STATIONS

§ 102. Same; administration of immigration laws; rules and regulations; contracts for support of distressed aliens; detail of immigration officers.

The Commissioner of Immigration and Naturalization under the direction of the Attorney General shall have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall receive a salary of $10,000 per annum. He shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this section and sections 101, 105, 108, 109, 113, 115, 116, 132, 136, 138, 139, 142–156, 158–166, 168, 169, 171, 173, 175, 177, and 178 of this title and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, or the country from whence they came, or to the country of which they are citizens or subjects, at any time after entry, at the expense of the appropriations for the enforcement of the provisions of such sections, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed, but any person thus removed shall forever be ineligible for readmission except upon the approval of the Secretary of State and the Attorney General; he shall prescribe rules for the entry and inspection of aliens coming to the United States from or through Canada and Mexico, so as not unnecessarily to delay, impede, or annoy persons in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose. It shall be the duty of the Commissioner of Immigration and Naturalization to detail officers of the Immigration and Naturalization Service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges. He may, with the approval of the Attorney General, whenever in his judgment such action may be necessary to accomplish the purpose of said sections, detail immigration officers for service in foreign countries; and, upon his request, approved by the Attorney General, the Federal Security Administrator may detail medical officers of the United States Public Health Service for the performance of duties in foreign countries in connection with their enforcement. (As amended Oct. 29, 1945, ch 438, 59 Stat. 551.)

AMENDMENTS

1945—Act Oct 29, 1945, cited to text, amended section by inserting sentence authorizing Commissioner's salary

§ 103a. Reimbursement of expenses incurred by other agencies of Federal, State, and local governments.

The Attorney General may transfer to, or reimburse, any other department, agency, or office of Federal, State, or local governments, funds in such amounts as may be necessary for salaries and expenses incurred by them in rendering authorized assistance to the Department of Justice in connection with the administration and enforcement of the laws relating to immigration, naturalization, and alien registration. (June 28, 1941, ch. 258, title III, 55 Stat. 292; July 2, 1942, ch. 472, title II, 56 Stat. 483; July 1, 1943, ch. 182, title II, 57 Stat. 288; June 28, 1944, ch. 294, title II, § 1, 58 Stat. 412; May 21, 1945, ch. 129, title II, 59 Stat. 185.)

§ 104. Repealed. Dec. 17, 1943, ch. 344, § 1, 57 Stat. 600.

§ 109. Officers and employees; appointment; compensation; promotion; travel expenses of officers and employees of Immigration and Naturalization Service; expenses incident to death of officers and employees; appropriation.

* * * * *

Immigrant inspectors shall be divided into five classes, as follows: Grade 1, salary $2,100; grade 2, salary $2,300; grade 3, salary $2,500; grade 4, salary $2,700; grade 5, salary $3,000; and, hereafter, inspectors shall be promoted successively to grades 2 and 3 at the beginning of the next quarter following one year's satisfactory service (determined by a standard of efficiency which is to be defined by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General) in the next lower grade; and to grades 4 and 5 for meritorious service after no less than one year's service in grades 3 and 4, respectively: *Provided further*, That when officers, inspectors, or other employees of the Immigration and Naturalization Service are ordered to perform duty in a foreign country, or transferred from one station to another, in the United States or in a foreign country, they shall be allowed their traveling expenses in accordance with such regulations as the Attorney General may deem advisable, and they may also be allowed, within the discretion and under written orders of the Attorney General, the expenses incurred for the transfer of their wives and dependent minor children; their household effects and other personal property, including the expenses for packing, crating, freight, and drayage thereof in accordance with section 73c–1 of Title 5. The expense of transporting the remains of such officers, inspectors, or other employees who die while in, or in transit to, a foreign country in the discharge of their official duties, to their former homes in this country for interment, and the ordinary and necessary expenses of such interment and preparation for shipment at their posts of duty or at home, are hereby authorized to be paid on the written order of the Attorney General. *Provided further*, That the appropriation of such sum as may be necessary for the enforcement of this section is hereby authorized. (As amended June 20, 1942, ch. 426, 56 Stat. 373.)

REFERENCES IN TEXT

Word "section" in last proviso of second paragraph read "Act" in acts May 29, 1928, and June 20, 1942, both cited to text

AMENDMENTS

1942—Act June 20, 1942, cited to text, amended second paragraph.

CROSS REFERENCES

Increase in basic compensation rates, see section 942 of Title 5, Executive Departments and Government Officers and Employees

§§ 109a, 109b.

CROSS REFERENCES

War Overtime Pay Act of 1943, construction with, see section 1406 of Appendix to Title 50, War.

§ 109d. Same; employment of interpreters.

Provisions of law prohibiting or restricting the employment of aliens in the Government service shall not apply to the employment of interpreters in the Immigration and Naturalization Service (not to exceed ten permanent and such temporary employees as are required from time to time) where competent citizen interpreters are not available. (July 1, 1943, ch. 182, title II, § 1, 57 Stat. 288; June 28, 1944, ch. 294, title II, § 1, 58 Stat. 413; May 21, 1945, ch. 129, title II, 59 Stat. 186.)

§ 117. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

USE OF HOSPITAL AT ELLIS ISLAND BY PUBLIC HEALTH SERVICE

All prior provisions relating to the use of the hospital at Ellis Island by the Public Health Service were repealed by act July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714 However the Labor-Security Appropriation Act, 1945, June 28, 1944, ch 302, title II, § 1, 58 Stat. 558, provided: "The Immigration and Naturalization Service shall permit the Public Health Service to use the hospitals at Ellis Island Immigration Station for the care of Public Health Service patients free of expense for physical upkeep, but with a charge of actual cost of fuel, light, water, telephone, and similar supplies and services, to be covered into the proper Immigration Service appropriations; and money collected by the Immigration Service on account of hospital expenses of persons detained in hospitals of the Public Health Service under the immigration laws and regulations shall be covered into the Treasury as miscellaneous receipts."

PRIOR PROVISIONS

Acts July 12, 1943, ch. 221, title II, § 1, 57 Stat 193, July 2, 1942, ch 475, title II, § 1, 56 Stat 581, and July 1, 1941, ch 269, title II, 55 Stat 481, repeated provisions of section.

SUBCHAPTER II.—REGULATION AND RESTRICTION OF IMMIGRATION IN GENERAL

§ 132. Head tax on aliens entering United States; lien on vessels, etc.

CROSS REFERENCES

Exemption from payment of head tax by native-born residents of North America, South America Central America, and adjacent islands, coming to the United States to perform agricultural labor for duration of war, see section 1355 (g) of Appendix to Title 50, War

§ 136. Aliens excluded.

* * * * *

(d) (1) Draft evaders.

Persons who have departed from the jurisdiction of the United States for the purpose of evading or avoiding training or service in the armed forces of the United States during time of war or during a period declared by the President to be a period of national emergency—

(As amended Sept. 27, 1944, ch. 418, § 2, 58 Stat. 746.)

* * * * *

AMENDMENTS

1944—Act Sept 27, 1944, cited to text, amended section by adding new clause (d) (1)

CROSS REFERENCES

Exemption from certain exclusion provisions of this section for native-born residents of North America, South America, Central America, and adjacent islands, coming to the United States to perform agricultural labor for duration of war, see section 1355 (g) of Appendix to Title 50, War.

§§ 139, 142.

CROSS REFERENCES

Section as inapplicable to importation of farm laborers for duration of war, see section 1355 (g) of Appendix to Title 50, War.

§ 151. Inspection of alien passengers on arrival; temporary removal for examination.

Upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve vessels, the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would under the provisions of this subchapter bind the said vessels, transportation lines, masters, agents, owners, or consignees. Where removal is made to premises owned or controlled by the United States, said vessels, transportation lines, masters, agents, owners, or consignees, and each of them, shall, so long as detention there lasts, be relieved of responsibility for the safe-keeping of such aliens. Whenever a temporary removal of aliens is made the vessels or transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention, pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the vessel in the event of deportation, excepting only where they arise under the terms of any of the provisos of section 154 of this title: *Provided further*, That in cases of aliens who arrive in possession of unexpired visas issued by United States consuls within sixty days of the aliens' foreign embarkation, detention expenses and expenses incident to detention shall not be assessed against the vessel if the sole cause of exclusion is one arising under section 213 (a) (1) or (3) of this title. Any refusal or failure to comply with the provisions hereof shall be punished in the manner specified in that section. (As amended Dec. 19, 1944, ch. 608, § 1, 58 Stat. 816.)

AMENDMENTS

1944—Act Dec 19, 1944, cited to text, amended section by adding proviso to next to last sentence

§ 152. Physical and mental examination of alien passengers; regulations.

The physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health Service who shall conduct all medical examinations and shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien; or, should medical officers of the United States Public Health Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergency for such service upon such terms as may be prescribed by the Commissioner of Immigration and Naturalization, under the direction or with the approval of the Attorney General. All aliens arriving at ports of the United States shall be examined by not less than two such medical officers at the discretion of the Attorney General, and under such administrative regulations as he may prescribe and under medical regulations prepared by the Surgeon General of the United States Public Health Service. Medical officers of the United States Public Health Service who have had especial training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at all ports of entry designated by the Attorney General, and such medical officers shall be provided with suitable facilities for the detention and examination of all arriving aliens in whom insanity or mental defect is suspected, and the services of interpreters shall be provided for such examination. Any alien certified for insanity or mental defect may appeal to the board of medical officers of the United States Public Health Service, which shall be convened by the Surgeon General of the United States Public Health Service, and said alien may introduce before such board one expert medical witness at his own cost and expense. The inspection, other than the physical and mental examination, of aliens, including those seeking admission or readmission to or the privilege of passing through or residing in the United States, and the examination of aliens arrested within the United States under this section, shall be conducted by immigrant inspectors, except as hereinafter provided in regard to boards of special inquiry. All aliens arriving at ports of the United States shall be examined by at least two immigrant inspectors at the discretion of the Attorney General and under such regulations as he may prescribe. Immigrant inspectors are hereby authorized and empowered to board and search for aliens any vessel, railway car, or any other conveyance, or vehicle in which they believe aliens are being brought into the United States. Said inspectors shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter, reenter, pass through, or reside in the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered, under the provisions of this chapter, who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission, or readmission to, or to pass through, or to reside in the United States shall be deemed guilty of perjury and be punished as provided by section 231 of Title 18. All aliens coming to the United States shall be required to state under oath the purposes for

which they come, the length of time they intend to remain in the United States, whether or not they intend to abide in the United States permanently and become citizens thereof, and such other items of information regarding themselves as will aid the immigration officials in determining whether they belong to any of the excluded classes enumerated in section 136 of this title. Any district director of immigration and naturalization designated by the Commissioner or any inspector in charge shall also have power to require by subpoena the attendance and testimony of witnesses before said inspectors and the production of books, papers, and documents touching the right of any alien to enter, reenter, reside in, or pass through the United States, and to that end may invoke the aid of any court of the United States; and any district court within the jurisdiction of which investigations are being conducted by an immigrant inspector may, in the event of neglect or refusal to respond to a subpoena issued by any such district director or inspector in charge or refusal to testify before said immigrant inspector, issue an order requiring such person to appear before said immigrant inspector, produce books, papers, and documents if demanded, and testify; and any failure to obey such order of the court may be punished by the court as a contempt thereof. Any person, including employees, officials, or agents of transportation companies, who shall assault, resist, prevent, impede, or interfere with any immigration official or employee in the performance of his duty under this chapter shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term of not more than one year, or by a fine of not more than $2,000, or both; and any person who shall use any deadly or dangerous weapon in resisting any immigration official or employee in the performance of his duty shall be deemed guilty of a felony and shall, on conviction thereof, be punished by imprisonment for not more than ten years. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. In the event of rejection by the board of special inquiry, in all cases where an appeal to the Attorney General is permitted by this chapter, the alien shall be so informed and shall have the right to be represented by counsel or other adviser on such appeal The decision of an immigrant inspector, if favorable to the admission of any alien, shall be subject to challenge by any other immigrant inspector, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. (As amended July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.)

REPEALS

Act July 1, 1944, cited to text, repealed words "who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and" following "Public Health Service" where appearing first in the first sentence.

§ 154. Immediate deportation of aliens brought in in violation of law; cost of maintenance and return.

All aliens brought to this country in violation of law shall be immediately sent back, in accommodations of the same class in which they arrived, to the country whence they respectively came, on the vessels bringing them, unless in the opinion of the Attorney General immediate deportation is not practicable or proper. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came, except that detention expenses and expenses incident to detention, shall not be assessed against the owner or owners of the vessels on which they respectively came when the aliens are in possession of unexpired visas issued by United States consuls within sixty days of the aliens' foreign embarkation if the sole cause of exclusion is one arising under section 213 (a) (1) or (3) of this title. It shall be unlawful for any master, purser, person in charge, agent, owner, or consignee of any such vessel to refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens; or to fail to detain them thereon; or to refuse or fail to return them in the manner aforesaid to the foreign port from which they came; or to fail to pay the cost of their maintenance while on land as required by this section or section 151 of this title; or to make any charge for the return of any such alien, or to take any security for the payment of such charge; or to take any consideration to be returned in case the alien is landed; or knowingly to bring to the United States any alien excluded or arrested and deported under any provision of law until such time as such alien may be lawfully entitled to reapply for admission to the United States; and if it shall appear to the satisfaction of the Attorney General that such master, purser, person in charge, agent, owner, or consignee has violated any of the foregoing provisions, or any of the provisions of section 151 of this title, such master, purser, person in charge, agent, owner, or consignee shall pay to the collector of customs of the district in which the port of arrival is located, or in which any vessel of the line may be found, the sum of $300 for each and every violation of any provision of said sections; and no vessel shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit with the collector of customs of a sum sufficient to cover such fine. If the vessel by which any alien ordered deported came has left the United States and it is impracticable for any reason to deport the alien within a reasonable time by another vessel owned by the same interests, the cost of deportation may be paid by the Government and recovered by civil suit from any agent, owner, or consignee of the vessel: *Provided further*, That the Commissioner of Immigration and Naturalization, with the approval of the Attorney General, may suspend, upon conditions to be prescribed by the

Commissioner of Immigration and Naturalization, the deportation of any aliens found to have come in violation of any provision of this chapter if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this chapter or other laws of the United States; and the cost of maintenance of any person so detained resulting from such suspension of deportation, and a witness fee in the sum of $1 per day for each day such person is so detained, may be paid from the appropriation for the enforcement of this chapter, or such alien may be released under bond, in the penalty of not less than $500, with security approved by the Attorney General, conditioned that such alien shall be produced when required as a witness and for deportation. No alien certified, as provided in section 152 of this title, to be suffering from tuberculosis in any form, or from a loathsome or dangerous contagious disease other than one of quarantinable nature, shall be permitted to land for medical treatment thereof in any hospital in the United States, unless the Attorney General is satisfied that to refuse treatment would be inhumane or cause unusual hardship or suffering, in which case the alien shall be treated in the hospital under the supervision of the immigration officials at the expense of the vessel transporting him: *Provided further*, That upon the certificate of an examining medical officer to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the appropriation for the enforcement of this chapter, be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported: *Provided further*, That upon the certificate of an examining medical officer to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens (As amended Dec. 19, 1944, ch. 608, § 2, 58 Stat. 816.)

AMENDMENTS

1944—Act Dec 19, 1944, cited to text, amended section by changing period to comma at end of second sentence following "respectively came" and adding "except that detention * * * section 213 (a) (1) or (3) of this title.", and adding after "maintenance while on land" the words "as required by this section or section 151 of this title".

§ 155. Deportation of undesirable aliens generally.

* * * * *

(c) In the case of any alien (other than one to whom subsection (d) is applicable) who is deportable under any law of the United States and who has proved good moral character for the preceding five years, the Attorney General may (1) permit such alien to depart the United States to any country of his choice at his own expense, in lieu of deportation, or (2) suspend deportation of such alien if not racially inadmissible or ineligible to naturalization in the United States if he finds that such deportation would result in serious economic detriment to a citizen or legally resident alien who is the spouse, parent, or minor child of such deportable alien If the deportation of any alien is suspended under the provisions of this subsection for more than six months, all of the facts and pertinent provisions of law in the case shall be reported to the Congress, with the reasons for such suspension. These reports shall be submitted on the 1st and 15th day of each calendar month in which the Congress is in session. If during the session of the Congress at which a case is reported, or if a case is reported less than thirty days prior to the close of the session, then during the next session of the Congress, the two Houses pass a concurrent resolution stating in substance that the Congress does not favor the suspension of such deportation, the Attorney General shall thereupon deport such alien in the manner provided by law. If during the session of the Congress at which a case is reported, or if a case is reported less than thirty days prior to the close of the session, then during the next session of the Congress, the two Houses do not pass such a resolution, the Attorney General shall cancel deportation proceedings upon the termination of such session, except that such proceedings shall not be canceled in the case of any alien who was not legally admitted for permanent residence at the time of his last entry into the United States, unless such alien pays the Commissioner of Immigration and Naturalization a fee of $18 (which fee shall be deposited in the Treasury of the United States as miscellaneous receipts). Upon the cancelation of such proceedings in any case in which such fee has been paid, the Commissioner shall record the alien's admission for permanent residence as of the date of his last entry into the United States and the Secretary of State shall, if the alien was a quota immigrant at the time of entry and was not charged to the appropriate quota, reduce by one the immigration quota of the country of the alien's nationality as defined in section 212 of this title, for the fiscal year then current or next following. (As amended Dec. 8, 1942, ch. 697, 56 Stat. 1044.)

* * * * *

AMENDMENTS

1942—Act Dec 8, 1942, §§ 1–3, cited to text, amended subsec. (c) of section by striking out words "within ten days after the beginning of its next regular session" following words "shall be reported to the Congress" in the second sentence, by adding the third sentence, by repealing former third sentence which read "The Clerk of the House shall have such report printed as a public document," and by substituting words "If during the session of the Congress at which a case is reported, or if a case is reported less than thirty days prior to the close of the session, then during the next session of the Congress" in lieu of words "If during that session" at the beginning of the fourth and fifth sentences.

§ 156. Countries to which aliens to be deported; cost of deportation.

The deportation of aliens provided for in this chapter shall, at the option of the Attorney General, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or, if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If the United States is at war and the deportation, in accordance with the preceding provisions of this section, of any alien who is deportable under any law of the United States, shall be found by the Attorney General to be impracticable or inconvenient because of enemy occupation of the country whence such alien came or wherein is located the foreign port at which he embarked for the United States or because of other reasons connected with the war, such alien may, at the option of the Attorney General, be deported (a) if such alien is a citizen or subject of a country whose recognized government is in exile, to the country wherein is located that government in exile, if that country will permit him to enter its territory; or (b) if such alien is a citizen or subject of a country whose recognized government is not in exile, then, to a country or any political or territorial subdivision thereof which is proximate to the country of which the alien is a citizen or subject, or, with the consent of the country of which the alien is a citizen or subject, to any other country. If deportation proceedings are instituted at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of the laws regulating immigration of aliens into the United States and the deportation from such port shall be at the expense of the owner or owners of such vessels or transportation line by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of the laws regulating immigration of aliens into the United States. If deportation proceedings are instituted later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from said appropriation. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Attorney General to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this chapter shall be punished by the imposition of the penalties prescribed in section 154 of this title. When in the opinion of the Attorney General the mental or physical condition of such alien is such as to require personal care and attendance, the Attorney General shall when necessary employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in the same manner as the expense of deporting the accompanied alien is defrayed. Pending the final disposal of the case of any alien so taken into custody, he may be released under a bond in the penalty of not less than $500 with security approved by the Attorney General, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States. (As amended July 13, 1943, ch. 230, 57 Stat. 553.)

AMENDMENTS

1943—Act July 13, 1943, cited to text, inserted sentence beginning "If the United States is at war".

§ 167. Control of alien seamen—(a) Detention of seamen on board vessel until after inspection; detention or deportation; penalty; clearance to vessels.

The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman (which inspection in all cases shall include a personal physical examination by the medical examiners), or who fails to detain such seaman on board after such inspection or to deport such seaman if required by such immigration officer or the Attorney General to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien seaman in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs. The Attorney General may, upon application in writing therefor, mitigate such penalty to not less than $200 for each seaman in respect of whom such failure occurs, upon such terms as the Attorney General in his discretion shall think proper. This section, as amended, shall apply to all penalties arising subsequent to June 5, 1940. (As amended Dec. 19, 1944, ch. 608, § 4, 58 Stat. 817.)

* * * * *

AMENDMENTS

1944—Subsec. (a) amended by act Dec. 19, 1944, cited to text, which added last two sentences.

SUBCHAPTER III.—QUOTA AND NONQUOTA IMMIGRANTS

§ 203. Immigrant defined.

When used in this chapter the term "immigrant" means any alien departing from any place outside the United States destined for the United States, except—

(1) an accredited official of a foreign government recognized by the Government of the United States, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade between the United States and the foreign state of which he is a national under and in pursuance of the provisions of a treaty of commerce and navigation, and his wife, and his unmarried children under twenty-one years of age, if accompanying or following to join him, and (7) a representative of a foreign government in or to an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under this section and section 215 of this title, sections 288–288f of Title 22, sections 116 (c), 116 (h) (1), 1426 (b), 1607 (c), 1621 (a) (5), 3466 (a), 3469 (f) (1), 3475 (b) (1), 3797 (a) (18) of Title 26, and section 409 (b) (16) of Title 42, or an alien officer or employee of such an international organization, and the family, attendants, servants, and employees of such a representative, officer, or employee. (As amended Dec. 29, 1945, ch 652, § 7 (c), 59 Stat. —.)

AMENDMENTS

1945—Act Dec 29, 1945, cited to text, amended section by striking the period following "to join him" and adding ", and (7) * * * officer, or employee."

§ 211. Immigration quotas; determination of national origin.

PROC. NO 2603 IMMIGRATION QUOTA FOR CHINESE

Proc No 2603, Feb 9, 1944, 9 F R 1587, 58 Stat. 1125, provided.

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have reported to the President that pursuant to the authority conferred and the duty imposed upon them by sections 11 and 12 of the Immigration Act of 1924 approved May 26, 1924 (43 Stat. 161), as amended [this section and section 212 of this title], and in effectuation of the provisions of the act of December 17, 1943, entitled "An Act to repeal the Chinese Exclusion Acts, to establish quotas, and for other purposes" (Public Law 199, 78th Cong., 1st sess.) [ch 344, 57 Stat 600], they jointly have fixed the quota for Chinese as hereinafter set forth:

Now, therefore, I, Franklin D Roosevelt, President of the United States of America, acting under and by virtue of the power in me vested by the aforesaid acts of Congress, do hereby proclaim and make known that the annual quota for Chinese effective for the remainder of the fiscal year ending June 30, 1944, and for each fiscal year thereafter, has been determined in accordance with the law to be, and shall be, 105

The immigration quota for Chinese is designed solely for the purpose of compliance with the pertinent provisions of the two aforesaid acts, and is not to be regarded as having any significance extraneous to this purpose.

The Chinese quota established by this proclamation does not affect the quota for China established by Proclamation No. 2283 of April 28, 1938.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed

Done at the City of Washington this 8th day of February in the year of our Lord nineteen hundred and [seal] forty-four and of the Independence of the United States of America the one hundred and sixty-eighth

FRANKLIN D ROOSEVELT

§ 212a. Same; Chinese persons

With the exception of those coming under subsections (b), (d), (e), and (f) of section 204 of this title, all Chinese persons entering the United States annually as immigrants shall be allocated to the quota for the Chinese computed under the provisions of section 211 of this title. A preference up to 75 per centum of the quota shall be given to Chinese born and resident in China. (Dec. 17, 1943, ch. 344, § 2, 57 Stat. 601)

CROSS REFFRENCES

Chinese exclusion laws repealed, see sections 262–297, 299, of this title.

§ 213. Compliance with immigration requirements; persons incligible to citizenship; penalties.

CROSS REFERENCES

Refusal of visas to aliens whose admission might endanger the public safety of the United States, see section 228 of Title 22, Foreign Relations and Intercourse

§ 215. Admission of persons excepted from definition of immigrant and nonquota immigrants; maintenance of exempt status.

The admission to the United States of an alien excepted from the class of immigrants by clause (1), (2), (3), (4), (5), (6), or (7) of section 203 of this title, or declared to be a nonquota immigrant by subdivision (e) of section 204 of this title, shall be for such time and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clause (2), (3), (4), or (6) of section 203 of this title and subdivision (e) of section 204 of this title, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States: *Provided*, That no alien who has been, or who may hereafter be, admitted into the United States under clause (1) or (7) of section 203 of this title, as an official of a foreign government, or as a member of the family of such official, or as a representative of a foreign government in or to an international organization or an officer or employee of an international organization, or as a member of the family of such representative, officer, or employee, shall be required to depart from the United States without the approval of the Secretary of State. (As amended Dec. 29, 1945, ch. 652, § 7 (d), 59 Stat. —.)

AMENDMENTS

1945—Act Dec 29, 1945, cited to text, amended section by inserting "or (7)" wherever appearing, and by inserting "or as a representative * * * officer, or employee," following "family of such official".

§ 216. Unlawful bringing of alien into United States by water; penalty; amount; clearance to vessels; remission or refundment.

* * * * *

(b) If it appears to the satisfaction of the Attorney General that any immigrant has been so brought such person or transportation company, or the master, agent, owner, charterer, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each immigrant so brought, and in addition a sum equal to that paid by such immigrant for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the immigrant on whose account assessed: *Provided*, That no fine nor refund, as provided for in this subsection, nor any expense incident to detention in connection with an application for admission to the United States, shall be assessed or required for bringing into the United States any alien, if such alien holds an unexpired visa issued by a United States consul within sixty days of the alien's foreign embarkation No vessel shall be granted clearance pending the determination of the liability to the payment of such sums, or while such sums remain unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs. (As amended Dec. 19, 1944, ch. 608, § 3, 58 Stat 817.)

* * * * *

AMENDMENTS

1944—Subsec (b) amended by act Dec 19, 1944, which added proviso at end of first sentence

§ 224. Definitions.

* * * * *

(c) The term "ineligible to citizenship", when used in reference to any individual, includes an individual who is debarred from becoming a citizen of the United States under sections 703 or 706 of this title, or section 303 (a) of Appendix to Title 50, or under any law amendatory of, supplementary to, or in substitution for, any such sections;

(As amended Oct. 29, 1945, ch. 437, 59 Stat 551.)

* * * * *

AMENDMENTS

1945—Subsec (c) amended by act Oct. 29, 1945, cited to text, which inserted "sections 703 or 706 * * * to Title 50" in lieu of "any of sections * * * 336 of this title"

§ 232. Admission of alien spouses and minor children of members of United States armed forces during Second World War; medical examination.

Notwithstanding any of the several clauses of section 136 of this title, excluding physically and mentally defective aliens, and notwithstanding the documentary requirements of any of the immigration laws or regulations, Executive orders, or Presidential proclamations issued thereunder, alien spouses or alien children of United States citizens serving in, or having an honorable discharge certificate from the armed forces of the United States during the Second World War shall, if otherwise admissible under the immigration laws and if application for admission is made within three years of December 28, 1945, be admitted to the United States: *Provided*, That every alien of the foregoing description shall be medically examined at the time of arrival in accordance with the provisions of section 152 of this title, and if found suffering from any disability which would be the basis for a ground of exclusion except for the provision of sections 232–236 of this title, the Immigration and Naturalization Service shall forthwith notify the appropriate public medical officer of the local community to which the alien is destined: *Provided further*, That the provisions of sections 232–236 of this title shall not affect the duties of the United States Public Health Service so far as they relate to quarantinable diseases. (Dec. 28, 1945, ch 591, § 1, 59 Stat. —.)

§ 233. Same; nonquota immigrant.

Regardless of section 209 of this title, any alien admitted under section 232 of this title shall be deemed to be a nonquota immigrant as defined in section 204 (a) of this title. (Dec. 28, 1945, ch. 591, § 2, 59 Stat —.)

§ 234. Same; readmission after temporary absence abroad.

Any alien admitted under section 232 of this title who at any time returns to the United States after a temporary absence abroad shall not be excluded because of the disability or disabilities that existed at the time of that admission (Dec 28, 1945, ch 591, § 3, 59 Stat —.)

§ 235. Same; non-imposition of fines or penalties because of transportation to United States.

No fine or penalty shall be imposed under sections 101, 102, 105, 108, 109, 113, 115, 116, 132, 136, 138, 139, 142–156, 158–166, 168, 169, 171, 173, 175, 177, and 178 of this title, except those arising under section 150 of this title, because of the transportation to the United States of any alien admitted under sections 232–236 of this title. (Dec. 28, 1945, ch. 591, § 4, 59 Stat. —.)

§ 236. Same; commencement and termination of Second World War

For the purpose of sections 232–236 of this title, the Second World War shall be deemed to have commenced on December 7, 1941, and to have ceased upon the termination of hostilities as declared by the President or by a joint resolution of Congress (Dec. 28, 1945, ch. 591, § 5, 59 Stat. —.)

Chapter 7.—EXCLUSION OF CHINESE

§§ 262–297. Repealed. Dec. 17, 1943, ch. 344, § 1, 57 Stat. 600.

REPEAL

Acts Feb 14, 1903, ch 552, § 7, 32 Stat 828, Mar 4, 1913, ch. 141, § 3, 37 Stat. 737; Res. Apr. 28, 1904, No. 34, 33 Stat. 591; Ex. Ord. No. 6166, § 14, June 10, 1933, and Reorg.

Plan No. V, eff. June 14, 1940, 5 F.R. 2423, 54 Stat. 1238, formerly cited in credits to many of these sections, were not specifically repealed by act Dec. 17, 1943, ch 344, § 1, 57 Stat. 600; however, each related to departmental changes of administrative functions and depended for their efficacy upon the acts repealed by said act Dec 17, 1943

Act Aug 29, 1916, ch. 416, § 12, 39 Stat. 548, formerly cited in credit to section 297, was not specifically repealed by act Dec. 17, 1943, cited above; however it merely affected the original of the words "Philippine Legislature."

§ 299. Repealed. Dec. 17, 1943, ch. 344, § 1, 57 Stat. 600.

REPEAL

Reorg Plan No. V, eff. June 14, 1940, 5 F.R. 2423, 54 Stat. 1238, formerly cited in credit to this section, was not specifically repealed by act Dec 17, 1943, ch. 344, § 1, 57 Stat. 600; however, it merely affected original of words "Attorney General"

Chapter 9.—MISCELLANEOUS PROVISIONS

§§ 351–416. Repealed or transferred.

Section 375a, relating to exemption from declaration of intention and filing of petition by aliens spending childhood in United States, is now set out as section 720a of this title.

Chapter 10.—ALIEN REGISTRATION

§ 451. Alien seeking entry into United States.

CROSS REFERENCES

Identification cards as substitute for documents required by this chapter for native-born residents of North America, South America, Central America, and adjacent islands, coming to the United States to perform agricultural labor for duration of war, see section 1355 (g) of Appendix to Title 50, War.

§ 457. Penalties.

* * * * *

(d) Any person who with unlawful intent photographs, prints, or in any other manner makes, or executes, any engraving, photograph, print, or impression in the likeness of an alien registration receipt card or any colorable imitation thereof, except when and as authorized under such rules and regulations as may be prescribed by the Attorney General, shall upon conviction, be fined not to exceed $5,000 or be imprisoned not more than five years, or both. (As amended Oct. 13, 1941, ch. 432, 55 Stat. 736.)

AMENDMENTS

1941—Subsec (d) was added by act Oct 13, 1941, cited to text.

Chapter 11.—NATIONALITY CODE

SUBCHAPTER III—NATIONALITY THROUGH NATURALIZATION

Sec
723a Naturalization of persons serving in the armed forces of the United States during World War and earlier wars (New).

SUBCHAPTER VI—NATURALIZATION OF PERSONS SERVING IN THE ARMED FORCES OF THE UNITED STATES DURING THE PRESENT WAR (NEW)

1001 Exception from certain requirements
1002 Alien serving outside jurisdiction of naturalization court.
1003 Waiver of notice to Commissioner in case of alien enemy.
1004. Persons excepted from subchapter; revocation of citizenship upon dishonorable discharge.
1005 Forms, rules, and regulations.
1006 Time of service limitation (New).

SUBCHAPTER III.—NATIONALITY THROUGH NATURALIZATION

§ 701. Jurisdiction to naturalize.

CROSS REFERENCES

World War II, persons serving in armed forces of United States during, see section 1001 et seq. of this title.

§ 703. Same; race.

The right to become a naturalized citizen under the provisions of this chapter shall extend only to white persons, persons of African nativity or descent, descendants of races indigenous to the Western Hemisphere, and Chinese persons or persons of Chinese descent: *Provided*, That nothing in this section shall prevent the naturalization of native-born Filipinos having the honorable service in the United States Army, Navy, Marine Corps, or Coast Guard as specified in section 724, nor of former citizens of the United States who are otherwise eligible to naturalization under the provisions of section 717. (As amended Dec. 17, 1943, ch. 344, § 3, 57 Stat 601.)

AMENDMENTS

1943—Act Dec. 17, 1943, cited to text, omitted word "and" preceding "descendants," and added "and Chinese persons or persons of Chinese descent."

CROSS REFERENCES

Chinese exclusion laws repealed, see sections 262–297, 299, of this title.

World War II, persons serving in armed forces of United States during, see section 1001 et seq of this title.

CHINESE PROHIBITED ADMISSION TO CITIZENSHIP

Act May 6, 1882, ch 126, § 14, 22 Stat 61, set out as note under this section, was repealed by section 1 of act Dec. 17, 1943, cited to text.

§ 720a. Aliens spending childhood in United States excepted from certain requirements.

Any alien who at the time of entering the United States is less than sixteen years of age may upon attaining the age of twenty-one years, if eligible to citizenship, be naturalized upon full and complete compliance with all the requirements of the naturalization laws, subject to the following exceptions:

(a) No declaration of intention shall be required; and

(b) The petition for naturalization shall be filed within one year after such alien attains the age of twenty-one years.

Nothing in this section shall be construed as preventing its application to aliens who entered the United States prior to its enactment. (July 2, 1940, ch. 512, §§ 1, 2, 54 Stat. 715.)

CODIFICATION

Section is not a part of the Nationality Code of 1940.

§ 723. Former United States citizens losing citizenship by entering armed forces of allied country during World War I or II.

A person who, while a citizen of the United States and during the first or second World War, entered the military or naval service of any country at war with a country with which the United States was or is at war, who has lost citizenship of the United States by reason of any oath or obligation taken for the purpose of entering such service, or by reason

of entering or serving in such armed forces, and who intends to reside permanently in the United States, may be naturalized by taking before any naturalization court specified in subsection (a) of section 701 of this title, the oaths prescribed by section 735 of this title. Any such person who has lost citizenship of the United States during the second World War may, if he so desires, be naturalized by taking, before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 735 of this title. For the purposes of this section, the second World War shall be deemed to have commenced on September 1, 1939, and shall continue until such time as the United States shall cease to be in a state of war. Certified copies of such oath shall be sent by such diplomatic or consular officer or such court to the Department of State and to the Department of Justice. (As amended Apr. 2, 1942, ch 208, 56 Stat 198)

§ 723a. Naturalization of persons serving in the armed forces of the United States during World War and earlier wars.

A person who was a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, or at any time after April 20, 1898, and before July 5, 1902, or who served on the Mexican Border as a member of the regular Army or National Guard from June 1916, to April 1917, who is not an alien ineligible to citizenship, who was not at any time during such period or thereafter separated from such forces under other than honorable conditions, who was not a conscientious objector who performed no military duty whatever or refused to wear the uniform, and who was not at any time during such period or thereafter discharged from the military or naval forces on account of his alienage, shall, if he has resided in the United States continuously for at least two years pursuant to a legal admission for permanent residence in lieu of the usual five years' residence within the United States and six months' residence within the State of his residence at the time of filing the petition for naturalization, during all of which two-year period he has behaved as a person of good moral character, be entitled at any time within one year after December 7, 1942, to naturalization upon compliance with all of the requirements of the naturalization laws, except that—

(1) no declaration of intention shall be required,

(2) no certificate of arrival shall be required unless such person's admission to the United States was subsequent to March 3, 1924; and

(3) no residence within the jurisdiction of the court shall be required.

Such petitioner shall verify his petition for naturalization by the affidavits of at least two credible witnesses who are citizens of the United States, or shall furnish the depositions of two such witnesses made in accordance with the requirements of subsection (e) of section 723 of this title, to prove the required residence, good moral character, attachment to the principles of the Constitution of the United States, and favorable disposition toward the good order and happiness of the United States. On applications filed for any benefits under this section, the requirement of fees for naturalization documents is hereby waived. (Oct. 14, 1940, ch. 876, title I, subchap. III, § 323a, as added Dec. 7, 1942, ch. 690, 56 Stat. 1041.)

CROSS REFERENCES

World War II, persons serving in armed forces of United States during, see section 1001 et seq of this title.

§ 724. Persons serving in armed forces of United States.

CROSS REFERENCES

World War II, persons serving in armed forces of United States during, see section 1001 et seq of this title.

§ 726. Alien enemies.

PERSONS EXCEPTED FROM ALIEN ENEMY CLASSIFICATION

Ex Ord No 9372, Aug 27, 1943, 8 F. R 11887, provided that all persons whom the Attorney General, the Commissioner of Immigration and Naturalization, or any District Director of the Immigration and Naturalization Service should certify as loyal to the United States were excepted from the classification of "enemy alien", and superseded Ex Ord No 9106, March 20, 1942, 7 F R 2199, which had superseded Ex Ord No 3008, November 26, 1918, relating to same subject matter.

§ 731. Declaration of intention.

CROSS REFERENCES

Declaration of intention and petition of aliens spending childhood in United States, see section 720a of this title

§ 738. Revocation of naturalization.

CROSS REFERENCES

World War II, persons serving in armed forces of United States during, see section 1001 et seq of this title

§ 739. Certificates of derivative citizenship.

A person who claims to have derived United States citizenship through the naturalization of a parent or through the naturalization or citizenship of a husband, or who is a citizen of the United States by virtue of the provisions of section 1993 of the United States Revised Statutes, or of section 1993 of the United States Revised Statutes, as amended by section 1 of the Act of May 24, 1934 (ch. 344, 48 Stat. 797), or who is a citizen of the United States by virtue of the provisions of section 601 (c), (d), (e), and (g) of this title, may apply to the Commissioner for a certificate of citizenship. Upon proof to the satisfaction of the Commissioner that the applicant is a citizen, and that the applicant's alleged citizenship was derived as claimed, or acquired, as the case may be, and upon taking and subscribing before a member of the Service within the United States to the oath of allegiance required by this chapter of a petitioner for naturalization, such individual shall be furnished by the Commissioner or a deputy commissioner with a certificate of citizenship, but only if such individual is at the time within the United States. (As amended Jan. 20, 1944, ch. 2, § 3, 58 Stat. 4.)

REFERENCES IN TEXT

Section 1993 of the United States Revised Statutes and section 1993 of the United States Revised Statutes, as amended by section 1 of act May 24, 1934, 48 Stat. 797, to which reference is made in this section were repealed by act Oct. 14, 1940, ch 876, title I, subchap. V, § 504, 54 Stat 1172. Present provisions covering subject matter are contained in sections 601 (c), 713, and 807 of this title.

AMENDMENTS

1944—Act Jan. 20, 1944, cited to text, amended section by omitting word "spouse" and substituting in lieu "husband" and by inserting all text between word "husband" and "may apply to the Commissioner" in the first sentence, and inserting words "or acquired, as the case may be," following "derived as claimed" in the second sentence

§ 742. Fiscal provisions; fees.

(a) The clerk of each and every naturalization court shall charge, collect, and account for the following fees:

(1) For receiving and filing a declaration of intention, and issuing a duplicate and triplicate thereof, $3.

(2) For making, filing, and docketing a petition for naturalization, $8, including the final hearing on such petition, if such hearing be held, and a certificate of naturalization, if the issuance of such certificate is authorized by the naturalization court.

(b) The Commissioner shall charge, collect, and account for the following fees:

(1) For application for record of registry, $18.

(2) For application for a declaration of intention in lieu of a declaration alleged to have been lost, mutilated, or destroyed, $1.

(3) For application for a certificate of naturalization in lieu of a certificate alleged to have been lost, mutilated, or destroyed, $1.

(4) For application for a certificate of citizenship under section 739 of this title, $5.

(5) For application for the issuance of a special certificate of citizenship to obtain recognition, $5.

(6) For application for a certificate of naturalization under section 723, $1.

(7) For application for a certificate of citizenship in changed name, $5.

(8) Reasonable fees, with the approval of the Attorney General, in cases where such fees have not been established by law, to cover the cost of furnishing copies, whether certified or uncertified, of any part of the records, or information from the records, of the Service. Such fees shall not exceed a maximum of 25 cents per folio, with a maximum fee of 50 cents for any one such service, in addition to a fee of $1 for any official certification furnished under seal No such fee shall be required from officers or agencies of the United States or of any State or any subdivision thereof, for such copies or information furnished for official use in connection with the official duties of such officers or agencies.

Notwithstanding the preceding provisions of this subsection, no fee shall be charged or collected for an application for a declaration of intention in lieu of a declaration alleged to have been lost, mutilated, or destroyed or for an application for a certificate of naturalization in lieu of a certificate alleged to have been lost, mutilated, or destroyed, submitted by a person who was a member of the military or naval forces of the United States at any time after April 20, 1898, and before July 5, 1902; or at any time after April 5, 1917, and before November 12, 1918; or who served on the Mexican border as a member of the Regular Army or National Guard between June 1916 and April 1917; or who has served or hereafter serves in the military or naval forces of the United States after September 16, 1940, and who was not at any time during such period or thereafter separated from such forces under other than honorable conditions, who was not a conscientious objector who performed no military duty whatever or refused to wear the uniform, or who was not at any time during such period or thereafter discharged from such military or naval forces on account of alienage. (As amended Jan. 20, 1944, ch 2, § 3, 58 Stat. 5, Sept. 27, 1944, ch. 415, 58 Stat. 745; Sept. 28, 1944, ch. 446, §§ 1, 2, 58 Stat. 755; Nov. 21, 1945, ch. 490, 59 Stat. 585.)

AMENDMENTS

1945—Subsec (b) amended by act Nov 21, 1945, cited to text, which added last par

1944—Subsec. (a) amended by act Sept. 28, 1944, cited to text, which increased the fees and charges in subdivs. (1) and (2) from $2 to $3 and from $5 to $8, respectively.

Subsec (b) amended by act Sept. 28, 1944, cited to text, which struck out subpar (2) which read "for the issuance of each certificate of arrival, $2.50" and renumbered subpars (3)-(9) to be subpars (2)-(8).

Subsec (b) (5) was amended by act Jan. 20, 1944, cited to text, by omission of word "derivative" preceding "citizenship" and the addition of words "under section 739 of this title" following "citizenship".

Subpar (8), formerly subpar (9) of subsec. (b), amended by act Sept. 27, 1944, cited to text, which omitted "to other than officials or agencies of the Federal Government" following "the cost of furnishing" in first sentence, substituted "maximum" for "minimum" preceding "fee of 50 cents" in second sentence, and added third sentence.

SUBCHAPTER IV.—LOSS OF NATIONALITY

§ 801. General means of losing United States nationality.

* * * * *

(g) Deserting the military or naval forces of the United States in time of war, provided he is convicted thereof by court martial and as the result of such conviction is dismissed or dishonorably discharged from the service of such military or naval forces: *Provided*, That notwithstanding loss of nationality or citizenship or civil or political rights under the terms of this or previous laws by reason of desertion committed in time of war, restoration to active duty with such military or naval forces in time of war or the reenlistment or induction of such a person in time of war with permission of competent military or naval authority, prior or subsequent to January 20, 1944, shall be deemed to have the immediate effect of restoring such nationality or citizenship and all civil and political rights heretofore or hereafter so lost and of removing all civil and political disabilities resulting therefrom; or

(h) Committing any act of treason against, or attempting by force to overthrow or bearing arms against the United States, provided he is convicted thereof by a court martial or by a court of competent jurisdiction; or

(i) Making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation

as not contrary to the interests of national defense; or

(j) Departing from or remaining outside of the jurisdiction of the United States in time of war or during a period declared by the President to be a period of national emergency for the purpose of evading or avoiding training and service in the land or naval forces of the United States. (As amended Jan. 20, 1944, ch. 2, § 1, 58 Stat 4; July 1, 1944, ch. 368, § 1, 58 Stat. 677; Sept. 27, 1944, ch. 418, § 1, 58 Stat. 746.)

AMENDMENTS

1944—Subsec (g) was amended by act Jan 20, 1944, cited to text, which added all text following "convicted thereof by a Court Martial".

Subsec (h) amended by act July 1, 1944, which substituted semicolon for period at end thereof and added "or".

Subsec (i) added by act July 1, 1944

Subsec. (j) added by act Sept. 27, 1944, cited to text, which also substituted a colon for a period at the end of subsec. (i) and added word "or".

§ 803. Restrictions on expatriation; residence in United States; age.

(a) Except as provided in subsections (g), (h), and (i) of section 801, no national can expatriate himself, or be expatriated, under this section while within the United States or any of its outlying possessions, but expatriation shall result from the performance within the United States or any of its outlying possessions of any of the acts or the fulfillment of any of the conditions specified in this section if and when the national thereafter takes up a residence abroad. (As amended July 1, 1944, ch. 368, § 2, 58 Stat. 677.)

* * * * *

AMENDMENTS

1944—Subsec (a) amended by act July 1, 1944, cited to text, which substituted a comma for "and" between "(g)" and "(h)", and inserted immediately following "(h)" words ", and (i)".

§ 806. Same; further exceptions.

* * * * *

(g) Who is the wife, husband, or child under twenty-one years of age of, and is residing abroad for the purpose of being with a spouse or parent who is an American national by birth and such spouse or parent during minority for a period or periods totaling ten years has resided in the United States.

(h) Who is a veteran of the Spanish-American War, or of the World War, his wife, minor children, or dependent parents. (As amended Dec. 8, 1942, ch. 696, 56 Stat. 1043; Dec. 24, 1942, ch. 819, 56 Stat. 1085.)

AMENDMENTS

1942—Subsec (g) was added by act Dec 8, 1942, cited to text

Subsec (h) was added by act Dec. 24, 1942, cited to text.

§ 809. Postponement of time when citizenship may be lost under section 804 or 807.

Nationality shall not be lost under the provisions of section 804 or 807 of this title until the expiration of six years following October 14, 1940: *Provided, however*, That a naturalized person who shall have become subject to the presumption that he has ceased to be an American citizen as provided for in the second paragraph of section 2 of the Act of March 2, 1907 (34 Stat. 1228), and who shall not have overcome it under the rules in effect immediately preceding October 14, 1940, shall continue to be subject to such presumption for the period of six years following October 14, 1940, unless it is overcome during such period. (As amended Oct. 16, 1941, ch. 446, 55 Stat. 743; Oct. 9, 1942, ch. 585, 56 Stat. 779; Sept. 27, 1944, ch 419, 58 Stat. 747; Oct. 11, 1945, ch. 410, 59 Stat. 544.)

REFERENCES IN TEXT

Act Mar. 2, 1907, § 2, referred to in this section was repealed by section 504 of act Oct. 14, 1940, cited to text. It formerly constituted sections 16 and 17 of this title

AMENDMENTS

1945—Act Oct. 11, 1945, cited to text, extended time specified in section from five to six years after Oct. 14, 1940.

1944—Act Sept. 27, 1944, cited to text, amended section by extending the time specified in section from four to five years after Oct. 14, 1940.

1942—Act Oct. 9, 1942, cited to text, amended section generally, extending time specified in section from two to four years after Oct 14, 1940.

1941—Act Oct 16, 1941, cited to text, extended time specified in section from one to two years after October 14, 1940

SUBCHAPTER V.—MISCELLANEOUS

§ 906. Effective date.

This chapter shall take effect from and after ninety days from October 14, 1940. (Oct. 14, 1940, ch 876, title II, § 601, 54 Stat. 1174.)

SUBCHAPTER VI.—NATURALIZATION OF PERSONS SERVING IN THE ARMED FORCES OF THE UNITED STATES DURING THE PRESENT WAR (NEW)

§ 1001. Exception from certain requirements.

Notwithstanding the provisions of sections 703 and 726 of this title, any person not a citizen, regardless of age, who has served or hereafter serves honorably in the military or naval forces of the United States during the present war and Who[1] shall have been at the time of his enlistment or induction a resident thereof and who (a) was lawfully admitted into the United States, including its Territories and possessions, or (b) having entered the United States, including its Territories and possessions, prior to September 1, 1943, being unable to establish lawful admission into the United States serves honorably in such forces beyond the continental limits of the United States or has so served may be naturalized upon compliance with all the requirements of the naturalization laws except that (1) no declaration of intention, no certificate of arrival for those described in group (b) hereof, and no period of residence within the United States or any State shall be required; (2) the petition for naturalization may be filed in any court having naturalization jurisdiction regardless of the residence of the petitioner; (3)

the petitioner shall not be required to speak the English language, sign his petition in his own handwriting, or meet any educational test; and (4) no fee shall be charged or collected for making, filing, or docketing the petition for naturalization, or for the final hearing thereon, or for the certification of naturalization, if issued: *Provided, however,* That (1) there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each such witness personally knows the petitioner to be a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, (2) the service of the petitioner in the military or naval forces of the United States shall be proved by affidavits, forming part of the petition, of at least two citizens of the United States, members or former members during the present war of the military or naval forces of the noncommissioned or warrant officer grade or higher (who may be the witnesses described in clause (1) of this proviso), or by a duly authenticated copy of the record of the executive department having custody of the record of petitioner's service, showing that the petitioner is or was during the present war a member serving honorably in such armed forces, and (3) the petition shall be filed not later than December 31, 1946 The petitioner may be naturalized immediately if prior to the filing of the petition the petitioner and the witnesses required by the foregoing proviso shall have appeared before and been examined by a representative of the Immigration and Naturalization Service. (Oct. 14, 1940, ch. 876, title III, § 701, as added Mar 27, 1942, 3 p m., E.W.T., ch 199, title X, § 1001, 56 Stat 182, and amended Dec 22, 1944, ch. 662, § 1, 58 Stat. 886; Dec 28, 1945, ch 590, § 1 (c) (1), 59 Stat. —.)

[1] So in original. Probably should read "who".

AMENDMENTS

1945—Act Dec 28, 1945, cited to text, amended section by striking out "and (3) the petition shall be filed not later than one year after the termination period specified in section 645 of the Appendix to Title 50" and inserting in lieu thereof "and (3) the petition shall be filed not later than December 31, 1946" in the second proviso

1944—Act Dec 22, 1944, cited to text, amended section by striking out "who, having been lawfully admitted to the United States, including its Territories and possessions, shall have been at the time of his enlistment or induction a resident thereof" inserting in lieu thereof "Who shall have * * * or has so served" preceding clause (1), and inserting "no certificate of arrival for those described in group (b) hereof," following "no declaration of intention" in clause (1)

CROSS REFERENCES

World War I and earlier wars, persons serving in armed forces of United States during, see section 723a of this title.

§ 1002. Alien serving outside jurisdiction of naturalization court.

During the present war, any person entitled to naturalization under section 1001 of this title, who while serving honorably in the military or naval forces of the United States is not within the jurisdiction of any court authorized to naturalize aliens, may be naturalized in accordance with all the applicable provisions of section 1001 without appearing before a naturalization court. The petition for naturalization of any petitioner under this section shall be made and sworn to before, and filed with, a representative of the Immigration and Naturalization Service designated by the Commissioner or a Deputy Commissioner, which designated representative is hereby authorized to receive such petition in behalf of the Service, to conduct hearings thereon, to take testimony concerning any matter touching or in any way affecting the admissibility of any such petitioner for naturalization, to call witnesses, to administer oaths, including the oath of the petitioner and his witnesses to the petition for naturalization and the oath of renunciation and allegiance prescribed by section 735 of this title, and to grant naturalization, and to issue certificates of citizenship. *Provided,* That the record of any proceedings hereunder, together with a copy of the certificate of citizenship shall be forwarded to and filed by the clerk of a naturalization court in the district designated by the petitioner and be made a part of the record of the court (Oct 14, 1940, ch. 876, title III, § 702, as added Mar. 27, 1942, 3 p. m., E.W.T., ch. 199, title X, § 1001, 56 Stat. 182, and amended Dec. 22, 1944, ch 662, § 2, 58 Stat. 887)

AMENDMENTS

1944—Act Dec 22, 1944, cited to text, amended section by inserting "designated by the petitioner" in lieu of "in which the petitioner is a resident" in proviso.

§ 1003. Waiver of notice to Commissioner in case of alien enemy.

The ninety days' notice required by subsection (b) of section 726 of this title to be given by the clerk of the naturalization court to the Commissioner may be waived by the Commissioner in his discretion. In any petition in which such notice is waived the Commissioner shall cause the clerk of court to be notified to that effect. (Oct. 14, 1940, ch. 876, title III, § 703, as added Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title X, § 1001, 56 Stat. 182, 183.)

§ 1004. Persons excepted from subchapter; revocation of citizenship upon dishonorable discharge.

The provisions of this subchapter shall not apply to (1) any person who during the present war is dishonorably discharged from the military or naval forces or is discharged therefrom on account of his alienage, or (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform: *Provided,* That citizenship granted pursuant to this subchapter may be revoked as to any person subsequently dishonorably discharged from the military or naval forces in accordance with Section 738 of this title; and such ground for revocation shall be in addition to any other provided by law. (Oct. 14, 1940, ch. 876, title III, § 704, as added Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title X, § 1001, 56 Stat. 182, 183.)

§ 1005. Forms, rules, and regulations.

The Commissioner, with the approval of the Attorney General, shall prescribe and furnish such forms, and shall make such rules and regulations, as may be necessary to carry into effect the provisions of this chapter. (Oct. 14, 1940, ch. 876, title III, § 705, as added Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title X, § 1001, 56 Stat. 182, 183.)

§ 1006. Time of service limitation.

No person shall be naturalized under the provisions of this subchapter unless such person has served in the military or naval forces of the United States prior to December 28, 1945. (Oct. 14, 1940, ch. 876, title III, § 706, as added Dec. 28, 1945, ch. 590, § 1 (c) (2), 59 Stat. —.)

TITLE 9.—ARBITRATION

CROSS REFERENCES

Arbitration proceeding used in settlement of war contracts under the Contract Settlement Act of 1944, see section 113 of Title 41, Public Contracts.

TITLE 10.—ARMY

Chap. Sec.
38. Women's Army Auxiliary Corps (New)..... 1701

Chapter 1.—COMPOSITION, ORGANIZATION, AND GOVERNMENT OF THE ARMY GENERALLY

§ 2. Composition of Army of United States.

The Army of the United States shall consist of the Regular Army, the National Guard of the United States, the National Guard while in the service of the United States, the Officers' Reserve Corps, the Organized Reserves, and the Enlisted Reserve Corps, and shall include persons inducted into the land forces of the United States under sections 301–318 of Appendix to Title 50. (As amended Dec. 13, 1941, ch. 571, § 3, 55 Stat. 800.)

AMENDMENTS

1941—Act Dec. 13, 1941, cited to text, extended provisions of section to include persons inducted under the Selective Training and Service Act of 1940, sections 301–318 of Appendix to Title 50, War.

§ 5. Organization of Army; corps' areas and Army areas or departments.

REORGANIZATION OF ARMY

The Army of the United States was reorganized for the duration of the war and six months thereafter. See note under section 601 of Appendix to Title 50, War.

Chapter 2.—GENERAL STAFF CORPS

REORGANIZATION OF ARMY

The Army of the United States was reorganized for the duration of the war and six months thereafter. See note under section 601 of Appendix to Title 50, War.

§ 22a. Chief of Staff; rank; pay and allowances; relative rank of Chief of Naval Operations.

CROSS REFERENCES

Fleet Admiral of the Navy and General of the Army, see sections 1691–1697 of Appendix to Title 50, War.

Chapter 3.—ADJUTANT GENERAL'S DEPARTMENT

§ 41. Composition of Adjutant General's Department.

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War.

Chapter 4.—INSPECTOR GENERAL'S DEPARTMENT

§ 51. Composition of Inspector General's Department.

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War.

Chapter 5.—JUDGE ADVOCATE GENERAL'S DEPARTMENT

§ 61. Composition of Judge Advocate General's Department.

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War.

Chapter 6.—QUARTERMASTER CORPS

§ 71. Composition of Quartermaster Corps.

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War.

CROSS REFERENCES

Officers in Construction Division of Quartermaster Corps transferred to Corps of Engineers, see section 181b of this title

§ 72. Duties of Quartermaster General.

CROSS REFERENCES

Transfer of many of duties specified in this section to Chief of Engineers, see section 181b of this title.

§ 73. Transportation for National Museum and Government departments.

CROSS REFERENCES

Traveling expenses of civilian employees authorized by Secretary of War, see section 763 of Appendix to Title 50, War.

Chapter 7.—MEDICAL DEPARTMENT

MEDICAL CORPS

Sec.
92a. Appointment of female physicians and surgeons (New).

PHARMACY CORPS

131. Establishment of corps; composition; appointments; promotions (New).

MEDICAL ADMINISTRATIVE CORPS

156. Temporary promotion during war or emergency; pay and allowances; duration of promotion (New).

THE DEPARTMENT GENERALLY

§ 81. Composition of Medical Department.

The Medical Department shall consist of one Surgeon General with the rank of major general, four assistants with the rank of brigadier general, one of whom shall be an officer in the Dental Corps, the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Administrative Corps, a number of enlisted men the authorized maximum of which shall be in each fiscal year such number as shall equal 7 per centum of the average annual pay strength of the active list of the Regular Army and the average strength of all other military personnel

on extended active duty with the Regular Army during such fiscal year, the Army Nurse Corps as constituted by law, and such contract surgeons as are authorized by law: *Provided,* That in event of actual or threatened hostilities involving the United States the President may, within the limit of the total authorized strength of the Regular Army, authorize additional enlistments in the Medical Department to such number as he may deem necessary. (June 3, 1916, ch. 134, § 10, 39 Stat. 171; June 4, 1920, ch. 227, subchapter I, § 10, 41 Stat. 766; Jan. 29, 1938, ch. 12, § 1, 52 Stat. 8; May 14, 1940, ch. 195, 54 Stat. 214.)

AMENDMENTS

1938—Act Jan. 29, 1938, cited to text, substituted "four" for "two" preceding "assistants", and inserted "one of whom shall be an officer in the Dental Corps" following "brigadier general;".

FEMALE DIETETIC AND PHYSICAL THERAPY PERSONNEL

Act Dec. 22, 1942, ch 805, §§ 2, 4, 56 Stat 1072, provided:

"Hereafter, during the present war and for six months thereafter, there shall be included in the Medical Department of the Army such female dietetic and physical therapy personnel (exclusive of students and apprentices) as the Secretary of War may consider necessary, whose qualifications, duties, and assignments shall be in accordance with regulations to be prescribed by the Secretary, and who shall be appointed and, at his discretion be removed, by the Surgeon General, subject to the approval of the Secretary Such personnel shall have relative rank and receive pay and money allowances for subsistence and rental of quarters, and mileage and other travel allowances, as now or hereafter provided by law, for commissioned officers, without dependents, of the Regular Army in the third to the first pay periods, respectively Persons appointed under the provisions of this section and their dependents shall be entitled to the same allowances and the same rights, privileges, benefits, and gratuities as members of the Army Nurse Corps and their dependents (See section 164 of this title and sections 101 and 113 of Title 37)"

"Employment by the military establishment of female dietetic and female physical therapy personnel (except students and apprentices) shall be limited to persons appointed under the provisions of this Act (see preceding paragraph of this note) while its provisions are in effect Appointments of such personnel (except students and apprentices) under the provisions of any other law are hereby terminated as of the last day of the third month following the month in which this Act is enacted if not sooner terminated Persons whose appointments are terminated by the provisions of this section may be appointed under the provisions of this Act (see preceding paragraph of this note) in accordance with such regulations as may be promulgated by the Secretary of War."

APPOINTMENT OF TECHNICAL AND PROFESSIONAL FEMALE PERSONNEL FOR DUTY OUTSIDE UNITED STATES DURING PRESENT WAR

Act Dec. 22, 1942, ch 805, § 6, 56 Stat 1074, provided "During the present war and for six months thereafter, the President is authorized to provide for the appointment or enrollment in the Medical Department of the Army of technical and professional, female personnel in categories required for duty outside the continental United States Such personnel shall be distributed, in accordance with regulations prescribed by the Secretary of War, in relative ranks and grades corresponding to the commissioned and enlisted grades of the Regular Army; and the Secretary shall have complete authority to define the qualifications for all of the grades in which such personnel are distributed Such personnel shall receive pay and money allowances for subsistence and rental of quarters and mileage and other travel allowances, as now or hereafter provided by law for military personnel of comparable grade, without dependents Persons so appointed and their dependents shall be entitled to the same allowances and the same rights, privileges, benefits, and gratuities as members of the Army Nurse Corps and their dependents Persons so enrolled and their dependents shall be entitled to the same allowances and the same rights, privileges, benefits, and gratuities as enlisted men of the Regular Army and their dependents (See section 164 of this title and sections 101 and 113 of Title 37)"

APPROPRIATIONS

Section 5 of Act Dec. 22, 1942, cited in notes above, provided: "The Secretary of War is authorized to use appropriations available to the Military Establishment to carry into effect the provisions of this Act."

CROSS REFERENCES

Employment and pay of internes, see section 761 of Appendix to Title 50, War

Temporary appointment of members of Army Nurse Corps, and dietetic and physical-therapy personnel as officers in the Army of the United States, see sections 1591–1594 of Appendix to Title 50, War.

MEDICAL CORPS

§ 92a. Appointment of female physicians and surgeons.

Hereafter during the present war and six months thereafter there shall be included in the Medical Departments of the Army and Navy such licensed female physicians and surgeons as the Secretary of War and the Secretary of the Navy may consider necessary, whose qualifications, duties, and assignments shall be in accordance with regulations to be prescribed by the Secretary and who shall be appointed and at his discretion removed by the Surgeon General of the Army or Navy, subject to the approval of the Secretary of War or the Secretary of the Navy. Those appointed shall be commissioned in the Army of the United States or the Naval Reserve, and shall receive the same pay and allowances and be entitled to the same rights, privileges, and benefits as members of the Officers' Reserve Corps of the Army and the Naval Reserve of the Navy with the same grade and length of service: *Provided,* That female physicians and surgeons appointed in the Medical Corps of the Naval Reserve shall be restricted to the performance of shore duty within the continental United States only and shall not be assigned to duty on board vessels of the Navy or in combat aircraft (Apr. 16, 1943, ch 63, 57 Stat 65, as amended Nov. 8, 1943, ch. 297, § 2, 57 Stat 587.)

AMENDMENTS

1943—Act Nov 8, 1943, cited to text, amended section by adding proviso to last sentence.

CROSS REFERENCES

Provisions of act Apr. 16, 1943, cited to text, are also set out as section 21a of Title 34, Navy.

§ 101. Examination of officers for promotion.

WAIVER OF EXAMINATION REQUIREMENTS UNTIL MAY 15, 1945, FOR MEDICAL, DENTAL, AND VETERINARY CORPS OFFICERS.

Act Nov 29, 1940, ch 923, 54 Stat 1219 providing for waiver was extended for the duration of the wars and six months thereafter by act May 15, 1945, ch. 127, 59 Stat. 168, which became effective on May 15, 1945

DENTAL CORPS

§ 125. Examining and review boards.

CODIFICATION

First sentence was from act June 3, 1916, as added by act June 4, 1920, both cited to text. Second sentence was from act Oct 6, 1917, cited to text

§ 130. Repealed. June 29, 1945, ch. 199, 59 Stat. 264.

PHARMACY CORPS

§ 131. Establishment of corps; composition; appointments; promotions.

There is hereby established in the Medical Department of the Army a corps to be known as the "Pharmacy Corps". The Pharmacy Corps shall consist of seventy-two officers in grades from colonel to second lieutenant, inclusive. Appointments in the Pharmacy Corps, except as hereinafter provided for transfer thereto, shall be made in the grade of second lieutenant from pharmacists between the ages of twenty-one and thirty-two years who are graduates of recognized schools or colleges of pharmacy requiring four years of instruction for graduation, under such regulations and after such examinations as the Secretary of War shall prescribe. An officer of the Pharmacy Corps shall be promoted to the grade of first lieutenant after three years' service, to the grade of captain after six years' service, to the grade of major after twelve years' service, to the grade of lieutenant colonel after twenty years' service, and to the grade of colonel after twenty-six years' service: *Provided*, That officers of the Regular Army holding commissions in the Medical Administrative Corps on July 12, 1943 shall be transferred to the Pharmacy Corps and commissioned in grade in such corps in addition to the seventy-two officers authorized for the corps. (July 12, 1943, ch. 216, 57 Stat. 430.)

MEDICAL ADMINISTRATIVE CORPS

§ 156. Temporary promotion during war or emergency; pay and allowances; duration of promotion.

In time of war or national emergency determined by the President any officer of the Medical Administrative Corps, commissioned in the Army of the United States or any component thereof, may be appointed by the President to higher temporary grade, not above the grade of colonel, without vacating any appointment held by him at the time of such temporary appointment. All officers so appointed shall be commissioned in the Army of the United States and shall receive the pay and allowances of the grade to which temporarily appointed: *Provided*, That any appointment made under the provisions of this section may be vacated at any time by the President and, if not sooner vacated, shall continue for the duration of such national emergency or for the duration of the war and six months thereafter. (July 20, 1942, ch. 509, § 1, 56 Stat. 663.)

VALIDATION OF PREVIOUS APPOINTMENTS, ETC

Section 2 of act July 20, 1942, cited to text, section 1 of which constitutes this section, provided as follows: "All appointments and payments which would have been valid had this Act been in effect on and after September 9, 1940, are hereby ratified and validated, and officers appointed to a higher temporary grade whose appointments are ratified and validated by this Act shall be entitled to pay and allowances of such grade for the period during which they served in said grade to be paid out of any funds available for pay of the Army: *Provided*, That credit for payments heretofore made to such officers shall be allowed by the Comptroller General of the United States in the accounts of disbursing officers: *Provided further*, That any amounts collected from any person on account of payments made by reason of an appointment to a higher temporary grade which is ratified and validated by this Act shall be refunded to such person upon presentation of claim therefor to the Comptroller General of the United States who is authorized and directed to certify such claim to the Secretary of the Treasury for payment out of any funds available for pay of the Army."

ARMY NURSE CORPS

CROSS REFERENCES

Pay and allowances of nurses, see section 113 of Title 37 Pay and Allowances.

Women's Army Auxiliary Corps, enrollment of nurses in, see section 1712 of this title.

§ 161. Composition of corps.

CROSS REFERENCES

Suspension of limitations on number of assistant superintendents during war, see section 762 of Appendix to Title 50, War

§ 162. Appointment and removal.

The superintendent shall be appointed by, and, at his discretion, be removed by, the Secretary of War. All other members of said corps shall be appointed by, and, at his discretion, be removed by, the Secretary of War; but the assistant superintendents, the directors, the assistant directors, and the chief nurses shall be appointed by promotion from other members of the corps, and shall, upon being relieved from duty as such, unless removed for incompetency or misconduct, revert to the grades in the corps from which they were promoted. (July 9, 1918, ch. 143, subch. V, § 3, 40 Stat. 879; Reorg. Plan No. II, § 404, eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433.)

§ 164. Relative rank of members; pay and allowances; computation of period of service; rules and regulations.

The superintendent of the Army Nurse Corps shall receive pay and allowances of the sixth pay period and have the relative rank of colonel; such assistant superintendents or directors as the Secretary of War may designate shall receive pay and allowances of the fifth or fourth pay periods and have the relative rank of lieutenant colonel or major, respectively; one chief dietitian may be designated by the Secretary of War as Director of Dietitians and one chief physical therapy aide may be designated by the Secretary of War as Director of Physical Therapy Aides, each to have the relative rank of major and receive the pay and allowances of the third pay period; all other assistant superintendents and assistant directors, chief dietitians and chief physical therapy aides shall receive pay and allowances of the third pay period and have the relative rank of captain; chief nurses, head dieticians[1] and head physical therapy aides shall receive the pay and allowances of the second pay period and have the relative rank of first lieutenant; and head nurses, nurses, dieticians and physical therapy aides shall receive pay and allowances of the first pay period and have the relative rank of second lieutenant. Every person paid under

the provisions of this section shall receive an increase of 5 per centum of the base pay of her period for each three years of service up to thirty years, and during any period of service while on sea duty as such duty may be defined by the Secretary of War, or duty in any place beyond the continental limits of the United States or in Alaska, an increase in base pay of 10 per centum. In computing service of members of the Army Nurse Corps there shall be credited active service in the Army Nurse Corps and in the Navy Nurse Corps, active service as contract nurse prior to February 2, 1901, and service as a reserve nurse on active duty since February 2, 1901. In computing service of female dietetic and physical therapy personnel there shall be credited all active full-time service (except as a student or apprentice) in the dietetic or physical therapy categories rendered subsequent to April 6, 1917, as a civilian employee of the War Department.

As regards medical and sanitary matters and all other work within the line of their professional duties members of the Army Nurse Corps shall have authority in and about military hospitals next after the officers of the Medical Department. The Secretary of War shall make the necessary regulations prescribing the rights and privileges conferred by such relative rank. (June 3, 1916, ch. 134, § 10, 39 Stat. 171, June 4, 1920, ch 227, subch. I, § 10, 41 Stat. 767; Dec 22, 1942, ch. 805, § 3, 56 Stat. 1073.)

CODIFICATION

First paragraph of this section is from section 3 of act Dec 22, 1942, cited to text, and covers relative ranks provisions formerly constituting part of acts June 3, 1916, and June 4, 1920, cited to text

Second paragraph of this section is from section 10, in part, of acts June 3, 1916, and June 4, 1920 cited to text.

APPROPRIATIONS

Appropriations were made available by section 5 of act Dec 22, 1942, cited to text

CROSS REFERENCES

Navy Nurse Corps, relative rank of members, see sections 262 and 263 of Title 34, Navy

Superintendent of Navy Nurse Corps, increase of rank, pay and allowances during war, see note under section 113 of Title 37, Pay and Allowances

Temporary appointment of members of Army Nurse Corps, and dietetic and physical-therapy personnel as officers in the Army of the United States, see sections 1591-1594 of Appendix to Title 50, War.

EX ORD NO 9454 ACTUAL RANK

Ex Ord No 9454, July 10, 1944, 9 F. R 7803, provided:

By virtue of the authority vested in me as President of the United States by the act of June 22, 1944 (Public Law 350, 78th Congress), I hereby appoint, commission and order to active duty, effective this date, as officers in the Army of the United States under the provisions of the joint resolution of September 22, 1941 (55 Stat. 728), as amended [set out as note under section 484 of this title], in commissioned grades corresponding to the relative rank each such person holds on this date, all members of the Army Nurse Corps on active duty on June 22, 1944, and all female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices), appointed under the provisions of the act of December 22, 1942 (56 Stat. 1072) [this section, section 81 note of this title, and section 113 note of Title 37], on active duty in the Medical Department of the Army on June 22, 1944

Chapter 8.—FINANCE DEPARTMENT

§ 171. Composition of Finance Department.

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War.

Chapter 9.—CORPS OF ENGINEERS

Sec.

181b Chief of Engineers; additional duties; transfer of officers (New)

§ 181. Composition of Corps of Engineers; organization into tactical units.

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War.

CROSS REFERENCES

Officers in Construction Division of Quartermaster Corps transferred to Corps of Engineers, see section 181b of this title.

§ 181b. Chief of Engineers; additional duties; transfer of officers.

The Chief of Engineers, under the authority of the Secretary of War, is hereby charged, in addition to other duties imposed upon him by law, with the direction of all work pertaining to the construction, maintenance, and repair of buildings, structures, and utilities for the Army; with the acquisition of all real estate and the issuance of licenses in connection with Government reservations; and with the operation of water, gas, electric, and sewer utilities: *Provided,* That utilities pertaining exclusively to any branch of the Army may be operated by such branch: *Provided, however,* That all officers in the Construction Division of the Quartermaster Corps now on duty in that branch shall come under the command of the Chief of Engineers in their present rank and subject to all permanent and temporary advances in rank that may be accorded officers in the Corps of Engineers, without additional examinations of any kind. (Dec. 1, 1941, ch. 552, § 1, 55 Stat. 787.)

TRANSFER OF PROPERTY, PERSONNEL, ETC., REPEALS

Sections 2 and 3 of act Dec. 1, 1941, cited to text, provided as follows:

"SEC 2 All funds, property, and records pertaining to the activities described in section 1, and all civilian personnel engaged solely thereon, shall be transferred to the jurisdiction of the Chief of Engineers

"SEC 3 All laws and parts of laws which are inconsistent herewith or in conflict with the provisions hereof are hereby repealed."

PRIOR LAWS

Duties imposed by this section were formerly charged to the Quartermaster General by act June 3, 1916, ch. 134, § 9, 39 Stat. 170, as amended June 4, 1920, ch 227, subch I, § 9, 41 Stat 766, which constitutes section 72 of this title

§ 185. Disbursement of appropriation for work in charge of Engineer officers.

CROSS REFERENCES

Operation of a railroad, see section 770 of Appendix to Title 50, War

§ 187. Employment of additional technical and clerical personnel.

REPEATED.—Act June 30, 1941, 6 20 p m, E S. T., ch. 262, § 1, 55 Stat 390; act July 2, 1942, ch. 477, § 1, 56 Stat. 629; act July 1, 1943, ch. 185, § 1, 57 Stat 366

Chapter 10.—ORDNANCE DEPARTMENT

§ 191. Composition of Ordnance Department.

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War.

Chapter 11.—SIGNAL CORPS

§ 211. Composition of Signal Corps.

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War.

Chapter 12.—CHEMICAL WARFARE SERVICE

§ 221. Organization of Chemical Warfare Service.

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War.

Chapter 13.—CHAPLAINS

§ 234. Chief of chaplains; appointment, rank, term of office, and duties.

TEMPORARY RANK OF MAJOR GENERAL

Act June 28, 1944, ch 291, 58 Stat 393, provided: "Notwithstanding any other provision of law, during the present war and for six months thereafter, the President shall be authorized to appoint, by and with the advice and consent of the Senate, the Chief of Chaplains to the temporary rank of major general, and chaplains as temporary general officers not above the grade of major general in such numbers as may be recommended by the Secretary of War All officers so appointed shall be commissioned in the Army of the United States and shall receive the pay and allowances of the grade to which temporarily appointed: *Provided*, That any appointment made under the provisions of this Act may be vacated at any time by the President, and, if not sooner vacated, shall continue during the present war and six months thereafter."

Act Nov 21, 1941, ch 493, 55 Stat 776, provided that during national emergency the chief of chaplains should hold the rank of brigadier general

§ 236. Rank of chaplains; promotion on completion of specified term of service.

CROSS REFERENCES

Temporary general officers during present war, see note set out under section 234 of this title.

Chapter 14.—CAVALRY

§ 251. Composition of Cavalry.

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War.

Chapter 15.—FIELD ARTILLERY

§ 262. Composition of Field Artillery.

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War.

Chapter 16.—COAST ARTILLERY CORPS

§ 272. Composition of Coast Artillery Corps.

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War

§§ 276, 277.

CROSS REFERENCES

Pay and allowances of warrant officers generally, see section 108 of Title 37, Pay and Allowances.

Chapter 17.—INFANTRY

§ 282. Negro regiments.

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War.

Chapter 18.—AIR CORPS

Sec

291c-1 Same; additional definition for duration of war (New).
296a Same; establishment for aviation cadets (New)
297a Enlisted grade of aviation cadet; "flying cadet" to mean "aviation cadet" (New).
298a-1 Detail of enlisted men for instruction as aviation students (New).
299a Flight officer; establishment of title; rank, pay, allowances, and benefits (New)
299b Enlistment and appointment of aviation cadets; commissioning or appointment as flight officer after training; service in enlisted grade upon failure (New)
299c Appointment as flight officers of enlisted men with training as aviation students (New).
299d Commissioning of flight officers (New)
299e Appointment of wartime commissioned officers and flight officers in Air Corps Reserve (New)
304a. Allowance for uniforms to flight officers upon appointment (New)
304b Traveling expenses for aviation cadets (New)
308a National Service Life Insurance for aviation cadets; continuance after commission or appointment as flight officer or after relief from duty (New)

§ 291. Establishment and composition of Air Corps.

The Air Corps shall consist of one Chief of the Air Corps, with the rank of major general; three assistants, with the rank of brigadier general; three thousand two hundred and three officers, in grades from colonel to second lieutenant, inclusive, exclusive of officers detailed from other arms and services for training and duty as aircraft observers and other members of combat crews; and forty-five thousand enlisted men, including not to exceed two thousand five hundred aviation cadets, such part of whom as the President may direct being formed into tactical units or bands, organized as he may prescribe. (As amended June 3, 1941, ch. 165, § 1. 55 Stat. 239.)

AMENDMENTS

1941—Upon authority of act June 3, 1941, cited to text, "flying cadets" was changed to "aviation cadets".

SUSPENSION OF PROVISIONS LIMITING STRENGTH OF ARMY

Provisions limiting strength of any branch of Army suspended during war, see section 762 of Appendix to Title 50, War

CROSS REFERENCES

Suspension of limitations on number of aviation cadets during war, see section 762 of Appendix to Title 50, War

§ 291c-1. Same; additional definition for duration of war.

During the continuance of the present war and for six months after the termination thereof, a flying officer as defined under existing law shall include flight surgeons, and commissioned officers or warrant officers while undergoing flying training (July

2, 1942, ch. 477, § 1, 56 Stat. 612; July 1, 1943, ch. 185, § 1, 57 Stat. 349; June 28, 1944, ch 303, § 1, 58 Stat. 575; July 3, 1945, ch. 265, § 1, 59 Stat. 386.)

§ 291d. Rating as pilot in time of peace; qualifications.

In order to receive a rating as a pilot in time of peace an officer or an enlisted man, except an aviation cadet, must fly in heavier-than-air craft at least two hundred hours while acting as a pilot, seventy-five of which must be alone, and must successfully complete the course prescribed by competent authority. (As amended June 3, 1941, ch. 165, § 1, 55 Stat. 239.)

AMENDMENTS

1941—Upon authority of act June 3, 1941, cited to text, "a flying cadet" was changed to "an aviation cadet"

§ 292. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

§ 292a-1. Same; order of appointment; vacation on permanent promotion; pay and allowances.

TEMPORARY PROMOTIONS DURING WAR

Act Feb 16, 1942, ch 77, 56 Stat 94, provided as follows. "During any war in which the United States is now engaged, any officer of the Regular Army Air Corps, any officer of the Regular Army other than Air Corps who is assigned to duty with any tactical unit, or any installation, or any staff, of the Air Corps, any officer of the Air Corps Reserve or any other section of the Officers' Reserve Corps assigned to duty with any tactical unit, or any installation, or any staff, of the Air Corps, any officer of the National Guard of the United States ordered into the active military service of the United States with an Air Corps unit or assigned to duty with any tactical unit, or any installation, or any staff, of the Air Corps, and any officer directly commissioned in the Army of the United States and assigned to duty with any tactical unit, or any installation, or any staff, of the Air Corps, may be appointed to higher temporary grade not above that of colonel, without vacating his existing commission in the Regular Army, the Officers' Reserve Corps, the National Guard of the United States, or the Army of the United States, as the case may be The provisions of this Act shall not apply to officers of the arms and services other than Air Corps who are assigned to those units or detachments of such arms or services on duty with the Air Corps Officers so appointed shall be appointed and commissioned in the Army of the United States and shall take rank in the grade to which appointed from the date stated in their commissions or letters of appointment Such appointments shall continue until six months after the termination of any war in which the United States is now engaged unless sooner terminated by order of the President, or until relieved from assignment to the duty herein described, whichever is the earlier: *Provided*, That the temporary promotion of any officer under the terms of this Act shall not prevent his subsequent permanent promotion nor, if eligible therefor, his subsequent temporary promotion under section 4 of the Act of June 16, 1936 (49 Stat. 1525) [Title 10, § 292a-1], or under section 127a of the National Defense Act, as amended [Title 10, §§ 105, 301, 494, 511, 512, 513, 535, 537, 634, 951, 992, 1011, 1347; Title 36, § 12; and Title 37, § 4b]: *Provided further*, That during the period described herein, and in order to preserve relative rank in grade, every Regular Army Air Corps officer shall take rank in grade within the Air Corps from the date of the earliest promotion to that grade under this or any other provisions of existing law Officers temporarily appointed under this Act shall be entitled to the pay, flying pay, and allowances pertaining to the grade to which temporarily appointed. No officer holding temporary rank under the provisions of this Act shall be eligible to command outside the Air Corps, except by seniority under his permanent commission, unless specifically so ordered by competent authority."

§ 292b. Equipment and maintenance of Air Corps.

CROSS REFERENCES

Limitations on number of serviceable airplanes, etc., suspended during war, see section 774 of Appendix to Title 50, War

§ 296a. Same; establishment for aviation cadets.

The Secretary of War is authorized and directed to establish and maintain one or more schools for the training and instruction of aviation cadets. (June 3, 1941, ch. 165, § 2, 55 Stat. 239.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act

§ 297. Aviation students enlisted or appointed as aviation cadets.

Aviation students shall be enlisted in or appointed to the grade of aviation cadet. (July 11, 1919, ch. 8, 41 Stat 109; June 3, 1941, ch. 165, § 1, 55 Stat. 239.)

AMENDMENTS

1941—Upon authority of act June 3, 1941, cited to text, grade of flying cadet was changed to aviation cadet

§ 297a. Enlisted grade of aviation cadet; "flying cadet" to mean "aviation cadet".

The grade of aviation cadet is hereby created as a special and separate enlisted grade in the Air Corps, Regular Army, in substitution for the grade of flying cadet, created by the Act approved July 11, 1919, entitled "An Act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, and for other purposes". Wherever, in any Act of Congress, the designation "flying cadet" shall appear, it shall be construed to mean aviation cadet. (July 11, 1919, ch. 8, 41 Stat. 109; June 3, 1941, ch. 165, § 1, 55 Stat. 239.

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act

§ 298a. Detail of personnel for training in specialties incident to aviation.

When the facilities of the Army for instruction and training in aviation are deemed by the Secretary of War to be insufficient he may, under such regulations as he may prescribe, and without reference to any limitation contained in section 535 of this title, detail personnel of the Army of the United States as students of any technical, professional, or other educational institution, or as students, observers, or investigators at such industrial plants or other places as shall be best suited to enable such personnel to acquire a knowledge of or experience in the specialties incident to aviation in which the training of such personnel is essential: *Provided*, That no expense shall be incurred by the United States in addition to the authorized emoluments of the personnel so detailed except for the cost of tuition at such educational institutions, and the cost of maintenance of necessary personnel who may be detailed as supervisors or inspectors and of the equipment assigned to them for their official use: *Provided further*, That the tuition for the personnel during the period of their detail may be paid from any funds which may

hereafter be made available for the procurement branches. (As amended July 3, 1941, ch. 275, 55 Stat. 577.)

AMENDMENTS

1941—"Army of the United States" was substituted for "Regular Army" by act July 3, 1941, cited to text.

§ 298a-1. Detail of enlisted men for instruction as aviation students.

The Secretary of War is authorized, under such regulations as he may prescribe, to cause the detail of enlisted men of the Regular Army and of other components of the Army of the United States in active Federal service for training and instruction as aviation students, in their respective grades, in such numbers and schools as he shall direct: *Provided*, That enlisted men so detailed as aviation students who are undergoing courses of instruction which require them to participate regularly and frequently in aerial flights shall be issued Government life insurance in the amount of $10,000 under sections 801-818 of Title 38, except that the premiums shall be paid by the Government during the period such enlisted men are undergoing training and instruction and upon completion of training and instruction as aviation students they shall have the option of continuing such policies at their own expense: *And provided further*, That nothing herein shall be construed as repealing or otherwise affecting existing statutory authorizations for the appointment and training of aviation students or aviation cadets (June 3, 1941, ch. 167, 55 Stat. 241.)

§ 299. Enlistment of aviation cadets; agreement to serve after completing course; commissions; discharge.

Under such regulations as the Secretary of War may prescribe, male citizens of the United States may enlist as aviation cadets, and enlisted men in the Regular Army may be appointed by the Secretary of War as aviation cadets. Each aviation cadet shall, at the time of his enlistment or appointment as such, be required to sign an agreement that upon his successful completion of the prescribed course of training and instruction as an aviation cadet he will accept a commission as second lieutenant, Air Corps Reserve, and will serve as such for a continuous period of three years on active duty, unless sooner released: *Provided*, That in the case of a minor, such agreement shall be signed with the consent of his parents or guardian. Upon the successful completion of such prescribed course of training and instruction, each aviation cadet shall be commissioned as a second lieutenant, Air Corps Reserve, and upon the completion of such period of three years on active duty each such second lieutenant shall be promoted to the grade of first lieutenant, Air Corps Reserve. The Secretary of War may at any time discharge any aviation cadet or release from active duty any such officer in the Air Corps Reserve. (July 11, 1919, ch. 8, 41 Stat. 109; June 3, 1941, ch. 165, § 3, 55 Stat. 239.)

SUSPENSION OF SECTION

Suspension of section during present war and for six months thereafter, see section 299b of this title

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act.

§ 299a. Flight officer; establishment of title; rank, pay, allowances, and benefits.

There is hereby created for the Army Air Forces the title of "flight officer." A flight officer shall have the rank, pay, and allowances, provided for a warrant officer, junior grade, and shall take rank as of the date of appointment. Flight officers shall be entitled to the benefits of all existing laws or regulations covering retirement, pensions, and disability as are applicable to members of the Army of the United States when called or ordered into the active military service of the United States under existing statutory authorizations and shall be entitled to longevity pay as provided for warrant officers in section 593a of this title. Flight officers (warrant officers, junior grade) appointed under this authority shall not be limited by the restriction as to numbers established by section 591a of this title. (July 8, 1942, ch. 493, § 1, 56 Stat. 649.)

§ 299b. Enlistment and appointment of aviation cadets; commissioning or appointment as flight officer after training; service in enlisted grade upon failure.

The provisions of section 299 of this title are hereby suspended for the duration of the present war and for six months thereafter except as to any person who has enlisted or who has been appointed as an aviation cadet prior to July 8, 1942. During such period and under such regulations as the Secretary of War may prescribe, male citizens of the United States may enlist as aviation cadets and men having an enlisted status in the Army of the United States may be appointed by the Secretary of War as aviation cadets. All enlistments shall be for the period of the duration of the present war and for six months thereafter unless sooner terminated by the President. Upon successful completion of the prescribed course of training and instruction and under such regulations with respect to selection as the Secretary of War may prescribe, each such cadet shall be commissioned as a second lieutenant in the Army of the United States under the provisions of the Act of September 22, 1941 (Public Law 252, Seventy-seventh Congress), or appointed as a flight officer in the Army of the United States. Under such regulations as the Secretary of War may prescribe, the status, pay, and allowances of any aviation cadet who fails to complete successfully the prescribed course of training and instruction may be terminated and for the remainder of the war and six months thereafter he may be required to serve in any enlisted grade with the pay and allowances of such grade. (July 8, 1942, ch. 493, § 2, 56 Stat. 649.)

REFERENCES IN TEXT

Act Sept. 22, 1941, ch. 414, 55 Stat. 728, referred to in this section is set out in note under section 484 of this title.

§ 299c. Appointment as flight officers of enlisted men with training as aviation students.

During the continuance of the present war and for six months thereafter, the Secretary of War is

authorized, under such regulations as he may prescribe, to make temporary appointments as flight officers in the Army of the United States from among men having an enlisted status in the Army of the United States who have received training as aviation students. (July 8, 1942, ch. 493, § 3, 56 Stat. 649.)

§ 299d. Commissioning of flight officers.

Pursuant to such regulations as the Secretary of War may prescribe, flight officers may be appointed, by selection, to the grade of second lieutenant and, upon such appointment, shall be commissioned in the Army of the United States under the provisions of the Act of September 22, 1941 (Public Law 252, Seventy-seventh Congress). (July 8, 1942, ch. 493, § 4, 56 Stat. 649.)

REFERENCES IN TEXT

Act Sept 22, 1941, ch 414, 55 Stat. 728, referred to in this section is set out in note under section 484 of this title.

§ 299e. Appointment of wartime commissioned officers and flight officers in Air Corps Reserve.

Any person who has completed the prescribed course of training and instruction as an aviation cadet or aviation student and has served in time of war as a commissioned officer or flight officer in the Army of the United States may, under such regulations as the Secretary of War may prescribe, be appointed an officer in the Air Corps Reserve. (July 8, 1942, ch. 493, § 5, 56 Stat 649.)

§ 300a. Air Corps Reserve officers; lump sum payment upon release from active duty.

Whenever any Air Corps Reserve officer who has not been selected for commission in the Regular Army is released from active duty that has been continuous for one or more years, he shall be paid a lump sum of $500 for each complete year of active service as such officer, and if released from active duty otherwise than upon his own request, or as a result of inefficient or unsatisfactory service as determined by the Secretary of War, such lump-sum payment shall be prorated for fractional parts of each year of such active service. The lump-sum payments herein authorized shall be in addition to any pay, allowances, compensation, or benefits which such officers may otherwise be entitled to receive. (As amended June 3, 1941, ch. 165, § 6, 55 Stat. 240.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act.

§ 303. Base pay of aviation cadets.

The base pay of any aviation cadet shall be $75 per month, which pay shall include extra pay for flying risk, as provided by law (July 11, 1919, ch. 8, 41 Stat. 109; June 3, 1941, ch. 165, § 4, 55 Stat. 240.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act.

§ 304. Allowances for aviation cadets; longevity pay.

Aviation cadets shall be paid, in addition, a money allowance for subsistence of $1 per day and shall, while undergoing training, be furnished quarters, medical care, and hospitalization and shall be issued uniforms, clothing, and equipment at Government expense. No aviation cadet shall be entitled to receive longevity pay. (July 11, 1919, ch. 8, 41 Stat. 109; June 3, 1941, ch. 165, § 4, 55 Stat. 240.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act

§ 304a. Allowance for uniforms to flight officers upon appointment.

Any person appointed as a flight officer in the Army of the United States shall be entitled at the time of such appointment to an allowance of $150 for uniforms. (June 3, 1941, ch. 165, § 4, 55 Stat. 240, as amended July 8, 1942, ch. 493, § 6, 56 Stat. 650.)

AMENDMENTS

1942—Act July 8, 1942, cited to text, struck out former text and substituted new text in lieu thereof.

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act

CROSS REFERENCES

Persons commissioned as officers in Army, uniforms and equipment allowance for, see section 904a of this title.
Uniform allowances for officers and warrant officers in Army of United States, see sections 904b–904d, and note under section 904a of this title.

§ 304b. Traveling expenses for aviation cadets.

While traveling under orders, aviation cadets shall, under such regulations as the Secretary of War may prescribe, receive transportation and reimbursement for necessary expenses incurred which are incident to such travel, or cash in lieu thereof. When traveling by air under competent orders, they shall receive the same allowances for traveling expenses as are now or may hereafter be authorized by law for officers of the Army. (June 3, 1941, ch. 165, § 4, 55 Stat. 240.)

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act

§ 306. Per diem allowance for additional expenses of fliers making aerial surveys of rivers, harbors, etc.

CROSS REFERENCES

Flying pay generally, see section 118 of Title 37, Pay and Allowances.

§ 308a. National Service Life Insurance for aviation cadets; continuance after commission or appointment as flight officer or after relief from duty.

Aviation cadets who are undergoing courses of instruction which require them to participate regularly and frequently in aerial flights shall be issued insurance in the amount of $10,000 under sections 801–805 and 806–818 of Title 38, except that the premiums shall be paid by the Government. Upon being commissioned as second lieutenants or appointed as flight officers and until permanently relieved from duty involving participation in regular and frequent aerial flights, the insurance provided

for aviation cadets or aviation students under this or other existing law shall continue but the premiums shall be deducted from the pay of the individual concerned and paid, as the Secretary of War may direct, to the Administrator of Veterans' Affairs. Upon being permanently relieved from duty involving participation in regular and frequent aerial flights, release from active duty, or discharge, the insurance of aviation cadets, flight officers, and officers may be continued at the option and at the expense of the individual concerned. (June 3, 1941, ch. 165, § 5, 55 Stat. 240, as amended July 8, 1942, ch. 493, § 7, 56 Stat. 650.)

AMENDMENTS

1942—Act July 8, 1942, cited to text, amended section generally.

REPEAL

All laws and parts thereof in conflict with act June 3, 1941, cited to text, were repealed by section 7 of said act.

§ 310. Encouragement of aviation.

CONTRACTS FOR PURCHASE OF AIRCRAFT; AWARD TO LOWEST RESPONSIBLE BIDDER, MULTIPLE AWARDS

Act Mar 5, 1940, ch 44, 54 Stat 45, was extended during the fiscal year 1942 by act June 30, 1941, ch 262, § 1, 55 Stat. 379.

Suspension of profit limiting provisions, see section 496a of Title 34, Navy.

EXTENSION OF ACT

Aircraft procurement program extended during war, see section 769 of Appendix to Title 50, War.

CROSS REFERENCES

Suspension of limitations on number of serviceable airplanes, etc., during war, see section 774 of Appendix to Title 50, War.

War contractors, application of subsec (*l*) of this section to plant, books, and records of, see section 643 of Appendix to Title 50, War.

Chapter 19.—PHILIPPINE SCOUTS

§ 332. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

§ 334. Pay and allowances of enlisted men.

CODIFICATION

Section, act Feb 2, 1901, ch. 192, § 36, 31 Stat. 757, as amended May 10, 1926, ch 279, 44 Stat 496, has been eliminated from the Code. Present provisions on this subject are contained in section 111 of Title 37, Pay and Allowances.

Chapter 20.—RESERVE FORCES

RESERVE OFFICERS' TRAINING CORPS

Sec.

385a. Active duty as college credit towards admission to advanced courses (New).

INJURIES IN LINE OF DUTY

456a. Injuries in line of duty in active military service on or after February 28, 1925; retirement pay; hospital benefits (New).

OFFICERS' RESERVE CORPS

§ 358. Period of service; right to discharge on termination of war.

CROSS REFERENCES

Extension of appointment during war, see section 732 of Appendix to Title 50, War.

Mustering-out pay, see sections 691–691g of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 361b. Repealed. Dec. 4, 1942, ch. 674, § 1, 56 Stat. 1039.

REPEAL

Section, act May 14, 1940, ch. 192, 54 Stat 212, as amended Mar 9, 1942, ch 173, § 1, 56 Stat 148, related to uniform and equipment allowance for Reserve officers.

SAVING CLAUSE

Section 1 of act Dec 4, 1942 cited to text, in addition to repealing this section and section 904a of this title, provided in part, "any provision of any other law authorizing the payment of a uniform allowance to any person upon being appointed a commissioned or warrant officer in any component of the Army of the United States, are hereby repealed, but any payments heretofore made pursuant thereto, if otherwise correct, are hereby validated."

PRESENT PROVISIONS

Uniform allowances for officers and warrant officers in Army of United States, see sections 904b–904d of this title.

§ 362a. Payment of arrears.

CODIFICATION

Section has been eliminated from the Code. It was in part from act June 30, 1922, ch 253, title I, 42 Stat 749, as amended Mar 4, 1923, ch 281, § 3, 42 Stat. 1508; May 11, 1926, ch 288, 44 Stat. 531, and in part from act Sept. 14, 1922, ch 307, § 3, 42 Stat 841

Present provisions on this subject are contained in section 103 of Title 37, Pay and Allowances

§ 364. Right of Reserve officers to retirement and retired pay.

CROSS REFERENCES

Retirement pay to certain Reserve officers, see sections 456 and 456a of this title.

§ 365. Pensions in cases of disability.

CROSS REFERENCES

Hospital benefits to certain Reserve officers, see sections 456 and 456a of this title

§ 366. Allowances of Reserve officers and Reserve warrant officers on active duty.

CODIFICATION

Section, act Mar. 4, 1923, ch. 281, § 1, 42 Stat. 1507, has been eliminated from the Code. Present provisions on this subject are contained in section 114 of Title 37, Pay and Allowances

§ 369. Ordering Reserve officers to active duty.

CROSS REFERENCES

Additional compensation for active service in excess of twelve months, see section 358 of Appendix to Title 50, War

Suspension of limitations on number and grade of Reserve officers on extended active service during war, see section 762 of Appendix to Title 50, War.

RESERVE OFFICERS' TRAINING CORPS

§ 383. Admission of medical, dental, and veterinary students to training corps.

Any medical, dental, pharmacy, or veterinary student may be admitted to a Medical, Dental, Pharmacy, or Veterinary Corps unit of the Reserve Officers' Training Corps for a course of training at the rate of ninety hours of instruction per annum for the four college years. (As amended July 12, 1943, ch. 216, 57 Stat. 430.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, extended provisions to include pharmacy corps.

§ 384. Admission of Reserve officers being medical, dental, or veterinary students.

Any Reserve officer who is also a medical, dental, pharmacy, or veterinary student may be admitted to such Medical, Dental, Pharmacy, or Veterinary Corps unit for such training, under such rules and regulations as the Secretary of War may prescribe. (As amended July 12, 1943, ch. 216, 57 Stat. 431.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, extended provisions to include pharmacy corps

§ 385a. Active duty as college credit towards admission to advanced courses.

Under such regulations as the Secretary of War may prescribe any student now or hereafter enrolled in the senior division of the Reserve Officers' Training Corps may receive credit toward completion of the two academic years of service in that division required for admission to the advanced course and for entitlement to commutation of subsistence, as provided in section 387a of this title, for military training which he has received while on active duty in the Army, Navy, Marine Corps, or Coast Guard, or while pursuing a course of instruction in the Naval Reserve Officers' Training Corps, when such military training is substantially equivalent to that prescribed by regulations for admission to the advanced course (June 3, 1916, ch. 134, § 47c, as added June 4, 1920, ch. 227, subch. I, § 4, 41 Stat. 762, amended June 9, 1945, ch. 181, 59 Stat. 235.)

CODIFICATION

Section is comprised of the last proviso of section 47c of act June 3, 1916, as added by act June 4, 1920, and amended by act June 9, 1945, all cited to text.

§ 386. Detail of instructors.

CODIFICATION

Act June 10, 1922, ch. 212, § 17, 42 Stat 632, cited to text, was repealed by act June 16, 1942, ch 413, § 19, 56 Stat 369, eff June 1, 1942, and should be eliminated from the citation It was cited as authority for omitting from this section a provision of act June 3, 1916, cited to text, which related to active duty pay of retired personnel Present provisions on this subject are contained in section 115 of Title 37, Pay and Allowances

§ 387a. Commutation of subsistence for medical, dental, or veterinary students.

If any medical, dental, pharmacy, or veterinary student admitted to a Medical, Dental, Pharmacy, or Veterinary Corps unit of the Reserve Officers' Training Corps, as provided in section 383 of this title, has at the end of two years of training been selected by the professor of military science and tactics and the head of the institution for advanced training, and has agreed in writing to continue in the Reserve Officers' Training Corps for the remainder of his course at the institution, and has agreed in writing to pursue the course in camp training prescribed by the Secretary of War, he may be furnished, at the expense of the United States, with commutation of subsistence at such rate not exceeding the cost of the garrison ration prescribed for the Army, as may be fixed by the Secretary of War, during the remainder of his service in the Reserve Officers' Training Corps, not exceeding two years. (As amended July 12, 1943, ch. 216, 57 Stat 430.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, extended provisions to include pharmacy corps

ENLISTED RESERVE CORPS

§ 424. Period of enlistment.

CROSS REFERENCES

Extension of enlistment during war, see section 732 of Appendix to Title 50, War

INJURIES IN LINE OF DUTY

§ 456. Injuries in line of duty in active military service; pensions; compensation; retirement pay; hospital benefits.

All officers, warrant officers, and enlisted men of the Army of the United States, other than the officers and enlisted men of the Regular Army, if called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days, other than for service with the Civilian Conservation Corps, and who suffer disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active military service during such period and shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers and enlisted men of corresponding grades and length of service of the Regular Army, including for their dependents the benefits of section 903 of this title, as amended. (As amended Dec. 10, 1941, ch 562, 55 Stat. 796.)

AMENDMENTS

1941 - Act Dec 10, 1941, cited to text, added at end of section words "including for their dependents the benefits of section 903 of this title, as amended"

EFFECTIVE DATE

Amendment by act Dec 10, 1941, cited to text, was made effective as of Aug 27, 1940

§ 456a. Injuries in line of duty in active military service on or after February 28, 1925; retirement pay; hospital benefits.

Reserve officers, Army of the United States, who were called or ordered into the active military service by the Federal Government for extended military service in excess of thirty days on or subsequent to February 28, 1925, other than for service with the Civilian Conservation Corps, and who are now disabled from disease or injury contracted or received in line of duty while so employed, shall be deemed to have been in the active military service during such period and shall be in all respects entitled to receive the same retirement pay and hospital benefits as are now or may hereafter be provided by law or regulation for officers of corresponding grades and length of service of the Regular Army. (Sept 26, 1941, ch. 425, § 1, 55 Stat. 733.)

CROSS REFERENCES

Administrative duties in connection with payments authorized by this section are set forth in section 12 of Title 38, Pensions, Bonuses, and Veterans' Relief

Benefits for Reserve officers when injured in line of duty during time of peace, see sections 797 and 798 of Title 5, Executive Departments and Government Officers and Employees.

Chapter 21.—COMMISSIONED OFFICERS

GENERAL PROVISIONS

Sec.
491a. Posthumous commissions for persons unable to accept commissions because of death in line of duty; death after appointment to commissioned grade (New)
491b. Same; death after completion of officers' training school and recommendation for commission (New).
491c Same; death after recommendation approved by Secretary for appointment to commissioned grade (New).
491d. Same; effect on pay, allowances, etc (New).
505 Congressional declaration of purpose; officers eligible for appointment (New).
505a Authorization to appoint additional commissioned officers up to full commissioned strength (New).
505b. Additional authorization to appoint commissioned officers through grades of second lieutenants to majors; qualifications and conditions for appointment; termination date (New).
505c Method of determination of appointive grade; computation of service credits (New).
505d. Age limitations governing appointment (New).

PROMOTION

552c Promotion of additional commissioned officers; computation of service credits (New)
558 Acceptance of promotions in the Army of the United States and effective date of same; renewal of oaths (New).

DISMISSAL OR OTHER TERMINATION OF OFFICE

576a. Same; office of Federal Works Administrator (New)

GENERAL PROVISIONS

§ 481. Authorized commissioned strength of Army; exception to limitation.

On and after December 28, 1945, the commissioned strength of the Regular Army shall not exceed twenty-five thousand officers: *Provided*, That notwithstanding the foregoing limitation on the commissioned strength of the Regular Army, graduates of the United States Military Academy may be promoted and commissioned as second lieutenants in the Regular Army in accordance with the provisions of section 486 of this title. (As amended Dec. 28, 1945, ch. 601, § 2, 59 Stat. —.)

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section by increasing the authorized commissioned strength from fourteen thousand six hundred and fifty-nine to twenty-five thousand, and added proviso

CROSS REFERENCES

Appointment of additional officers, see sections 505a–505d of this title

Officers eligible for appointment, see section 505 of this title

Promotion of additional appointed officers, see section 552c of this title.

§§ 481a, 481b.

CROSS REFERENCES

Increase in commissioned strength of Army, see section 481 of this title.

§ 482a. Authorized number of officers in the several branches of the Army.

CROSS REFERENCES

Officers in Construction Division of Quartermaster Corps transferred to Corps of Engineers, see section 181b of this title.

§ 482b. Rank and title of major generals commanding the four armies.

CROSS REFERENCES

Pay and allowances of general officers, see section 107 of Title 37, Pay and Allowances

§ 484. Appointments in grade of second lieutenant.

TEMPORARY APPOINTMENT OF OFFICERS DURING PRESENT EMERGENCY

Res Sept 22, 1941, ch 414, 55 Stat. 728, as amended by act July 7, 1943, ch 191, § 1, 57 Stat 380, eff. Dec. 7, 1941, provided: "That during the present emergency, temporary appointments as officers in the Army of the United States may be made, under such regulations as the President may prescribe, from among qualified persons without appointing such persons as officers in any particular component of the Army of the United States All persons so appointed as officers shall be commissioned in the Army of the United States and may be ordered into the active military service of the United States to serve therein for such periods of time as the President may prescribe Such appointments in grades below that of brigadier general shall be made by the President alone, and general officers by and with the advice and consent of the Senate: *Provided*, That any appointment made under the provisions of this Act may be vacated at any time by the President and, if not sooner vacated, shall continue during the present emergency and six months thereafter: *Provided further*, That any person appointed as an officer in the Army of the United States under the provisions of this Act shall receive the same pay and allowances and be entitled to the same rights, privileges, and benefits as members of the Officers' Reserve Corps of the same grade and length of active service: *Provided further*, That no warrant officer temporarily appointed as a commissioned officer under the authority of this Act shall suffer any reduction in pay and allowances to which he was entitled at the time of such temporary appointment: *And provided further*, That nothing contained in this Act shall be construed to prohibit the appointment of officers in the various components of the Army of the United States in accordance with existing laws"

[Section 2 of act July 7, 1943, ch 191, 57 Stat 380, provided, "No back pay or allowances shall be held to have accrued prior to December 7, 1941, by reason of the enactment of this Act (adding third proviso to Res Sept 22, 1941, set out above)]"

CROSS REFERENCES

Benefits, rights and privileges of officers of Women's Army Corps, see section 1553 of Appendix to Title 50, War.

Temporary appointment of members of Army Nurse Corps, and dietetic and physical-therapy personnel as officers in the Army of the United States, see sections 1591–1594 of Appendix to Title 50, War

Temporary rank in time of war or national emergency, see section 513 of this title.

§ 491a. Posthumous commissions for persons unable to accept commissions because of death in line of duty; death after appointment to commissioned grade.

The President is hereby authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military or naval service of the United States at any time after September 8, 1939, shall have been duly appointed to a commissioned grade and shall have been unable to accept the appointment to such grade by reason of his death in line of duty; and any such commission shall issue as of the date of such appointment and any such person's name shall be carried upon the records of the War or Navy Department as having served in the grade and branch of the service to which he shall have been

thus posthumously appointed, from the date of such appointment to the date of his death. (July 28, 1942, ch. 528, § 1, 56 Stat. 722.)

CODIFICATION

Same provisions of act July 28, 1942, cited to text, also constitute section 285b of Title 34, Navy.

§ 491b. Same; death after completion of officers' training school and recommendation for commission.

The President is hereby authorized to issue, or cause to be issued, an appropriate appointment and commission in the name of any person who, while in the military or naval service of the United States at any time after September 8, 1939, shall have successfully completed the course at a training school for officers and shall have been recommended for appointment to a commissioned grade by the officer commanding or in charge of such school, and who shall have been unable to receive or accept such appointment by reason of his death in line of duty; and any such posthumous appointment and commission shall issue as of the date of such recommendation, and any such person's name shall be carried upon the records of the appropriate department as having served in the grade and branch of the service to which he shall thus have been appointed from the date of such recommendation to the date of his death (July 28, 1942, ch. 528, § 2, 56 Stat. 722.)

CODIFICATION

Same provisions of act July 28, 1942, cited to text, also constitute section 285c of Title 34, Navy

§ 491c. Same; death after recommendation approved by Secretary for appointment to commissioned grade.

The President is hereby authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military or naval service of the United States at any time after September 8, 1939, shall have been officially recommended for appointment or promotion to a commissioned grade, which recommendation shall have been duly approved by the Secretary of War or the Secretary of the Navy, and who shall have been unable to receive or accept such appointment or promotion by reason of his death in line of duty; and any such posthumous appointment or promotion and commission shall issue as of the date of such approval and such person's name shall be carried upon the records of the War or Navy Department as having served in the grade and branch of the service to which he would have been appointed or promoted by such commission from the date of such approval to the date of his death. (July 28, 1942, ch 528, § 3, 56 Stat. 723.)

CODIFICATION

Same provisions of act July 28, 1942, cited to text, also constitute section 285d of Title 34, Navy.

§ 491d. Same; effect on pay, allowances, etc.

No person shall be entitled to receive any bonus, gratuity, pay, or allowances by virtue of any provision of sections 491a–491d and 612 of this title. (July 28, 1942, ch. 528, § 5, 56 Stat. 723.)

CODIFICATION

Same provisions of act July 28, 1942, cited to text, also constitute section 285f of Title 34, Navy.

§ 505. Congressional declaration of purpose; officers eligible for appointment.

It is declared the policy of the Congress to provide for the immediate selection for appointment in the Regular Army in a fair and equitable manner of a limited number of persons who, by their outstanding performance of duties while serving as temporary officers of the Army of the United States during the present wars, have demonstrated their fitness to hold commissioned grade in the Regular Army; and to provide a minimum increase in the commissioned officer strength of the Regular Army for that purpose. (Dec. 28, 1945, ch. 601, § 1, 59 Stat. —.)

CROSS REFERENCES

Increase in commissioned strength of Army, see section 481 of this title.

Promotion of additional appointed officers, see section 552c of this title

§ 505a. Authorization to appoint additional commissioned officers up to full commissioned strength.

The President is authorized to bring the actual commissioned strength of the Regular Army up to the commissioned strength specified in section 481 of this title by the appointment and commissioning of additional officers, by and with the advice and consent of the Senate, in such arms and services of the Regular Army as he may prescribe. Appointments of such additional commissioned officers may be made in accordance with any existing provision of law providing for the appointment of commissioned officers in the Regular Army, or as provided by sections 505b–505d of this title. (Dec. 28, 1945, ch 601, § 3, 59 Stat. —.)

CROSS REFERENCES

Increase in commissioned strength of Army, see section 481 of this title

Promotion of additional appointed officers, see section 552c of this title.

§ 505b. Additional authorization to appoint commissioned officers through grades of second lieutenants to majors; qualifications and conditions for appointment; termination date.

At any time not later than a date eight months following December 28, 1945, the President is authorized to appoint and commission additional officers in the Regular Army, by and with the advice and consent of the Senate, in the grades of second lieutenant, first lieutenant, captain, and major, subject to the conditions and limitations set forth in this section and sections 505c and 505d of this title. Persons appointed under the provisions of this section shall—

(a) be male citizens of the United States, at least twenty-one years of age, of good moral character, physically qualified for active military service, and have such other qualifications as may be prescribed by the Secretary of War; and shall

(b) have served honorably in the active Federal service as commissioned officers of the Army of the United States, or any component thereof, on or after December 7, 1941, in grades equal to or higher than those prescribed in section 505c of this title for offi-

cers credited with the amounts of service with which they would be credited under that section if appointed in the Regular Army. (Dec 28, 1945, ch. 601, § 4, 59 Stat. —.)

CROSS REFERENCES

Increase in commissioned strength of Army, see section 481 of this title

Promotion of additional appointed officers, see section 552c of this title

§ 505c. Method of determination of appointive grade; computation of service credits.

Each person appointed as a commissioned officer of the Regular Army under the provisions of section 505b of this title shall be credited, at the time of appointment, with service equivalent to the total period of active Federal service performed by him after attaining the age of twenty-one years as a commissioned officer in the Army of the United States or any component thereof from December 7, 1941, to the date of such appointment, or a period of service equal to the number of days, months, and years by which his age at the time of such appointment exceeds twenty-five years, whichever is the greater: *Provided,* That in computing the total period of active commissioned Federal service of any such person who was honorably discharged or relieved from active service subsequent to May 12, 1945, there shall also be credited the period from the date of his discharge or relief from active service to the date of his appointment in the Regular Army under the provisions of section 505b of this title. Upon the basis of service so credited, the grade in which each such person shall be appointed shall be determined as follows:

(a) Persons appointed in arms or services of the Regular Army, the officers of which are on the promotion list, who are credited with less than three years' service shall be appointed in the grade of second lieutenant; such persons who are credited with three or more years' service, but less than ten years' service, shall be appointed in the grade of first lieutenant; such persons who are credited with ten or more years' service, but less than seventeen years' service, shall be appointed in the grade of captain; and such persons who are credited with seventeen or more years' service, but less than twenty-three years' service, shall be appointed in the grade of major. Such persons shall be placed on the promotion list immediately below those officers of the same grade having the same or next greater period of service;

(b) Persons appointed in the Medical Corps, the Dental Corps, or the Veterinary Corps of the Regular Army, or as chaplains in the Regular Army, who are credited with less than three years' service shall be appointed in the grade of first lieutenant; such persons who are credited with three or more years' service, but less than twelve years' service, shall be appointed in the grade of captain; and such persons who are credited with twelve or more years' service, but less than twenty years' service, shall be appointed in the grade of major;

(c) Persons appointed in the Medical Administrative Corps of the Regular Army who are credited with less than five years' service shall be appointed in the grade of second lieutenant; such persons who are credited with five or more years' service, but less than ten years' service, shall be appointed in the grade of first lieutenant; and such persons who are credited with ten or more years' service, but less than seventeen years' service, shall be appointed in the grade of captain;

(d) Persons appointed in the Pharmacy Corps of the Regular Army who are credited with less than three years' service shall be appointed in the grade of second lieutenant; such persons who are credited with three or more years' service, but less than six years' service, shall be appointed in the grade of first lieutenant; such persons who are credited with six or more years' service, but less than twelve years' service, shall be appointed in the grade of captain, and such persons who are credited with twelve or more years' service, but less than twenty years' service, shall be appointed in the grade of major (Dec. 28, 1945, ch. 601, § 5, 59 Stat. —.)

CROSS REFERENCES

Increase in commissioned strength of Army, see section 481 of this title

Promotion of additional appointed officers, see section 552c of this title.

§ 505d. Age limitations governing appointment.

No person shall be appointed as a commissioned officer of the Regular Army under the provisions of section 505b of this title—

(a) in a promotion-list arm or service if he would upon appointment receive credit with twenty-three or more years' service under section 505c of this title;

(b) in the Medical Corps, the Dental Corps, the Veterinary Corps, the Pharmacy Corps, or as a chaplain, if he would upon appointment receive credit for twenty or more years' service under section 505c of this title; or

(c) in the Medical Administrative Corps if he would upon appointment receive credit for seventeen or more years' service under section 505c of this title. (Dec. 28, 1945, ch. 601, § 6, 59 Stat. —.)

CROSS REFERENCES

Increase in commissioned strength of Army, see section 481 of this title

Promotion of additional appointed officers, see section 552c of this title.

RANK AND PRECEDENCE GENERALLY

§ 511. Determination of relative rank in line of Army.

Unless special assignment is made by the President under the provisions of the One hundred and nineteenth Article of War, all officers in the active service of the United States in any grade shall take rank according to date, which, in the case of an officer of the Regular Army, is that stated in his commission or letter of appointment, and, in the case of a reserve officer or an officer of the National Guard called into the service of the United States, shall precede that on which he is placed on active duty by a period equal to the total length of active Federal service and service under the provisions of sections 63, 64, and 65 of Title 32 which he may have performed in the grade

in which called or any higher grade. When dates of rank are the same, precedence shall be determined by length of active commissioned service in the Army, which shall include all time served on active duty as a commissioned officer in the Federal service, and commissioned service under the provisions of sections 63–65 and 144–146 of Title 32. When length of such service is the same, officers of the Regular Army shall take rank among themselves according to their places on the promotion list, preceding reserve and National Guard officers of the same date of rank and length of service, who shall take rank among themselves according to age. (As amended Dec. 14, 1942, ch. 732, 56 Stat. 1050.)

AMENDMENTS

1942—Act Dec 14, 1942, cited to text, amended second sentence by adding "which shall include all time served on active duty as a commissioned officer in the Federal service, and commissioned service under the provisions of sections 63–65 and 144–146 of Title 32."

§ 513. Temporary rank in time of war.

WARTIME REDUCTION OF TEMPORARY GRADES HELD BY GENERAL OFFICERS OF THE ARMY OF THE UNITED STATES

Act May 15, 1945, ch. 124, 59 Stat 168, provided: "That, during the continuance of any of the wars in which the United States is now engaged and for six months thereafter, the President, without the advice and consent of the Senate, is authorized to appoint any member of the Army of the United States who, since August 27, 1940, has been appointed, by and with the advice and consent of the Senate, to the temporary grade of major general in the Army of the United States or to any higher grade, and whose appointment to such grade has been terminated, to any temporary general officer grade in the Army of the United States which is lower than the grade held under the appointment terminated."

DETACHED DUTY

§ 535. Detail of officers and enlisted men as students, observers, and investigators.

The Secretary of War is authorized, in his discretion, to detail not to exceed 2 per centum of the commissioned officers and 2 per centum of the enlisted men of the Regular Army in any fiscal year as students at such technical, professional, and other educational institutions, or as students, observers, or investigators at such industrial plants, hospitals, and other places as shall be best suited to enable such officers or enlisted men to acquire a knowledge of or experience in the specialties in which it is deemed necessary that such officers or enlisted men shall perfect themselves. The number of officers so detailed shall, as far as practicable, be distributed proportionately among the various branches: *Provided*, That no expense shall be incurred by the United States in addition to pay and allowances of the officers or enlisted men so detailed, except for the cost of tuition at such technical, professional, and other educational institutions: *And provided further*, That the allowances and tuition for enlisted men during the period of such detail may be paid from any funds appropriated for or allotted to the procurement branches: *And provided further*, That the Secretary of War may fix the length of enlistments for this purpose at three years or less, and the total length of detail of an enlisted man shall not exceed 50 per centum of his enlistment period. (As amended May 13, 1941, ch. 113, 55 Stat. 189; June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 369.)

AMENDMENTS

1941—Acts May 13, 1941, and June 30, 1941, cited to text, both amended section by substituting "2 per centum" for "one-half of 1 per centum" before "of the enlisted men of the Regular Army".

DETAIL OF PERSONNEL OF ALL COMPONENTS OF ARMY DURING WAR

Act Feb 6, 1942, ch 40, 56 Stat 50, as amended by act Mar 6, 1943, ch 13, 57 Stat. 14, provided: "That during the present war and for six months thereafter and notwithstanding other provisions of existing law, personnel of all components of the Army of the United States may be detailed as students at technical, professional, and other educational institutions, or as students, observers, or investigators at industrial plants, hospitals, and other places, and all necessary expenses incident thereto shall be payable from any appropriations available to the Military Establishment: *Provided*, That this Act shall not be construed as authorizing the acquisition of real estate by the War Department, except by lease, for use in the Army specialized training program".

§ 540. Detail of officers and men to assist foreign governments.

The President of the United States is authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable, to detail officers and enlisted men of the United States Army to assist the governments of the Republics of North America, Central America, and South America and of the Republics of Cuba, Haiti, Santo Domingo and the Commonwealth of the Philippine Islands and, during war or a declared national emergency, the governments of such other countries as the President deems it in the interest of national defense to assist, in military matters: *Provided*, That the officers and enlisted men so detailed are authorized to accept from the government to which detailed offices and such compensation and emoluments thereunto appertaining as may be first approved by the Secretary of War: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances whereto entitled in the United States Army and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the forces of the United States. (As amended Oct. 1, 1942, ch. 571, 56 Stat. 763.)

AMENDMENTS

1942—Act Oct 1, 1942, added provisions concerning other countries in time of war or declared national emergency.

§ 541. Detail of personnel for foreign service of Department of State.

Upon request of the Secretary of State and with the approval of the heads of the departments concerned, personnel of the Army, Navy, Treasury Department, or Federal Works Agency may be assigned for duty as inspectors of buildings owned or occupied by the United States in foreign countries, or as inspectors or supervisors of buildings under construction or repair by or for the United States in

foreign countries, under the jurisdiction of the Department of State, or for duty as couriers of the Department of State, and when so assigned they may receive the same traveling expenses as are authorized for officers of the Foreign Service, payable from the applicable appropriations of the Department of State. (As amended June 28, 1941, ch. 258, title I, 55 Stat. 277; July 2, 1942, ch. 472, title I, 56 Stat. 480; July 1, 1943, ch. 182, title I, § 1, 57 Stat. 282; June 28, 1944, ch. 294, title I, § 1, 58 Stat. 407; May 21, 1945, ch. 129, title I, 59 Stat. 181.)

AMENDMENTS

1944—Act June 28, 1944, cited to text, amended section by substituting "Upon the request * * * of the departments concerned," for "The President, in his discretion, may assign"

1943—Act July 1, 1943, cited to text, substituted "personnel" for "officers"

PROMOTION

§ 551a. Appointment of brigadier generals of the line and chiefs of branches.

Brigadier generals of the line shall be appointed from among officers of the line commissioned in grades not below that of lieutenant colonel who are credited with twenty-eight years' continuous commissioned service in the Regular Army as provided in this section and sections 552a, 943a, 971b of this title and whose names are borne on an eligible list prepared annually by a board of not less than five general officers of the line, not below the grade of major general: *Provided, however,* That not more than 25 per centum of the total authorized number of brigadier generals of the line may be appointed, without regard to length of service, from among officers of the line commissioned in grades not below that of lieutenant colonel and whose names are borne on such eligible list. Appointment as chief of any branch shall be made from among officers commissioned in grades not below that of lieutenant colonel who are credited with twenty-eight years' continuous commissioned service in the Regular Army as provided in sections 552a, 943a, 971b of this title, and who have demonstrated by actual and extended service in such branch or on similar duty that they are qualified for such appointment. (As amended Mar. 29, 1944, ch. 140, 58 Stat. 128.)

AMENDMENTS

1944—Act Mar. 29, 1944, cited to text, added proviso to first sentence, and divided section into two sentences.

§ 552a. Promotion system for promotion-list officers; number in respective grades.

The number of promotion-list officers that shall be in the respective grades at any time after June 13, 1940 shall be such as results from the operation of the promotion system hereinafter in this section prescribed. Promotion-list second lieutenants and first lieutenants shall be promoted to the respective grades of first lieutenant and captain immediately upon completing respectively three years' and ten years' continuous commissioned service in the Regular Army, but not otherwise. Except as hereinafter provided promotion-list captains, majors, and lieutenant colonels shall be promoted to the respective grades of major, lieutenant colonel, and colonel immediately upon completing respectively seventeen years', twenty-three years', and twenty-eight years' continuous commissioned service in the Regular Army: *Provided,* That at no time shall the number of promotion-list colonels exceed one thousand and fifty-four: *Provided further,* That promotion-list majors and lieutenant colonels shall not be promoted to the respective grades of lieutenant colonel and colonel until they shall have completed respectively six years' and five years' continuous commissioned service under permanent appointments in the grades of major and lieutenant colonel, except that for the purpose of determining years of such service in grade officers promoted to or serving in the respective grades of major and lieutenant colonel shall, in addition to receiving credit for all actual continuous commissioned service in the Regular Army in those grades, receive constructive credit of one-half the amount of their continuous commissioned service in the Regular Army in excess of seventeen and twenty-three years, respectively. *Provided further,* That each promotion-list officer shall be assumed to have, for promotion purposes, at least the same length of continuous commissioned service in the Regular Army and service in grade as any officer junior to him, in his grade, on the promotion list, except that an officer sentenced by courts martial to loss of files on the promotion list shall be assumed to have for promotion purposes no greater service than the officer next above him in his new position on the promotion list: *Provided further,* That no officer shall be promoted, under the provisions of this section, in advance of any officer in the same grade whose name appears above his on the promotion list, except that the promotion of an officer shall not be withheld by reason of the fact that an officer senior to him on the promotion list is for any reason not eligible for promotion: *And provided further,* That hereafter all promotion-list officers in any grade shall take rank among themselves according to their standing on the promotion list. (As amended Dec. 28, 1945, ch. 601, § 8, 59 Stat. —.)

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section by deleting words "seven hundred and five" and inserting in lieu thereof "one thousand and fifty-four" in first proviso

§ 552c. Promotion of additional commissioned officers; computation of service credits.

For the purpose of determining eligibility for promotion, each person appointed as a commissioned officer of the Regular Army under the provisions of section 505b of this title shall be credited, as of the time of such appointment, with continuous commissioned service on the active list of the Regular Army equal to the period of service credited to him under section 505c of this title. Each such person appointed in a promotion-list arm or service in the grade of major shall be deemed to have served in that grade during that portion of such credited service which exceeds seventeen years (Dec. 28, 1945, ch. 601, § 7, 59 Stat. —.)

CROSS REFERENCES

Increase in commissioned strength of Army, see section 401 of this title.

Officers eligible for appointment, see section 505 of this title.

§ 558. Acceptance of promotions in the Army of the United States and effective date of same; renewal of oaths.

Every officer of the Army of the United States, or any component thereof, promoted to a higher grade at any time after December 7, 1941, shall be deemed for all purposes to have accepted his promotion to higher grade upon the date of the order announcing it unless he shall expressly decline such promotion, and shall receive the pay and allowances of the higher grade from such date unless he is entitled under some other provision of law to receive the pay and allowances of the higher grade from an earlier date. No such officer who shall have subscribed to the oath of office required by section 16 of Title 5, shall be required to renew such oath or to take a new oath upon his promotion to a higher grade, if his service after the taking of such an oath shall have been continuous. (Oct. 14, 1942, ch. 604, 56 Stat. 787.)

DISMISSAL OR OTHER TERMINATION OF OFFICE

§ 571. Annual classification; retirement or discharge of officers in class B.

SUSPENSION OF SECTION

Act July 29, 1941, ch 326, § 1, 55 Stat. 606, suspended this section during the national emergency announced by the President on May 27, 1941.

REMOVAL OF OFFICERS FROM ACTIVE LIST DURING NATIONAL EMERGENCY

Act July 29, 1941, ch. 326, § 2, 55 Stat 606, provided: "That during the time of the national emergency announced by the President on May 27, 1941, the Secretary of War, for such causes and under such regulations as he may prescribe, may remove any officer from the active list of the Regular Army: *Provided*, That such removal be made from among officers whose performance of duty, or general efficiency, compared with other officers of the same grade and length of service, is such as to warrant such action, or whose retention on the active list is not justified for other good and sufficient reasons appearing to the satisfaction of the Secretary of War. *Provided further*, That each officer so removed from the active list shall have been recommended for removal by a board of not less than five general officers convened for this purpose by the Secretary of War: *Provided further*, That such officer is allowed a hearing before said board The action of the Secretary of War in removing an officer from the active list shall be final and conclusive. Officers removed from the active list who have less than seven completed years of commissioned service at the time of removal shall be honorably discharged. Officers removed from the active list who have seven or more completed years of commissioned service at the time of removal shall be retired with retirement pay computed as follows. Any officer so retired who has over thirty years' service or any officer so retired who served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918, shall be retired with annual pay equal to 75 per centum of his active duty annual pay at the time of his retirement; any other officer so retired shall be retired with annual pay equal to 2½ per centum of his active duty annual pay at the time of his retirement, multiplied by a number equal to the number of complete years of his service counted for pay purposes under existing laws not in excess of thirty years All officers retired under the provisions of this section shall be placed on the unlimited retired list"

§ 576a. Same; office of Federal Works Administrator.

Notwithstanding the provisions of section 576 of this title, a commissioned officer on the active list of the United States Army may be appointed to the office of Federal Works Administrator without loss of or prejudice to his status as such commissioned officer, and when so appointed he shall receive, in addition to his pay and allowances as such commissioned officer, an amount equal to the difference between such pay and allowances and the salary prescribed by law for the office of Federal Works Administrator. (Oct. 28, 1941, ch. 460, title II, 55 Stat. 748.)

Chapter 22.—WARRANT OFFICERS

Sec.
591a. Temporary appointments; number authorized; rights and status (New).
593a. Grades of warrant officers; pay and allowances; extra pay for participation in aerial flights (New).
599. Rules and regulations (New).

§ 591. Permanent appointments; number authorized.

On or after August 21, 1945, original permanent appointments in the grade of warrant officer (junior grade) shall be made only from among those persons who have served at least one year on active duty in the Army of the United States, and original permanent appointments in the grade of chief warrant officer shall be made only from among those warrant officers who have completed at least a total of ten years' active service either as warrant officer (junior grade) or as warrant officers under existing law, or both, and from among masters and chief engineers, Army Mine Planter Service, hereafter appointed as such under the provisions of existing law All such permanent appointments shall be made in the Regular Army and may be terminated under such regulations as the Secretary of War shall prescribe, and the action of the Secretary of War in terminating the appointment of a warrant officer shall be final and conclusive. The total number of permanent appointments in the grades of chief warrant officer and warrant officer (junior grade) shall be as prescribed by the President from time to time, but shall not exceed 1 per centum of the enlisted strength of the Regular Army as authorized by law: *Provided*, That not more than 40 per centum of the total actual number of permanent warrant officers in active service shall be appointed in the grade of chief warrant officer. (As amended Aug. 21, 1941, ch. 384, § 2, 55 Stat. 652.)

REPEAL

Repeal of inconsistent provisions, see note under section 592 of this title.

EFFECTIVE DATE

Effective date of act Aug. 21, 1941, cited to text, see note under section 599 of this title.

§ 591a. Temporary appointments; number authorized; rights and status.

In time of war or during the period of any national emergency declared by Congress or proclaimed by the President, the Secretary of War is author-

ized, under such regulations as he shall prescribe, to make temporary appointments in the grades of chief warrant officer and warrant officer (junior grade). Such temporary appointments shall be in the Army of the United States, shall not exceed a number equal to one-half of 1 per centum of the enlisted strength of the Army of the United States in active military service, and shall remain in effect at the pleasure of the Secretary of War, but in no case shall they continue beyond six months after the termination of the war or period of national emergency. Persons appointed in the Army of the United States as temporary chief warrant officers or as temporary warrant officers (junior grade), while in active Federal service, shall, while so serving, be entitled to the rank, pay, and allowances of the grades to which they are temporarily appointed, and shall be entitled to count such service as warrant or enlisted service for all purposes: *Provided*, That the Secretary of War is hereby authorized to designate by name a number of permanent or temporary chief warrant officers (not exceeding 1 per centum of the maximum authorized number of permanent and temporary warrant officers) to receive the base pay and allowances provided by existing law for officers in the fourth pay period, and to designate by name an additional number of permanent or temporary chief warrant officers (not exceeding 2 per centum of the maximum authorized number of temporary and permanent warrant officers) to receive the base pay and allowances provided by existing law for officers in the third pay period, but no chief warrant officer so designated shall receive such base pay and allowances except during the period prescribed by the Secretary of War. Such temporary appointees shall be entitled to the benefits of all existing laws and regulations governing retirement, pensions, and disability as are applicable to members of the Army of the United States when called or ordered into the active military service by the Federal Government under existing statutory authorizations. All persons temporarily appointed as chief warrant officers or as warrant officers (junior grade) in the Army of the United States under the authority of this section, shall, as long as they continue to hold such appointments, be available for assignment to active duty with any unit of the Army of the United States Persons temporarily appointed as chief warrant officers or as warrant officers (junior grade), in the Army of the United States under the authority of this section who, at the time of their respective temporary appointments have a military status in the Army of the United States or any component thereof may accept such temporary appointments without prejudice to the military status which they so held and upon termination of such temporary appointments such persons may revert to the grades which they held at the time of their temporary appointments. (Aug. 21, 1941, ch. 384, § 3, 55 Stat 652.)

EFFECTIVE DATE

Effective date of act Aug 21, 1941, cited to text, see note under section 599 of this title.

§ 592. Restriction on filling of vacancies in grade of warrant officer.

REPEAL

Section 7 of act Aug 21, 1941, ch 384, 55 Stat. 653, provided: "The provisions of any laws heretofore enacted which are in conflict with the provisions of this Act (sections 591, 591a, 593, 593a, 594, 599 of this title), are hereby repealed, except that appointments, temporary appointments, and promotions in the Army Mine Planter Service shall continue to be made as now provided for: *Provided*, That no rights or benefits to which warrant officers now in active service are entitled under existing laws shall be affected in any manner by reason of the enactment of this Act (said sections): *Provided further*, That the provisions of this Act (said sections) shall not be retroactive and no back pay or allowances shall accrue by reason of the enactment of this Act (said sections)"

CROSS REFERENCES

Authorized number of warrant officers, see section 591 of this title.

§ 593. Duties, powers, and rank.

Warrant officers may be assigned to such duties as may be prescribed by the Secretary of War: *Provided*, That when such duties necessarily include those normally performed by commissioned officers they shall be vested with the power to perform such duties under regulations to be prescribed by the President: *Provided further*, That when a warrant officer is serving as assistant adjutant of any command, he shall have power to administer oaths for all purposes of military administration Warrant officers appointed under existing laws, other than masters and chief engineers of the Army Mine Planter Service, shall become warrant officers (junior grade), and masters and chief engineers of the Army Mine Planter Service shall become chief warrant officers, on the date this section shall become effective. All warrant officers shall take rank next below second lieutenants and among themselves under regulations prescribed by the Secretary of War. (As amended Aug. 21, 1941, ch. 384, § 4, 55 Stat. 653.)

AMENDMENTS

1941—Act Aug 21, 1941, cited to text, amended section generally

REPEAL

Repeal of inconsistent provisions, see note under section 592 of this title

EFFECTIVE DATE

Effective date of act Aug 21, 1941, cited to text, see note under section 599 of this title.

§ 593a. Grades of warrant officers; pay and allowances; extra pay for participation in aerial flights.

Hereafter there shall be two grades of warrant officers in the Army of the United States; first, chief warrant officer, who shall receive the same base pay as authorized by existing law for warrant officer, chief engineer, Army Mine Planter Service; and second, warrant officer (junior grade), who shall receive the same base pay and allowances as are authorized by existing law for warrant officers of the Army other than those of the Army Mine Planter Service: *Provided*, That warrant officers of the Army Mine Planter Service in the grade of master shall receive the same base pay as authorized by existing law. Chief warrant officers shall receive the same

money allowances for subsistence and rental of quarters as are authorized by existing laws for officers receiving the pay of the second pay period, and all warrant officers shall receive, as a permanent addition to their pay, an increase of 5 per centum of their base pay for each four years of active service now counted for pay purposes, not to exceed 25 per centum.

All warrant officers of the Army shall receive an increase of 50 per centum of their pay when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in consequence of such orders they do participate in regular and frequent aerial flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President. (Aug. 21, 1941, ch. 384, § 1, 55 Stat. 651.)

ALLOWANCES SAME AS FOR SECOND LIEUTENANTS

Act June 3, 1916, ch 134, § 4a, as added June 4, 1920, ch. 227, subch I, § 4, 41 Stat. 761, provided in part as follows: "Warrant officers other than those of the Army Mine Planter Service, shall receive * * * the allowance of a second lieutenant"

EFFECTIVE DATE

Effective date of act Aug 21, 1941, cited to text, see note under section 599 of this title

§ 594. Retirement.

Warrant officers shall be entitled to retirement under the same conditions as commissioned officers: *Provided*, That hereafter warrant officers may, in the discretion of the Secretary of War, be retired after fifteen years of active service: *Provided further*, That a warrant officer retired after fifteen years of active service shall receive retired pay at the rate of 2½ per centum of his active pay multiplied by the number of complete years of active service in the Army, but not to exceed a total of 75 per centum of his active pay. (As amended Aug. 21, 1941, ch. 384, § 5, 55 Stat. 653.)

AMENDMENTS

1941—Act Aug 21, 1941, cited to text, amended section generally.

REPEAL

Repeal of inconsistent provisions, see note under section 592 of this title

EFFECTIVE DATE

Effective date of act Aug. 21, 1941, cited to text, see note under section 599 of this title.

§ 599. Rules and regulations.

Subject to the provisions of sections 591, 591a, 593, 593a, 594, 599 of this title, the Secretary of War is hereby authorized to prescribe such rules and regulations as he may deem necessary to govern and administer properly the personnel in the grades of chief warrant officer and warrant officer (junior grade), including warrant officers of the Army Mine Planter Service. (Aug. 21, 1941, ch. 384, § 6, 55 Stat. 653.)

EFFECTIVE DATE

Last sentence of section 6 of act Aug. 21, 1941, cited to text, provided: "This Act shall become effective on the date specified in regulations issued by the Secretary of War, but not later than October 1, 1941."

Chapter 23.—ENLISTED FORCE

GENERAL PROVISIONS

Sec.
612. Posthumous warrants for persons recommended before death for appointment to noncommissioned grade (New)

RECRUITING AND ENLISTMENT

628a. Same, continuation during disability (New).
635. Recruiting campaign for voluntary enlistments and reenlistments (New).
636. Grade or rating on enlistment or reenlistment (New).
637. Enlistment in the Philippine Scouts; service; term of enlistment; citizens of Philippine Islands eligible (New).

DISCHARGE FROM ENLISTMENT

656. Discharge when permanently incapacitated (New).
657. Donation upon discharge for fraudulent enlistment (New).

GENERAL PROVISIONS

§ 612. Posthumous warrants for persons recommended before death for appointment to noncommissioned grade.

The Secretary of War and the Secretary of the Navy are hereby severally authorized to issue, or cause to be issued, an appropriate warrant in the name of any person who, while in the military or naval service of the United States at any time after September 8, 1939, shall have been officially recommended for appointment or promotion to a noncommissioned grade and who shall have been unable to receive or accept such appointment or promotion by reason of his death in line of duty; and any such posthumous appointment or promotion and warrant shall issue as of the date of such official recommendation and such person's name shall be carried upon the records of the War or Navy Department as having served in the grade and branch of the service to which he would have been appointed or promoted by such warrant from the date of such official recommendation to the date of his death. (July 28, 1942, ch. 528, § 4, 56 Stat. 723.)

CODIFICATION

Same provisions of act July 28, 1942, cited to text, also constitute section 285e of Title 34, Navy.

CROSS REFERENCES

Pay, allowances, etc., unaffected by this section, see section 491d of this title.

RECRUITING AND ENLISTMENT

§ 622. Character required for enlistment.

No insane or intoxicated person, no deserter from the military service of the United States, and no person who has been convicted of a felony shall be enlisted or mustered into the military service: *Provided, however*, That with relation to deserters and persons convicted of felonies the Secretary of War may, by regulations or otherwise, authorize exceptions in special meritorious cases. (As amended July 29, 1941, ch. 325, 55 Stat. 606.)

AMENDMENTS

1941—Proviso was added by act July 29, 1941, cited to text.

§ 628. Periods of enlistments and reenlistments, respectively.

CROSS REFERENCES

Extension of enlistment during war, see section 732 of Appendix to Title 50, War.

§ 628a. Same; continuation during disability.

Hereafter any enlisted man of the Army, Navy, Marine Corps, and Coast Guard of the United States in the active service, whose term of enlistment shall expire while he is suffering disease or injury incident to service and not due to misconduct, and who is in need of medical care or hospitalization, may, with his consent, be retained in such service beyond the expiration of his term of enlistment, and any such enlisted man shall be entitled to receive at Government expense medical care or hospitalization and his pay and allowances (including expense money authorized by law and credit for longevity) until he shall have recovered to such extent as would enable him to meet the physical requirements for reenlistment, or until it shall have been ascertained by competent authority of the service concerned that the disease or injury is of a character that recovery to such an extent would be impossible, whichever is earlier: *Provided*, That any enlisted man whose enlistment is extended as provided herein shall be subject to forfeiture in the same manner and to the same extent as if his term of enlistment had not expired, and nothing contained in this section shall prevent any enlisted man of the Army, Navy, or Marine Corps, and the Coast Guard, from being held in the service without his consent under, respectively, the provisions of section 1579 of this title, section 183 of Title 34, and section 35, subsection (a), of Title 14 (Dec. 12, 1941, ch. 566, 55 Stat. 797.)

CROSS REFERENCES

Same provisions as those of this section also constitute section 35b of Title 14, Coast Guard, and section 185 of Title 34, Navy

§ 633. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Present provisions on this subject are contained in section 110 of Title 37, Pay and Allowances

§ 634. Wartime and emergency enlistment; duration; eligibility; oath; assignment and transfer.

CROSS REFERENCES

Enlistments during existence of authority conferred on the President by the Service Extension Act of 1941, see section 360 of Appendix to Title 50, War.

Women's Army Corps, see section 1551 et seq. of Appendix to Title 50, War.

§ 635. Recruiting campaign for voluntary enlistments and reenlistments.

The Secretary of War and the Secretary of the Navy are authorized and directed to initiate and carry forward intensive recruiting campaigns to obtain volunteer enlistments and reenlistments in the Regular Military and Naval Establishments. (Oct. 6, 1945, ch. 393, § 2, 59 Stat. 538.)

SHORT TITLE

Section 1 of act Oct. 6, 1945, cited to text, provided: "That this Act [sections 635–637, 751a, and 948 of Title 10, sections 187–189 and 895a of Title 34, sections 102, 110, 201, 208, and 208a of Title 37, sections 691b, 691c, 694, 696, and Veterans' Regulation No. 1 (a), part VIII, par. 12 following ch. 12 of Title 38, sections 639 and 1531–1534, of appendix to Title 50] may be cited as the 'Armed Forces Voluntary Recruitment Act of 1945'."

CROSS REFERENCES

Section is also set out as section 187 of Title 34, Navy.

§ 636. Grade or rating on enlistment or reenlistment.

Notwithstanding any other provisions of law, persons enlisted or reenlisted in the Regular Military or Naval Establishment shall be enlisted or reenlisted in such grades or ratings as may be prescribed by the Secretary of War and the Secretary of the Navy, respectively: *Provided*, That any person enlisted or reenlisted prior to February 1, 1946, in the Regular Military or Naval Establishment within twenty days after discharge from such establishment shall be enlisted or reenlisted in a grade or rating at least as high as the highest grade or rating, permanent or temporary, held by him at the time of such discharge. (Oct. 6, 1945, ch. 393, § 5, 59 Stat. 539.)

SHORT TITLE

Short title, see note set out under section 635 of this title.

CROSS REFERENCES

Section is also set out as section 188 of Title 34, Navy.

§ 637. Enlistment in the Philippine Scouts; service; term of enlistment; citizens of Philippine Islands eligible.

The Secretary of War, with the approval of the Philippine Government, is authorized to enlist in the Philippine Scouts, with pay and allowances authorized under existing law, fifty thousand men for service in the Philippine Islands, in the occupation of Japan and of lands now or formerly subject to Japan, and elsewhere in the Far East. Such enlistments shall be for three years unless sooner terminated and citizens of the Philippine Islands shall be eligible to volunteer for such service. (Oct. 6, 1945, ch. 393, § 14, 59 Stat. 543.)

SHORT TITLE

Short title, see note set out under section 635 of this title.

CROSS REFERENCES

Section is also set out as section 189 of Title 34, Navy.

DETAILS

CROSS REFERENCES

Aviation students, enlisted men detailed as, see section 298a–1 of this title.

DISCHARGE FROM ENLISTMENT

§ 656. Discharge when permanently incapacitated.

An enlisted man of the Regular Army or of the Philippine Scouts who has had less than twenty years of service in the military forces of the United States and who has become permanently incapacitated for active service shall be discharged: *Provided*, That nothing herein contained shall be construed as affecting the right of an enlisted man discharged hereunder to receive such pension and other benefits as may now or hereafter be accorded by law to disabled former soldiers of the Regular Army or of the Philippine Scouts. (June 30, 1941, ch. 263, § 1, 55 Stat. 394.)

REPEALS

Act June 16, 1942, ch. 413, § 19, 56 Stat 369, eff June 1, 1942, repealed "those portions of * * * the Act of June 30, 1941 (Public Law 140, Seventy-seventh Congress) [cited to text], which authorize allowances for enlisted men on the retired list".

ADMINISTRATION OF SECTION

Section 6 of act June 30, 1941, cited to text, provided Secretary of War should administer the provisions of this section and sections 939, 957 and 982a of this title, and section 26b of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 657. Donation upon discharge for fraudulent enlistment.

A donation of not to exceed $10 shall be paid to each person discharged for fraudulent enlistment as authorized by law. (July 2, 1942, ch. 477, § 1, 56 Stat. 615; July 1, 1943, ch. 185, § 1, 57 Stat. 352; June 28, 1944, ch. 303, § 1, 58 Stat. 578; July 3, 1945, ch. 265, § 1, 59 Stat. 389.)

CROSS REFERENCES

Donation to dishonorably discharged prisoners, see section 1460 of this title

Penalty for fraudulent enlistment, see section 1526 of this title

Chapter 24.—CIVILIAN EMPLOYEES

Sec.
665 Army Specialist Corps; compensation from certain appropriations (New)

§ 665. Army Specialist Corps; compensation from certain appropriations.

Members of the Army Specialist Corps who are assigned to the supply services of the Army may be paid from the appropriations for the work upon which they are engaged. (July 2, 1942, ch. 477, § 1, 56 Stat. 612.)

CONSOLIDATION OF AGENCIES

Army Specialist Corps was consolidated with Army Officer Procurement System according to War Department press release dated October 31, 1942

Chapter 25.—PAY AND ALLOWANCES

MILEAGE AND TRAVEL EXPENSES

Sec.
751a Travel allowance to personnel of armed forces upon enlistment or reenlistment (New)

PAYMENT OF AND DEDUCTIONS FROM PAY OR ALLOWANCES

866f. Allowance of travel pay and subsistence to certain regular soldiers of War with Spain; requirements for eligibility (New).
866g. Same, settlement of claims (New)
866h. Same, certification to Congress by Comptroller General of allowed claims (New)
866i. Same; termination of time for filing claims (New).
866j. Same, limitation of payment to attorney or agent; penalties (New).

ASSIGNMENT OF PAY, ALLOTMENTS

895. Reclamation or collection of money paid assignees, allottees, etc (New)

MISCELLANEOUS PROVISIONS

904a (New, repealed.)
904b. Uniform and equipment allowances for certain persons as commissioned officers and warrant officers (New).
Sec.
904c Same; limitations, deduction of prior allowance; officers' certificates regarding prior allowance payments as conclusive, graduates of United States Military Academy (New).
904d Same, active duty requirements; termination (New).
919 Donation and transportation allowance to persons discharged for fraudulent enlistment (New).
920. Prohibition against payment to noncitizens as inapplicable to military and civilian personnel (New)

CROSS REFERENCES

Pay and allowances generally, see Title 37, Pay and Allowances.

Wartime pay and allowances generally, see section 1001 et seq of Appendix to Title 50, War.

BASE PAY

§ 671a. General of the Armies.

CROSS REFERENCES

Fleet Admiral of the Navy and General of the Army, see sections 1691–1697 of Appendix to Title 50, War

ADDITIONAL PAY FOR SPECIAL SERVICE, QUALIFICATIONS, OR MERIT

§ 692. Additional pay for aides.

CODIFICATION

Act June 10, 1922, ch 212, § 21, 42 Stat 633, cited to text, was repealed by act June 16, 1942, ch 413, § 19, 56 Stat. 369, eff. June 1, 1942, and should be eliminated from the citation. It provided that nothing in said 1922 act should change existing laws as to additional pay for aides

QUARTERS AND SUBSISTENCE

§ 716a. Allowances for quarters and subsistence during sickness or absence.

CROSS REFERENCES

Similar provisions, see section 110 of Title 37, Pay and Allowances.

§ 727. Subsistence of Army patients in Canal Zone hospitals.

REPEATED—Act June 30, 1941, 6 20 p m., E. S T., ch. 262, § 1, 55 Stat 380.

CODIFICATION

Provisions of this section, last appearing in the Military Appropriation Act of 1942, were not repeated in the Military Appropriation Act of 1943, act July 2, 1942, ch 477, 56 Stat. 611.

MILEAGE AND TRAVEL EXPENSES

§ 744. Repealed. June 27, 1944, ch. 288, § 1, 58 Stat. 392.

PRESENT PROVISIONS

Present provisions on this subject are contained in section 117b of Title 37, Pay and Allowances

§ 748a. Travel on Government-owned vessel.

CODIFICATION

Section, act Apr. 15, 1926, ch. 126, title I, 44 Stat. 259, has been eliminated from the Code. Present provisions on this subject are contained in section 112 of Title 37, Pay and Allowances.

§ 751a. Travel allowance to personnel of armed forces upon enlistment or reenlistment.

Every person discharged or released from the military or naval forces on or after June 1, 1945, who enlists or reenlists in the Regular Military or Naval

Establishment (irrespective of the service from which discharged or released), and who is granted a reenlistment furlough or leave, shall be paid in advance at his option, at the time such furlough or leave becomes effective, a furlough travel allowance at the rate of 5 cents a mile for the distance between his home or such other place as, subject to regulations prescribed by the Secretary of the Department concerned, he may select, and the place at which he is stationed when the furlough or leave becomes effective, and for the distance between his home, or other place so selected, and the place at which he is ordered to report for duty at the termination of the furlough or leave. If, in order to reach his home, or other place so selected, or to reach the place at which he is ordered to report for duty at the termination of the furlough or leave, sea travel is necessary, he shall be furnished for such sea travel transportation in kind and subsistence en route, and the distance thereof shall be excluded in computing the monetary allowance under the preceding sentence. No monetary allowance shall be paid under this section if travel allowance at least as great has been paid under section 752 of this title upon the discharge or release immediately preceding the enlistment or reenlistment, and if travel allowance in a lesser amount has been so paid under said section, the monetary allowance provided for in this section shall be reduced by that so paid under section 752 of this title. Any appropriated funds available to the Department of War or the Navy to defray the cost of travel of military or naval personnel shall be available to defray expenses incurred in carrying out the provisions of this section. (Oct. 6, 1945, ch. 393, § 6, 59 Stat. 539.)

SHORT TITLE

Short title, see note set out under section 635 of this title.

CROSS REFERENCES

Section is also set out as section 895a of Title 34, Navy.

§ 752. Travel allowance to enlisted men on discharge.

An enlisted man discharged from the Army, Navy, or Marine Corps, except by way of punishment for an offense, shall receive 5 cents per mile for the distance from the place of his discharge to the place of his acceptance for enlistment, enrollment, or muster into the service. *Provided*, That for sea travel involved in travel between place of discharge and place of acceptance for enrollment, enlistment, or muster into the service only transportation in kind and subsistence en route shall be allowed: *Provided further*, That enlisted men under the age of eighteen discharged on the application of either of their parents or legal guardian shall be furnished with transportation in kind from the place of discharge to the railroad station at or nearest to the place of acceptance for enlistment, or to their home if the distance thereto is no greater than from the place of discharge to the place of acceptance for enlistment, but if the difference be greater they may be furnished transportation in kind for a distance equal to that from the place of discharge to the place of acceptance for enlistment: *Provided further*, That from and after August 27, 1940, upon discharge or relief or release from active duty, an enlisted man inducted into the military or naval service under sections 301–318 of Appendix to Title 50, as amended, or sections 401–405 of Appendix to Title 50, shall, under such regulations as the Secretary of War or the Secretary of the Navy, respectively, shall prescribe, receive the said 5 cents per mile for the distance from the place of discharge or relief or release from active duty to the location of the local board where he first reported for delivery to an induction station in the case of a selectee, or to the home station of the National Guard unit in the case of a National Guard enlisted man, or to the place where he was selected for enrollment in the Civilian Conservation Corps in the case of a Civilian Conservation Corps enrollee so inducted: *And provided further*, That the enlisted men of the Naval Reserve, the Marine Corps Reserve, the Enlisted Reserve Corps, and the Regular Army Reserve shall receive, upon discharge or relief or release from active duty, the same mileage allowance as herein prescribed, and under the same conditions as herein prescribed for enlisted men inducted into the military or naval service under sections 301-318 of Appendix to Title 50, as amended, except that the distance for which mileage is computed shall be from the place of discharge or relief or release from active duty to the place from which ordered to active duty. (As amended Dec. 14, 1942, ch. 728, 56 Stat. 1049.)

AMENDMENTS

1942—Act Dec. 14, 1942, cited to text, added last two provisos.

SIMILAR PROVISIONS

Similar provisions are also contained in section 895 of Title 34, Navy

CROSS REFERENCES

Fraudulent enlistment, donation and transportation allowed to persons discharged for, see section 919 of this title

§ 756. Transportation in kind for dependents on change of station.

CODIFICATION

Section has been eliminated from the Code Present provisions on this subject are contained in section 112 of Title 37, Pay and Allowances.

§ 756b. "Permanent change of station" in section 756 defined.

CODIFICATION

Section has been eliminated from the Code. Present provisions on this subject are contained in section 112 of Title 37, Pay and Allowances.

SPECIAL RATES OF PAY AND ALLOWANCES

§ 783. Transportation and travel allowances for nurses.

CROSS REFERENCES

Pay and allowances of nurses, etc., of Army and Navy, see section 113 of Title 37, Pay and Allowances.

OFFICERS' MOUNTS

§ 803. Money allowance to officers owning mounts.

SUSPENSION DURING 1945

The Military Appropriation Act of 1945, act July 3, 1945, ch. 265, § 1, 59 Stat. 386, provided in part: "During the fiscal year ending June 30, 1946, no officer of the Army shall be entitled to receive an addition to his pay

in consequence of the provisions of the Act approved May 11, 1908 [this section]."

Acts June 28, 1944, ch. 303, § 1, 58 Stat. 575; July 1, 1943, ch. 185, § 1, 57 Stat. 349; July 2, 1942, ch. 477, § 1, 56 Stat. 612, contained identical provisions.

TRANSPORTATION OF BAGGAGE AND EFFECTS

TRANSPORTATION OF BAGGAGE

Funds available for transportation of baggage also available for packing, crating, and unpacking of baggage and household effects, see section 765 of Appendix to Title 50, War.

ABSENCE FROM DUTY AS AFFECTING RIGHT TO PAY

CROSS REFERENCES

Wartime pay and allowances generally, see section 1001 et seq. of Appendix to Title 50, War.

§ 847b. Repealed. Sept. 27, 1944, ch. 426, § 1, 58 Stat. 752.

EFFECTIVE DATE

Section 4 of act Sept. 27, 1944, ch. 426, 58 Stat. 752, provided in part that this act should become effective immediately.

CROSS REFERENCES

Repeal of provisions of section as affecting pension or compensation rights, see pars. VIII and IX of Reg. No. 10 following chapter 12 of Title 38, Pensions, Bonuses, and Veterans' Relief.

PAYMENT OF AND DEDUCTIONS FROM PAY OR ALLOWANCES

§ 866f. Allowance of travel pay and subsistence to certain regular soldiers of War with Spain; requirements for eligibility.

Any person who either enlisted in the Regular Army in the year 1898 under special Act of Congress for the duration of the War with Spain or enlisted or reenlisted in the Regular Army during such war for the regular enlistment period but secured his discharge under General Orders, Numbered 40, issued at the Headquarters of the Army, Adjutant General's Office, Washington, May 10, 1898, and who (1) was honorably discharged from such enlistment while serving in the Philippine Islands, (2) did not there reenter the military or naval service of the United States through commission or enlistment, and (3) embarked at Manila within one year after such discharge for return to the United States, shall be allowed and paid the sum of $75 as reimbursement for lodging and subsistence in the Philippine Islands for the period during which he awaited transportation by Government transport, and, in addition, travel pay and commutation of subsistence, for the distance from Manila, Philippine Islands, to San Francisco, California, at the rate of travel pay and commutation of subsistence allowed to soldiers of the Regular Army honorably discharged on expiration of enlistment, under section 1290 of the Revised Statutes, in effect at the time of such discharge, less any sum or sums of money actually paid by the Government to such person at the time of such discharge, or subsequent thereto, and transportation and subsistence between such places: *Provided*, That such payments shall be without interest. (Dec. 5, 1945, ch. 556, § 1, 59 Stat. 596.)

REFERENCES IN TEXT

Section 1290 of Revised Statutes referred to in text is set out as a note under section 866a of this title.

APPROPRIATION

Section 6 of act Dec. 5, 1945, cited to text, provided: "There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act [sections 866f–866j of this title]."

§ 866g. Same; settlement of claims.

Claims under sections 866f–866j of this title shall be settled in the General Accounting Office. (Dec. 5, 1945, ch. 556, § 2, 59 Stat. 597.)

§ 866h. Same; certification to Congress by Comptroller General of allowed claims.

The Comptroller General is authorized and directed to certify to the Congress, pursuant to the provisions of section 266 of Title 5, all claims allowed under sections 866f–866j of this title. (Dec. 5, 1945, ch. 556, § 3, 59 Stat. 597.)

§ 866i. Same; termination of time for filing claims.

Application for the benefits of sections 866f–866j of this title shall be filed within three years after the date of its passage. (Dec. 5, 1945, ch. 556, § 4, 59 Stat. 597.)

§ 866j. Same; limitation of payment to attorney or agent; penalties.

Payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers in any application under sections 866f–866j of this title shall not exceed the sum of $10; any person collecting or attempting to collect a greater amount than is herein allowed shall be guilty of a misdemeanor and shall be punished by a fine of not more than $500 or by imprisonment for not more than two years, or by both such fine and imprisonment. (Dec. 5, 1945, ch. 556, § 5, 59 Stat. 597.)

§ 868. Payment of amount due deceased officer or enlisted man.

In the settlement of the accounts of deceased officers or enlisted men of the Army, where the amount due the decedent's estate is less than $1,000 and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if decedent left no widow, or the widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided the father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes. Where the amount due the decedent's estate is $1,000 or more and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow $1,000 of the amount due to the estate to the widow or legal heirs in the order

of precedence hereinabove set forth: *Provided,* That this section shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers. (As amended Dec. 7, 1944, ch. 519, 58 Stat. 795.)

AMENDMENTS

1944—Act Dec. 7, 1944, cited to text, amended section by substituting "$1,000" for "$500" in first sentence, and adding all of second sentence preceding proviso.

§ 870. Payment and settlement in mileage accounts.

CROSS REFERENCES

Travel without troops, determination of, see section 112 of Title 37, Pay and Allowances.

§ 877. Withholding pay of officers.

CROSS REFERENCES

Funds as unavailable for pay of officers and enlisted men engaged on military publications carrying certain paid advertising, see section 918 of this title.

ASSIGNMENT OF PAY; ALLOTMENTS

§ 895. Reclamation or collection of money paid assignees, allottees, etc.

No collection or reclamation shall be made by the United States on account of any money paid to assignees, transferees, or allottees, or to others for them, under assignments, transfers, or allotments of pay and allowances made under authority of law where liability might exist with respect to such assignments, transfers, or allotments, or the use of such moneys, because of the death of the assignor, transferor, or allotter. (June 28, 1944, ch. 303, § 1, 58 Stat. 575; July 3, 1945, ch. 265, § 1, 59 Stat. 386.)

MISCELLANEOUS PROVISIONS

§ 903. Allowance on death of officer or enlisted man to widow, child or person designated; death of beneficiary before payment; payment in absence of widow, child or designated relative.

Hereafter, immediately upon official notification of the death from wounds or disease, not the result of his own misconduct, of any officer or enlisted man on the active list of the Regular Army or on the retired list when on active duty, the Chief of Finance of the Army shall cause to be paid to the widow, and if there be no widow to the child or children, and if there be no widow or child to any other dependent relative of such officer or enlisted man previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death. The Secretary of War shall establish regulations requiring each officer and enlisted man having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his death. Said amount shall be paid from funds appropriated for the pay of the Army: *Provided,* That nothing in this section shall be construed as making the provisions thereof applicable to officers or enlisted men of any forces or troops of the Army of the United States other than those of the Regular Army, and nothing in this section shall be construed to apply in commissioned grades to any officers except those holding permanent appointments in the Regular Army: *And provided further,* That none of the funds appropriated for the purposes of this section shall be used for the payment of such six months' pay to any married child or unmarried child over twenty-one years of age of a deceased officer or enlisted man who is not actually a dependent of such deceased officer or enlisted man: *And provided further,* That in the event of the death of any beneficiary before payment to and collection by such beneficiary of the amount authorized herein, such gratuity shall be paid to the next living beneficiary in the order of succession above stated: *And provided further,* That if there be no widow, child, or previously designated dependent relative, the Secretary of War shall cause the amount herein provided to be paid to any grandchild, parent, brother or sister, or grandparent shown to have been dependent upon such officer or enlisted man prior to his death, and the determination of such fact by the Secretary of War shall be final and conclusive upon the accounting officers of the Government: *And provided further,* That the last foregoing proviso shall be effective as of August 27, 1940. (As amended Dec. 17, 1943, ch. 343, § 1, 57 Stat. 599.)

AMENDMENTS

1943—Act Dec. 17, 1943, cited to text, amended section by adding all text commencing "And provided further, That in the event of the death, etc."

SAVING CLAUSE

Section 2 of act Dec. 17, 1943, cited to text, provided: "Nothing herein shall be construed to invalidate or in any manner affect any payments made prior to the date of the approval of this Act (Dec. 17, 1943), but no gratuity payment shall hereafter be made to the representative of the estate of a beneficiary who died prior to such approval."

CROSS REFERENCES

Applicability of certain provisions of this section to section 456, see said section 456 of this title.

Extension of benefits to dependents of members of Army of the United States, see section 456 of this title.

§ 904a. Repealed. Dec. 4, 1942, ch. 674, § 1, 56 Stat. 1039.

REPEAL

Section, act Mar. 9, 1942, ch. 173, § 2, 56 Stat. 149, related to uniform and equipment allowances to certain persons commissioned as officers in Army.

SAVING CLAUSE

Section 1 of act Dec. 4, 1942, cited to text, in addition to repealing this section and section 361b of this title, provided in part: "any provision of any other law authorizing the payment of a uniform allowance to any person upon being appointed a commissioned or warrant officer in any component of the Army of the United States, are hereby repealed, but any payments heretofore made pursuant thereto, if otherwise correct, are hereby validated."

PRESENT PROVISIONS

Uniform allowances for officers and warrant officers in Army of United States, see sections 904b–904d of this title.

§ 904b. Uniform and equipment allowances for certain persons as commissioned officers and warrant officers.

Except as otherwise provided in sections 904b–904d of this title, an allowance of $250 for uniforms and equipment is hereby authorized to be paid to the following personnel of the Army of the United States or any component thereof:

(a) Any person on active duty on April 3, 1939, or thereafter accepted for active duty, in the grade of second lieutenant, first lieutenant, or captain, and entitled to the pay of the first, second, or third pay periods on April 3, 1939, or at the time of such acceptance for active duty; and

(b) Any person on active duty on April 3, 1939, or thereafter accepted for active duty, in any temporary or permanent grade of warrant officer (including any person appointed flight officer), except that of a chief warrant officer entitled to receive the base pay and allowances provided for officers of the fourth pay period. (Dec. 4, 1942, ch. 674, § 2, 56 Stat. 1039.)

§ 904c. Same; limitations; deduction of prior allowance; officers' certificates regarding prior allowance payments as conclusive; graduates of United States Military Academy.

(a) The uniform allowance authorized in section 904b of this title shall not be paid more than once to any person without regard to appointment in or promotion to a grade for which the allowance is authorized.

(b) Any uniform allowance heretofore paid under the provisions of sections 304a, 361b, and 904a of this title, to any person entitled to a uniform allowance under sections 904b–904d of this title, shall be deducted from the allowance payable under section 904b of this title and only the difference paid to the person entitled thereto. The certificates of officers or warrant officers, including flight officers, of the Army of the United States relating to facts regarding payments received under sections 304a, 361b, and 904a of this title shall be accepted as supporting such facts as stated without the necessity of other supporting evidence

(c) The uniform allowance authorized in section 904b of this title shall not be paid to any graduate of the United States Military Academy. (Dec. 4, 1942, ch. 674, § 3, 56 Stat 1040.)

§ 904d. Same; active duty requirements; termination.

The uniform allowance authorized by sections 904b–904d of this title shall be payable only to persons now serving on active duty in the Army of the United States or who hereafter serve on active duty therein at any time during the period of the wars in which the United States is now engaged and for six months thereafter. (Dec. 4, 1942, ch. 674, § 4, 56 Stat. 1040.)

§ 906. Deposit of soldiers' savings.

Any enlisted man of the Army may deposit his savings, in sums not less than $5, with any finance officer, who shall furnish him a deposit book, in which shall be entered the name of the finance officer and of the soldier, and the amount, date, and place of such deposit. Any amount heretofore or hereafter so deposited shall be held during such period of his service as may be prescribed by the Secretary of War; shall be accounted for in the same manner as other public funds; shall be deposited in the Treasury of the United States and kept as a separate fund, known as pay of the Army deposit fund, repayment of which to the enlisted man, or to his heirs or representatives, shall be made out of the fund created by said deposits; shall not be subject to forfeiture by sentence of court-martial, but shall be forfeited by desertion; and shall be exempt from liability for such soldier's debts: *Provided*, That the Government shall be liable for the amount deposited to the person so depositing the same. (As amended Dec. 18, 1942, ch. 765, § 1, 56 Stat. 1057.)

AMENDMENTS

1942—Act Dec 18, 1942, cited to text, amended second sentence.

EFFECTIVE DATE

Section 3 of act Dec 18, 1942, cited to text, provided: "The amendments herein provided shall be effective during the present war and for a period of one year thereafter"

§ 907. Interest on deposits.

For any sums not less than $5 so deposited for the period of six months, or longer, the soldier, on his final discharge or at such time or times prior thereto as may be prescribed by the Secretary of War, shall be paid interest at the rate of 4 percentum per annum. (As amended Dec. 18, 1942, ch. 765, § 2, 56 Stat. 1058.)

AMENDMENTS

1942—Act Dec. 18, 1942, cited to text, inserted "or at such time * * * Secretary of War"

EFFECTIVE DATE

For effective date of act Dec. 18, 1942, cited to text, see note under section 906 of this title.

§ 912. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

§ 914. Free tuition in District of Columbia schools for children of officers, men, and other employees.

REPEATED—Act July 1, 1941, ch 271, § 1, 55 Stat 512; act June 27, 1942, ch. 452, § 1, 56 Stat 435; act July 1, 1943, ch 184, § 1, 57 Stat. 324; act June 28, 1944, ch. 300, § 1, 58 Stat. 515.

§ 918. Pay of officers and men engaged with military publications carrying paid advertising of firms doing business with War Department.

REPEATED—Act June 30, 1941, 6:20 p m, E S T., ch 262, § 1, 55 Stat 370, act July 2, 1942, ch 477, § 1, 56 Stat. 613; act July 1, 1943, ch 185, § 1, 57 Stat 350, act June 28, 1944, ch 303, § 1, 58 Stat. 576; act July 3, 1945, ch. 265, § 1, 59 Stat. 386.

§ 919. Donation and transportation allowance to persons discharged for fraudulent enlistment.

Persons who are hereafter discharged from the Army of the United States on account of fraudulent enlistment may, under such regulations as the Secretary of War shall prescribe, upon discharge, be allowed and paid, in those cases in which such persons would otherwise be without funds to meet their immediate needs, a sum not exceeding $10 and be furnished transportation in kind from the place of discharge to their homes, or elsewhere as they may elect, the cost in each case not to be greater than to the place of induction or of last enlistment, except that in the case of a person inducted into the Army under sections 301–318 of the Appendix to Title 50 the cost shall not be greater than to the location of the local board where he first reported for delivery to an induction station, or in the case of a Civilian Conservation Corps enrollee so inducted the cost shall not be greater than to the place where he was selected for enrollment in the Civilian Conservation Corps. (Mar. 7, 1942, ch. 159, 56 Stat. 140.)

CROSS REFERENCES

Donation to dishonorably discharged prisoners, see section 1460 of this title

Travel allowance to enlisted men on discharge, see section 752 of this title.

§ 920. Prohibition against payment to noncitizens as inapplicable to military and civilian personnel.

Provisions of law prohibiting the payment of any person not a citizen of the United States shall not apply to military and civilian personnel in and under the Military Establishment. (July 1, 1943, ch. 185, § 1, 57 Stat. 349; June 28, 1944, ch. 303, § 1, 58 Stat. 575; July 28, 1945, ch. 265, § 1, 59 Stat. 386.)

Chapter 26.—RETIREMENT

RETIREMENT FOR INCAPACITY

Sec.
939 Enlisted men with twenty or more years service (New)

RETIREMENT FOR AGE OR LENGTH OF SERVICE

948. Retirement of enlisted personnel and transfer to Enlisted Reserve Corps; length of service; computation of retirement pay, computation of years of service (New).

SERVICE COUNTED IN DETERMINING RIGHT TO RETIREMENT

957. Periods of service computed for enlisted men retired for incapacity (New).

RETIRED PAY

982a Computation of pay of enlisted men retired for incapacity (New)
985 Computation of retirement pay for physical disability while serving in temporary higher grade; officers other than those in Regular Army (New).
985a Same; officers of the Regular Army (New)
985b Promotion and computation of pay of officers of Regular Army on retired list for other than disability reasons who incur disability while serving in temporary higher grade (New)
985c. Promotion and computation of pay of officers of Regular Army on retired list for disability who incur additional disability while serving in temporary higher grade (New).
985d. Computation of pay of officers of Regular Army on retired list for other than disability reasons who incur disability while serving in same grade on retired list (New).
985e. Benefits of sections 985–985h as applicable to certain officers of the Army of the United States (New)
985f. Time for instituting proceedings for benefits under sections 985–985h (New).
985g. Powers and rights under existing laws as unimpaired by sections 985–985h (New)
985h. Back pay and method of retirement as unaffected by sections 985–985h (New).

MISCELLANEOUS PROVISIONS

1026b Rank, pay, and allowances of Corps of Engineers officer serving as President of Mississippi River Commission (New).
1026c. Rank on retirement after reappointment following service as Director of Veterans' Bureau or as Administrator of Veterans' Affairs, holding civil office as affecting reappointment and retirement (New).

RETIREMENT FOR INCAPACITY

§ 939. Enlisted men with twenty or more years service.

An enlisted man of the Regular Army or of the Philippine Scouts who has served twenty years or more in the military forces of the United States and who has become permanently incapacitated for active service due to physical disability incurred in line of duty shall be placed on the retired list: *Provided,* That sections 656, 939, 957 and 982a of this title and section 26b of Title 38 shall apply to all former enlisted men of the Regular Army and the Philippine Scouts who have served for twenty years or more, and who were honorably discharged therefrom by reason of becoming permanently incapacitated for active service due to physical disability incurred in line of duty: *Provided further,* That any former enlisted man placed upon the retired list in accordance with the provisions of the foregoing proviso shall not be entitled to receive retirement pay for any period prior to May 4, 1945. (June 30, 1941, ch. 263, § 2, 55 Stat. 394, as amended May 4, 1945, ch. 108, 59 Stat. 135.)

AMENDMENTS

1945—Act May 4, 1945, cited to text, amended section by adding provisos

ADMINISTRATION OF SECTION

Section 6 of act June 30, 1941, provided Secretary of War should administer the provisions of this section and sections 656, 957 and 982a of this title, and section 26b of Title 38, Pensions, Bonuses, and Veterans' Relief.

REPEALS

Act June 16, 1942, ch 413, § 19, 56 Stat. 369, eff. June 1, 1942, repealed "those portions of * * * the Act of June 30, 1941 (Public Law 140, Seventy-seventh Congress) [cited to text], which authorize allowances for enlisted men on the retired list."

RETIREMENT FOR AGE OR LENGTH OF SERVICE

§ 945. Compulsory retirement of officers when sixty-four years old.

CONTINUATION IN OFFICE OF CHIEF OF STAFF

Act Dec 2, 1944, ch 505, 58 Stat 793 provided that any person who has served in the office of Chief of Staff during this war and has reached retirement age shall be retained on the active list.

§ 947. Right of enlisted men to retirement.

REPEALS

Act June 16, 1942, ch 413, § 19, 56 Stat 369, eff June 1, 1942, repealed "those portions of the Act of March 2, 1907 [cited to text] * * * which authorize allowances for enlisted men on the retired list".

CROSS REFERENCES

Discharge when permanently incapacitated, see section 656 of this title

Retirement of enlisted men upon completion of thirty years service, see section 957 of this title.

§ 948. Retirement of enlisted personnel and transfer to Enlisted Reserve Corps; length of service; computation of retirement pay; computation of years of service.

Whenever any enlisted man of the Regular Army shall have completed not less than twenty or more than twenty-nine years of active service, he may upon his own request be transferred to the Enlisted Reserve Corps (to remain a member thereof until his active service plus the period of his membership in such Corps equals thirty years) and at the same time be retired from the Regular Army. An en-

listed man so transferred and retired shall receive, except with respect to periods of active duty he may be required to perform, until his death, annual pay equal to 2½ per centum of the average annual enlisted pay (including longevity pay) he was receiving for the six months immediately preceding his retirement multiplied by a sum equal to the sum of the number of years of his active service performed not in excess of twenty-nine years. The number of years of service to be credited in computing the right to retirement and retirement pay authorized by this section, or any other provision of law providing for the retirement of an enlisted man of the Regular Army, shall include all active Federal military service performed in the Army of the United States, the Navy, the Marine Corps or the Coast Guard, or any component thereof, any fractional part of a year amounting to six months or more to be counted as a complete year. (Oct. 6, 1945, ch. 393, § 4, 59 Stat. 539.)

SHORT TITLE

Short title, see note set out under section 635 of this title.

SERVICE COUNTED IN DETERMINING RIGHT TO RETIREMENT

§ 957. Periods of service computed for enlisted men retired for incapacity.

All periods of service which are now counted under provisions of existing law in computing the time necessary to enable an enlisted man to retire upon completion of thirty years of service shall be credited in the computation of the twenty years of service necessary to confer eligibility for retirement under this section and sections 656, 939, 982a of this title and section 26b of Title 38. (June 30, 1941, ch. 263, § 5, 55 Stat. 395.)

ADMINISTRATION OF SECTION

Section 6 of act June 30, 1941, provided Secretary of War should administer the provisions of this section and sections 656, 939, and 982a of this title, and section 26b of Title 38, Pensions, Bonuses, and Veterans' Relief

REPEALS

Act June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff June 1, 1942, repealed "those portions of * * * the Act of June 30, 1941 (Public Law 140, Seventy-seventh Congress) [cited to text], which authorize allowances for enlisted men on the retired list".

RETIRING BOARDS

§ 965. Revision by President.

CROSS REFERENCES

Boards of review established, see section 6931 of Title 38, Pensions, Bonuses, and Veterans' Relief.

RETIRED PAY

§ 972. Basis for computing retired pay of officers and warrant officers; change of base pay as affecting previous retirements.

CROSS REFERENCES

Additional factors in computation of retired officers pay, see sections 985–985h of this title.

§ 973a. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Section was from act June 10, 1922, ch. 212, § 17, 42 Stat. 632. Present provisions on this subject are contained in section 115 of Title 37, Pay and Allowances. Prior provisions were contained in act March 2, 1905, ch 1307, 33 Stat. 831, and in act June 3, 1916, ch 134, § 40b, as added June 4, 1920, ch. 227, subch. I, § 33, 41 Stat. 777

§ 980. Rate of pay of retired enlisted men.

REPEALS

Act June 16, 1942, ch 413, § 19, 56 Stat. 369, eff. June 1, 1942, repealed "those portions of the Act of March 2, 1907 [cited to text] * * * which authorize allowances for enlisted men on the retired list."

§ 982a. Computation of pay of enlisted men retired for incapacity.

When an enlisted man is placed on the retired list pursuant to the provisions of section 939 he shall receive 75 per centum of the average pay he was receiving for six months prior to his retirement plus a money allowance of $9 50 per month in lieu of rations and clothing and $6 25 per month in lieu of quarters, fuel, and light: *Provided*, That the money allowances of enlisted men of the Philippine Scouts placed on the retired list under sections 656 939, 957, and 982a of this title and section 26b of Title 38 shall be the same as those heretofore or from time to time hereafter prescribed by the Secretary of War under existing law for enlisted men of that organization retired after thirty years of service. (June 30, 1941, ch. 263, § 3, 55 Stat. 394.)

ADMINISTRATION OF SECTION

Section 6 of act June 30, 1941, provided Secretary of War should administer the provisions of this section and sections 656, 939, and 957 of this title, and section 26b of Title 38, Pensions, Bonuses, and Veterans' Relief

REPEALS

Act June 16, 1942, ch 413, § 19, 56 Stat 369, eff June 1, 1942, repealed "those portions of * * * the Act of June 30, 1941 (Public Law 140, Seventy-seventh Congress) [cited to text], which authorize allowances for enlisted men on the retired list"

CROSS REFERENCES

Waiver of retired pay for pension, see section 26b of Title 38, Pensions, Bonuses, and Veterans' Relief

§ 985. Computation of retirement pay for physical disability while serving in temporary higher grade; officers other than those in Regular Army.

Any officer of the Army of the United States or of any component thereof, except an officer of the Regular Army, who heretofore or hereafter has been or may be granted retirement pay for physical disability determined or incurred while serving under a temporary appointment in a higher grade shall receive retirement pay computed as otherwise provided by law for officers of such higher grade. (June 29, 1943, ch. 178, § 1, 57 Stat. 249.)

§ 985a. Same; officers of the Regular Army.

Any officer of the Regular Army who heretofore or hereafter has been or may be retired for physical disability determined or incurred while serving under a temporary appointment in a higher grade shall have the rank and receive retired pay computed as otherwise provided by law for officers of such higher grade. (June 29, 1943, ch. 178, § 2, 57 Stat. 249.)

§ 985b. Promotion and computation of pay of officers of Regular Army on retired list for other than disability reasons who incur disability while serving in temporary higher grade.

Any officer of the Regular Army on the retired list who shall have been placed thereon for reasons other than physical disability shall, if he incurs physical disability while serving under a temporary appointment in a higher grade, be promoted on the retired list to such higher grade and receive retired pay computed as otherwise provided by law for an officer of such higher grade retired on account of physical disability incident to the service. (June 29, 1943, ch. 178, § 3, 57 Stat. 249.)

§ 985c. Promotion and computation of pay of officers of Regular Army on retired list for disability who incur additional disability while serving in temporary higher grade.

Any officer of the Regular Army on the retired list who shall have been placed thereon by reason of physical disability shall, if he incurs additional physical disability while serving under a temporary appointment in a higher grade, be promoted on the retired list to such higher grade and receive retired pay computed as otherwise provided by law for officers of such higher grade: *Provided*, That the Secretary of War, or such person or persons as he may designate, shall find that the additional physical disability is incident to service while on active duty in the higher grade and not less than 30 per centum permanent. (June 29, 1943, ch. 178, § 4, 57 Stat. 249.)

§ 985d. Computation of pay of officers of Regular Army on retired list for other than disability reasons who incur disability while serving in same grade on retired list.

Any officer of the Regular Army on the retired list who shall have been placed thereon for reasons other than physical disability shall, if he incurs physical disability while serving on active duty in the same grade as that held by him on the retired list, receive retired pay computed as otherwise provided by law for officers of such grade retired on account of physical disability incident to the service. (June 29, 1943, ch. 178, § 5, 57 Stat. 250.)

§ 985e. Benefits of sections 985–985h as applicable to certain officers of the Army of the United States.

The benefits of sections 985–985h of this title shall apply to officers of the Army of the United States who were retired or granted retirement pay subsequent to April 6, 1917, or who may hereafter be retired or granted retirement pay for physical disability in line of duty in time of war or any emergency declared by the President, or within six months thereafter, determined or incurred while serving under a temporary appointment in a higher grade, including any officer given a temporary appointment in a higher grade under sections 291c, 292a—1 to 292a—3, and 300a of this title, who has been retired for physical disability in a lower grade. (June 29, 1943, ch. 178, § 6, 57 Stat. 250.)

§ 985f. Time for instituting proceedings for benefits under sections 985–985h.

The provisions of sections 985–985h of this title shall not apply in any case unless proceedings to obtain the benefits provided herein are initiated within six months from the termination of the temporary appointment held at the time when the disability is incurred or the disabled officer's release from active duty, whichever occurs earlier: *Provided*, That such proceedings may be initiated within six months from the date of the approval of sections 985–985h of this title in any case where such termination of appointment, retirement, or release from active duty occurred prior to such approval. The Secretary of War is authorized to prescribe such regulations as he may deem necessary to carry out the provisions of sections 985–985h of this title. (June 29, 1943, ch. 178, § 7, 57 Stat. 250.)

§ 985g. Powers and rights under existing laws as unimpaired by sections 985–985h.

Nothing contained in sections 985–985h of this title shall be construed to limit the power of the President under existing law, or to affect the right of any officer of the Regular Army to have the rank and retired pay of a higher grade than herein provided, or of any other officer of the Army of the United States to have the retirement pay of a higher grade than herein provided, if entitled thereto under other provisions of law. (June 29, 1943, ch. 178, § 8, 57 Stat. 250.)

§ 985h. Back pay and method of retirement as unaffected by sections 985–985h.

No back pay shall accrue by reason of the enactment of sections 985–985h of this title. The provisions of sections 985–985h of this title shall not otherwise affect the method in which officers are to be retired. (June 29, 1943, ch. 178, § 9, 57 Stat. 250.)

PROMOTIONS OF OFFICERS ON RETIRED LIST

§ 1012. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

§ 1015. Advanced rank for exceptionally meritorious service during World War.

Any commissioned officer of the Army, now retired or hereafter retired, except those retired under the provisions of section 571 of this title, who for services rendered during the World War was officially recommended in writing for promotion to increased rank by a division commander or coordinate or higher authority or by the chief of a staff corps or department, and who has not attained said rank, and who as evidenced by bestowal of Medal of Honor or Distinguished Service Cross or Distinguished Service Medal rendered exceptionally meritorious services or demonstrated gallantry in action beyond the call of duty shall, upon application, be advanced one grade on the retired list: *Provided*, That any such officer on the active or retired list who died or may die prior to the approval of this section, or on the active list who may hereafter die before retirement, shall upon application in his behalf be advanced one grade as of date of death: *Provided*

further, That such promotion shall not carry with it any increase of pay or allowances. (As amended July 9, 1942, ch. 501, 56 Stat. 655.)

AMENDMENTS

1942—Act July 9, 1942, cited to text, struck out "below the grade of brigadier general" immediately following "Army".

MISCELLANEOUS PROVISIONS

§ 1026. Rank or retirement after service as chief or assistant chief of branch, or commanding general of General Headquarters Air Force.

Any officer who shall have served four years as chief or assistant chief of a branch or as commanding general of the General Headquarters Air Force and who may subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the highest grade held by him as such chief, assistant chief, or commanding general: *Provided*, That this provision shall not reduce the rank, pay, or allowances with which such officer would otherwise be entitled to retire. (As amended June 29, 1945, ch. 197, 59 Stat. 263.)

AMENDMENTS

1945—Act June 29, 1945, cited to text, amended section by omitting "or who shall have served two years as wing commander of the Air Corps" following "Air Force", "or wing commander" following "commanding general", and by adding proviso.

§ 1026b. Rank, pay, and allowances of Corps of Engineers officer serving as President of Mississippi River Commission.

Any officer of the Corps of Engineers who has served or shall serve four years as President of the Mississippi River Commission and who has been or shall subsequently be retired, shall, from the date of such retirement, receive the rank, pay, and allowances of a retired major general. (June 15, 1936, ch. 548, as added Aug. 18, 1941, ch. 377, § 3, 55 Stat. 644.)

§ 1026c. Rank on retirement after reappointment following service as Director of Veterans' Bureau or as Administrator of Veterans' Affairs; holding civil office as affecting reappointment and retirement.

The President, by and with the advice and consent of the Senate, is hereby authorized to appoint any former officer of the Regular Army, who, after active military service of more than fifteen years, has resigned his commission and who subsequently served for a period of more than fifteen years either as Director of the Veterans' Bureau or as Administrator of Veterans' Affairs, or both, an officer on the active list of the Regular Army in the grade held by him at the time of such resignation and thereafter immediately place him on the retired list of the Army in that grade and with the retired pay thereof.

Notwithstanding any other provision of law, any such person may be so appointed and retired while holding civil office, and may continue to hold, or be appointed to, civil office to which compensation is attached, but, while entitled to receive the pay or compensation attached to any such civil office, shall not be entitled to receive active or retired pay by virtue of his military status. (Mar. 10, 1944, ch. 86, §§ 1, 2, 58 Stat. 113.)

ARMY AND NAVY NURSE CORPS

§§ 1030, 1031.

CODIFICATION

Sections have been eliminated from the Code They were from act May 13, 1926, ch. 289, §§ 2, 3, 44 Stat. 532.

Present provisions on this subject are contained in section 113 of Title 37, Pay and Allowances.

Chapter 27.—MILITARY ACADEMY

MILITARY AND ACADEMIC STAFF

Sec.
1061a. Designation by Secretary of War of titles of departments of instruction and offices of professor (New).

CADETS

1091–1. Allotment of appointees upon redistricting of congressional districts (New).
1091c. Additional number of cadets; distribution; appointment (New).
1091d. Appointment by Secretary of War of qualified alternates and candidates recommended by academic board (New).
1091e. Appointment of sons of winners of Medal of Honor (New).

PAY AND ALLOWANCES

1151. Extra allowance during flight training; aviation clothing and equipment; travel; subsistence; quarters; insurance (New).

SUPERVISION AND GOVERNMENT OF ACADEMY GENERALLY

§ 1043. Course of instruction.

THREE-YEAR COURSES DURING WORLD WAR II

Act Oct 1, 1942, ch. 573, 56 Stat. 763, provided: "That the President be, and he is hereby, authorized to reduce, in his discretion, until the termination of the present war, the course of instruction at the United States Military Academy from four to three years and to graduate classes which have completed such reduced courses of instruction."

MILITARY AND ACADEMIC STAFF

§ 1061a. Designation by Secretary of War of titles of departments of instruction and offices of professor.

The Secretary of War is hereby authorized to prescribe from time to time the titles by which each of the several departments of instruction and offices of professor now or hereafter established at the United States Military Academy shall be known

Nothing contained in this section shall be construed to affect in any manner the status, rank, precedence, pay, allowances, or eligibility for promotion or retirement, or otherwise to operate in any case or on any account to the prejudice, of any of the professors at the United States Military Academy. (Dec. 14, 1942, ch. 729, 56 Stat. 1049.)

§ 1086. Teacher of music; rank, pay and allowances, retirement.

From and after the date of approval of this section the teacher of music, the leader of the Military Academy Band, shall have the rank of captain of the United States Army and shall be entitled to

receive the pay and allowances of an officer in the grade of captain: *Provided,* That in the computation of the pay and allowances of such teacher of music all active service in the Army, including service as teacher of music, shall be counted as if it were commissioned service: *Provided further,* That the said leader of the Military Academy Band shall, at such time as the President in his discretion may direct, be retired as a teacher of music with the rank of captain, and when so retired, shall be entitled to receive the same retirement pay as is now or may hereafter be provided by law or regulation for an officer of the Army in the grade of captain with length of service computed as stated above: *And provided further,* That the dependents of said teacher of music shall be entitled to the same pensions, death gratuity, and other benefits as are now or may hereafter be provided for an officer of the Regular Army in the grade of captain with the corresponding length of service. (As amended Mar. 29, 1944, ch. 142, 58 Stat. 130.)

AMENDMENTS

1944—Act Mar. 29, 1944, cited to text, amended section by striking out words "third pay period" and inserting in lieu "grade of captain" wherever appearing.

CADETS

§ 1091. Number, territorial distribution, and appointment.

CROSS REFERENCES

Eligibility for pensions, see section 730 of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 1091–1. Allotment of appointees upon redistricting of congressional districts.

Cadets at the United States Military Academy and midshipmen at the United States Naval Academy, or nominees for appointment thereto, whose place of residence, by reason of redistricting the State concerned, falls in another congressional district, and who were appointed with respect to or nominated by the Representative of the former district, shall be charged to the Representative of the latter district as additional numbers but the number of cadets and midshipmen otherwise respectively allowed at such respective academies for the Representative of such latter district shall be temporarily increased by the number of such cadets or midshipmen, as the case may be, and by the number of such nominees who are appointed and qualify: *Provided,* That such temporary increase in numbers authorized herein for the Representative concerned shall be reduced accordingly as each cadet or midshipman, in attendance at either academy under an appointment from such former district is finally separated therefrom. (July 7, 1943, ch. 193, 57 Stat. 383.)

CODIFICATION

Similar provisions are also set out as section 1032–1 of Title 34, Navy.

§ 1091a. Increase in number of cadets and midshipmen from United States at large.

The number of cadets now authorized by law at the United States Military Academy and the number of midshipmen now authorized by law at the United States Naval Academy are each increased by forty from the United States at large, to be appointed by the President from among the sons of members of the land or naval forces (including male and female members of the Army, Navy, Marine Corps, and Coast Guard, and of all components thereof) of the United States, who were killed in action or have died, or may die on or after November 24, 1945, of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during World War I or World War II (as each is defined by laws providing service-connected compensation or pension benefits for veterans of World War I and World War II and their dependents): *Provided,* That the determination of the Veterans' Administration as to service connection of the cause of death shall be binding upon the Secretary of War and the Secretary of the Navy, respectively: *Provided further,* That all such appointees are otherwise qualified for admission: *And provided further,* That appointees under this section shall be selected in order of merit as established by competitive examination. (As amended Dec. 1, 1942, ch. 650, 56 Stat. 1024; Nov. 24, 1945, ch. 493, 59 Stat. 586.)

AMENDMENTS

1945—Act Nov. 24, 1945, cited to text, amended section generally by extending its provisions to sons of members of the land or naval forces (including male and female members of the Army, Navy, Marine Corps, and Coast Guard and all components thereof) who served in World Wars I and II, and added the second proviso.

1942—Act Dec. 1, 1942, cited to text, amended section generally by extending its provisions to sons of Army and Navy Nurse Corps (female) by striking clause "or died prior to July 2, 1942" following clause "killed in action", by striking proviso that division of appointments be one-half to officers' sons and one-half to warrant officers' and enlisted men's sons, and by adding the proviso.

§ 1091c. Additional number of cadets; distribution; appointment.

On and after July 1, 1942, there shall be allowed at the United States Military Academy four cadets for each Senator, Representative, Delegate in Congress, and the Resident Commissioner from Puerto Rico, six for the District of Columbia, and two cadets to be selected by the Governor of the Panama Canal from among the sons of civilians residing in the Canal Zone and the sons of civilian personnel of the United States Government and the Panama Railroad Company residing in the Republic of Panama, in addition to the number now authorized to be appointed from the United States at large, and from the enlisted men of the Regular Army and National Guard, and from the sons of deceased officers, soldiers, sailors, and marines. (June 3, 1942, ch. 322, § 1, 56 Stat. 306.)

§ 1091d. Appointment by Secretary of War of qualified alternates and candidates recommended by academic board.

When on the date of admission of a new class the total number of cadets is below the number authorized, the Secretary of War may bring the corps of cadets to full strength by appointing qualified alternates and candidates recommended by the academic

board, two-thirds thereof from qualified alternates and one-third thereof from qualified candidates: *Provided*, That any appointment made under this section shall be an additional appointment and shall not constitute an appointment otherwise authorized by law. (June 3, 1942, ch. 322, § 2, 56 Stat. 306.)

§ 1091e. Appointment of sons of winners of Medal of Honor.

The number of cadets authorized by law enacted prior to November 24, 1945, at the United States Military Academy, and the number of midshipmen authorized by law enacted prior to November 24, 1945, at the United States Naval Academy, are each increased by such number as may be appointed by the President from the United States at large from among the sons of persons who have been or shall be, after November 24, 1945, awarded a Medal of Honor in the name of Congress for acts performed while in any of the armed forces of the United States: *Provided*, That all such appointees are otherwise qualified for admission. (Nov. 24, 1945, ch. 492, 59 Stat. 586.)

§ 1094. Age for admission.

Appointees shall be admitted to the United States Military Academy only between the ages of seventeen and twenty-two years, except in the following case: Any appointee who has served honorably not less than one year in the armed forces of the United States during any of the present wars, and who possesses the other qualifications required by law, may be admitted between the ages of seventeen and twenty-four years: *Provided*, That whenever any member of the graduating class shall fail to complete the course with his class by reason of sickness, or deficiency in his studies, or other cause, such failure shall not operate to delay the admission of his successor. (As amended Dec. 11, 1945, § 1, ch. 564, 59 Stat. 606.)

AMENDMENTS

1945—Act Dec. 11, 1945, cited to text, amended section by adding "except in the * * * of his successor."

PAY AND ALLOWANCES

§ 1133. Professors and instructors generally.

CODIFICATION

Act June 10, 1922, ch. 212, § 1, 42 Stat. 625, cited to text, was repealed by act June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942, and should be eliminated from the citation. It was cited as authority for omitting from this section a provision of R. S. § 1336, as amended by act June 23, 1879, both cited to text, which related to longevity pay of officers. Present provisions on this subject are contained in section 101 of Title 37, Pay and Allowances.

§ 1137. Chaplain.

The chaplain at the United States Military Academy shall, while so serving, receive a salary of $4,000 per annum and be entitled to the same allowances with respect to public quarters, fuel, and light as those allowed to a captain: *Provided*, That the said chaplain shall, while so serving under any reappointment for an additional term or terms, receive a salary of $5,000 per annum and be entitled to the same allowances as herein provided. (As amended June 2, 1945, ch. 172, 59 Stat. 230.)

AMENDMENTS

1945—Act June 2, 1945, cited to text, amended section by adding proviso.

§ 1151. Extra allowances during flight training; aviation clothing and equipment; travel; subsistence; quarters; insurance.

During such time as cadets of the United States Military Academy are undergoing flight training involving participation in regular and frequent aerial flights they shall be issued at Government expense the necessary aviation clothing and equipment for such training; during the course of such training when not quartered at the Military Academy they shall receive the same allowances for travel, subsistence, and quarters as are now or may hereafter be provided for Army aviation cadets; and during the course of such training they shall be entitled to the same insurance benefits as are provided by section 298a–1 of this title for enlisted men of the Army detailed as aviation students: *Provided*, That, upon completion of the prescribed training as aviation students, and until permanently relieved from duty involving participation in regular and frequent aerial flights, the insurance provided shall continue, but the premiums shall be deducted from the pay of the individual concerned and paid as the Secretary of War may direct to the Administrator of Veterans' Affairs; and upon being permanently relieved from duty involving participation in regular and frequent aerial flights, the insurance may be continued at the option and at the expense of the individual concerned. (June 5, 1942, ch. 331, 56 Stat. 310.)

MISCELLANEOUS PROVISIONS

§ 1161a. Librarian.

REPEATED.—Act June 30, 1941, 6.20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 384, act July 2, 1942, ch. 477, § 1, 56 Stat. 624; act July 1, 1943, ch. 185, § 1, 57 Stat. 361; act June 28, 1944, ch. 303, § 1, 58 Stat. 588; act July 3, 1945, ch. 265, § 1, 59 Stat. 398.

Chapter 28.—SERVICE SCHOOLS, POST SCHOOLS, AND MILITARY INSTRUCTION IN EDUCATIONAL INSTITUTIONS

§ 1176. Instruction of soldiers in addition to military training.

CROSS REFERENCES

Instruction and entertainment in connection with welfare of enlisted personnel, see section 761 of Appendix to Title 50, War.

Chapter 29.—SUPPLIES, STORES, AND SERVICES

REPORTS, RETURNS, AND ACCOUNTING

Sec
1304 Action on reports of survey and other vouchers pertaining to loss, damage, unsuitability, etc., of property (New).

SALES OR LEASES TO PUBLIC

§ 1262a. Disposition of surplus war materials, limitations; approval of contracts for disposition.

CROSS REFERENCES

Provisions similar to these are also set out in section 546e of Title 34, Navy.

REPORTS RETURNS, AND ACCOUNTING

§ 1304. Action on reports of survey and other vouchers pertaining to loss, damage, unsuitability, etc., of property.

Hereafter those officers of the Army designated by the Secretary of War, under such regulations as he may prescribe, may take action upon reports of survey and all other vouchers pertaining to the loss, damage, spoilage, unserviceability, unsuitability, or destruction of property of the United States under the control of the War Department, and the action taken by any such officer on said surveys or vouchers shall be final: *Provided*, That in a case where any person or concern is held pecuniarily liable for the loss, damage, spoilage, or destruction of property of the United States under the control of the War Department, such findings shall not be final until approved by the Secretary of War or by the Chief of Finance acting under the authority of the Secretary of War. (Oct 30, 1941, ch. 465, 55 Stat. 758.)

Chapter 30.—MILITARY POSTS AND CAMPS; QUARTERS AND BARRACKS; TRAINING STATIONS

Sec.

1337a. Limitations on cost of construction of quarters; exclusion of equipment and work outside quarters (New).

CROSS REFERENCES

Prostitution near military camps unlawful, see section 518a of Title 18, Criminal Code and Criminal Procedure.

§ 1336. Letting contracts for erection or repair of buildings, etc.

CROSS REFERENCES

Payment of fixed fee on construction contracts for military posts, see section 269a of Title 40, Public Buildings, Property, and Works

Transfer from Quartermaster General to Chief of Engineers duties regarding construction, maintenance, and repair of buildings, etc., for the Army, see section 181b of this title

§ 1337a. Limitation on cost of construction of quarters; exclusion of equipment and work outside quarters.

Limitations heretofore or hereafter placed upon the cost of construction of quarters for commissioned officers, commissioned warrant or warrant officers, and enlisted men of the Army and Navy shall not be construed to prohibit or exclude additional expenditures for equipment and work outside of such quarters, including, but not limited to, providing for the furnishing of electricity, gas, water, sewage disposal, and for roads, walks, grading, and drainage. (Oct. 6, 1942, ch 580, 56 Stat. 769.)

CROSS REFERENCES

Same provisions also constitute section 558 of Title 34, Navy.

§ 1339. Authorization of permanent barracks or quarters and other structures.

PROFIT ON COST-PLUS CONTRACTS

Fixed fee to be limited to 6 per centum of cost, see section 768 of Appendix to Title 50, War.

CROSS REFERENCES

Acquisition of land, rights pertaining thereto, etc., and construction thereon without compliance with this section, see section 767 of Appendix to Title 50, War.

Acquisition of leasehold and other interests in land and construction thereon without compliance with this section, see section 771 of Appendix to Title 50, War.

Exception in case of strategic network of highways, see section 144 of Title 23, Highways

Chapter 31.—TRANSPORTATION OF TROOPS AND SUPPLIES; ARMY TRANSPORT SERVICE

Sec.

1371a. Same; employees of United States residing in Alaska (New).

§ 1365. Vessels employed for transporting supplies for Army and Navy.

LEASE OF SHIPS

Ships leased from Maritime Commission and War Shipping Administration or others, see section 766 of Appendix to Title 50, War.

§ 1371a. Same; employees of United States residing in Alaska.

When, in the opinion of the Secretary of War, accommodations are available, transportation on vessels of the Army transport service may be provided, without expense to the United States, to employees of the United States, residing in Alaska, who have been in such employment for a period of not less than two years, and to their families: *Provided*, That except in cases of dire emergency such as sickness or death, the privilege herein granted shall be limited, as to each eligible individual, to one round trip between Alaska and the States during each two-year period from and after November 21, 1941. (Nov. 21, 1941, ch. 483, 55 Stat. 775.)

Chapter 32.—UNIFORM OF ARMY

§ 1393. Protection of the uniform.

It shall be unlawful for any person not an officer or enlisted man of the United States Army, Navy, or Marine Corps to wear the duly prescribed uniform of the United States Army, Navy, or Marine Corps, or any distinctive part of such uniform or a uniform any part of which is similar to a distinctive part of the duly prescribed uniform of the United States Army, Navy, or Marine Corps: *Provided*, That the foregoing provision shall not be construed so as to prevent officers or enlisted men of the National Guard from wearing, in pursuance of law and regulations, the uniform lawfully prescribed to be worn by such officers or enlisted men of the National Guard; nor to prevent members of the organization known as the Boy Scouts of America, or the Naval Militia, or such other organizations as the Secretary of War or the Secretary of the Navy may designate, from wearing their prescribed uniforms; nor to prevent persons who in time of war have served honorably as officers of the United States Army, Navy, or Marine Corps, Regular or Volunteer, and whose most recent service was terminated by an honorable discharge, muster out, or resignation, from wearing, upon occasions of ceremony, the uniform of the highest grade they have held by brevet or other commission in such Regular or Volunteer service; nor to prevent any person who has been honorably discharged from the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing his uniform from the place of his discharge

to his home, within three months after the date of such discharge; nor to prevent the members of military societies composed entirely of honorably discharged officers or enlisted men, or both, of the United States Army, Navy, or Marine Corps, Regular or Volunteer, from wearing, upon occasions of ceremony, the uniform duly prescribed by such societies to be worn by the members thereof; nor to prevent the instructors and members of the duly organized cadet corps of a State university, State college, or public high school offering a regular course in military instruction from wearing the uniform duly prescribed by the authorities of such university, college, or public high school for wear by the instructors and members of such cadet corps; nor to prevent the instructors and members of the duly organized cadet corps of any other institution of learning offering a regular course in military instruction, and at which an officer or enlisted man of the United States Army, Navy, or Marine Corps is lawfully detailed for duty as instructor in military science and tactics, from wearing the uniform duly prescribed by the authorities of such institution of learning for wear by the instructors and members of such cadet corps; nor to prevent civilians attendant upon a course of military or naval instruction authorized and conducted by the military or naval authorities of the United States from wearing, while in attendance upon such course of instruction, the uniform authorized and prescribed by such military or naval authorities for wear during such course of instruction; nor to prevent any person from wearing the uniform of the United States Army, Navy, or Marine Corps, in any playhouse or theater or in moving-picture films while actually engaged in representing therein a military or naval character not tending to bring discredit or reproach upon the United States Army, Navy, or Marine Corps; nor to prevent graduates of Air Corps advanced flying schools or Air Corps service schools who are citizens of foreign countries from wearing the appropriate aviation badges of the Army in such manner and subject to such regulations as the Secretary of War may prescribe: *Provided further*, That the uniforms worn by officers or enlisted men of the National Guard, or by the members of the military societies or the instructors and members of the cadet corps referred to in the preceding proviso shall include some distinctive mark or insignia to be prescribed by the Secretary of War or the Secretary of the Navy to distinguish such uniforms from the uniforms of the United States Army, Navy, and Marine Corps: *And provided further*, That the members of the military societies and the instructors and members of the cadet corps hereinbefore mentioned shall not wear the insignia of rank prescribed to be worn by officers of the United States Army, Navy, or Marine Corps, or any insignia of rank similar thereto.

Any person who offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $300, or by imprisonment not exceeding six months, or by both such fine and imprisonment: *Provided*, That hereafter, upon the discharge or furlough to the reserve of an enlisted man, all uniform outer clothing then in his possession, except such articles as he may be permitted to wear from the place of termination of his active service to his home, as authorized by this section, will be retained for military use: *Provided further*, That upon the release from Federal service of an enlisted man of the National Guard called as such into the service of the United States, all uniform outer clothing then in his possession shall be taken up and accounted for as property issued to the National Guard of the State to which the enlisted man belongs, in the manner prescribed by section 49 of Title 32: *And provided further*, That when an enlisted man is discharged otherwise than honorably, all uniform outer clothing in his possession shall be retained for military use, and, when authorized by regulations prescribed by the Secretary of War or the Secretary of the Navy, a suit of citizen's outer clothing to cost not exceeding $15 may be issued to such enlisted man: *And provided further*, That officers and members of the National Homes (Veterans Administration) may, regardless of the preceding provisions of this section, wear such uniforms as the Secretary of War or the Secretary of the Navy may authorize. (June 3, 1916, ch. 134, § 125, 39 Stat. 216; July 9, 1918, ch. 143, subch. XVII, § 10, 40 Stat. 891; June 4, 1920, ch. 228, § 8, 41 Stat. 836; July 3, 1926, ch. 781, 44 Stat. 891; July 3, 1930, ch. 863, 46 Stat. 1016; June 6, 1942, ch. 382, 56 Stat. 328.)

AMENDMENTS

1942—Act June 6, 1942, cited to text, inserted at end of first proviso in first paragraph, provision relating to citizens of foreign countries who are graduates of Air Corps schools.

Section was also amended by act May 14, 1942, ch 312, § 18, 56 Stat. 282, which was repealed by act July 1, 1943, ch 187, § 5, 57 Stat. 371, effective Sept 30, 1943.

CROSS REFERENCES

Coast Guard, this section made applicable to, see section 39 of Title 14, Coast Guard

Chapter 33.—MILITARY DECORATIONS AND BADGES

Sec
1408b Legion of Merit and Medal for Merit (New).
1414a. Mexican border medals for certain members of reserve forces of the Army (New).
1423a. Foreign decorations awarded members of armed forces during World War II (New).
1423b. Decorations to units or members of armed forces of cobelligerents during World War II (New).
1430a. Additional pay to holder of expert or combat infantryman badges (New).
1430b Additional pay to holder of Medical Badge (New).
1430c Medal for service in armed forces during World War II (New).

CROSS REFERENCES

Medals for persons serving in merchant marine, see sections 751, 752 of Appendix to Title 50, War.

§ 1408b. Legion of Merit and Medal for Merit.

(1) There is hereby created a decoration to be known as the "Legion of Merit", which shall have suitable appurtenances and devices and not more than four degrees, and which the President, under such rules and regulations as he shall prescribe, may

award to (a) personnel of the armed forces of the United States and of the Government of the Philippines and (b) personnel of the armed forces of friendly foreign nations who, since the proclamation of an emergency by the President on September 8, 1939, shall have distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services.

(2) There is hereby created a decoration to be known as the "Medal for Merit", which shall have distinctive appurtenances and devices and only one degree, and which the President, under such rules and regulations as he shall prescribe, may award to such civilians of the nations prosecuting the war under the joint declaration of the United Nations and of other friendly foreign nations as have, since the proclamation of an emergency by the President on September 8, 1939, distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services: *Provided*, That awards to civilians of foreign nations shall be only for the performance of an exceptionally meritorious or courageous act or acts in furtherance of the war efforts of the United Nations. (July 20, 1942, ch. 508, § 2, 56 Stat. 662.)

APPROPRIATIONS

Section 3 of act July 20, 1942, cited to text, provided as follows: "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the provisions of this Act (affecting sections 1408b and 1424a of this title)."

EX. ORD. NO. 9637. MEDAL FOR MERIT

Ex. Ord. No. 9637, Oct. 4, 1945, 10 F. R. 12543, provided in part:

By virtue of and pursuant to the authority vested in me by section 2 of the act of July 20, 1942, 56 Stat. 662 [this section], I hereby prescribe the following rules and regulations for the award of the decoration of the Medal for Merit, created by the said act:

1. The decoration of the Medal for Merit shall be awarded only by the President of the United States or at his direction Awards of the Medal for Merit may be made to such civilians of the nations prosecuting the war under the joint declaration of the United States and of other friendly foreign nations as have distinguished themselves by exceptionally meritorious conduct in the performance of outstanding services in the furtherance of the prosecution of the war since the proclamation of an emergency by the President on September 8, 1939. Awards of the Medal for Merit made to civilians of foreign nations shall be for the performance of an exceptionally meritorious or courageous act or acts in furtherance of the war efforts of the United Nations.

2. There is hereby established the Medal for Merit Board, which shall be composed of three members appointed by the President, one of whom shall be designated by the President to act as Chairman of the Board.

3. The Medal for Merit Board shall receive and consider proposals for the award of the decoration of the Medal for Merit and submit to the President the recommendations of the Board with respect thereto. In the case of proposed awards to civilians of foreign nations, such recommendations shall include the recommendations of the Secretary of State.

4. The Medal for Merit Board is authorized to prescribe, with the approval of the President, such rules and regulations not inconsistent with the provisions of this order as may be necessary to accomplish its purposes.

5. Executive Order 9331 of April 19, 1943, and the Medal for Merit Board created thereby, are superseded by this order.

§ 1412. Star for gallantry not warranting medal or cross.

For each citation of any person for gallantry in action while serving in any capacity with the Army of the United States, published in orders issued from the headquarters of a force commanded by, or which is the appropriate command of, a general officer, not warranting the award of a medal of honor or distinguished-service cross, he or she shall be permitted to wear, as the President shall direct, a silver star three-sixteenths of an inch in diameter. (As amended Dec. 15, 1942, ch. 736, 56 Stat. 1052.)

AMENDMENTS

1942—Act Dec. 15, 1942, cited to text, substituted "of any person" for "of an officer or enlisted man" and inserted "while serving in any capacity with the Army of the United States"

EX. ORD. NO. 9419. BRONZE STAR MEDAL

Ex. Ord No 9419, Feb. 4, 1944, 9 F. R. 7803, provided:

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

There is hereby established the Bronze Star Medal, with accompanying ribbons and appurtenances, for award to any person who, while serving in any capacity in or with the Army, Navy, Marine Corps, or Coast Guard of the United States on or after December 7, 1941, distinguishes, or has distinguished, himself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military or naval operations against an enemy of the United States.

The Bronze Star Medal and appurtenances thereto shall be of appropriate design approved by the Secretary of War and the Secretary of the Navy, and may be awarded by the Secretary of War, or the Secretary of the Navy, or by such commanding officers of the Army, Navy, Marine Corps, or Coast Guard as the said Secretaries may respectively designate Awards shall be made under such regulations as the said Secretaries shall severally prescribe, and such regulations shall, so far as practicable, be of uniform application.

No more than one Bronze Star Medal shall be awarded to any one person, but for each succeeding heroic or meritorious achievement or service justifying such an award a suitable device may be awarded to be worn with the medal as prescribed by appropriate regulations. The Bronze Star Medal or device may be awarded posthumously, and, when so awarded, may be presented to such representative of the deceased as may be designated in the award.

§ 1414a. Mexican border medals for certain members of reserve forces of the Army.

The Secretary of War is authorized and directed to issue the Mexican Border Service Medal to any officer of the Medical Reserve Corps or to any other member of a reserve component of the Army not eligible under existing law to receive such medal or the Mexican Service Medal heretofore authorized by the President who (1) served on the Mexican border at any time during the period from January 1, 1916, to April 6, 1917, or (2) was called to active duty during such period on account of the existing emergency and served in the field but rendered service elsewhere than on the Mexican border: *Provided*, That such medal shall not be issued to any person who has, subsequent to such service, been dishonorably discharged from the service or deserted. (July 2, 1945, ch. 221, 59 Stat. 313.)

§ 1423a. Foreign decorations awarded members of armed forces during World War II.

Officers and enlisted men of the armed forces of the United States are hereby authorized during the present war and for a year thereafter to accept from the governments of cobelligerent nations or the other American republics such decorations, orders, medals, and emblems, as may be tendered them, and which are conferred by such governments upon members of their own military forces, hereby expressly granting the consent of Congress required for this purpose by clause 8 of section 9, article I, of the Constitution: *Provided*, That any such officer or enlisted man is hereby authorized to accept and wear any decoration, order, medal, or emblem heretofore bestowed upon such person by the government of a cobelligerent nation or of an American republic. (July 20, 1942, ch. 508, § 1, 56 Stat. 662.)

CROSS REFERENCES

Appropriations, see note under section 1408b of this title

§ 1423b. Decorations to units or members of armed forces of cobelligerents during World War II.

For the duration of the present war and six months thereafter the President is authorized, under regulations to be prescribed by him, to confer such decorations and medals as may be authorized in the military service of the United States upon units of, or upon any person serving in any capacity with, the military forces of the countries now, or which may hereafter be, engaged with the United States in the present war. (Dec. 17, 1942, ch. 763, § 1, 56 Stat. 1056.)

APPROPRIATION

Section 2 of act Dec 17, 1942, cited to text, provided as follows: "There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the provisions of this Act (section 1423b)."

§ 1430a. Additional pay to holder of expert or combat infantryman badges.

During the present war and for six months thereafter, any enlisted man of the combat ground forces of the Army who is entitled, under regulations prescribed by the Secretary of War, to wear the expert infantryman badge or the combat infantryman badge, shall be paid additional compensation at the rate of $5 per month when he is entitled to wear the expert infantryman badge and at the rate of $10 per month when he is entitled to wear the combat infantryman badge: *Provided*, That additional compensation for both awards may not be paid at the same time. (June 30, 1944, ch. 335, § 1, 58 Stat. 648.)

EFFECTIVE DATE

Section 3 of act June 30, 1944, cited to text, provided: "The provisions of this Act [section] shall become effective as of January 1, 1944."

APPROPRIATIONS

Section 2 of act June 30, 1944, cited to text, provided: "The appropriations heretofore or hereafter made for 'Finance Service, Army', shall be available for carrying into effect the provisions of this Act [section]".

§ 1430b. Additional pay to holder of Medical Badge.

During the present war and for six months thereafter, any enlisted man of the Army who is entitled, under regulations prescribed by the Secretary of War, to wear the Medical Badge shall be paid additional compensation at the rate of $10 per month: *Provided*, That any enlisted man whose right to wear the Medical Badge has been temporarily suspended may, under regulations prescribed by the Secretary of War, continue to be paid such additional compensation. (July 6, 1945, ch. 279, § 1, 59 Stat. 462.)

EFFECTIVE DATE

Section 3 of act July 6, 1945, cited to text, provided: "The provisions of this Act [section] shall become effective on the first day of the month following its enactment. The additional compensation provided by this Act [section] shall not be paid for any retroactive period prior to the date of the actual award of the Medical Badge."

APPROPRIATIONS

Section 2 of act July 6, 1945, cited to text, provided: "The appropriations heretofore or hereafter made for 'Finance Service, Army', shall be available for carrying into effect the provisions of this Act [section]."

§ 1430c. Medal for service in armed forces during World War II.

The Secretary of War and the Secretary of the Navy are authorized and directed to procure, in numbers sufficient for the purposes of this section, a medal (and suitable appurtenances) of design and official designation jointly approved by them, to be awarded to all persons who shall have served on active duty in the armed forces of the United States or of the Government of the Philippine Islands at any time during the period beginning December 7, 1941, and ending with the date of the termination of hostilities in the present war, and whose service shall have been honorable. The term "date of the termination of hostilities in the present war" means the date proclaimed by the President as the date of such termination or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier. The medal may be awarded posthumously and, when so awarded, shall be presented to such representative of the deceased as shall be prescribed in the applicable regulations. Awards shall be made pursuant to regulations prescribed by the Secretary of War and the Secretary of the Navy. (July 6, 1945, ch. 275, 59 Stat. 461.)

CODIFICATION

This section is also set out as section 366 of Title 34, Navy.

Chapter 34.—DESERTION

§ 1431. Compensation for arresting deserters.

REPEATED—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 371; act July 2, 1942, ch. 477, § 1, 56 Stat. 615; act July 1, 1943, ch. 185, § 1, 57 Stat. 352, act June 28, 1944, ch. 303, § 1, 58 Stat. 577; act July 3, 1945, ch. 265, § 1, 59 Stat. 388

Chapter 35.—UNITED STATES DISCIPLINARY BARRACKS

§ 1460. Donation to dishonorably discharged prisoners.

REPEATED—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 371; act July 2, 1942, ch. 477, § 1, 56 Stat.

615; act July 1, 1943, ch. 185, § 1, 57 Stat 352; act June 28, 1944, ch 303, § 1, 58 Stat 578; act July 3, 1945, ch. 265, § 1, 59 Stat. 389

CROSS REFERENCES

Donation upon discharge for fraudulent enlistment, see section 657 of this title.

Fraudulent enlistment, donation and transportation allowed to persons discharged for, see section 919 of this title.

Chapter 36.—ARTICLES OF WAR

I. PRELIMINARY PROVISIONS

§ 1473. Persons subject to military law (article 2).

CROSS REFERENCES

Women's Army Auxiliary Corps, application of Articles of War to, see section 1714 of this title.

II. COURTS MARTIAL

G. ACTION BY APPOINTING OR SUPERIOR AUTHORITY

§ 1517. Action by convening authority (article 46).

TRANSFER OF FUNCTIONS

Ex Ord No 9363, July 23, 1943, 8 F R 10389, authorized the Assistant Judge Advocate General to exercise all functions, powers, and duties conferred upon the Judge Advocate General by this section and section 1522 of this title

§ 1522. Review; hearing (article 50½).

* * * * *

Except as herein provided, no authority shall order the execution of any other sentence of a general court-martial involving the penalty of death, dismissal not suspended, dishonorable discharge not suspended, or confinement in a penitentiary, unless and until the board of review shall, with the approval of the Judge Advocate General, have held the record of trial upon which such sentence is based legally sufficient to support the sentence; except that the proper reviewing or confirming authority may upon his approval of a sentence involving dishonorable discharge or confinement in a penitentiary order its execution if it is based solely upon findings of guilty of a charge or charges and a specification or specifications to which the accused has pleaded guilty When the board of review, with the approval of the Judge Advocate General, holds the record in a case in which the order of execution has been withheld under the provisions of this paragraph legally sufficient to support the findings and sentence, the Judge Advocate General shall so advise the reviewing or confirming authority from whom the record was received, who may thereupon order the execution of the sentence. When in a case in which the order of execution has been withheld under the provisions of this paragraph, the board of review holds the record of trial legally insufficient to support the findings or sentence, either in whole or in part, or that errors of law have been committed injuriously affecting the substantial rights of the accused, and the Judge Advocate General concurs in such holding of the board of review, such findings and sentence shall be vacated in whole or in part in accord with such holding and the recommendations of the Judge Advocate General thereon, and the record shall be transmitted through the proper channels to the convening authority for a rehearing or such other action as may be proper. In the event that the Judge Advocate General shall not concur in the holding of the board of review, the Judge Advocate General shall forward all the papers in the case, including the opinion of the board of review and his own dissent therefrom, directly to the Secretary of War for the action of the President, who may confirm the action of the reviewing authority or confirming authority below, in whole or in part with or without remission, mitigation, or commutation, or may disapprove, in whole or in part, any finding of guilty, and may disapprove or vacate the sentence, in whole or in part: *Provided*, That the functions prescribed in this paragraph to be performed by the President may be performed by the Secretary of War or Acting Secretary of War: *Provided further*, That whenever a branch of the office of the Judge Advocate General is established, under the provisions of the last paragraph of this article, with a distant command, such functions may be performed by the commanding general of such distant command in all cases in which the board of review in such branch office is empowered to act and in which the commanding general of such distant command is not the appointing or confirming authority.

* * * * *

Every record of trial by general court-martial, examination of which by the board of review is not hereinbefore in this article provided for, shall nevertheless be examined in the Judge Advocate General's Office; and if found legally insufficient to support the findings and sentence, in whole or in part, shall be examined by the board of review, and the board, if it also finds that such record is legally insufficient to support the findings and sentence, in whole or in part, shall, in writing, submit its opinion to the Judge Advocate General, who shall transmit the record and the board's opinion, with his recommendations, directly to the Secretary of War for the action of the President. In any such case the President may approve, disapprove or vacate, in whole or in part any findings of guilty, or confirm, mitigate, commute, remit, or vacate any sentence, in whole or in part, and direct the execution of the sentence as confirmed or modified, and he may restore the accused to all rights affected by the findings and sentence, or part thereof, held to be invalid; and the President's necessary orders to this end shall be binding upon all departments and officers of the Government: *Provided*, That the functions prescribed in this paragraph to be performed by the President may be performed by the Secretary of War or Acting Secretary of War: *Provided further*, That whenever a branch of the office of the Judge Advocate General is established, under the provisions of the last paragraph of this article, with a distant command, such functions may be performed by the commanding general of such distant command in all cases in which the board of review in such branch office is empowered to act and in which the commanding general of such distant command is not the appointing or confirming authority. (As amended Aug. 1, 1942, ch. 542, 56 Stat. 732.)

* * * * *

AMENDMENTS

1942—Act Aug 1, 1942, cited to text, added second proviso in third and fifth paragraphs.

TRANSFER OF FUNCTIONS

Ex. Ord. No 9363, July 23, 1943, 8 F. R. 10389, authorized the Under Secretary of War and the Assistant Secretary of War to exercise all functions, powers, and duties conferred upon the Secretary of War or the Acting Secretary of War by this section. It also authorized the Assistant Judge Advocate General to exercise all functions, powers, and duties conferred on the Judge Advocate General by this section and section 1517 of this title.

CROSS REFERENCES

Establishment of boards of review by the Secretary of War, see section 693h of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 1524. Suspension of sentences (article 52).

The authority competent to order the execution of the sentence of a court martial may, at the time of the approval of such sentence, suspend the execution, in whole or in part, of any such sentence as does not extend to death, and may restore the person under sentence to duty during such suspension; and the Secretary of War, the commanding officer holding general court-martial jurisdiction over any such offender, or the military authority competent to appoint, for the command, exclusive of penitentiaries and the United States Disciplinary Barracks in which the person under sentence is held, a court of the kind that imposed the sentence, may at any time hereafter, while the sentence is being served, suspend the execution, in whole or in part, of the balance of such sentence and restore the person under sentence to duty during such suspension. A sentence, or any part thereof, which has been so suspended may be remitted, in whole or in part, except in cases of persons confined in the United States Disciplinary Barracks or its branches, by the officer who suspended the same, by his successor in office, or by any officer exercising appropriate court-martial jurisdiction over the command in which the person under sentence may be serving at the time, and, subject to the foregoing exceptions, the same authority may vacate the order of suspension at any time and order the execution of the sentence or the suspended part thereof insofar as the same shall not have been previously remitted, subject to like power of suspension. The death or honorable discharge of a person under a suspended sentence shall operate as a complete remission of any unexecuted or unremitted part of such sentence. (As amended Dec. 15, 1942, ch. 735, 56 Stat. 1051.)

AMENDMENTS

1942—Act Dec. 15, 1942, cited to text, inserted "or the military authority * * * imposed the sentence" in first sentence.

III. PUNITIVE ARTICLES

A. ENLISTMENT; MUSTER; RETURNS

§ 1526. Fraudulent enlistment (article 54).

CROSS REFERENCES

Donation upon discharge for fraudulent enlistment, see section 657 of this title.

B. DESERTION; ABSENCE WITHOUT LEAVE

§§ 1530, 1531.

MAXIMUM PUNISHMENTS SUSPENDED

Table of maximum punishments, par. 104 (c) of the Manual for Courts-Martial was suspended insofar as it affected Articles of War 58, 59, and 86 by Ex. Ord. No. 9048, Feb. 3, 1942, 7 F. R. 775.

§ 1533. Absence without leave (article 61).

SUSPENSION OF PUNISHMENTS

The limitations of maximum punishments prescribed by 1928 U S. Army Manual for Courts-Martial, par. 104 (c), was suspended as to offenses committed after Dec. 1, 1942, by Ex. Ord No. 9267, Nov 9, 1942, 7 F. R 9221.

E. WAR OFFENSES

§ 1554. Spies (article 82).

PROC. NO 2561 ENEMIES DENIED ACCESS TO UNITED STATES COURTS

Proc. No. 2561, July 2, 1942, 7 F. R. 5101, 56 Stat. 1964, provided as follows:

WHEREAS the safety of the United States demands that all enemies who have entered upon the territory of the United States as part of an invasion or predatory incursion, or who have entered in order to commit sabotage, espionage or other hostile or warlike acts, should be promptly tried in accordance with the law of war;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America and Commander in Chief of the Army and Navy of the United States, by virtue of the authority vested in me by the Constitution and the statutes of the United States, do hereby proclaim that all persons who are subjects, citizens or residents of any nation at war with the United States or who give obedience to or act under the direction of any such nation, and who during time of war enter or attempt to enter the United States or any territory or possession thereof, through coastal or boundary defenses, and are charged with committing or attempting or preparing to commit sabotage, espionage, hostile or warlike acts, or violations of the law of war, shall be subject to the law of war and to the jurisdiction of military tribunals; and that such persons shall not be privileged to seek any remedy or maintain any proceeding directly or indirectly, or to have any such remedy or proceeding sought on their behalf, in the courts of the United States, or of its States, territories, and possessions, except under such regulations as the Attorney General, with the approval of the Secretary of War, may from time to time prescribe.

F. MISCELLANEOUS CRIMES AND OFFENSES

§ 1558. Misbehavior of sentinel (article 86).

MAXIMUM PUNISHMENTS SUSPENDED

Table of Maximum Punishments, par. 104 (c) of the Manual for Courts-Martial was suspended insofar as it affected Articles of War 58, 59, and 86 by Ex Ord. No 9048, Feb. 3, 1942, 7 F. R. 775.

V. MISCELLANEOUS PROVISIONS

§ 1579. Soldiers to make good time lost (article 107).

CROSS REFERENCES

Continuation of enlistment during disability, see section 628a of this title.

§ 1586. Authority to administer oaths (article 114).

Any officer of any component of the Army of the United States on active duty in Federal service commissioned in or assigned or detailed to duty with the Judge Advocate General's Department, any staff judge advocate or acting staff judge advocate, the President of a general or special court-martial, any summary court-martial, the trial judge advocate or any assistant trial judge advocate of a general or special court-martial, the president or the recorder of a court of inquiry or of a miltary board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant, assistant adjutant or personnel adjutant of any com-

mand shall have power to administer oaths for the purposes of the administration of military justice and for other purposes of military administration; and shall also have the general powers of a notary public in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents and all other forms of notarial acts to be executed by persons subject to military law: *Provided*, That no fee of any character shall be paid to any officer mentioned in this section for the performance of any notarial act herein authorized. (As amended Dec. 14, 1942, ch. 730, 56 Stat. 1050.)

AMENDMENTS

1942—Act Dec 14, 1942, cited to text, made section applicable to any Army officers detailed to Judge Advocate General's Department, and assistant adjutant or personnel adjutant, and added proviso.

Chapter 37.—SURPLUS WAR DEPARTMENT REAL PROPERTY; SALE; DISPOSITION OF PROCEEDS

Sec.

1594b. Sale of military posts or reservations acquired prior to July 2, 1940, exceptions (New).

CROSS REFERENCES

Disposal of surplus property under the Surplus Property Act of 1944, see sections 1611–1646 of Appendix to Title 50, War.

§ 1594b. Sale of military posts or reservations acquired prior to July 2, 1940; exceptions.

Notwithstanding any other provision of law, the Secretary of War shall not be authorized to sell any military post, or reservation, nor part thereof, acquired or owned by the United States prior to July 2, 1940, nor shall he declare any such military post, or reservation, nor any part thereof, surplus for disposition by any other officer, board or commission: *Provided*, That this prohibition shall not apply to nor prevent the transfer of real estate or other property to the Veterans' Administration for the care and treatment of veterans or to the Navy Department. (June 28, 1944, ch. 303, § 1, 58 Stat. 585.)

Chapter 38.—WOMEN'S ARMY AUXILIARY CORPS (New)

Sec

1701–1710 Repealed.
1711. Benefits for injury, death, etc., in line of duty on active duty or training; medical care; funeral and burial expenses; transportation of remains
1712–1718 Repealed.
1719 Allotments from pay.

CROSS REFERENCES

Women's Army Corps, see section 1551 et seq of Appendix to Title 50, War.

Women's Naval Reserve, see sections 857–857g of Title 34, Navy.

Women's Reserve of the Coast Guard, see sections 381–388 of Title 14, Coast Guard.

§§ 1701–1710. Repealed. July 1, 1943, ch. 187, § 5, 57 Stat. 371, eff. Sept. 30, 1943.

CODIFICATION

Sections were added by act May 14, 1942, ch 312, §§ 1–10, 56 Stat. 278, and amended by act Oct. 26, 1942, ch. 627, § 1, 56 Stat 988.

ESTABLISHMENT AND MEMBERSHIP

Ex. Ord No. 9163, May 15, 1942, 7 F. R 3695, provided for establishment of corps and Ex. Ord. No. 9274, Nov. 19, 1942, 7 F. R. 9647, provided for increase of corps and amended Ex. Ord No 9163

§ 1711. Benefits for injury, death, etc., in line of duty on active duty or training; medical care; funeral and burial expenses; transportation of remains.

If any member of the corps is physically injured or otherwise incapacitated in line of duty while on active duty, while engaged in authorized training without pay or while engaged in authorized travel with or without pay, or if any member dies as the result of such physical injury or other incapacity, she or her beneficiary shall be entitled to all the benefits prescribed by law for civilian employees of the United States who are physically injured while in the performance of duty or who die as a result thereof, and the United States Employees' Compensation Commission shall have jurisdiction in such cases and shall perform the same duties with reference thereto as in the cases of other civilian employees of the United States so injured or otherwise incapacitated: *Provided*, That the benefits shall accrue to any such member or her beneficiary whether the disability or death is the result of sickness or disease contracted in line of duty, while on active duty, when such sickness or disease is proximately caused by service on active duty: *Provided further*, That employees' compensation under this chapter shall not be paid concurrently with active-duty pay or pension based upon active service: *And provided further*, That for the purpose of determining the benefits to which they are entitled under the provisions of this chapter, members of the corps physically injured or otherwise incapacitated when engaged in authorized training without pay will be held and considered as receiving the pay and allowances they would have received if in a pay status.

The Secretary, under such regulations as he may prescribe, may authorize and require the hospitalization, medical and surgical treatment, and domiciliary care so long as any or all are necessary of members of the corps injured as hereinabove set out and the Secretary is authorized to incur obligations with respect thereto without reference to their line of duty status: *Provided*, That this shall not apply to members of the corps who are treated in private hospitals or by civilian physicians while on furloughs or leaves of absence in excess of twenty-four hours. Members of the corps who suffer injury or contract disease in line of duty while on active duty or while engaged in authorized training without pay shall, under such regulations as the Secretary may prescribe, be entitled at Government expense to such hospitalization, rehospitalization, medical and surgical care in hospital and at their homes as is necessary for the appropriate treatment of such injury or disease until discharged from service, released from active duty, or released from authorized training without pay and during such time the period of such hospitalization or rehospitalization, but not for more than an aggregate of six months after the termination of service if on active duty with pay, to the pay and allowances, whether in money or in kind, that they

were entitled to receive at the time such injury was suffered or disease contracted and to the necessary transportation incident to such hospitalization, rehospitalization, and return to their homes when discharged from hospital and such pay and allowances shall be in lieu of monthly compensation payable under the first paragraph of this section, during the period covered thereby; and for any period of hospitalization or rehospitalization when they are not entitled to pay and allowances under the preceding provision they shall be entitled to subsistence at Government expense. In the event any member of the corps dies during her period of enlistment or appointment, the necessary expense for the recovery of the body, its preparation for burial, including the use of such of the uniform and articles of clothing issued to her as may be required, interment or cremation, and transportation of remains, including round-trip transportation and subsistence of an escort to her home or the place where she received orders or enrolled or was appointed, or to such other place as her relatives may designate provided the distance to such other place be not greater than the distance to her home, shall be paid by the United States: *Provided further*, That if the death of the member occurs as a result of an injury in line of duty while on active duty, while engaged in authorized training without pay, or while engaged in authorized travel with or without pay, and while such member is entitled to receive the benefits of sections 751–791 and 793 of Title 5, the funeral and burial expenses shall be provided by the United States Employees' Compensation Commission under the provisions of section 761 of Title 5, and in addition to the authority contained in that section, the Commission may embalm and transport the body, in a hermetically sealed casket if necessary, to the home of the member. (May 14, 1942, ch. 312, § 11, 56 Stat. 280.)

REFERENCES IN TEXT

Words "this chapter" read "this Act" in act May 14, 1942, cited to text Besides this chapter, such act also affected section 1393 of this title and section 511 (1) of Appendix to Title 50, War, and contained a further provision authorizing appropriations

CROSS REFERENCES

Application of section to Women's Army Corps personnel, see section 1555 of Appendix to Title 50, War.

§§ 1712–1718. Repealed. July 1, 1943, ch. 187, § 5, 57 Stat. 371, eff. Sept. 30, 1943.

CODIFICATION

Sections were added by act May 14, 1942, ch. 312, §§ 12 17, 20, 56 Stat 281

§ 1719. Allotments from pay.

CODIFICATION

Section, added by act Oct. 26, 1942, ch 627, § 3, 56 Stat 990, authorized the Secretary of War to permit members of the Women's Army Auxiliary Corps to make allotments from their pay Said corps was disbanded by act July 1, 1943, ch 187, 57 Stat. 371, which established the Women's Army Corps For provisions relating to laws and regulations applicable to Women's Army Corps, see section 1552 of Appendix to Title 50, War.

TITLE 11.—BANKRUPTCY

Chap. Sec.
15. Railroad Adjustments (New)..... 1200

Chapter 7.—ESTATES

§ 111. Clerk's indexes; certificates of search; dockets.

CODIFICATION

Act Feb. 11, 1925, ch 204, § 8, 43 Stat 858 should be omitted as a credit to section.

Chapter 8.—PROVISIONS FOR THE RELIEF OF DEBTORS

§ 203. Agricultural compositions and extensions. (a) Conciliation commissioners; appointment; qualifications; term of office.

Every United States district court of bankruptcy shall appoint not more than twenty persons in any one district to be known as "conciliation commissioners". One such commissioner shall be appointed from each division or for the territory served by the city where terms of court are held. The court shall designate the territorial district of each such commissioner. A conciliation commissioner's term of office shall be two years, but he may be removed by the court if his services are no longer needed or for other cause. No individual shall be eligible to appointment as a conciliation commissioner unless he is eligible for appointment as referee and in addition is a resident of the district, familiar with agricultural conditions therein and not engaged in the farm-mortgage business, the business of financing farmers or transactions in agricultural commodities or the business of marketing or dealing in agricultural commodities or of furnishing agricultural supplies. In each judicial district the court may, if it finds it necessary or desirable, appoint a suitable person as a supervising conciliation commissioner. The supervising conciliation commissioner shall have such supervisory functions under this section as the court may by order specify.

(b) Fee on filing petition; compensation and fees of conciliation commissioners; general orders to govern office of commissioner.

Upon filing of any petition by a farmer under this section there shall be paid a fee of $25 to be transmitted to the clerk of the court and covered into the Treasury. The conciliation commissioner shall receive as compensation for his services a fee of $25 for each case submitted to him, to be paid out of the Treasury when the conciliation commissioner completes the duties assigned to him by the court. A supervising conciliation commissioner shall receive, as compensation for his services, a per diem allowance to be fixed by the court, in an amount not in excess of $10 per day, together with subsistence and travel expenses in accordance with the law applicable to officers of the Department of Justice. Such compensation and expenses shall be paid out of the Treasury. If the creditors at any time desire supervision over the farming operations of a farmer, the cost of such supervision shall be borne by such creditors or by the farmer, as may be agreed upon by them, but in no instance shall the farmer be required to pay more than one-half of the cost of such supervision. Nothing contained in this section shall prevent a conciliation commissioner who supervises such farming operations from receiving such compensation therefor as may be so agreed upon. No fees, costs, or other charges shall be charged or taxed to any farmer or his creditors by any conciliation commissioner or with respect to any proceeding under this section, except as hereinbefore in this section provided. The conciliation commissioner may accept and avail himself of office space, equipment, and assistance furnished him by other Federal officials, or by any State, county, or other public officials. The Supreme Court is authorized to make such general orders as it may find necessary properly to govern the administration of the office of conciliation commissioner and proceedings under this section; but any district court of the United States may, for good cause shown and in the interests of justice, permit any such general order to be waived.

(c) Limitation on time for filing petition; schedules; stay of adjudication order.

At any time prior to March 4, 1946, a petition may be filed by any farmer, stating that the farmer is insolvent or unable to meet his debts as they mature, and that it is desirable to effect a composition or an extension of time to pay his debts. The petition or answer of the farmer shall be accompanied by his schedules. The petition and answer shall be filed with the court, but shall, on request of the farmer or creditor, be received by the conciliation commissioner for the county in which the farmer resides and promptly transmitted by him to the clerk of the court for filing. If any such petition is filed, an order of adjudication shall not be entered except as provided hereinafter in this section. (As amended Mar. 11, 1944, ch. 87, 58 Stat. 113.)

* * * * *

AMENDMENTS

1944—Subsecs. (a), (b), (c) amended by act Mar. 11, 1944, cited to text Subsec (a) amended by providing for the appointment of not more than 20 persons in any one district as conciliation commissioners and making their term of office for two years Subsec. (b) amended by changing filing fee from $10 to $25 Subsec. (c) amended by extending filing date for petitions from Mar 4, 1944, to Mar. 4, 1946

Chapter 9.—COMPOSITION OF INDEBTEDNESS OF LOCAL TAXING AGENCIES

§ 404. Termination of jurisdiction.

Jurisdiction conferred on any court by section 401 of this title shall not be exercised by such court

after June 30, 1946, except in respect of any proceeding initiated by filing a petition under section 403 (a) of this title on or prior to June 30, 1946. (As amended June 22, 1942, ch. 434, 56 Stat. 377.)

AMENDMENTS

1942—Act June 22, 1942, cited to text, amended section by substituting "1946" for "1942"

Chapter 15.—RAILROAD ADJUSTMENTS (New)

SUBCHAPTER I—JURISDICTION

Sec
1200. Additional jurisdiction of bankruptcy courts.

SUBCHAPTER II—DEFINITIONS

1205. In general.
1206. Creditors affected by plan.

SUBCHAPTER III—PETITION AND POWERS OF COURT

1210. Filing petition; requisites; place; contents.
1211. Same, petition of corporation related to petitioner as owner, lessor, or obligor on securities
1212. Same; filing fee
1213. Convention of three judge court to act on proceedings
1214. Approval or dismissal of petition.
1215 Exclusive jurisdiction of court upon approving petition.

SUBCHAPTER IV—HEARINGS

1220. Time, place, and notice of hearing; intervention of parties; right to appear; allowances.
1221. Approval, or modification and approval, of plan after hearing.
1222 United States as stockholder or creditor; representation by Secretary of Treasury.

SUBCHAPTER V—PROCEEDINGS SUBSEQUENT TO APPROVAL OF PETITION

1225 Approval and confirmation of plan; requisites.
1226. Stay of actions.
1227. Dismissal of proceedings upon failure of confirmation within one year.
1228. Payments to affected creditors pending final approval or dismissal.
1229 Same; presentation of securities for receipting payments

SUBCHAPTER VI—TAX PROVISIONS

1235 Exemption of securities and conveyances.
1236. Notices and information to Secretary of Treasury.
1237. Same; order fixing time for confirmation of plan.
1238. Determination of U. S. tax and customs claims; suspension of statute of limitations.

SUBCHAPTER VII—INTERSTATE COMMERCE COMMISSION

1240 Action by Commission on application to issue or modify securities.

SUBCHAPTER VIII—FINAL DECREE AND REVIEW

1245. Review by Supreme Court of final orders and decrees
1246. Retention of jurisdiction; reports of execution of plan.

SUBCHAPTER IX—FILING RECORD WITH COMMISSION

1250. Transmission of copies of all papers filed within court

SUBCHAPTER X—TERMINATION OF JURISDICTION

1255 Date of termination.

HISTORY OF RAILROAD ADJUSTMENT PROVISIONS

This chapter constitutes chapter XV of the Bankruptcy Act of July 1, 1898, ch. 541, as added by act Oct. 16, 1942, ch. 610, 56 Stat. 787. A prior chapter XV of the Bankruptcy Act, as added by act July 28, 1939, ch. 393, 53 Stat 1134, terminated by its own provisions on July 31, 1940, except in respect of proceedings initiated on or before that date.

SUBCHAPTER I.—JURISDICTION

§ 1200. Additional jurisdiction of bankruptcy courts.

In addition to the jurisdiction otherwise exercised, courts of bankruptcy shall exercise original jurisdiction, as provided in this chapter, for postponements or modifications of debt, interest, rent, and maturities or for modifications of the securities or capital structures of railroads. (July 1, 1898, ch. 541, § 700, as added Oct. 16, 1942, ch. 610, 56 Stat. 787.)

PRIOR LAW

Former section 1200, containing provisions similar to this section, was from section 700 of the Bankruptcy Act of July 1, 1898, ch 541, which, as added by act July 28, 1939, ch. 393, 53 Stat. 1134, terminated July 31, 1940, except in respect of proceedings initiated on or before that date

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

SUBCHAPTER II.—DEFINITIONS

§ 1205. In general.

The following terms, as used in this chapter, unless a different meaning is plainly required by the context, shall be construed as follows:

(1) "Petitioner" means any carrier as defined in section 20a of Title 49, excluding any corporation in equity receivership or in proceedings for reorganization under section 205 of this title, petitioning for a plan of adjustment, as hereinafter defined, or any corporation filing a petition under the provisions of section 1211 of this chapter.

(2) "Claims" includes debts whether liquidated or unliquidated, certificates of deposits of securities (other than stock and option warrants to subscribe to stock), including demands and obligations of whatever character made, assumed, or guaranteed by the petitioner.

(3) "Debt" shall be considered to include all claims held or owned by "creditors" as hereinafter defined.

(4) "Creditors" shall include all holders of claims, demands, and obligations of whatever character against the petitioner or its property, whether or not such claims would otherwise constitute provable claims in bankruptcy, including the holders of claims made, assumed, or guaranteed by the petitioner.

(5) "Securities" shall include those defined in section 20a of Title 49, also securities in respect of which any carrier, as defined in section 20a of Title 49, has assumed any obligation or liability as lessor, lessee, guarantor, endorser, surety, or otherwise, and also certificates of deposit and all other evidences of ownership of or interest in securities.

(6) "Commission" refers to the Interstate Commerce Commission.

(7) "Adjustment" shall include postponements or modifications of debt, interest, rent, and maturities and modifications of the securities or capital structures. (July 1, 1898, ch. 541, § 705, as added Oct. 16, 1942, ch. 610, 56 Stat. 787.)

PRIOR LAW

Former section 1205, containing provisions similar to this section, was from section 705 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch. 393, 53 Stat. 1134, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

§ 1206. Creditors affected by plan.

No creditor shall be deemed to be "affected" by any plan unless such plan proposes a modification of the evidence of debt or other instrument defining the rights of such creditor, or a modification of the security, if any, for the claim of such creditor. (July 1, 1898, ch. 541, § 706, as added Oct. 16, 1942, ch. 610, 56 Stat. 788.)

PRIOR LAW

Former section 1206, containing provisions similar to this section, was from section 706 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch 393, 53 Stat 1135, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov 1, 1945, see section 1255 of this title.

SUBCHAPTER III.—PETITION AND POWERS OF COURT

§ 1210. Filing petition; requisites; place; contents.

Any railroad corporation not in equity receivership or in process of reorganization under section 205 of this title at the time of filing its petition hereunder, and which has not been in equity receivership or in process of reorganization under said section 205 within ten years prior to the filing of such petition, which shall have—

(1) prepared a plan of adjustment and secured assurances satisfactory to the Commission of the acceptance of such plan from creditors holding at least 25 per centum of the aggregate amount of all claims affected by said plan of adjustment (including all such affected claims against said corporation, its parents, and subsidiaries); and

(2) thereafter obtained an order from the Commission (but not of a division thereof) under section 20a of Title 49 authorizing the issuance or modification of securities (other than securities held by, or to be issued to, Reconstruction Finance Corporation) as proposed by such plan of adjustment as filed, or as modified by, or with the approval of, the Commission, such order of the Commission to include also specific findings—

(a) that such corporation is not in need of financial reorganization of the character provided for under section 205 of this title;

(b) that such corporation's inability to meet its debts matured or about to mature is reasonably expected to be temporary only; and

(c) that such plan of adjustment, after due consideration of the probable prospective earnings of the property in the light of its earnings experience and of such changes as may reasonably be expected—

(i) is in the public interest and in the best interests of each class of creditors and stockholders;

(ii) is feasible, financially advisable, and not likely to be followed by the insolvency of said corporation, or by need of financial reorganization or adjustment;

(iii) does not provide for fixed charges (of whatsoever nature including fixed charges on debt, amortization of discount on debt, and rent for leased roads), in an amount in excess of what will be adequately covered by the probable earnings available for the payment thereof;

(iv) leaves adequate means for such future financing as may be requisite;

(v) is consistent with adequate maintenance of the property; and

(vi) is consistent with the proper performance by such railroad corporation of service to the public as a common carrier, will not impair its ability to perform such service:

Provided, That in making the foregoing specific findings the Commission shall scrutinize the facts independently of the extent of acceptances of such plan and of any lack of opposition thereto: *Provided further,* That an order of the Commission (or of a Division thereof) under section 20a of Title 49, made prior to October 16, 1942, authorizing the issuance or modification of securities as proposed by a plan of adjustment (other than securities held by, or to be issued to, Reconstruction Finance Corporation), shall be effective for the purpose of this subparagraph (2) of the first sentence of section 1210 of this title, notwithstanding failure to include therein the foregoing specific findings, if such order did include the specific findings that such proposed issuance or modification of securities is compatible with the public interest, is consistent with the proper performance by the railroad corporation of service to the public as a common carrier, and will not impair its ability to perform such service; and

(3) secured assents to such plan of adjustment or such plan of adjustment as modified by, or with approval of, the Commission, by creditors holding more than two-thirds of the aggregate amount of the claims affected by said plan, which two-thirds shall include at least a majority of the aggregate amount of the claims of each affected class,

may file in the United States district court in whose territorial jurisdiction such railroad corporation has had its principal executive or principal operating office during the preceding six months or a greater period thereof, its petition averring that it is unable to meet its debts, matured or about to mature, and desires to carry out the plan of adjustment.

A copy of the order obtained from the Commission, as above provided, shall be filed with the petition and made a part thereof. (July 1, 1898, ch. 541, § 710, as added Oct. 16, 1942, ch. 610, 56 Stat. 788.)

PRIOR LAW

Former section 1210, containing provisions similar to this section, was from section 710 of the Bankruptcy Act of July 1, 1898, ch 541, which, as added by act July 28, 1939, ch 393, 53 Stat 1135, terminated July 31, 1940, except in respect of proceedings initiated on or before that date

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

§ 1211. Same; petition of corporation related to petitioner as owner, lessor, or obligor on securities.

Any corporation which has complied with subparagraphs (1), (2), and (3) of the first sentence of section 1210 of this title, and in which corporation the majority of the capital stock having power to vote for the election of directors is owned directly, or indirectly through an intervening medium by any railroad corporation which has filed a petition hereunder, or any corporation which is a lessor of the petitioning corporation and which has complied with the aforesaid subparagraphs (1), (2), and (3) of section 1210, or any corporation which is liable or obligated, contingently or otherwise, on securities issued by or on which the obligation or liability has been assumed by, the petitioning carrier corporation and which has complied with the aforesaid subparagraphs (1), (2), and (3) of section 1210, may file its petition in the same court in which the petition first aforesaid shall have been filed, and such petitions shall be heard and disposed of in a single proceeding. Any corporation liable or obligated, contingently or otherwise, upon the securities of a carrier shall, with respect to such securities and any securities issued in lieu thereof and for the purposes of this chapter, be deemed a carrier within the intent and meaning of section 20a of Title 49, and if such corporation is a holding company, controlling two or more carriers, it shall, to the extent provided by the Commission in its order, be subject to such of the provisions of chapters 1, 8, 12, and 13 of Title 49, as, under the provisions of paragraph (3) of section 5 of Title 49, are applicable to a person, not a carrier, authorized by an order entered under paragraph (2) of that section to acquire control of any carrier or two or more carriers. (July 1, 1898, ch. 541, § 711, as added Oct. 16, 1942, ch. 610, 56 Stat. 789)

PRIOR LAW

Former section 1211, containing provisions similar to this section, was from section 711 of the Bankruptcy Act of July 1, 1898, ch 541, which, as added by act July 28, 1939, ch. 393, 53 Stat 1136, terminated July 31, 1940, except in respect of proceedings initiated on or before that date

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

§ 1212. Same; filing fee.

The petition shall be accompanied by payment to the clerk of a filing fee of $100, which shall be in addition to the fees required to be collected by the clerk under other sections of this title or any other Act. (July 1, 1898, ch. 541, § 712, as added Oct. 16, 1942, ch. 610, 56 Stat. 790.)

PRIOR LAW

Former section 1212, containing provisions similar to this section, was from section 712 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch. 393, 53 Stat. 1136, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

§ 1213. Convention of three-judge court to act on proceedings.

Immediately following the filing of the petition, there shall be convened a special court of three judges in the manner provided by section 380 of Title 28, and thereafter all proceedings relative to such plan or any modification thereof shall be conducted before such court. Such three-judge court shall be vested with and shall exercise all the powers of a district court sitting in equity and all the powers as a court of bankruptcy necessary to carry out the intent and provisions of this chapter, including the classification of claims at such time and in such manner as the court may direct: *Provided, however,* That any one of the three judges constituting the special court who may be designated by the special court, may perform all functions, conduct all proceedings, and enter all orders, except that such single judge shall not hold a hearing for approval of a plan as provided in section 1220 of this title or for confirmation of a plan as provided in section 1225 of this title or enter the final decree. Any act of a single judge hereby permitted shall be subject to review by the special court on application by any party in interest filed within thirty days after said act or by order of such court on its own motion made within such period of thirty days. (July 1, 1898, ch. 541, § 713, as added Oct. 16, 1942, ch. 610, 56 Stat. 790.)

PRIOR LAW

Former section 1213, containing provisions similar to this section, was from section 713 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch 393, 53 Stat 1136, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

§ 1214. Approval or dismissal of petition.

The special court, after hearing, promptly shall enter an order approving the petition as properly filed under this chapter if satisfied that such petition complies with this chapter and has been filed in good faith, or dismissing such petition if not so satisfied. (July 1, 1898, ch. 541, § 714, as added Oct. 16, 1942, ch. 610, 56 Stat. 790.)

PRIOR LAW

Former section 1214, containing provisions similar to this section, was from section 714 of the Bankruptcy Act of July 1, 1898, ch 541, which, as added by act July 28, 1939, ch. 393, 53 Stat. 1137, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

§ 1215. Exclusive jurisdiction of court upon approving petition.

If the petition is approved by the special court, the said court, during the pendency of the proceed-

ings under this chapter, shall have exclusive jurisdiction of the petitioner and of its property wherever located to the extent which may be necessary to protect the same against any action which might be inconsistent with said plan of adjustment or might interfere with the effective execution of said plan if approved by the court, or otherwise inconsistent with or contrary to the purposes and provisions of this chapter: *Provided, however,* That nothing herein contained shall be construed to authorize the court to appoint any trustee or receiver for said properties or any part thereof, or otherwise take possession of such properties or control the operation or administration thereof. (July 1, 1898, ch. 541, § 715, as added Oct. 16, 1942, ch. 610, 56 Stat. 790.)

PRIOR LAW

Former section 1215, containing provisions similar to this section, was from section 715 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch 393, 53 Stat 1137, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

SUBCHAPTER IV.—HEARINGS

§ 1220. Time, place, and notice of hearing; intervention of parties; right to appear; allowances.

The special court shall fix a date for a hearing to be held promptly after the filing of the petition and notice of such hearing or hearings shall be given to all persons in interest in such reasonable manner as the court shall direct. In such proceeding, the court may allow such interventions of persons in interest as it may deem just and proper, but any person in interest shall have the right to present evidence and be heard thereon, in person or by attorney, with or without intervention. Any person or persons in interest who shall be permitted to intervene or who shall present evidence and be heard thereon, in person or by attorney, with or without intervention, proposing any modification of the plan of adjustment, which modification shall be adopted and which shall be found by the court to be of benefit to the petitioner or to any class of creditors of petitioner or to be in the public interest, may be allowed actual and reasonable expenses (including reasonable attorneys fees), which expenses may be entered as a part of the decree approving and confirming the plan and the adjustment provided thereby pursuant to the provisions of section 1225 of this chapter. (July 1, 1898, ch. 541, § 720, as added Oct. 16, 1942, ch. 610, 56 Stat. 790.)

PRIOR LAW

Former section 1220, containing provisions similar to this section, was from section 720 of the Bankruptcy Act of July 1, 1898, ch 541, which, as added by act July 28, 1939, ch. 393, 53 Stat 1137, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov 1, 1945, see section 1255 of this title.

§ 1221. Approval, or modification and approval, of plan after hearing.

After such hearing, the special court may approve the plan as filed or propose to modify such plan and as hereinafter provided approve the same as so modified. If the court shall propose to modify the plan, then: (a) if such modification substantially alters the basis for the specific findings included in the order made by the Commission under section 20a of Title 49, the plan as so proposed to be modified shall be resubmitted to the Commission and shall not be finally approved by the court until the Commission (but not a division thereof) has authorized the issuance or modification of securities as proposed by the plan as so modified (other than securities held by, or to be issued to, Reconstruction Finance Corporation) making the findings required by clause (c) of subparagraph (2) of the first sentence of section 1210 of this title, even in a case where the original order of the Commission under said section 20a was made prior to October 16, 1942; and (b) if such modification substantially or adversely affects the interests of any class or classes of creditors, such plan shall be resubmitted, in such manner as the court may direct, to those creditors so affected by such modification and shall not be finally approved until after (1) a hearing on such modification, to be held within such reasonable time as the court may fix, at which hearing any person in interest may object to such modification, and (2) a reasonable opportunity (within a period to be fixed by the court), following such hearing, within which such affected creditors who have assented to the plan may withdraw or cancel their assents to the plan, and failure by any such creditor to withdraw or cancel an assent within such period shall constitute an acceptance by such assenting creditor of the plan as so modified. After such authorization and finding by the Commission, where required hereby, and after such hearing and opportunity to withdraw or cancel, where required hereby, the court may make the proposed modification, and as provided in section 1225 of this title finally approve and confirm the plan as so modified. (July 1, 1898, ch. 541, § 721, as added Oct. 16, 1942, ch. 610, 56 Stat. 791.)

PRIOR LAW

Former section 1221, containing provisions similar to this section, was from section 721 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch 393, 53 Stat 1137, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

§ 1222. United States as stockholder or creditor; representation by Secretary of Treasury.

If the United States or any agency thereof, or any corporation (other than the Reconstruction Finance Corporation) the majority of the stock of which is owned by the United States, is a creditor or stockholder, the Secretary of the Treasury is hereby authorized to act in respect of the interests or claims of the United States or of such agency or other corporation. If in any proceeding under this chapter the

United States is a creditor on claims for taxes or customs duties (whether or not the United States has any other interest in or claim against the debtor as creditor or stockholder), no plan which does not provide for the payment thereof shall be approved or confirmed by the court except upon the acceptance of a lesser amount or of a postponement by the Secretary of the Treasury certified to the court: *Provided,* That if the Secretary of the Treasury shall fail to accept or reject such lesser amount or such postponement for more than sixty days after receipt of written notice so to do from the court, accompanied by a certified copy of the plan, the consent of the United States insofar as its claims for taxes or customs duties are concerned shall be conclusively presumed. (July 1, 1898, ch. 541, § 722, as added Oct. 16, 1942, ch. 610, 56 Stat. 791.)

PRIOR LAW

Former section 1222, containing provisions similar to this section, was from section 722 of the Bankruptcy Act of July 1, 1898, ch 541, which, as added by act July 28, 1939, ch. 393, 53 Stat 1138, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov 1, 1945, see section 1255 of this title.

SUBCHAPTER V.—PROCEEDINGS SUBSEQUENT TO APPROVAL OF PETITION

§ 1225. Approval and confirmation of plan; requisites.

If the special court shall find—

(1) that, at the time of the filing of said petition as provided in subchapter III hereof, the proposed plan of adjustment had been assented to by not less than two-thirds of the aggregate amount of all claims of the petitioner affected by such plan, including at least a majority of the aggregate amount of claims of each such class;

(2) that the plan of adjustment as submitted or as modified by the court has been accepted as submitted or, if modified, then as modified by or on behalf of creditors affected by such plan holding more than three-fourths of the aggregate amount of the claims affected by said plan, including at least three-fifths of the aggregate amount of the claims of each affected class;

(3) that the plan meets the requirements of clause (c), and the petitioner meets the requirements of clauses (a) and (b) of subparagraph (2) of the first sentence of section 1210 of this title, and that the plan is fair and equitable as an adjustment and as such will: (a) afford due recognition to the rights of each class of creditors and stockholders and fair consideration to each class adversely affected and (b) will conform to the law of the land regarding the participation of the various classes of creditors and stockholders: *Provided,* That in making the findings required by this clause (3), the court shall scrutinize the facts independently of the extent of acceptances of such plan, and of any lack of opposition thereto, and of the fact that the Commission, under section 20a of Title 49, has authorized the issuance or modification of securities as proposed by such plan, and of the fact that the Commission has made such or similar findings;

(4) that all corporate action required to authorize the issuance or modification of securities pursuant to such plan shall have been duly taken either before or since October 16, 1942;

(5) that the petitioner has not, in connection with said plan or the effectuation thereof, done any act or failed to perform any duty which act or failure would be a bar to the discharge of a bankrupt, and that the plan and the acceptance thereof are in good faith and have not been made or procured by any means, promises, or acts forbidden by this title;

(6) that, after hearings for the purpose, all amounts or considerations, directly or indirectly paid or to be paid by or for the petitioner for expenses, fees, reimbursement, or compensation of any character whatsoever incurred in connection with the proceeding and plan, or preliminary thereto or in aid thereof, together with all the facts and circumstances relating to the incurring thereof, have been fully disclosed to the court so far as such amounts or considerations can be ascertained at the time of such hearings, that all such amounts or considerations are fair and reasonable, and to the extent that any such amounts or considerations are not then ascertainable, the same are to be so disclosed to the court when ascertained, and are to be subject to approval by the special court as fair and reasonable, and except with such approval no amounts or considerations covered by this clause (6) shall be paid; and—

(7) that the provisions of section 1222, 1236, and 1237 of this chapter have been complied with.

Said court shall file an opinion setting forth its conclusions and the reasons therefor and shall enter a decree approving and confirming such plan and the adjustment provided thereby, which decree shall be binding upon the petitioner and upon all creditors and security holders of the petitioner; and thereafter the petitioner shall have full power and authority to and shall put into effect and carry out the plan and the orders of the special court relative thereto and issue the securities provided by the plan without further reference to or authority from the Commission or any other authority, State or Federal, except where required by any law relating to the Reconstruction Finance Corporation, and the rights of all creditors and security holders with respect to claims and securities affected by the plan shall be those provided by the plan as so approved and confirmed: *Provided, however,* That the title of any owner, whether as trustee or otherwise, to rolling-stock equipment leased or conditionally sold to the petitioner, and any right of such owner to take possession of such property in compliance with the provisions of any such lease or conditional sale contract, shall not be affected by the provisions of this chapter.

No plan shall be approved under this chapter unless the special court finds that with respect to the continuation of, or any change in, the voting rights in the petitioner, control of the petitioner, and the identity of, and the power and manner of selection of the persons who are to be directors, officers, or voting trustees, if any, upon the consummation of the plan and their respective successors, the plan

makes full disclosure, is adequate, equitable, in the best interests of creditors and stockholders of each class, and consistent with public policy. (July 1, 1898, ch. 541, § 725, as added Oct. 16, 1942, ch. 610, 56 Stat. 792.)

PRIOR LAW

Former section 1225, containing provisions similar to this section, was from section 725 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch. 393, 53 Stat. 1138, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title

§ 1226. Stay of actions.

After the special court shall have approved as properly filed a petition pursuant to subchapter III hereof, the special court, from time to time during the pendency of the proceedings hereunder, may enjoin the institution of, or stay, for a reasonable time, any action or proceeding to enforce any right against the petitioner or its property based upon claims affected by the proposed plan of adjustment in any court, State or Federal, whether for the enforcement of any such claim or for the appointment of receivers in equity or of the institution or prosecution of a proceeding under section 205 of this title or otherwise: *Provided, however,* That no such stay shall affect any proceeding based on or to enforce any claim which would be required to be paid if the plan of adjustment proposed by the petitioner were then in effect. (July 1, 1898, ch. 541, § 726, as added Oct. 16, 1942, ch. 610, 56 Stat. 793.)

PRIOR LAW

Former section 1226, containing provisions similar to this section, was from section 726 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch 393, 53 Stat 1139, terminated July 31, 1940, except in respect of proceedings initiated on or before that date

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title

§ 1227. Dismissal of proceedings upon failure of confirmation within one year.

Unless the plan of adjustment as submitted or as modified shall have been confirmed by the special court within one year from the date of filing the petition, the proceedings shall be dismissed unless, for good cause shown, on motion of any party in interest, the court, if satisfied that confirmation of a plan is in immediate prospect, shall determine otherwise. (July 1, 1898, ch. 541, § 727, as added Oct. 16, 1942, ch. 610, 56 Stat. 793.)

PRIOR LAW

Former section 1227, containing provisions similar to this section, was from section 727 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch 393, 53 Stat. 1139, terminated July 31, 1940, except in respect of proceedings initiated on or before that date

TERMINATION DATE

Termination of section on Nov 1, 1945, see section 1255 of this title.

§ 1228. Payments to affected creditors pending final approval or dismissal.

Without prejudice to existing rights of all creditors, including those affected by the plan, and as a condition to the approval of any plan by the special court, the petitioner, from and after the filing of the petition with the court and until the making of a final order by the special court approving a plan or dismissing the petition, shall continue to make or tender payments to all creditors affected by the plan of sums currently payable to such creditors equal to the amounts proposed to be paid to such creditors under the plan: *Provided,* That the making of such payments shall not constitute a preference within the meaning of this title, nor shall acceptance of such payments constitute an acceptance of a plan. If, from and after the filing of the petition with the special court, there shall be any failure to make or tender such payments, the special court, unless there is good cause shown for the failure, shall dismiss the proceedings. In finally approving any plan, the court may make or require to be made such adjustments with respect to said payments or any of them as may be necessary to make the same conform to the provisions of said plan as finally approved. (July 1, 1898, ch. 541, § 728, as added Oct. 16, 1942, ch. 610, 56 Stat. 793.)

PRIOR LAW

Former section 1228, containing provisions similar to this section, was from section 728 of the Bankruptcy Act of July 1, 1898, ch 541, which, as added by act July 28, 1939, ch 393, 53 Stat. 1140, terminated July 31, 1940, except in respect of proceedings initiated on or before that date

TERMINATION DATE

Termination of section on Nov 1, 1945, see section 1255 of this title.

§ 1229. Same; presentation of securities for receipting payments.

In providing for any such payments the petitioner may require any bond or other security, including interest coupons affected by such payments to be presented to or deposited with a paying agent or depositary named by the petitioner for appropriate stamping to show the amounts of such payment. (July 1, 1898, ch. 541, § 729, as added Oct. 16, 1942, ch. 610, 56 Stat. 794.)

PRIOR LAW

Former section 1229, containing provisions similar to this section, was from section 729 of the Bankruptcy Act of July 1, 1898, ch 541, which, as added by act July 28, 1939, ch 393, 53 Stat 1140, terminated July 31, 1940, except in respect of proceedings initiated on or before that date

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

SUBCHAPTER VI.—TAX PROVISIONS

§ 1235. Exemption of securities and conveyances.

The provisions of sections 1801, 1802, 3481, and 3482 of Title 26 and any amendment thereto, unless specifically providing to the contrary, shall not apply to the issuance, transfer, or exchange of securities or the making or delivery of conveyances to make effective any plan of adjustment confirmed under the provisions of this chapter. (July 1, 1898,

ch. 541, § 735, as added Oct. 16, 1942, ch. 610, 56 Stat. 794.)

PRIOR LAW

Former section 1235, containing provisions similar to this section, was from section 735 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch. 393, 53 Stat. 1140, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

§ 1236. Notices and information to Secretary of Treasury.

In addition to the notices elsewhere expressly provided, the clerk of the court in which any proceedings under this chapter are pending shall forthwith transmit to the Secretary of the Treasury copies of—

(1) every petition filed under this chapter;

(2) the orders approving or dismissing petitions;

(3) the orders approving plans as filed or as modified, together with copies of such plans as approved;

(4) the decrees approving and confirming plans and the adjustments provided thereby, together with copies of such plans as approved;

(5) the injunctions or other orders made under section 1226 of this chapter;

(6) the orders dismissing proceedings under this chapter; and

(7) such other papers filed in the proceedings as the Secretary of the Treasury may request or which the court may direct to be transmitted to him. (July 1, 1898, ch. 541, § 736, as added Oct. 16, 1942, ch. 610, 56 Stat. 794.)

PRIOR LAW

Former section 1236, containing provisions similar to this section, was from section 736 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch 393, 53 Stat. 1140, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

§ 1237. Same; order fixing time for confirmation of plan.

Any order fixing the time for confirming a plan which affects claims or stock of the United States shall include a notice of not less than thirty days to the Secretary of the Treasury. (July 1, 1898, ch. 541, § 737, as added Oct. 16, 1942, ch. 610, 56 Stat. 794.)

PRIOR LAW

Former section 1237, containing provisions similar to this section, was from section 737 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch. 393, 53 Stat. 1140, terminated July 31, 1940, except in respect of proceedings initated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

§ 1238. Determination of U. S. tax and customs claims; suspension of statute of limitations.

The special court shall have power to determine the amount and legality of claims of the United States for taxes or customs duties, and to order payment thereof; and the order of the special court (provided for in section 1214 of this title) approving the petition shall have the effect of an adjudication of bankruptcy of the petitioner for the purposes of section 274 of Title 26 and the corresponding provisions of prior and subsequent revenue Acts. The running of the statute of limitations on the assessment or collection of any internal-revenue tax shall be suspended while a proceeding under this chapter is pending and until it is finally dismissed. (July 1, 1898, ch 541, § 738, as added Oct. 16, 1942, ch. 610, 56 Stat. 794.)

PRIOR LAW

Former section 1238, containing provisions similar to this section, was from section 738 of the Bankruptcy Act of July 1, 1898, ch 541, which, as added by act July 28, 1939, ch 393, 53 Stat 1141, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

SUBCHAPTER VII.—INTERSTATE COMMERCE COMMISSION

§ 1240. Action by Commission on application to issue or modify securities.

If, in any application filed with the Commission pursuant to section 20a of Title 49 for authority to issue or modify securities, the applicant shall allege that the purpose in making such application is to enable it to file a petition under the provisions of this chapter, the Commission shall take final action on such application as promptly as possible, and in any event within one hundred and twenty days after the filing of such application, unless the Commission finds that a longer time, not exceeding sixty days, is needed in the public interest. (July 1, 1898, ch. 541, § 740, as added Oct. 16, 1942, ch. 610, 56 Stat. 794.)

PRIOR LAW

Former section 1240, containing provisions similar to this section, was from section 740 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch 393, 53 Stat 1141, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

SUBCHAPTER VIII.—FINAL DECREE AND REVIEW

§ 1245. Review by Supreme Court of final orders and decrees.

Any final order or decree of the special court may be reviewed by the Supreme Court of the United States upon application for certiorari made by any person affected by the plan who deems himself aggrieved within sixty days after the entry of such order or decree, pursuant to the applicable provisions of the Judicial Code. (July 1, 1898, ch. 541, § 745, as added Oct. 16, 1942, ch. 610, 56 Stat. 795.)

REFERENCES IN TEXT

The Judicial Code, referred to in this section, was enacted by act March 3, 1911, ch 231, 36 Stat. 1087, and is largely contained in Title 28, Judicial Code and Judiciary. See Tables Volume for complete distribution.

PRIOR LAW

Former section 1245, containing provisions similar to this section, was from section 745 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch. 393, 53 Stat. 1141, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

§ 1246. Retention of jurisdiction; reports of execution of plan.

In the decree approving and confirming the plan the court may require such reports of the action taken by the petitioner thereunder in the execution of the plan as may be necessary to a final disposition of the cause, and in its final decree disposing of the cause the court shall retain jurisdiction in the district court to the extent necessary to protect and enforce the rights of the parties under said plan and the orders of the court thereon. (July 1, 1898, ch. 541, § 746, as added Oct. 16, 1942, ch. 610, 56 Stat. 795.)

PRIOR LAW

Former section 1246, containing provisions similar to this section, was from section 746 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch. 393, 53 Stat. 1141, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

SUBCHAPTER IX.—FILING RECORD WITH COMMISSION

§ 1250. Transmission of copies of all papers filed within court.

The clerk of the court in which any proceedings under this chapter are pending, shall forthwith transmit to the Interstate Commerce Commission copies of all pleadings, petitions, motions, applications, orders, judgments, decrees, and other papers in such proceedings filed with the court or entered therein, including copies of any transcripts of testimony, hearings or other proceedings that may be transcribed and filed in such proceedings together with copies of all exhibits, except to the extent that the court finds that compliance with this section would be impracticable. (July 1, 1898, ch. 541, § 750, as added Oct. 16, 1942, ch. 610, 56 Stat. 795.)

PRIOR LAW

Former section 1250, containing provisions similar to this section, was from section 750 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch. 393, 53 Stat. 1141, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TERMINATION DATE

Termination of section on Nov. 1, 1945, see section 1255 of this title.

SUBCHAPTER X.—TERMINATION OF JURISDICTION

§ 1255. Date of termination.

The jurisdiction conferred upon any court by this chapter shall not be exercised by such court after November 1, 1945, except in respect of any proceeding initiated by filing a petition under section 1210 hereof on or before November 1, 1945. (July 1, 1898, ch. 541, § 755, as added Oct. 16, 1942, ch. 610, 56 Stat. 795.)

PRIOR LAW

Former section 1255, containing provisions similar to this section, was from section 755 of the Bankruptcy Act of July 1, 1898, ch. 541, which, as added by act July 28, 1939, ch. 393, 53 Stat. 1141, terminated July 31, 1940, except in respect of proceedings initiated on or before that date.

TITLE 12.—BANKS AND BANKING

Chap. Sec.
6A. Export-Import Bank of Washington (New).. 635
8. Adjustment and Cancellation of Farm Loans. 1150
15. Federal Loan Agency (New)..... 1801

Chapter 2.—NATIONAL BANKS

ORGANIZATION AND GENERAL PROVISIONS

§ 34a. Consolidation of State bank, etc., with national bank; capital stock; dissenting shareholders.

AMENDMENTS

1935—Act of Aug. 23, 1935, ch. 614, § 331, 49 Stat. 719, added the last paragraph and amended the first part of the first sentence following the proviso.

1933—Act of June 16, 1933, ch. 89, § 24, 48 Stat. 190, inserted "State" in the words "State, county, city, town, or village," wherever they occur in section, and also inserted the sentence providing that upon merger the consolidated association shall be deemed to be the same corporation as each of the constituent institutions.

1927—Act of Feb. 25, 1927, ch. 191, § 1, 44 Stat. 1225, added this section to act of Nov 7, 1918, ch 209.

CAPITAL STOCK AND STOCKHOLDERS

§ 51b–1. Same; consideration in determining impairment of capital; dividends; retirement.

If any part of the capital of a national bank, State member bank, or bank applying for membership in the Federal Reserve System consists of preferred stock, the determination of whether or not the capital of such bank is impaired and the amount of such impairment shall be based upon the par value of its stock even though the amount which the holders of such preferred stock shall be entitled to receive in the event of retirement or liquidation shall be in excess of the par value of such preferred stock. If any such bank or trust company shall have outstanding any capital notes or debentures of the type which the Reconstruction Finance Corporation is authorized to purchase pursuant to the provisions of section 51d of this title, the capital of such bank may be deemed to be unimpaired if the sound value of its assets is not less than its total liabilities, including capital stock, but excluding such capital notes or debentures and any obligations of the bank expressly subordinated thereto. Notwithstanding any other provision of law, the holders of preferred stock issued by a national banking association pursuant to the provisions of sections 51a, 51b, 51c, 51d, 95–95b, 201–212, 248, 347b–347d, and 445 of this title and section 5 of Appendix to Title 50, shall be entitled to receive such cumulative dividends at a rate not exceeding six per centum per annum on the purchase price received by the association for such stock and, in the event of the retirement of such stock, to receive such retirement price, not in excess of such purchase price plus all accumulated dividends, as may be provided in the articles of association with the approval of the Comptroller of the Currency. If the association is placed in voluntary liquidation, or if a conservator or a receiver is appointed therefor, no payment shall be made to the holders of common stock until the holders of preferred stock shall have been paid in full such amount as may be provided in the articles of association with the approval of the Comptroller of the Currency, not in excess of such purchase price of such preferred stock plus all accumulated dividends. (Aug. 23, 1935, ch. 614, § 345, 49 Stat. 722.)

§ 55. Enforcing payment of deficiency in capital stock; assessments; liquidation; receivership.

Every association which shall have failed to pay up its capital stock, as required by law, and every association whose capital stock shall have become impaired by losses or otherwise, shall, within three months after receiving notice thereof from the Comptroller of the Currency, pay the deficiency in the capital stock, by assessment upon the shareholders pro rata for the amount of capital stock held by each; and the Treasurer of the United States shall withhold the interest upon all bonds held by him in trust for any such association, upon notification from the Comptroller of the Currency, until otherwise notified by him. If any such association shall fail to pay up its capital stock, and shall refuse to go into liquidation, as provided by law, for three months after receiving notice from the comptroller, a receiver may be appointed to close up the business of the association, according to the provisions of section 192 of this title. *And provided,* That if any shareholder or shareholders of such bank shall neglect or refuse, after three months' notice, to pay the assessment, as provided in this section, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such shareholder or shareholders to be sold at public auction (after thirty days' notice shall be given by posting such notice of sale in the office of the bank, and by publishing such notice in a newspaper of the city or town in which the bank is located, or in a newspaper published nearest thereto), to make good the deficiency, and the balance, if any, shall be returned to such delinquent shareholder or shareholders. (R. S. § 5205; June 30, 1876, ch. 156, § 4, 19 Stat. 64.)

APPLICATION TO DISTRICT OF COLUMBIA

Provisions of this section were made applicable to banks, etc, in the District of Columbia by act Mar. 4, 1933, ch. 274, § 4, 47 Stat. 1567.

REGULATION OF THE BANKING BUSINESS; POWERS AND DUTIES OF NATIONAL BANKS

§ 84. Limit of liability of any person to bank.

* * * * *

(10) Obligations shall not be subject under this section to any limitation based upon such capital

and surplus to the extent that such obligations are secured or covered by guaranties, or by commitments or agreements to take over or to purchase, made by any Federal Reserve bank or by the United States or any department, bureau, board, commission, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States: *Provided*, That such guaranties, agreements, or commitments are unconditional and must be performed by payment of cash or its equivalent within sixty days after demand. The Comptroller of the Currency is hereby authorized to define the terms herein used if and when he may deem it necessary. (As amended June 11, 1942, ch. 404, § 8, 56 Stat. 355.)

AMENDMENTS

1942—Act June 11, 1942, cited to text, added par. 10

DEFINITION OF TERMS

For definition of word "unconditional" as used in paragraph 10 of this section, see regulation of the Comptroller of Currency issued June 18, 1942, 7 F. R. 4603.

§ 95a. Embargo on bullion or coin; hoarding; requirement of disclosure; penalties.

(1) During the time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) investigate, regulate, or prohibit any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or securities, and

(B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest,

by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this subdivision either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this subdivision, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person; and the President may, in the manner hereinabove provided, take other and further measures not inconsistent herewith for the enforcement of this subdivision.

(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this subdivision or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this subdivision, or any rule, regulation, instruction, or direction issued hereunder.

(3) As used in this subdivision the term "United States" means the United States and any place subject to the jurisdiction thereof, including the Philippine Islands, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction in all cases, civil or criminal, arising under this subdivision in the Philippine Islands and concurrent jurisdiction with the district courts of the United States of all cases, civil or criminal, arising upon the high seas: *Provided, however*, That the foregoing shall not be construed as a limitation upon the power of the President, which is hereby conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this subdivision, for any or all of the terms used in this subdivision. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this subdivision the term "person" means an individual, partnership, association, or corporation. (As amended Dec. 18, 1941, ch. 593, title III, § 301, 55 Stat. 839.)

AMENDMENTS

1941—Act Dec. 18, 1941, cited to text, amended first sentence of this section

EX. ORD. NO. 6560, AMENDED REGULATING TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND EXPORT OF COIN AND CURRENCY

Modified in so far as inconsistent with Ex Ord No 8389, Apr 10 1940, 6 p m E S T., 5 F R. 1400, as amended by Ex Ord No 8785, June 14, 1941, 1:10 p m., 6 F R 2897

EX. ORD NO 8389. REGULATING TRANSACTIONS IN FOREIGN EXCHANGE AND FOREIGN-OWNED PROPERTY, PROVIDING FOR THE REPORTING OF ALL FOREIGN-OWNED PROPERTY

Ex. Ord. No. 8389, April 10, 1940, 5 F R. 1400, as amended Ex Ord. No 8785, June 14, 1941, 1:10 p. m., 6 F. R. 2897; Ex Ord. No 8832, July 26, 1941, 12:08 p m., 6 F. R. 3715, provided.

SECTION 1 CERTAIN FOREIGN BANKING TRANSACTIONS PROHIBITED

All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury by means of regulations, rulings, instructions, licenses or otherwise, if (i) such transactions are by, or on behalf of, or pursuant to the direction of any foreign country designated in this Order, or any national thereof, or (ii) such transactions involve property in which any foreign country designated in this Order, or any national thereof, has at any time on or since the effective date of this Order had any interest of any nature whatsoever, direct or indirect:

A. All transfers of credit between any banking institutions within the United States, and all transfers of credit between any banking institution within the United States and any banking institution outside the United States (including any principal, agent, home office, branch, or correspondent outside the United States, of a banking institution within the United States);

B All payments by or to any banking institution within the United States;

C All transactions in foreign exchange by any person within the United States,

D The export or withdrawal from the United States, or the earmarking of gold or silver coin or bullion or currency by any person within the United States,

E All transfers, withdrawals or exportations of, or dealings in, any evidences of indebtedness or evidences of ownership of property by any person within the United States; and

F. Any transaction for the purpose or which has the effect of evading or avoiding the foregoing prohibitions.

SECTION 2 DEALINGS IN FOREIGN SECURITIES; REGULATIONS

A All of the following transactions are prohibited, except as specifically authorized by the Secretary of the Treasury by means of regulations, rulings, instructions, licenses, or otherwise:

(1) The acquisition, disposition or transfer of, or other dealing in, or with respect to, any security or evidence thereof on which there is stamped or imprinted, or to which there is affixed or otherwise attached, a tax stamp or other stamp of a foreign country designated in this Order or a notarial or similar seal which by its contents indicates that it was stamped, imprinted, affixed or attached within such foreign country, or where the attendant circumstances disclose or indicate that such stamp or seal may, at any time, have been stamped, imprinted, affixed or attached thereto, and

(2) The acquisition by, or transfer to, any person within the United States of any interest in any security or evidence thereof if the attendant circumstances disclose or indicate that the security or evidence thereof is not physically situated within the United States

B. The Secretary of the Treasury may investigate, regulate, or prohibit under such regulations, rulings, or instructions as he may prescribe, by means of licenses or otherwise, the sending, mailing, importing or otherwise bringing, directly or indirectly, into the United States, from any foreign country, of any securities or evidences thereof or the receiving or holding in the United States of any securities or evidences thereof so brought into the United States.

SECTION 3 FOREIGN COUNTRIES AFFECTED; EFFECTIVE DATE OF PROHIBITIONS

The term "foreign country designated in this Order" means a foreign country included in the following schedule, and the term "effective date of this Order" means with respect to any such foreign country, or any national thereof, the date specified in the following schedule:

(a) April 8, 1940—
Norway and
Denmark,

(b) May 10, 1940—
The Netherlands,
Belgium and
Luxembourg;

(c) June 17, 1940—
France (including Monaco);

(d) July 10, 1940—
Latvia, Estonia and
Lithuania;

(e) October 9, 1940—
Rumania;

(f) March 4, 1941—
Bulgaria;

(g) March 13, 1941—
Hungary;

(h) March 24, 1941—
Yugoslavia;

(i) April 28, 1941—
Greece; and

(j) June 14, 1941—
Albania,
Andorra,
Austria,
Czechoslovakia,
Danzig,
Finland,
Germany,
Italy,
Liechtenstein,
Poland,
Portugal,
San Marino,
Spain,
Sweden,
Switzerland, and
Union of Soviet Socialist Republics.

(k) June 14, 1941—
China, and Japan.

The "effective date of this Order" with respect to any foreign country not designated in this Order shall be deemed to be June 14, 1941.

SECTION 4 RECORDS OF FOREIGN BANKING AND SECURITY TRANSACTIONS; INVESTIGATIONS

A. The Secretary of the Treasury and/or the Attorney General may require, by means of regulations, rulings, instructions, or otherwise, any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, from time to time and at any time or times, complete information relative to, any transaction referred to in section 5 (b) of the Act of October 6, 1917 (40 Stat 415), as amended, or relative to any property in which any foreign country or any national thereof has any interest of any nature whatsoever, direct or indirect, including the production of any books of account, contracts, letters, or other papers, in connection therewith, in the custody or control of such person, either before or after such transaction is completed; and the Secretary of the Treasury and/or the Attorney General may, through any agency, investigate any such transaction or act, or any violation of the provisions of this Order.

B Every person engaging in any of the transactions referred to in sections 1 and 2 of this Order shall keep a full record of each such transaction engaged in by him, regardless of whether such transaction is effected pursuant to license or otherwise, and such record shall be available for examination for at least one year after the date of such transaction.

SECTION 5. DEFINITIONS

A As used in the first paragraph of section 1 of this Order "transactions (which) involve property in which any foreign country designated in this Order, or any national thereof, has * * * any interest of any nature whatsoever, direct or indirect," shall include, but not by way of limitation (1) any payment or transfer to any such

foreign country or national thereof, (ii) any export or withdrawal from the United States to such foreign country, and (iii) any transfer of credit, or payment of an obligation, expressed in terms of the currency of such foreign country

B. The term "United States" means the United States and any place subject to the jurisdiction thereof, the term "continental United States" means the states of the United States, the District of Columbia, and the Territory of Alaska.

C. The term "person" means an individual, partnership, association, corporation, or other organization

D. The term "foreign country" shall include, but not by way of limitation,

(i) The state and the government thereof on the effective date of this Order as well as any political subdivision, agency, or instrumentality thereof or any territory, dependency, colony, protectorate, mandate, dominion, possession or place subject to the jurisdiction thereof,

(ii) Any other government (including any political subdivision, agency, or instrumentality thereof) to the extent and only to the extent that such government exercises or claims to exercise *de jure* or *de facto* sovereignty over the area which on such effective date constituted such foreign country, and

(iii) Any person to the extent that such person is, or has been, or to the extent that there is reasonable cause to believe that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any of the foregoing

E The term "national" shall include,

(i) Any person who has been domiciled in, or a subject, citizen or resident of a foreign country at any time on or since the effective date of this Order,

(ii) Any partnership, association, corporation or other organization, organized under the laws of, or which on or since the effective date of this Order had or has had its principal place of business in such foreign country, or which on or since such effective date was or has been controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, was or has been owned or controlled by, directly or indirectly, such foreign country and/or one or more nationals thereof as herein defined

(iii) Any person to the extent that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any national of such foreign country, and

(iv) Any other person who there is reasonable cause to believe is a "national" as herein defined

In any case in which by virtue of the foregoing definition a person is a national of more than one foreign country, such person shall be deemed to be a national of each such foreign country In any case in which the combined interests of two or more foreign countries designated in this Order and/or nationals thereof are sufficient in the aggregate to constitute, within the meaning of the foregoing, control or 25 per centum or more of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of a partnership, association, corporation or other organization, but such control or a substantial part of such stock, shares, bonds, debentures, notes, drafts, or other securities or obligations is not held by any one such foreign country and/or national thereof, such partnership, association, corporation or other organization shall be deemed to be a national of each of such foreign countries The Secretary of the Treasury shall have full power to determine that any person is or shall be deemed to be a "national" within the meaning of this definition, and the foreign country of which such person is or shall be deemed to be a national Without limitation of the foregoing, the term "national" shall also include any other person who is determined by the Secretary of the Treasury to be, or to have been, since such effective date, acting or purporting to act directly or indirectly for the benefit or under the direction of a foreign country designated in this Order or national thereof, as herein defined.

F. The term "banking institution" as used in this Order shall include any person engaged primarily or incidentally in the business of banking, of granting or transferring credits, or of purchasing or selling foreign exchange or procuring purchasers and sellers thereof, as principal or agent, or any person holding credits for others as a direct or incidental part of his business, or brokers; and, each principal, agent, home office, branch or correspondent of any person so engaged shall be regarded as a separate "banking institution".

G. The term "this Order", as used herein, shall mean Executive Order No 8389 of April 10, 1940, as amended.

SECTION 6. CONSTRUCTION WITH EX. ORD. NO. 6560; SAVING CLAUSE

Executive Order No 8389 of April 10, 1940, as amended, shall no longer be deemed to be an amendment to or a part of Executive Order No. 6560 of January 15, 1934 Executive Order No. 6560 of January 15, 1934, and the Regulations of November 12, 1934, are hereby modified in so far as they are inconsistent with the provisions of this Order, and except as so modified, continue in full force and effect Nothing herein shall be deemed to revoke any license, ruling, or instruction now in effect and issued pursuant to Executive Order No 6560 of January 15, 1934, as amended, or pursuant to this Order; provided, however, that all such licenses, rulings, or instructions shall be subject to the provisions hereof. Any amendment, modification or revocation by or pursuant to the provisions of this Order of any orders, regulations, rulings, instructions or licenses shall not affect any act done, or any suit or proceeding had or commenced in any civil or criminal case prior to such amendment, modification or revocation, and all penalties, forfeitures and liabilities under any such orders, regulations, rulings, instructions or licenses shall continue and may be enforced as if such amendment, modification or revocation had not been made.

SECTION 7. REGULATIONS BY SECRETARY OF THE TREASURY

Without limitation as to any other powers or authority of the Secretary of the Treasury or the Attorney General under any other provision of this Order, the Secretary of the Treasury is authorized and empowered to prescribe from time to time regulations, rulings, and instructions to carry out the purposes of this Order and to provide therein or otherwise the conditions under which licenses may be granted by or through such officers or agencies as the Secretary of the Treasury may designate, and the decision of the Secretary with respect to the granting, denial or other disposition of an application or license shall be final

SECTION 8. OFFENSES AND PENALTIES UNDER ACT OCT 6, 1917

Section 5 (b) of the Act of October 6, 1917, as amended, provides in part:

"* * * Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both."

SECTION 9. AMENDMENTS OF ORDER AND REGULATIONS PRESCRIBED THEREUNDER

This Order and any regulations, rulings, licenses or instructions issued hereunder may be amended, modified or revoked at any time.

Ex Ord Nos. 8446, 8484, 8565, 8701, 8711, 8721, 8746 Application of Ex Ord No 6560, §§ 9-14

The application of Ex. Ord. No 6560, §§ 9–14, to French property by Ex. Ord No 8446, 5 F R 2279; to Latvian, Estonian and Lithurnian property by Ex Ord. No 8484, 5 F R. 2586; to Rumanian property by Ex. Ord. No 8565, 5 F R 4062; to Bulgarian property by Ex Ord No 8701, 6 F R. 1285, to Hungarian property by Ex. Ord. No. 8711, 6 F. R 1443; to Yugoslav property by Ex. Ord No 8721, 6 F R 1622; to Greek property by Ex Ord. No 8746, 6 F R 2187; was incorporated in the provisions of Ex Ord No 8389 as amended by Ex Ord No. 8785 set out above.

CROSS REFERENCES

Regulation of consumer credit, see Ex. Ord. No. 8843, set out under section 5 of Appendix to Title 50, War.

BANK EXAMINATIONS; REPORTS

§ 161. Reports to Comptroller of the Currency; publication.

CROSS REFERENCES

Comptroller prohibited from disclosing information to Director of Federal Reporting Services, see section 139a of Title 5, Executive Departments and Government Officers and Employees

Chapter 3.—FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Sec.

265. Insured banks as depositaries of public money; duties; security, discrimination between banks prohibited; repeal of inconsistent laws (New).

DEPOSITARIES AND FISCAL AGENTS

395 Federal Reserve banks as depositaries, custodians and fiscal agents for Commodity Credit Corporation (New)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

§ 248. Enumerated powers.

* * * * *

(c) Suspending reserve requirements; establishing graduated tax on deficiency in gold reserve.

To suspend for a period not exceeding thirty days, and from time to time to renew such suspension for periods not exceeding fifteen days, any reserve requirements specified in this chapter: *Provided,* That it shall establish a graduated tax upon the amounts by which the reserve requirements of this chapter may be permitted to fall below the level hereinafter specified: *And provided further,* That when the reserve held against Federal Reserve notes falls below 25 per centum, the Board of Governors of the Federal Reserve System shall establish a graduated tax of not more than 1 per centum per annum upon such deficiency until the reserves fall to 20 per centum, and when said reserve falls below 20 per centum, a tax at the rate increasingly of not less than 1½ per centum per annum upon each 2½ per centum or fraction thereof that such reserve falls below 20 per centum. The tax shall be paid by the Reserve bank, but the Reserve bank shall add an amount equal to said tax to the rates of interest and discount fixed by the Board of Governors of the Federal Reserve System. (As amended June 12, 1945, ch. 186, § 1 (c), 59 Stat. 237.)

* * * * *

AMENDMENTS

1945—Subsec. (c) amended by act June 12, 1945, cited to text, which substituted "25 per centum" for "40 per centum", and "20 per centum" for "32½ per centum" wherever appearing.

FEDERAL OPEN MARKET COMMITTEE

§ 263. Federal Open Market Committee; creation; membership; regulations governing open-market transactions.

(a) There is hereby created a Federal Open Market Committee (hereinafter referred to as the "Committee"), which shall consist of the members of the Board of Governors of the Federal Reserve System and five representatives of the Federal Reserve banks to be selected as hereinafter provided. Such representatives shall be presidents or first vice presidents of Federal Reserve banks and, beginning with the election for the term commencing March 1, 1943, shall be elected annually as follows: One by the board of directors of the Federal Reserve Bank of New York, one by the boards of directors of the Federal Reserve Banks of Boston, Philadelphia, and Richmond, one by the boards of directors of the Federal Reserve Banks of Cleveland and Chicago, one by the boards of directors of the Federal Reserve Banks of Atlanta, Dallas, and St. Louis, and one by the boards of directors of the Federal Reserve Banks of Minneapolis, Kansas City, and San Francisco. In such elections each board of directors shall have one vote; and the details of such elections may be governed by regulations prescribed by the committee, which may be amended from time to time. An alternate to serve in the absence of each such representative shall likewise be a president or first vice president of a Federal Reserve bank and shall be elected annually in the same manner. The meetings of said Committee shall be held at Washington, District of Columbia, at least four times each year upon the call of the chairman of the Board of Governors of the Federal Reserve System or at the request of any three members of the Committee. (As amended July 7, 1942, ch. 488, § 1, 56 Stat. 647.)

* * * * *

AMENDMENTS

1942—Subsec (a) was amended by act July 7, 1942, cited to text, which substituted second, third, and fourth sentences in lieu of former second and third sentences

FEDERAL DEPOSIT INSURANCE CORPORATION

§ 264. Federal Deposit Insurance Corporation.

* * * * *

(h) Assessment rate and amount; certified statements showing assessment base and amounts due; payment; credit of moneys due from Funds on assessments; action by Corporation to recover assessments; forfeiture of rights for failure to comply with law; insurance of trust funds.

(1) The assessment rate shall be one-twelfth of 1 per centum per annum. The semiannual assessment for each insured bank shall be in the amount of the product of one-half the annual assessment rate multiplied by an assessment base which shall be the average for six months of the differences at the end of each calendar day between the total amount of liability of the bank for deposits (according to the definition of the term "deposit" in and pursuant to paragraph (12) of subsection (c) of this section, without any deduction for indebtedness of depositors) and the total of such uncollected items as are included in such deposits and credited subject to final payment: *Provided, however,* That the daily total of such uncollected items shall be determined according to regulations prescribed by the board of directors upon a consideration of the factors of general usage and ordinary time of availability, and for the purposes of such deduction no item shall be

regarded as uncollected for longer periods than those prescribed by such regulations: *And provided further,* That until six months after the cessation of hostilities in the present war as determined by proclamation of the President or concurrent resolution of the Congress any balance payable to the United States by any insured bank, whether represented by a deposit account or otherwise, arising solely as a result of subscriptions made by or through such insured bank for United States Government securities issued under authority of sections 745, 747, 752–754, 754a, 754b, 757, 757b, 757c, 758, 760, 764–766, 769, 771, 773, 774 (2) and 801 of Title 31, shall be excluded from the definition of "deposit" for the purpose of determining the assessment base. Each insured bank shall, as a condition to the right to deduct any specific uncollected item in determining its assessment base, maintain such records as will readily permit verification of the correctness of the particular deduction claimed. The certified statements required to be filed with the Corporation under paragraphs (2), (3), and (4) of this subsection shall be in such form and set forth such supporting information as the board of directors shall prescribe. The assessment payments required from insured banks under paragraphs (2), (3), and (4) of this subsection shall be made in such manner and at such time or times as the board of directors shall prescribe, provided the time or times so prescribed shall not be later than sixty days after filing the certified statement setting forth the amount of the assessment. In the event that a separate Fund For Mutuals is established as provided in subsection (*l*) of this section, the board of directors from time to time may fix a lower assessment rate operative for such period as the board may determine which shall be applicable to insured mutual savings banks only, and the remainder of this paragraph shall not be applicable to such banks. (As amended Apr. 13, 1943, ch. 62, § 1, 57 Stat. 65.)

* * * * *

AMENDMENTS

1943—The proviso in the second sentence of subsec. (h) (1) was added by act Apr. 13, 1943, cited to text.

CREDIT UNION TRANSFERRED TO FEDERAL DEPOSIT INSURANCE CORPORATION

Ex. Ord No 9148, set out as note under section 1751 of this title, transferred credit union functions, records, property, and personnel from the Farm Credit Administration to the Federal Deposit Insurance Corporation for the duration of the war and six months thereafter.

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance.

§ 265. Insured banks as depositaries of public money; duties; security; discrimination between banks prohibited; repeal of inconsistent laws.

All insured banks designated for that purpose by the Secretary of the Treasury shall be depositaries of public money of the United States (including, without being limited to, revenues and funds of the United States, and any funds the deposit of which is subject to the control or regulation of the United States or any of its officers, agents, or employees, and Postal Savings funds), and the Secretary is hereby authorized to deposit public money in such depositaries, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require of the insured banks thus designated satisfactory security by the deposit of United States bonds or otherwise, for the safekeeping and prompt payment of public money deposited with them and for the faithful performance of their duties as financial agents of the Government: *Provided,* That no such security shall be required for the safekeeping and prompt payment of such parts of the deposits of the public money in such banks as are insured deposits and each officer, employee, or agent of the United States having official custody of public funds and lawfully depositing the same in an insured bank shall, for the purpose of determining the amount of the insured deposits, be deemed a depositor in such custodial capacity separate and distinct from any other officer, employee, or agent of the United States having official custody of public funds and lawfully depositing the same in the same insured bank in custodial capacity. Notwithstanding any other provision of law, no department, board, agency, instrumentality, officer, employee, or agent of the United States shall issue or permit to continue in effect any regulations, rulings, or instructions, or enter into or approve any contracts or perform any other acts having to do with the deposit, disbursement, or expenditure of public funds, or the deposit, custody, or advance of funds subject to the control of the United States as trustee or otherwise which shall discriminate against or prefer national banking associations, State banks members of the Federal Reserve System, or insured banks not members of the Federal Reserve System, by class, or which shall require those enjoying the benefits, directly or indirectly, of disbursed public funds so to discriminate All Acts or parts thereof in conflict herewith are hereby repealed. The terms "insured bank" and "insured deposit" as used in this section shall be construed according to the definitions of such terms in section 264 of this title. (June 11, 1942, ch. 404, § 10 56 Stat. 356.)

CROSS REFERENCES

Smaller War Plants Corporation funds, deposit, see section 1104 (e) of Appendix to Title 50, War.

POWERS AND DUTIES OF FEDERAL RESERVE BANKS

§ 355. Purchase and sale of obligations of National, State, and municipal Governments.

Every Federal reserve bank shall have power to buy and sell, at home or abroad, bonds and notes of the United States, bonds of the Federal Farm Mortgage Corporation having maturities from date of purchase of not exceeding six months, bonds issued under the provisions of subsection (c) of section 1463 of this title and having maturities from date

of purchase of not exceeding six months, and bills, notes, revenue bonds, and warrants with a maturity from date of purchase of not exceeding six months, issued in anticipation of the collection of taxes or in anticipation of the receipt of assured revenues by any State, county, district, political subdivision, or municipality in the continental United States, including irrigation, drainage and reclamation districts, such purchases to be made in accordance with rules and regulations prescribed by the Board of Governors of the Federal Reserve System: *Provided*, That any bonds, notes, or other obligations which are direct obligations of the United States or which are fully guaranteed by the United States as to principal and interest may be bought and sold without regard to maturities either in the open market or directly from or to the United States; but all such purchases and sales shall be made in accordance with the provisions of section 263 of this title and the aggregate amount of such obligations acquired directly from the United States which is held at any one time by the twelve Federal Reserve banks shall not exceed $5,000,000,000. (As amended Mar 27, 1942, 3 p. m., E.W.T., ch. 199, title IV, § 401, 56 Stat. 180.)

AMENDMENTS

1942—Act Mar. 27, 1942, cited to text, amended the proviso

EXPIRATION OF ACT MAR 27, 1942

Expiration of wartime amendments by act Mar 27, 1942, cited to text, and restoration of prior provisions, see section 645 of Appendix to Title 50, War

§ 358. Establishment of accounts for purpose of open-market operations; correspondents and agencies.

Every Federal reserve bank shall have power to establish accounts with other Federal reserve banks for exchange purposes and, with the consent or upon the order and direction of the Board of Governors of the Federal Reserve System and under regulations to be prescribed by said Board, to open and maintain accounts in foreign countries, appoint correspondents, and establish agencies in such countries wheresoever it may be deemed best for the purpose of purchasing, selling, and collecting bills of exchange, and to buy and sell, with or without its indorsement, through such correspondents or agencies, bills of exchange (or acceptances) arising out of actual commercial transactions which have not more than ninety days to run, exclusive of days of grace, and which bear the signature of two or more responsible parties, and, with the consent of the Board of Governors of the Federal Reserve System, to open and maintain banking accounts for such foreign correspondents or agencies, or for foreign banks or bankers, or for foreign states as defined in section 632 of this title. Whenever any such account has been opened or agency or correspondent has been appointed by a Federal reserve bank, with the consent of or under the order and direction of the Board of Governors of the Federal Reserve System, any other Federal reserve bank may, with the consent and approval of the Board of Governors of the Federal Reserve System, be permitted to carry on or conduct, through the Federal reserve bank opening such account or appointing such agency or correspondent, any transaction authorized by this section under rules and regulations to be prescribed by the board. (As amended Apr. 7, 1941, ch. 43, § 1, 55 Stat. 131.)

AMENDMENTS

1941—First sentence was amended by act Apr. 7, 1941, cited to text.

POWERS AND DUTIES OF MEMBER BANKS

§ 371. Loans on farm lands and improved real estate; time and savings deposits; loans for construction of residential or farm buildings.

Any national banking association may make real-estate loans secured by first liens upon improved real estate, including improved farm land and improved business and residential properties. A loan secured by real estate within the meaning of this section shall be in the form of an obligation or obligations secured by mortgage, trust deed, or other such instrument upon real estate, and any national banking association may purchase any obligation so secured when the entire amount of such obligation is sold to the association. The amount of any such loan hereafter made shall not exceed 50 per centum of the appraised value of the real estate offered as security and no such loan shall be made for a longer term than five years; except that (1) any such loan may be made in an amount not to exceed 60 per centum of the appraised value of the real estate offered as security and for a term not longer than ten years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize 40 per centum or more of the principal of the loan within a period of not more than ten years, and (2) the foregoing limitations and restrictions shall not prevent the renewal or extension of loans heretofore made and shall not apply to real-estate loans which are insured under the provisions of sections 1707–1715 and 1736–1742 of this title. No such association shall make such loans in an aggregate sum in excess of the amount of the capital stock of such association paid in and unimpaired plus the amount of its unimpaired surplus fund, or in excess of 60 per centum of the amount of its time and savings deposits, whichever is the greater. Any such association may continue hereafter as heretofore to receive time and savings deposits and to pay interest on the same, but the rate of interest which such association may pay upon such time deposits or upon savings or other deposits shall not exceed the maximum rate authorized by law to be paid upon such deposits by State banks or trust companies organized under the laws of the State in which such association is located (As amended Mar. 28, 1941, ch. 31, § 8, 55 Stat. 62.)

* * * * *

AMENDMENTS

1941—Third sentence of first paragraph was amended by act Mar. 28, 1941, cited to text.

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title

DEPOSITARIES AND FISCAL AGENTS

§ 395. Federal reserve banks as depositaries, custodians and fiscal agents for Commodity Credit Corporation.

The Federal Reserve banks are hereby authorized to act as depositaries, custodians, and fiscal agents for the Commodity Credit Corporation. (July 16, 1943, ch. 241, § 3, 57 Stat. 566.)

FEDERAL RESERVE NOTES

§ 412. Application for notes; collateral required.

Any Federal Reserve bank may make application to the local Federal Reserve agent for such amount of the Federal Reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal Reserve agent of collateral in amount equal to the sum of the Federal Reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of sections 82, 342–347, 347c, and 372 of this title, or bills of exchange endorsed by a member bank of any Federal Reserve district and purchased under the provisions of sections 348a and 353–359 of this title, or bankers' acceptances purchased under the provisions of said sections 348a and 353–359, or gold certificates, or direct obligations of the United States. In no event shall such collateral security be less than the amount of Federal Reserve notes applied for. The Federal Reserve agent shall each day notify the Board of Governors of the Federal Reserve System of all issues and withdrawals of Federal Reserve notes to and by the Federal Reserve bank to which he is accredited. The said Board of Governors of the Federal Reserve System may at any time call upon a Federal Reserve bank for additional security to protect the Federal Reserve notes issued to it. (As amended June 30, 1941, ch. 264, 55 Stat. 395; May 25, 1943, ch. 102, 57 Stat. 85; June 12, 1945, ch. 186, § 2, 59 Stat. 237.)

AMENDMENTS

1945—Act June 12, 1945, cited to text, amended section by omitting proviso following "gold certificates" in first sentence and substituting in lieu thereof ", or direct obligations of the United States."

1943—Act May 25, 1943, cited to text, substituted "until June 30, 1945" for "until June 30, 1943."

1941—Act June 30, 1941, cited to text, substituted "until June 30, 1943" for "until June 30, 1941."

§ 413. Reserves against deposits and notes.

Every Federal Reserve bank shall maintain reserves in gold certificates of not less than 25 per centum against its deposits and reserves in gold certificates of not less than 25 per centum against its Federal Reserve notes in actual circulation: *Provided, however,* That when the Federal Reserve agent holds gold certificates as collateral for Federal Reserve notes issued to the bank such gold certificates shall be counted as part of the reserve which such bank is required to maintain against its Federal Reserve notes in actual circulation. Notes so paid out shall bear upon their faces a distinctive letter and serial number which shall be assigned by the Board of Governors of the Federal Reserve System to each Federal Reserve bank. Whenever Federal Reserve notes issued through one Federal Reserve bank shall be received by another Federal Reserve bank, they shall be promptly returned for credit or redemption to the Federal Reserve bank through which they were originally issued or, upon direction of such Federal Reserve bank, they shall be forwarded direct to the Treasurer of the United States to be retired. No Federal Reserve bank shall pay out notes issued through another under penalty of a tax of 10 per centum upon the face value of notes so paid out. Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and returned to the Federal Reserve banks through which they were originally issued, and thereupon such Federal Reserve bank shall, upon demand of the Secretary of the Treasury, reimburse such redemption fund in lawful money or, if such Federal Reserve notes have been redeemed by the Treasurer in gold certificates, then such funds shall be reimbursed to the extent deemed necessary by the Secretary of the Treasury in gold certificates, and such Federal Reserve bank shall, so long as any of its Federal Reserve notes remain outstanding, maintain with the Treasurer in gold certificates an amount sufficient in the judgment of the Secretary to provide for all redemptions to be made by the Treasurer. Federal Reserve notes received by the Treasurer otherwise than for redemption may be exchanged for gold certificates out of the redemption fund provided in sections 414 and 415 and returned to the Reserve bank through which they were originally issued, or they may be returned to such bank for the credit of the United States. Federal Reserve notes unfit for circulation shall be returned by the Federal Reserve agents to the Comptroller of the Currency for cancellation and destruction. (As amended June 12, 1945, ch. 186, § 1 (a), 59 Stat. 237.)

AMENDMENTS

1945—Act June 12, 1945, cited to text, amended section generally by omitting "or lawful money" following "reserves in gold certificates", substituting "25 per centum" for "35 per centum" and "40 per centum", respectively, and omitting all text following "in actual circulation.".

§ 414. Deposits of gold certificates in Treasury for redemption of issued notes; authority of Board of Governors respecting issuance of notes; interest; lien.

The Board of Governors of the Federal Reserve System shall require each Federal Reserve bank to maintain on deposit in the Treasury of the United States a sum in gold certificates sufficient in the judgment of the Secretary of the Treasury for the redemption of the Federal Reserve notes issued to such bank, but in no event less than 5 per centum of the total amount of notes issued less the amount of gold certificates held by the Federal Reserve agent as collateral security; but such deposit of gold certificates shall be counted and included as part of the 25 per centum reserve required by section 413 of this title to be maintained against Federal Reserve notes in actual circulation. The Board shall have the right, acting through the Federal Reserve agent, to grant in whole or in part, or to reject entirely the

application of any Federal Reserve bank for Federal Reserve notes; but to the extent that such application may be granted the Board of Governors of the Federal Reserve System shall, through its local Federal Reserve agent, supply Federal Reserve notes to the banks so applying, and such bank shall be charged with the amount of the notes issued to it and shall pay such rate of interest as may be established by the Board of Governors of the Federal Reserve system on only that amount of such notes which equals the total amount of its outstanding Federal Reserve notes less the amount of gold certificates held by the Federal Reserve agent as collateral security. Federal Reserve notes issued to any such bank shall, upon delivery, together with such notes of such Federal Reserve bank as may be issued under sections 441–448 upon security of United States 2 per centum Government bonds, become a first and paramount lien on all the assets of such bank. (As amended June 12, 1945, ch. 186, § 1 (b), 59 Stat. 237.)

AMENDMENTS

1945—Act June 12, 1945, cited to text, amended section by striking "40 per centum reserve required by section 413 of this title" and inserting in lieu thereof "25 per centum reserve required by section 413 of this title to be maintained against Federal Reserve notes in actual circulation" in the first sentence

CIRCULATING NOTES AND BONDS SECURING SAME

§ 445. Repealed. June 12, 1945, ch. 186, § 3, 59 Stat. 238.

BANK RESERVES

§ 462a–1. Reserves against deposits by United States.

Notwithstanding the provisions of sections 745, 746, 747, 752–755a, 757, 757b, 757c, 758–760, 764–766, 768, 769, 771, 773, 774, 801, and 804 of Title 31, member banks shall be required to maintain the same reserves against deposits of public moneys by the United States as they are required by this section and sections 371a, 371b, 374, 374a, 461, 462, 462b to 466 of this title to maintain against other deposits: *Provided,* That until six months after the cessation of hostilities in the present war as determined by proclamation of the President or concurrent resolution of the Congress no deposit payable to the United States by any member bank arising solely as the result of subscriptions made by or through such member bank for United States Government securities issued under authority of sections 745, 747, 752–754, 754a, 754b, 757, 757b, 757c, 758, 760, 764–766, 769, 771, 773, 774 (2) and 801 of Title 31, shall be subject to the reserve requirements of this section. (As amended Apr. 13, 1943, ch. 62, § 2, 57 Stat. 65.)

AMENDMENTS

1943—The proviso was added by act Apr. 13, 1943, cited to text.

§ 462b. Change of requirements as to reserves in order to prevent credit expansion or contraction.

Notwithstanding the other provisions of sections 142, 371a, 371b, 374, 374a, and 461–466 of this title, the Board of Governors of the Federal Reserve System, upon the affirmative vote of not less than four of its members, in order to prevent injurious credit expansion or contraction, may by regulation change the requirements as to reserves to be maintained against demand or time deposits or both (1) by member banks in central reserve cities or (2) by member banks in reserve cities or (3) by member banks not in reserve or central reserve cities or (4) by all member banks; but the amount of the reserves required to be maintained by any such member bank as a result of any such change shall not be less than the amount of the reserves required by law to be maintained by such bank on August 23, 1935, nor more than twice such amount. (As amended July 7, 1942, ch. 488, § 2, 56 Stat. 648.)

AMENDMENTS

1942—Act July 7, 1942, cited to text, amended section by adding "(3) by member banks not in reserve or central reserve cities."

§ 464. Checking against and withdrawal of reserve balance.

The required balance carried by a member bank with a Federal Reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Board of Governors of the Federal Reserve System, be checked against and withdrawn by such member bank for the purpose of meeting existing liabilities. (As amended July 7, 1942, ch. 488, § 3, 56 Stat. 648.)

AMENDMENTS

1942—Act July 7, 1942, cited to text, amended section by striking out a former proviso which prohibited making new loans or paying dividends until required balance was restored.

Chapter 4.—TAXATION

§ 531. Exemption from taxation.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance

Chapter 5.—CRIMES AND OFFENSES

§ 591. Unlawful certification of checks.

CODIFICATION

Act July 12, 1882, ch. 290, § 13, 22 Stat 166, should appear in credit.

Chapter 6.—FOREIGN BANKING

ORGANIZATION OF CORPORATIONS TO DO FOREIGN BANKING

§ 632. Jurisdiction of United States courts; disposition by banks of foreign owned property.

* * * * *

Whenever (1) any Federal Reserve bank has received any property from or for the account of a foreign state which is recognized by the Government of the United States, or from or for the account of a central bank of any such foreign state, and holds such property in the name of such foreign state or such central bank; (2) a representative of such foreign state who is recognized by the Secretary of State as being the accredited representative of such foreign state to the Government of the United States has certified to the Secretary of State the name of a person as having authority to receive,

control, or dispose of such property; and (3) the authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, and so certified by the Secretary of State to the Federal Reserve bank, the payment, transfer, delivery, or other disposal of such property by such Federal Reserve bank to or upon the order of such person shall be conclusively presumed to be lawful and shall constitute a complete discharge and release of any liability of the Federal Reserve bank for or with respect to such property.

Whenever (1) any insured bank has received any property from or for the account of a foreign state which is recognized by the Government of the United States, or from or for the account of a central bank of any such foreign state, and holds such property in the name of such foreign state or such central bank; (2) a representative of such foreign state who is recognized by the Secretary of State as being the accredited representative of such foreign state to the Government of the United States has certified to the Secretary of State the name of a person as having authority to receive, control, or dispose of such property; and (3) the authority of such person to act with respect to such property is accepted and recognized by the Secretary of State, and so certified by the Secretary of State to such insured bank, the payment, transfer, delivery, or other disposal of such property by such bank to or upon the order of such person shall be conclusively presumed to be lawful and shall constitute a complete discharge and release of any liability of such bank for or with respect to such property. Any suit or other legal proceeding against any insured bank or any officer, director, or employee thereof, arising out of the receipt, possession, or disposition of any such property shall be deemed to arise under the laws of the United States and the district courts of the United States shall have exclusive jurisdiction thereof, regardless of the amount involved; and any such bank or any officer, director, or employee thereof which is a defendant in any such suit may, at any time before trial thereof, remove such suit from a State court into the district court of the United States for the proper district by following the procedure for the removal of causes otherwise provided by law.

Nothing in this section shall be deemed to repeal or to modify in any manner any of the provisions of sections 95a, 213, 411–415, 417, or 467 of this title, sections 311a, 315b, 316a, 316b, 405a, 408a, 408b, 440–446, 448–448e, 733–734b, 752, 754a, 754b, 757a, 767, 821, 822a, 822b, or 824 of Title 31, or section 5 (b) of Title 50, Appendix, or any actions, regulations, rules, orders, or proclamations taken, promulgated, made, or issued pursuant to any of such sections. In any case in which a license to act with respect to any property referred to in this section is required under any of said sections, regulations, rules, orders, or proclamations, notification to the Secretary of State by the proper Government officer or agency of the issuance of an appropriate license or that appropriate licenses will be issued on application shall be a prerequisite to any action by the Secretary of State pursuant to this section, and the action of the Secretary of State shall relate only to such property as is included in such notification. Each such notification shall include the terms and conditions of such license or licenses and a description of the property to which they relate.

For the purposes of this section, (1) the term "property" includes gold, silver, currency, credits, deposits, securities, choses in action, and any other form of property, the proceeds thereof, and any right, title, or interest therein; (2) the term "foreign state" includes any foreign government or any department, district, province, county, possession, or other similar governmental organization or subdivision of a foreign government, and any agency or instrumentality of any such foreign government or of any such organization or subdivision; (3) the term "central bank" includes any foreign bank or banker authorized to perform any one or more of the functions of a central bank; (4) the term "person" includes any individual, or any corporation, partnership, association, or other similar organization; and (5) the term "insured bank" shall have the meaning given to it in section 264 of this title. (As amended Apr. 7, 1941, ch. 43, § 2, 55 Stat. 131.)

AMENDMENTS

1941—Last four paragraphs were added by act Apr. 7, 1941, cited to text

Chapter 6A.—EXPORT-IMPORT BANK OF WASHINGTON (New)

Sec

635 Powers and functions of Bank, functions as supplemental to private capital; restrictions on loans
635a Management of Bank.
(a) Appointment and composition of Board of Directors, appointment of additional director; chairman; political affiliations of directors, terms of office; compensation
(b) Quorum of Board.
(c) Adoption of bylaws
(d) Composition and duties of Advisory Board
(e) Interim management.
(f) Independent agency status
635b. Capitalization of Bank; method of capital stock payments; public-debt transactions, issuance of stock certificates
635c. Reimbursement of Reconstruction Finance Corporation for cancellation of Bank stock, public debt transactions; payment of accumulated dividends
635d Issuance of debentures, bonds, etc., restrictions redeemable; purchasable by Secretary of Treasury, public-debt transactions.
635e. Restrictions on amount outstanding
635f. Existing Bank charter superseded, exemption from District of Columbia laws.
635g. Reports to Congress
635h Exemption from prohibition of section 804a of Title 31.

§ 635. Powers and functions of Bank; functions as supplemental to private capital; restrictions on loans.

(a) The Export-Import Bank of Washington, District of Columbia, a banking corporation organized under the laws of the District of Columbia as an agency of the United States, is continued as an agency of the United States, and in addition to existing charter powers, and without limitation as to the total amount of obligations thereto of any borrower, endorser, acceptor, obligor, or guarantor at any time outstanding, it is authorized and empowered to make

loans, to discount, rediscount or guarantee notes, drafts, bills of exchange, and other evidences of debt, or participate in the same, for the purpose of aiding in the financing and facilitating of exports and imports and the exchange of commodities between the United States or any of its Territories or insular possessions and any foreign country (or the Philippine Islands) or the agencies or nationals thereof. The Bank is authorized to use all its assets, including capital and net earnings therefrom, and to use all moneys which have been or may hereafter be allocated to or borrowed by it, in the exercise of its functions as such agency.

(b) It is the policy of the Congress that the Bank in the exercise of its functions should supplement and encourage and not compete with private capital, and that loans, so far as possible consistently with carrying out the purposes of subsection (a), shall generally be for specific purposes, and, in the judgment of the Board of Directors, offer reasonable assurance of repayment. (July 31, 1945, ch. 341, § 2, 59 Stat. 526, as amended Dec. 28, 1945, ch. 602, 59 Stat. —.)

AMENDMENTS

1945—Subsec. (a) amended by act Dec. 28, 1945, cited to text, which inserted "(or the Philippine Islands)" following "any foreign country".

SHORT TITLE

Section 1 of act July 31, 1945, cited to text, provided: "That this Act (this chapter) may be cited as the 'Export-Import Bank Act of 1945'."

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

§ 635a. Management of Bank—(a) Appointment and composition of Board of Directors; appointment of additional director; chairman; political affiliations of directors; terms of office; compensation.

(1) The management of the Export-Import Bank of Washington shall be vested in a Board of Directors consisting of the Administrator of the Foreign Economic Administration, who shall serve as Chairman, the Secretary of State, and three persons appointed by the President of the United States by and with the advice and consent of the Senate. The Secretary of State, to such extent as he deems it advisable, may designate to act for him in the discharge of his duties as a member of the Board of Directors any officer of the Department of State who shall have been appointed by and with the advice and consent of the Senate.

(2) If the Foreign Economic Administration ceases to exist in the Office for Emergency Management in the Executive Office of the President, the President of the United States shall appoint by and with the advice and consent of the Senate another member of the Board of Directors. The member so appointed shall serve for the remainder of the existing terms of the other three appointed members, but successors shall be appointed for terms of five years. After the Foreign Economic Administrator ceases to be a member of the Board of Directors the President of the United States shall, from time to time, designate one of the members of the Board to serve as Chairman.

(3) Of the five members of the Board, not more than three shall be members of any one political party. Each of the appointed directors shall devote his time not otherwise required by the business of the United States principally to the business of the Bank. Before entering upon his duties each of the directors so appointed and each officer of the Bank shall take an oath faithfully to discharge the duties of his office. The terms of the appointed directors shall be five years, except that the terms of the directors first appointed shall run from the date of appointment until June 30, 1950. Whenever a vacancy occurs among the directors so appointed, the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of the director whose place he is selected to fill. Each of the appointed directors shall receive a salary at the rate of $12,000 per annum, unless he is an officer of the Bank, in which event he may elect to receive the salary of such officer. No director, officer, attorney, agent, or employee of the Bank shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly personally interested.

(b) Quorum of Board.

A majority of the Board of Directors shall constitute a quorum.

(c) Adoption of bylaws.

The Board of Directors shall adopt such bylaws as are necessary for the proper management and functioning of the Export-Import Bank of Washington, and may amend the same.

(d) Composition and duties of Advisory Board.

There shall be an Advisory Board consisting of the Chairman of the Export-Import Bank of Washington, who shall serve as Chairman, the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, and the Chairman of the Board of Governors of the Federal Reserve System, which shall meet at the call of the Chairman. The Advisory Board may make such recommendations to the Board of Directors as it deems advisable, and the Board of Directors shall consult the Advisory Board on major questions of policy.

(e) Interim management.

Until October 31, 1945, or until at least two of the members of the Board of Directors to be appointed have qualified as such directors, whichever is the earlier, the affairs of the Bank shall continue to be managed by the existing Board of Trustees.

(f) Independent agency status.

The Export-Import Bank of Washington shall constitute an independent agency of the United States and neither the Bank nor any of its functions, powers, or duties shall be transferred to or consolidated with any other department, agency, or corporation of the Government unless the Congress

shall otherwise by law provide. (July 31, 1945, ch. 341, § 3, 59 Stat. 527.)

§ 635b. Capitalization of Bank; method of capital stock payments; public-debt transactions; issuance of stock certificates.

The Export-Import Bank of Washington shall have a capital stock of $1,000,000,000 subscribed by the United States. Payment for $1,000,000 of such capital stock shall be made by the surrender to the Bank for cancellation of the common stock issued prior to July 31, 1945, by the Bank and purchased by the United States. Payment for $174,000,000 of such capital stock shall be made by the surrender to the Bank for cancellation of the preferred stock heretofore issued by the Bank and purchased by the Reconstruction Finance Corporation. Payment for the $825,000,000 balance of such capital stock shall be subject to call at any time in whole or in part by the Board of Directors of the Bank. For the purpose of making payments of such balance, the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of any securities issued after July 31, 1945, under sections 745, 747, 752–754, 757, 757b, 757c, 758, 760, 764–766, 769, 771, 773, 774 (2), and 801 of this title, and the purposes for which securities may be issued under such sections are extended to include such purpose. Payment under this section of the subscription of the United States to the Bank and repayments thereof shall be treated as public-debt transactions of the United States. Certificates evidencing stock ownership of the United States shall be issued by the Bank to the President of the United States, or to such other person or persons as he may designate from time to time, to the extent of the common and preferred stock surrendered and other payments made for the capital stock of the Bank under this section. (July 31, 1945, ch. 341, § 4, 59 Stat. 528.)

§ 635c. Reimbursement of Reconstruction Finance Corporation for cancellation of Bank stock; public debt transactions; payment of accumulated dividends.

(a) The Secretary of the Treasury shall pay to the Reconstruction Finance Corporation the par value of the preferred stock upon its surrender to the Bank for cancellation. For the purpose of making such payments to the Reconstruction Finance Corporation the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of any securities issued after July 31, 1945, under sections 745, 747, 752–754, 757, 757b, 757c, 758, 760, 764–766, 769, 771, 773, 774 (2), and 801 of this title, and the purposes for which securities may be issued under such sections are extended to include such purpose. Payment under this subsection to the Reconstruction Finance Corporation shall be treated as public-debt transactions of the United States.

(b) Any dividends on the preferred stock accumulated and unpaid to the date of its surrender for cancellation shall be paid to the Reconstruction Finance Corporation by the Bank. (July 31, 1945, ch. 341, § 5, 59 Stat. 528.)

§ 635d. Issuance of debentures, bonds, etc.; restrictions redeemable; purchasable by Secretary of Treasury; public-debt transactions.

The Export-Import Bank of Washington is authorized to issue from time to time for purchase by the Secretary of the Treasury its notes, debentures, bonds, or other obligations; but the aggregate amount of such obligations outstanding at any one time shall not exceed two and one-half times the authorized capital stock of the Bank. Such obligations shall be redeemable at the option of the Bank before maturity in such manner as may be stipulated in such obligations and shall have such maturity and bear such rate of interest as may be determined by the Board of Directors of the Bank with the approval of the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Bank issued hereunder and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of any securities issued after July 31, 1945, under sections 745, 747, 752–754, 757, 757b, 757c, 758, 760, 764–766, 769, 771, 773, 774 (2), and 801 of this title, and the purposes for which securities may be issued under such sections are extended to include such purpose. Payment under this section of the purchase price of such obligations of the Bank and repayments thereof by the Bank shall be treated as public-debt transactions of the United States. (July 31, 1945, ch. 341, § 6, 59 Stat. 528.)

§ 635e. Restrictions on amount outstanding.

The Export-Import Bank of Washington shall not have outstanding at any one time loans and guaranties in an aggregate amount in excess of three and one-half times the authorized capital stock of the Bank. (July 31, 1945, ch. 341, § 7, 59 Stat. 529.)

§ 635f. Existing Bank charter superseded; exemption from District of Columbia laws.

The provisions of the existing charter of the Bank relating to the term of its existence, to the management of its affairs, and to its capital stock are superseded by the provisions of this chapter and the Bank shall be exempt from compliance with any provisions of law relating to the amendment of certificates of incorporation or to the retirement or increase of stock of District of Columbia corporations and from the payment of any fee or tax to the Recorder of Deeds of the District of Columbia determined upon the value or amount of capital stock of the Bank or any increase thereof. (July 31, 1945, ch. 341, § 8, 59 Stat. 529.)

§ 635g. Reports to Congress.

The Export-Import Bank of Washington shall transmit to the Congress semiannually a complete and detailed report of its operations. The report shall be as of the close of business on June 30 and December 31 of each year. (July 31, 1945, ch. 341, § 9, 59 Stat. 529.)

§ 635h. Exemption from prohibition of section 804a of Title 31.

Notwithstanding the provisions of section 804a of Title 31, any person, including any individual, part-

nership, corporation, or association, may act for or participate with the Export-Import Bank of Washington in any operation or transaction, or may acquire any obligation issued in connection with any operation or transaction, engaged in by the Bank (July 31, 1945, ch. 341, § 11, 59 Stat. 529.)

Chapter 7.—FARM CREDIT ADMINISTRATION

FARM CREDIT ADMINISTRATION; GENERAL ADMINISTRATIVE PROVISIONS

Sec.
640–1. Sale of real estate; prepayment of balance of purchase price (New).

SUBCHAPTER I.—FEDERAL LAND BANKS, JOINT-STOCK LAND BANKS, AND NATIONAL FARM-LOAN ASSOCIATIONS

POWERS OF FARM CREDIT ADMINISTRATION

832. Allocation of expenses of administrative services rendered each year by Farm Credit Administration to certain banking institutions; disposition of moneys (New)
833 Purchase of manuscripts, data, and special reports; employment of personnel for special services (New)

EXAMINATIONS

952a. Same; examinations once each year (New)

SUBCHAPTER II-A—FEDERAL FARM MORTGAGE CORPORATION

1020a–1. Capital investment expenditures as nonadministrative expenses (New)

FARM CREDIT ADMINISTRATION; GENERAL ADMINISTRATIVE PROVISIONS

TRANSFER OF FUNCTIONS

The functions, personnel and property of the Farm Credit Administration were consolidated with other agencies into the Food Production Administration of the Department of Agriculture by Ex Ord No 9280, Dec 5, 1942, 7 F R 10179, set out following section 601 of Appendix to Title 50, War

§ 639. Governor of Farm Credit Administration; supplementary grant of powers.

REFERENCES IN TEXT

The Farm Credit Act of 1933, act June 16, 1933, cited to text, has been incorporated into the code as sections 637–640, 653, 659, 674, 677a, 694, 723, 744a, 771, 781, 791, 823 note, 874, 876, 878–880, 884, 952, 963a, 964, 971, 972 983, 987, 992, 1016–1018, 1022, 1031, 1124, 1131–1131i, 1134 1134m, 1138–1138f, 1141c–1141f, 1141j, 1148a, and 1151a of this title, and section 610 of Title 7, Agriculture

§ 640–1. Sale of real estate; prepayment of balance of purchase price.

In the case of any contract or agreement for the sale of any real estate to any individual under any program administered by the Resettlement Administration or the Farm Security Administration—

(1) by the Department of Agriculture or any agency of the Department of Agriculture; or

(2) by any homestead association or corporation established by the Department of Agriculture or any agency of the Department of Agriculture; or

(3) by the National Housing Agency or any agency of the National Housing Agency, in case such contract or agreement was, prior to February 24, 1942, made by the Department of Agriculture, or any agency of the Department of Agriculture, or any homestead association or corporation established by the Department of Agriculture or any agency of the Department of Agriculture; or

(4) by the National Housing Agency or any agency of the National Housing Agency, or any homestead association established by the National Housing Agency or any agency of the National Housing Agency, in case such contract or agreement would, except for Executive Order Numbered 9070 of February 24, 1942, as amended and supplemented, have been made by the Department of Agriculture or an agency of the Department of Agriculture or a homestead association or corporation established by the Department of Agriculture or an agency of the Department of Agriculture;

if such contract or agreement, having been in force for five years, provides for the payment of the purchase price in installments over a period of years, no provision of such contract or agreement shall be deemed to prevent the prepayment of any portion of the purchase price, and upon the payment of such purchase price together with interest (on the amount thereof previously unpaid) to the date of such payment, there shall be delivered to the purchaser forthwith a quitclaim deed conveying all right, title and interest of the United States in and to such real estate without any reservations, exceptions, conditions or restrictions whatsoever. (July 1, 1944, ch. 364, 58 Stat. 675.)

REFERENCE IN TEXT

Ex Ord No. 9070 of Feb 24, 1942, as amended and supplemented referred to in text, is set out as a note under section 601 of Appendix to Title 50, War.

SUBCHAPTER I.—FEDERAL LAND BANKS, JOINT-STOCK LAND BANKS, AND NATIONAL FARM-LOAN ASSOCIATIONS

ADMINISTRATIVE PROVISIONS RELATIVE TO THIS SUBCHAPTER

§ 657. Repealed. Sept. 21, 1944, ch. 412, § 601 (d), 58 Stat. 741, eff. July 1, 1944.

REPEALS

The repeal of this section was by the Department of Agriculture Organic Act of 1944

ORGANIZATION OF FEDERAL LAND BANKS

§ 672. Establishment; titles; branches; Puerto Rico and Alaska; loans by branches.

The Farm Credit Administration shall establish in each farm credit district a Federal land bank, with its principal office located in such city within the district as said administration shall designate Each Federal land bank shall include in its title the name of the city in which it is located. Subject to the approval of the Farm Credit Administration, any Federal land bank may establish branches within the farm credit district. Subject to the approval of the Farm Credit Administration and under such conditions as it may prescribe, the provisions of this subchapter and of subchapter III of this chapter are extended to the island of Puerto Rico and the Territory of Alaska; and the Farm Credit Administration shall designate a Federal

land bank which is hereby authorized to establish a branch bank in Puerto Rico and a Federal land bank which is hereby authorized to establish a branch bank in the Territory of Alaska. Loans made by each such branch bank shall be subject to the restrictions and provisions of this chapter, except that each such branch bank may loan direct to borrowers, and, subject to such regulations as the Farm Credit Administration may prescribe, the rate charged borrowers may be 1½ per centum in excess of the rate borne by the last preceding issue of farm loan bonds of the Federal land bank with which such branch bank is connected: *Provided*, That no loan shall be made in Puerto Rico or Alaska by such branch bank for a longer term than twenty years

Each borrower through such branch bank shall subscribe and pay for stock in the Federal land bank with which it is connected in the sum of $5 for each $100 or fraction thereof borrowed; such stock shall be held by such Federal land bank as collateral security for the loan of the borrower; shall participate in all dividends; and upon full payment of the loan shall be canceled at par and proceeds paid to borrower, or the borrower may apply the same to the final payments on his loan. (As amended June 30, 1945, ch. 204, § 3, 59 Stat. 267.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by omitting "shall not exceed the sum of $25,000 to any one borrower, and" following "each branch bank" in last sentence of first par.

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by Act June 30, 1945, cited to text, see notes set out under section 712 of this title

CROSS REFERENCES

Financial control of Federal Land Banks, see chapter 14 of Title 31, Money and Finance

NATIONAL FARM-LOAN ASSOCIATIONS GENERALLY

§ 712. Directors; officers; loan committee.

The board of directors of every national farm loan association shall consist of not less than five nor more than seven members, who shall be elected by the shareholders of the association. Elections of such directors shall be held once each year at an annual meeting of the shareholders. Every national farm loan association shall at the first annual meeting of its shareholders subsequent to August 19, 1937, elect two directors for a term of three years, two directors for a term of two years, and the remainder of its board of directors for a term of one year. Thereafter directors shall be chosen to serve for terms of three years, and the shareholders of each association shall annually elect as many directors as may be necessary to fill the places of those directors whose terms expire during the year. Any vacancy that may occur in the board of directors through death, resignation or other cause shall be filled at the next annual meeting of shareholders by the election of a director to serve out the unexpired portion of the term, or a special meeting of shareholders may be called for this purpose. Until such election the remaining directors shall have power to fill the vacancy for the time being by appointing a temporary director to serve until the next meeting of shareholders. All directors shall hold office until their successors are elected and have qualified. It shall be the duty of said board of directors to choose in such manner as they may prefer a secretary-treasurer, who shall receive such compensation as said board of directors shall determine. The board of directors shall elect a president, a vice president, and a loan committee of three or more members. The secretary-treasurer shall be eligible for membership on the loan committee. The board of directors may empower (a) the loan committee to elect applicants to membership and (b) any three members of said committee to act as the loan committee in approving loans on behalf of the association and in electing applicants to membership in the association. No action by the loan committee shall be valid where the full committee is acting unless unanimously approved by all members or where any three of its members are acting as herein provided unless approved by all such members. (As amended June 30, 1945, ch. 204, § 1 (a), 59 Stat 266)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by inserting between "three" and "members" words "or more" in sentence beginning "The board of directors", and by adding the last three sentences.

SAVING CLAUSE

Section 17 of act June 30, 1945, cited to text, provided "The sections, subsections, paragraphs, and provisos of this Act (sections 672, 745, 751–753, 771, 781, 857, 861, 874, 880, 1016, 1020b, 1020d of this title and section 694 of title 38) are hereby declared to be separable, and if any one or more of the sections, subsections, paragraphs, or provisos of this Act, or the application thereof to any person or circumstance, should be held to be unconstitutional or invalid for any other reason, the validity of other sections, subsections, paragraphs, and provisos of this Act, and the application thereof to other persons or circumstances, shall not be affected thereby."

EFFECTIVE DATE

Section 19 of act June 30, 1945, cited to text, provided "This Act (sections 672, 745, 751–753, 771, 781, 857, 861, 874, 880, 1016, 1020b, 1020d of this title and section 694 of title 38) shall become effective on July 1, 1945"

NATIONAL FARM-LOAN ASSOCIATIONS; SPECIAL PROVISIONS

§ 745. New members.

After a charter has been granted to a national farm loan association, any person who is the owner, or about to become the owner, of farm land qualified under section 771 of this title as the basis of a mortgage loan, and who desires to borrow on a mortgage of such farm land, may become a member of the association by a majority vote of the directors, or by the loan committee where said committee has been empowered to elect applicants to membership, and upon subscribing for one share of the capital stock of such association for each $100 of the face of his proposed loan or any major fractional part thereof He shall at the same time file with the secretary-treasurer his application for a mortgage loan, giving the particulars required by section 771 of this title. As used in this section, the term "person" includes an individual, an incorporated association, and a

corporation which is eligible for a loan under section 771 of this title. (As amended June 30, 1945, ch. 204, § 1 (b), 59 Stat. 266.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by inserting after "by a majority vote of the directors" the following ", or by the loan * * * to membership, and" in first sentence.

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by Act June 30, 1945, cited to text, see notes set out under section 712 of this title.

APPRAISAL FOR FARM LOANS

§ 751. Investigation by loan committee; report by appraiser; report and approval by committee; notification to applicant.

Whenever an application for a mortgage loan is made to a national farm-loan association, the loan committee provided for in section 712 of this title shall forthwith make, or cause to be made, such investigation as it may deem necessary as to the character and solvency of the applicant, and the sufficiency of the security offered. The committee may request a report on the value of the security by a land bank appraiser appointed under the authority of section 656 of this title, in which event such an appraiser shall investigate and make a written report to the association upon the security offered. The committee shall cause written report to be made of the results of such investigation or investigations as it has required to be made and shall, if it concurs in such report, approve the same in writing. No loan shall be made unless the report of the committee is favorable. After the investigation required in this section has been made, the association has requested and received a report upon the value of the security by a land bank appraiser, and the loan committee has reached an agreement as to the amount and terms of the loan which may be offered to the applicant, if such amount is not in excess of 65 per centum of the normal value of the security offered as determined by said appraiser the secretary-treasurer may notify the applicant of the amount and terms of the loan approved by the loan committee: *Provided*, That any such notice shall contain a statement that the amount and terms of the loan offered to the applicant are subject to and conditioned upon subsequent approval or disapproval by the Federal land bank. (As amended June 30, 1945, ch. 204, § 2, 59 Stat. 266.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section generally by adding provisions contained in second and fifth sentences.

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by Act June 30, 1945, cited to text, see notes set out under section 712 of this title.

§ 752. Submission of loan application and required reports to land bank; consideration by bank.

The written report required in section 751 of this title, together with any report made by a land bank appraiser, shall be submitted to the Federal land bank with the application for the loan, and the land bank shall examine said written report when it passes on the loan application which it accompanies, but it shall not be bound by the value placed upon the property by the loan committee. (As amended June 30, 1945, ch. 204, § 2, 59 Stat. 266.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by inserting after "of this title," the following "together with any report made by a land bank appraiser," omitting "directors of said" following "and the", substituting "it passes" for "they pass", and by substituting "the value placed upon the property by the loan committee.", for "said appraisal".

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by Act June 30, 1945, cited to text, see notes set out under section 712 of this title.

§ 753. Requirement for appraisal of land offered as security before making land bank loan.

Before any mortgage loan is made by any Federal land bank, or joint-stock land bank, it shall refer the application to one or more of the land bank appraisers appointed under the authority of section 656 of this title, and such appraiser or appraisers shall investigate and make a written report on the security offered for said loan: *Provided*, That if a land bank appraiser has made a report on said security to the national farm-loan association, the Federal land bank need not request an additional report No such loan shall be made by said land bank unless the written report of the land bank appraiser is favorable. (As amended June 30, 1945, ch. 204, § 2, 59 Stat. 266.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by omitting "and written report of the loan committee" following "refer the application", and by adding the proviso to the first sentence

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by Act June 30, 1945, cited to text, see notes set out under section 712 of this title.

RESTRICTION ON LOANS OF FEDERAL LAND BANKS BASED ON FIRST MORTGAGES

§ 771. Restrictions enumerated.

* * * * *

Second. *Agreement for repayment on amortization plan.*—Every such mortgage shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments sufficient to cover, first, a charge on the loan at a rate not exceeding the interest rate in the last series of farm-loan bonds issued by the land bank making the loan; second, a charge for administration and profits at a rate not exceeding, except with the approval of the Governor of the Farm Credit Administration, 1 per centum per annum on the unpaid principal, said two rates combined constituting the interest rate on the mortgage; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than five years nor more than forty years: *Provided*, That after five years from the date upon

which a loan is made the mortgagor may, upon any regular installment date, make in advance any number of payments or any portion thereof on account of the principal of his loan as provided by his contract or pay the entire principal of such loan, under the rules and regulations of the Farm Credit Administration: *And provided further,* That under the rules and regulations of the Farm Credit Administration any land bank may agree, at the time a loan is made or thereafter, that the mortgagor may make such payments or portions of payments in advance or pay the entire principal of such loan during the first five years the loan is in effect: *And provided further,* That before the first issues of farm-loan bonds by any land bank the interest rate on mortgages may be determined in the discretion of said land bank, subject to the provisions and limitations of this subchapter.

* * * * *

Fourth. *Purposes of loans enumerated.*—

* * * * *

(d) To liquidate indebtedness of the owner of the land mortgaged incurred for agricultural purposes, or incurred at least two years prior to the date of the application for the loan.

* * * * *

Fifth. *Limitation on amount of loans; appraisal; reappraisal.*—No such loan shall exceed 65 per centum of the normal value of the farm mortgaged, said value to be ascertained by appraisal, as provided in sections 751–756 of this title In making said appraisal the value of the farm for agricultural purposes shall be the basis of appraisal and the normal earning power of said farm shall be a principal factor.

* * * * *

Ninth. *Interest on defaulted payments; payment of taxes and liens; insurance* —Every borrower shall pay simple interest on defaulted payments at a rate not exceeding 6 per centum per annum, and by express covenant in his mortgage deed shall undertake to pay when due all taxes, liens, judgments, or assessments which may be lawfully assessed against the land mortgaged Taxes, liens, judgments, or assessments not paid when due, and paid by the mortgagee, shall become a part of the mortgage debt and shall bear simple interest at a rate not exceeding 6 per centum per annum Every borrower shall undertake to keep insured to the satisfaction of the Farm Credit Administration all buildings the value of which was a factor in determining the amount of the loan. Insurance shall be made payable to the mortgagee as its interest may appear at time of loss, and at the option of the mortgagor and subject to general regulations of the Farm Credit Administration; sums so received may be used to pay for reconstruction of the buildings destroyed.

* * * * *

Twelfth. *Reduction of interest on loans and deferment of principal.*—Notwithstanding the provisions of paragraph "Second" of this section, the rate of interest on any loans on mortgage made through national farm loan associations or through agents as provided in sections 801–808 of this chapter, or purchased from joint stock land banks, by any Federal land bank, outstanding on May 12, 1933, or made through national farm loan associations after such date, shall not exceed 3½ per centum per annum for all interest payable on installment dates occurring within a period of nine years commencing July 1, 1935; and no payment of the principal portion of any installment of any such loan outstanding on June 3, 1935, shall be required prior to July 11, 1938, if the borrower shall not be in default with respect to any other condition or covenant of his mortgage. The foregoing provisions shall apply to loans made by Federal land banks through branches, except that the rates of interest paid for the respective periods above specified shall be one-half of 1 per centum per annum in excess of the rates of interest paid during the corresponding periods by borrowers on mortgage loans made through national farm loan associations. The foregoing provisions shall also apply to interest on so-called purchase-money mortgages and on real estate sales contracts taken by the Federal land banks which is payable on installment dates occurring after June 30, 1942, except that in the case of such mortgages and contracts the rate of interest shall be one-half of 1 per centum per annum in excess of the rate paid by borrowers on mortgage loans made through national farm loan associations. The Secretary of the Treasury shall pay each Federal land bank, as soon as practicable after October 1, 1933, and after the end of each quarter thereafter, such amount as the Land Bank Commissioner certifies to the Secretary of the Treasury is equal to the amount by which interest payments on mortgages held by such bank have been reduced, during the preceding quarter, by reason of this paragraph; but in any case in which the Land Bank Commissioner finds that the amount of interest payable by such bank during any quarter has been reduced by reason of the refinancing of bonds under section 992 of this chapter, the amount of the reduction so found shall be deducted from the amount payable to such bank under this paragraph. No payments shall be made to a bank with respect to any period after June 30, 1944. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000,000 for the purpose of enabling the Secretary of the Treasury to make payments to Federal land banks which accrue during the fiscal year ending June 30, 1934, and such additional amounts as may be necessary to make payments accruing during subsequent fiscal years. (As amended June 27, 1942, ch. 449, § 1, 56 Stat. 391; June 30, 1945, ch. 204, § 4, 59 Stat. 267.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by inserting second proviso in subsec Second, by striking out "incurred prior to January 1, 1937" and inserting in lieu thereof "incurred at least two years prior to the date of the application for the loan" in subpar. (d) of subsec. Fourth, by substituting "65" for "50", inserting "normal" preceding "value", omitting "and 20 per centum of the value of the permanent, insured improvements thereon" following "by appraisal", by inserting "normal" preceding "earning" in first par. of subsec. Fifth, and by

striking out "the rate of 8 per centum per annum" and inserting in lieu thereof "a rate not exceeding 6 per centum per annum" in the first and second sentences of subsec. Ninth.

1942—Act June 27, 1942, cited to text, amended Twelfth subsec. by substituting "seven years" for "five years" in first sentence, by adding third sentence, and by substituting "June 30, 1944" for "June 30, 1942" in fifth sentence.

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by Act June 30, 1945, cited to text, see notes set out under section 712 of this title.

POWERS OF FEDERAL LAND BANKS GENERALLY

§ 781. Enumerated powers.

* * * * *

Seventh. *Borrowing money.*—To borrow money severally, or jointly and severally with one or more other Federal land banks, to give security therefor, and to pay interest thereon.

Eighth. *Buying and selling obligations of United States; purchasing notes and mortgages of Federal Mortgage Corporation.*—To buy and sell United States Government obligations direct or fully guaranteed; and to purchase and acquire from the Federal Farm Mortgage Corporation notes and mortgages representing loans made by the Land Bank Commissioner pursuant to section 1016 of this title, upon farm property situated in the farm credit district in which said bank is located, and purchase money mortgages and contracts for the sale of farms held by the Federal Farm Mortgage Corporation in connection with the sale of farm property situated in such district: *Provided,* That no such note and mortgage, purchase-money mortgage, or contract shall be purchased pursuant hereto unless (1) the unpaid balance of the indebtedness represented or secured thereby, together with any indebtedness to the Federal land bank secured by a prior mortgage on the property, does not exceed 65 per centum of the normal value of the farm as determined upon appraisal made pursuant to this subchapter; (2) the borrower acquires such stock in a national farm loan association, in addition to any available stock which he may already own, as may be necessary to constitute an amount equal to one share of stock for each $100 of the unpaid balance of the indebtedness represented or secured by the note and mortgage, purchase-money mortgage, or contract being purchased and acquired, together with the indebtedness secured by any prior lien on the property in favor of the Federal land bank; (3) the national farm loan association in which such stock is held elects the borrower to membership, if not already a member, and agrees to be liable for the indebtedness secured by the note and mortgage, purchase-money mortgage, or contract being purchased and acquired; and (4) the land bank takes such action, if any, as may be necessary to reduce the rate of interest on the indebtedness secured by the mortgage, purchase-money mortgage, or contract acquired or purchased to the same rate of interest the bank is charging on first-mortgage loans which it is then making.

* * * * *

Nineteenth. *Deferment of installment payments.*—To permit any borrower to defer payment of the principal portions of installments on his loan in order that he may pay, in whole or in part, any indebtedness which is secured by a lien junior to the lien of the bank upon the farm land mortgaged to secure his loan. (As amended June 30, 1945, ch. 204, §§ 5–7, 59 Stat. 267.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by inserting "severally, or jointly and severally with one or more other Federal land banks" following "To borrow money" in subsec Seventh, striking "bonds and Federal Farm Mortgage Corporation bonds" and inserting in lieu "obligations direct or * * * is then making.", and by adding subsec. Nineteenth.

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by Act June 30, 1945, cited to text, see notes set out under section 712 of this title.

POWERS OF FARM CREDIT ADMINISTRATION

§ 832. Allocation of expenses of administrative services rendered each year by Farm Credit Administration to certain banking institutions; disposition of moneys.

(a) The Farm Credit Administration shall, prior to the first day of each fiscal year commencing after June 30, 1944, estimate for the ensuing fiscal year the cost of examinations of the joint-stock land banks, Federal land banks, national farm-loan associations, banks for cooperatives, Central Bank for Cooperatives, Federal intermediate credit banks, production credit corporations, and production credit associations; shall apportion the amount so determined among the joint-stock land banks, Federal land banks, banks for cooperatives, Central Bank for Cooperatives, Federal intermediate credit banks, production credit corporations, and production credit associations on such equitable basis as said Administration shall determine; and shall assess against and collect in advance the amount so apportioned from the banks, corporations, and other organizations among which the apportionment is made.

(b) The Farm Credit Administration shall, prior to the first day of each fiscal year commencing after June 30, 1944, estimate the cost to it for the ensuing fiscal year of the administrative supervision of the Federal land bank system, the banks for cooperatives, the Central Bank for Cooperatives, the Federal intermediate credit banks, and the production credit system; shall apportion the amount so determined among the Federal land banks, the banks for cooperatives, the Central Bank for Cooperatives, the Federal intermediate credit banks, and the production credit corporations on such equitable basis as said Administration shall determine; and shall assess against and collect in advance from such banks and corporations the amount so apportioned.

(c) The amounts collected pursuant to subsections (a) and (b) hereof shall be covered into the Treasury, and credited to a special fund, which fund is hereby authorized to be appropriated to said Administration for expenditure during each fiscal year for salaries and expenses applicable to examination and administrative supervision as set

forth in the annual appropriation made for the same fiscal year for salaries and expenses of said Administration. As soon as practicable after the end of each such fiscal year, said Administration shall determine on a fair and reasonable basis (1) the cost of the examination services rendered during the fiscal year to each said bank, corporation, or other organization; and (2) the amount which fairly and equitably should be allocated to each bank and corporation as the cost during the fiscal year of such administrative supervision, and if the sum of these two items in any case is greater than the total amount collected from the bank, corporation, or other organization, the difference shall be collected from such bank, corporation, or other organization, and, if less, shall be refunded from said special fund to the bank, corporation, or other organization entitled thereto. (Sept. 21, 1944, ch. 412, title VI, § 601 (a–c), 58 Stat. 740.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

SIMILAR PROVISIONS

Provisions similar to this section were contained in the Department of Agriculture Appropriation Act for the following year:

1945—June 28, 1944, ch. 296, § 1, 58 Stat. 832.

§ 833. Purchase of manuscripts, data, and special reports; employment of personnel for special services.

The Farm Credit Administration is authorized to purchase manuscripts, data, and special reports by personal service without regard to the provisions of any other Act, and to employ persons, firms, and others for the performance of special services, including legal services: *Provided*, That expenditures under this authority shall not be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein. (Sept. 21, 1944, ch. 412, title VI, § 602, 58 Stat. 741.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

ISSUE OF FARM-LOAN BONDS

§ 857. Acceptable collateral security.

Notwithstanding any other provisions of this subchapter to the contrary, on and after July 1, 1945, subject to the approval of the Farm Credit Administration, any Federal land bank may deposit with the farm-loan registrar of the district, and it shall be the duty of said registrar to accept, as collateral security for farm-loan bonds, either originally or by substitution, (a) United States Government obligations direct or fully guaranteed, and (b) notes secured by mortgages or purchase money mortgages on farms, or contracts for the sale of farms; provided any such mortgage, purchase money mortgage, or contract constitutes a first lien on the farm, or its equivalent from a security standpoint as determined by the Farm Credit Administration, and the unpaid balance thereof at the time of acceptance is not in excess of 65 per centum of the normal value of the farm, as determined upon appraisal made pursuant to this subchapter. (As amended June 30, 1945, ch. 204, § 8, 59 Stat. 268.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section generally by striking out entire section and inserting present text.

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by Act June 30, 1945, cited to text, see notes set out under section 712 of this title.

FORM OF FARM LOAN BONDS

§ 861. Amount, denomination, and terms; maturity date; interest rates.

Bonds provided for in this subchapter shall be issued in such amounts, denominations, and bear such terms as the Farm Credit Administration may authorize; they shall have a specified maturity, but may, in addition, when stated in the bonds, be redeemable, at the option of the land bank, at an earlier specified date or dates. They shall bear a rate of interest not to exceed 5½ per centum per annum, but no bonds issued or sold after June 30, 1923, shall bear a rate of interest to exceed 5 per centum per annum. (As amended June 30, 1945, ch. 204, § 9, 59 Stat. 268.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by striking out first two sentences and inserting in lieu thereof "Bonds provided for * * * date or dates."

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by Act June 30, 1945, cited to text, see notes set out under section 712 of this title.

SPECIAL PROVISIONS OF FARM LOAN BONDS

§ 874. Signing and attesting bonds; certificate of Land Bank Commissioner.

Every farm loan bond issued by a Federal land bank shall be signed by its president or vice president and attested by its secretary or assistant secretary. For the purpose of signing such bonds the board of directors of any Federal land bank is authorized to select a vice president who need not be a member of the board of directors; such bonds shall also contain in the face thereof a certificate signed by the Land Bank Commissioner to the effect that it is issued under the authority of the Federal Farm Loan Act, has the approval in form and issue of the Farm Credit Administration, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security prescribed by this subchapter, at least equal in amount to the bonds issued; and that all Federal land banks are liable for the payment of each bond. (As amended June 30, 1945, ch. 204, § 10 (a), 59 Stat. 268.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by striking out "of United States Government bonds, or first mortgages on farm lands" and inserting in lieu thereof "prescribed by this subchapter" in second sentence.

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by Act June 30, 1945, cited to text, see notes set out under section 712 of this title.

§ 880. Certificate of Land Bank Commissioner.

Every farm loan bond issued hereunder shall contain on the face thereof a certificate signed by the Land Bank Commissioner to the effect that it is issued under the authority of Title I of the Federal Farm Loan Act, has the approval in form and issue of the Farm Credit Administration, and is legal and regular in all respects; that it is not taxable by National, State, municipal, or local authority; that it is issued against collateral security prescribed by this subchapter, at least equal in amount to the bonds issued; and that all Federal land banks are liable for the payment of each bond (As amended June 30, 1945, ch 204 § 10 (b), 59 Stat 269)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by striking out "consisting of obligations of the United States Government, or first mortgages on farm lands" and inserting in lieu thereof "prescribed by this subchapter" following "against collateral security".

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by Act June 30, 1945, cited to text, see notes set out under section 712 of this title.

EXEMPTION FROM TAXATION

§ 931. Federal land banks; national farm loan associations; mortgages and bonds as instrumentalities of Government.

CROSS REFERENCES

United States obligations and evidences of ownership issued March 27, 1942, as subject to Federal taxation, see section 742, of Title 31, Money and Finance

EXAMINATIONS

§ 952. Requirements, responsibilities, and penalties applicable to examiners; examinations; reports.

Farm credit examiners shall be subject to the same requirements, responsibilities, and penalties as are applicable to national-bank examiners under chapters 2 and 3 of this title and other provisions of law. Whenever directed by the Farm Credit Administration, said examiners shall examine the condition of any national farm loan association and report the same to the Land Bank Commissioner They shall examine and report the condition of every Federal land bank and joint stock land bank at least once each year. (As amended July 12, 1943, ch 215, § 1, 57 Stat. 424.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, amended section by changing the examination requirement from "at least twice each year" to "at least once each year" thereafter

SUBCHAPTER II.—LOANS TO FARMERS BY LAND BANK COMMISSIONER

§ 1016. Loans to farmers by Land Bank Commissioner; provisions governing.

* * * * *

(c) Provisions to be included in mortgage; interest rate; repayment of principal in installments; maximum terms of loans as affected by character of security; privilege of deferring principal payments during first 3 years of loan.

Every mortgage made under this section shall contain an agreement providing for the repayment of the loan on an amortization plan by means of a fixed number of annual or semiannual installments, sufficient to cover (1) interest on unpaid principal at a rate of 1 per centum per annum higher than the rate on loans through national farm loan associations made at the same time by the Federal land bank in the farm credit district in which the security for the loan under this section is located: *Provided, however,* That loans guaranteed under section 694–694e of Title 38 may be made at such lower rate as may be necessary to qualify them for such guaranty and (2) such payments equal in amount to be applied on principal as will extinguish the debt within an agreed period of not more than ten years or, in the case of a first or second mortgage secured wholly by real property within an agreed period no greater than that for which loans may be made under the preceding subchapter, from the date the first payment on principal is due: *Provided,* That when in the judgment of the Land Bank Commissioner conditions justify it, any mortgage made under this section may provide that during the first three years the loan is in effect payments of interest only may be required if the borrower shall not be in default with respect to any other condition or covenant of his mortgage.

(f) Substitution of Federal land bank loan.

The instruments under which each loan under this section is made and security given therefor shall provide that if at any time it shall appear to the lender that the borrower may be able to obtain a Federal land bank loan on the mortgaged property, the borrower shall, on request of the lender, apply for a Federal land bank loan to pay off the loan under this section, and shall accept such loan as may be offered to him by the Federal land bank, if sufficient in amount to pay the loan under this section and pay for any stock which it is necessary for him to purchase in obtaining the loan from the Federal land bank.

* * * * *

(g) Loans by Commissioner on behalf of Federal Farm Mortgage Corporation; loans in cash or bonds; amount available.

Until July 1, 1946, the Land Bank Commissioner shall, in his name, make loans under this section on behalf of the Federal Farm Mortgage Corporation, and may make such loans in cash or in bonds of the corporation, or if acceptable to the borrower, in consolidated farm loan bonds; but no such loans shall be made by him after July 1, 1946, except for the purpose of refinancing loans previously made by him under this section. As much as may be necessary of the assets of the corporation, including the bonds (and proceeds thereof) issued under section 1020c of this title, may be used for the purposes of this section.

* * * * *

(i) Rate of interest payable on certain installment dates.

Notwithstanding the foregoing provisions of this section, the rate of interest on loans made under this section shall not exceed 4 per centum per annum for all interest payable on installment dates occur-

ring on or after July 22, 1937, and prior to July 1, 1940, and shall not exceed 3½ per centum per annum for all interest payable on installment dates occurring on or after July 1, 1940, and prior to July 1, 1944, and shall not exceed 4 per centum per annum for all interest payable on installment dates occurring on or after July 1, 1944, and prior to July 1, 1945 Notwithstanding the interest rate provided for in so-called purchase-money mortgages and real estate sales contracts taken by the Federal Farm Mortgage Corporation, the rate of interest payable on such mortgages and contracts shall not exceed 4 per centum per annum for all interest payable on installment dates occurring on and after July 1, 1942, and prior to July 1, 1944 (As amended June 3, 1942, ch. 321, 56 Stat 306; June 27, 1942, ch. 449, § 2, 56 Stat. 392; June 26, 1943, ch. 146, 57 Stat. 196; June 30, 1944, ch. 329, 58 Stat. 646; June 30, 1945, ch. 204, §§ 11–13, 59 Stat 269.)

AMENDMENTS

1945—Subsec (c) amended by act June 30, 1945, cited to text, which struck out "interest on unpaid principal at a rate not to exceed 5 per centum per annum" and inserted in lieu thereof "interest on unpaid principal * * * for such guaranty" in subd (1).

Subsec. (c) (1) added by act June 30, 1945, cited to text.

Subsec. (g) amended by act June 30, 1945, cited to text, which substituted "July 1, 1946" for "July 1, 1945" wherever appearing.

1944—Subsec (i) amended by act June 30, 1944, cited to text, which added ", and shall not exceed 4 per centum per anum for all interest payable on installment dates occurring on or after July 1, 1944, and prior to July 1, 1945"

1943—Subsec (g) was amended by acts Feb. 1, 1940; June 3, 1942; June 26, 1943, cited to text. Act June 3, 1942, substituted "July 1, 1943" for "June 1, 1942" in both instances Act June 26, 1943, substituted "July 1, 1945" for "July 1, 1943" in both instances

1942—Subsec. (i) was amended by act June 27, 1942, cited to text

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

SUBCHAPTER II–A.—FEDERAL FARM MORTGAGE CORPORATION

§ 1020. Establishment of corporation; directors; by-laws; regulations; officers and employees.

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance

§ 1020a–1. Capital investment expenditures as nonadministrative expenses.

All expenditures which under the accounting system prescribed for the Federal Farm Mortgage Corporation by the General Accounting Office are to be treated as capital investments, increasing the book value of acquired fixed property (real estate and chattel), shall be considered as nonadministrative expenses for the purposes of section 712a of Title 15. (Sept. 21, 1944, ch. 412, title VI, § 603, 58 Stat. 741.)

CODIFICATION

This section was not enacted as a part of Federal Farm Mortgage Corporation Act.

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 1020b. Capital; amount; subscription by United States; repayment by corporation.

The capital of the corporation shall be in the sum of $200,000,000, which shall be subscribed by the Governor on behalf of the United States in such amounts and at such times as he deems necessary for the purposes of the corporation. For the purpose of such capital subscription, the funds and proceeds thereof made available to the Land Bank Commissioner under section 1016 of this title and the mortgages taken by the Commissioner and the credit instruments secured thereby are transferred to the corporation. The Federal Farm Mortgage Corporation is authorized to repay to the Secretary of the Treasury on behalf of the United States all amounts in excess of $50,000,000 heretofore subscribed to the capital stock of the Corporation. The proceeds of such repayment shall be held in the Treasury of the United States as a fund available for subscription, by the Governor on behalf of the United States with the approval of the Secretary of the Treasury, to the capital of the Corporation when, in the judgment of the directors of the Corporation, additional subscriptions to its capital are necessary. (As amended June 30, 1945, ch 204, § 14, 59 Stat. 269.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by omitting "on or before June 30, 1941" and substituting "$50,000,000" for "$100,000,000" in third sentence, and by capitalizing "Corporation" wherever appearing in last sentence.

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

§ 1020d. Purchase of consolidated farm loan bonds; loans to Federal joint-stock land banks; investment in mortgages; extensions; sale and assignment of notes and mortgages.

The corporation is further authorized to purchase from time to time, for cash, such consolidated farm loan bonds at such prices and upon such terms as may be approved by the board of directors of the corporation; to make loans to Federal land banks and joint-stock land banks on the security of real estate mortgages, sheriff's certificates, sales contracts and real estate, upon such terms and conditions as shall be prescribed by the board of directors of the corporation: *Provided, however,* That loans outstanding to joint-stock land banks under this section shall not at any one time exceed in the aggregate $10,000,000; to make loans to Federal land banks on the security of consolidated farm loan bonds; and to invest its funds in mortgage loans made under section 1016 of this title.

When in the judgment of the directors conditions justify it, the corporation shall have power to extend, in whole or in part, any unpaid obligation under the terms of any mortgage, and to accept payment of any such obligation together with interest

thereon, at a rate not exceeding 5 per centum per annum, during such period and in such amounts as may be agreed upon at the date of making such extension. The Corporation is authorized and empowered to sell and assign, without recourse and without warranty, its notes and mortgages representing loans made by the Land Bank Commissioner pursuant to section 1016 of this title, to the Federal land bank located in the farm credit district in which the mortgaged farm properties are situated and to sell and assign in like manner purchase money mortgages and contracts for the sale of farms held by the Federal Farm Mortgage Corporation in connection with the sale of farm property situated in such district. (As amended June 30, 1945, ch. 204, § 15, 59 Stat. 269.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by adding last sentence.

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of this title.

§ 1020f. Exemptions from taxation.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance

SUBCHAPTER II-B.—LOANS TO FARMERS BY GOVERNOR OF FARM CREDIT ADMINISTRATION

§ 1020k. Use of loan, purposes; exemption from execution, etc.

CROSS REFERENCES

Application to rural rehabilitation loans, see section 1007a of Title 7, Agriculture

§ 1020n. Unlawful use of loans; false representations; accepting fee for securing loans; penalties.

CROSS REFERENCES

Application to rural rehabilitation loans, see section 1007a of Title 7, Agriculture

§ 1020n-1. Fraudulently obtained loans; personal liability of Federal employees.

REPEATED.—Act July 1, 1941, ch. 267, § 1, 55 Stat. 444; act July 22, 1942, ch. 516, § 1, 56 Stat. 701.

SUBCHAPTER III.—FEDERAL INTERMEDIATE CREDIT BANKS

ORGANIZATION

§ 1021. Number, names, and charters of banks.

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

TAX EXEMPTION

§ 1111. Capital and income; debentures instrumentalities of Government.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance.

SUBCHAPTER IV.—PRODUCTION CREDIT CORPORATIONS AND PRODUCTION CREDIT ASSOCIATIONS

PRODUCTION CREDIT CORPORATION

§ 1131. Establishment; number; location.

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

SUBCHAPTER V—REGIONAL BANKS FOR COOPERATIVES AND CENTRAL BANK FOR COOPERATIVES

REGIONAL BANKS

§ 1134. Establishment; number; location.

CROSS REFERENCES

Financial control of Regional Banks for Cooperatives, see chapter 14 of Title 31, Money and Finance.

CENTRAL BANK

§ 1134f. Establishment; location.

CROSS REFERENCES

Financial control of Central Bank for Cooperatives, see Chapter 14 of Title 31, Money and Finance.

SUBCHAPTER VI.—PROVISIONS COMMON TO PRODUCTION CREDIT CORPORATIONS, PRODUCTION CREDIT ASSOCIATIONS, REGIONAL AND CENTRAL BANKS FOR COOPERATIVES

§ 1138. General corporate powers.

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

§ 1138a. Examinations; assessments against corporations for cost of examinations.

CROSS REFERENCES

Auditing procedures and costs, see sections 850, 857, 858 and 866 of Title 31, Money and Finance.

§ 1138c. Tax exemption; realty and tangible personalty as subject to taxation; termination of tax exemption after retirement of Government-owned stock.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance

SUBCHAPTER VIII.—REGIONAL AGRICULTURAL CREDIT CORPORATIONS

§ 1148. Regional agricultural credit corporations; creation; capital; management; loans; rediscounts; supervision.

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance

Chapter 8.—ADJUSTMENT AND CANCELLATION OF FARM LOANS (New)

Sec

1150 Compromise, adjustment, and cancellation of farm loans; conditions, delegation of powers and duties by Secretary of Agriculture.
1150a. Farm loans to which chapter is applicable.
1150b. Appropriations.
1150c. Penalties for false representation; acceptance of fees, gifts, etc.

§ 1150. Compromise, adjustment, and cancellation of farm loans; conditions; delegation of powers and duties by Secretary of Agriculture.

The Secretary of Agriculture, hereinafter referred to as the Secretary, is authorized and directed to

compromise, adjust, or cancel indebtedness arising from loans and payments made or credit extended to farmers under the provisions of the several Acts of Congress or programs enumerated in section 1150a of this title: *Provided,* That the Secretary finds, after such investigation as he deems sufficient to establish the facts, that (1) said indebtedness has been due and payable for five years or more; (2) the debtor is unable to pay said indebtedness in full and has no reasonable prospect of being able to do so; (3) the debtor has acted in good faith in an effort to meet his obligation; and (4) the principal amount of said indebtedness is not in excess of $1,000. The Secretary is further authorized at his discretion to cancel and discharge indebtedness arising under said Acts of Congress or programs when the amount of said indebtedness is less than $10, or the debtor is deceased and there is no reasonable prospect of recovering from his estate, or his whereabouts has remained unknown for two years and there is no reasonable prospect of obtaining collection, or he has been discharged of the indebtedness in any proceeding under the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States". The compromises, adjustments, or cancelations authorized by this section shall be effected through such agencies, upon such terms and conditions, and subject to such regulations, as the Secretary may prescribe, and the Secretary may delegate the exercise of any such powers and functions to such officers or employees of the Department of Agriculture as he may designate. (Dec. 20, 1944, ch. 623, § 1, 58 Stat. 836.)

REFERENCES IN TEXT

Words "An Act to establish a uniform system of bankruptcy throughout the United States" refer to section 1 et seq of Title 11, Bankruptcy

§ 1150a. Farm loans to which chapter is applicable.

The provisions of this chapter shall apply to any indebtedness of farmers arising from loans or payments made or credit extended to them under any of the following Acts or programs: (a) July 1, 1918 (40 Stat. 635); March 3, 1921 (41 Stat. 1347); March 20, 1922 (42 Stat. 467); April 26, 1924 (43 Stat. 110); February 25, 1927 (44 Stat. 1245); February 28, 1927 (44 Stat., part II, 1251); February 25, 1929 (45 Stat. 1306), as amended May 17, 1929 (46 Stat. 3); March 3, 1930 (46 Stat 78–79), as amended April 24, 1930 (46 Stat. 254); December 20, 1930 (46 Stat. 1032), as amended February 14, 1931 (46 Stat. 1160); February 23, 1931 (46 Stat. 1276); January 22, 1932 (47 Stat. 5); March 3, 1932 (47 Stat. 60); February 4, 1933 (47 Stat 795); February 23, 1934 (48 Stat. 354); June 19, 1934 (48 Stat. 1056); February 20, 1935 (49 Stat. 28); March 21, 1935 (49 Stat. 50); April 8, 1935 (49 Stat. 115); (Executive Order Numbered 7305); January 29, 1937 (50 Stat. 5); and February 4, 1938 (52 Stat. 27); (b) Agricultural Adjustment Act (of 1933); Bankhead Cotton Act of April 21, 1934, on account of the several cotton tax-exemption certificate pools; Jones-Connally Cattle Act of April 7, 1934; Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934; Kerr Tobacco Act of June 28, 1934, and Public Resolution Numbered 76, approved March 14, 1936; section 32 of the Act of August 24, 1935, and related legislation; Supplemental Appropriation Act, fiscal year 1936; sections 7 to 17 of the Soil Conservation and Domestic Allotment Act; Sugar Act of 1937; sections 303 and 381 (a) of the Agricultural Adjustment Act of 1938 and related or subsequent legislation authorizing parity or price adjustment payments; title IV and title V of the Agricultural Adjustment Act of 1938 and related legislation; any amendment to any of the foregoing Acts heretofore and any other Act of Congress heretofore enacted authorizing payments to farmers under programs administered through the Agricultural Adjustment Agency; (c) Loans made by or through the Resettlement Administration or the Farm Security Administration out of funds appropriated or made available by or pursuant to the following Acts: April 8, 1935 (49 Stat 115); June 22, 1936 (49 Stat. 1608); February 9, 1937 (50 Stat. 8); June 29, 1937 (50 Stat. 352); The Bankhead-Jones Farm Tenant Act, July 22, 1937 (50 Stat. 522 et seq.); the Water Facilities Act of August 28, 1937 (50 Stat. 869 et seq.); March 2, 1938 (52 Stat. 83, Public Resolution Numbered 80); June 21, 1938 (52 Stat. 809); June 30, 1939 (53 Stat. 927); June 26, 1940 (Public Resolution Numbered 88); flood-restoration loans, Second Deficiency Appropriation Act, 1943 (57 Stat. 537, 542); and subsequent legislation appropriating or making available funds for such loans; commodity loan, purchase, sale, and other programs of the Commodity Credit Corporation; and crop-insurance programs formulated pursuant to title V of the Agricultural Adjustment Act of 1938 (the Federal Crop Insurance Act), and any amendment or supplement thereto heretofore or hereafter enacted. This chapter shall also apply to any indebtedness of farmers evidenced by notes or accounts receivable, title to which has been acquired in the liquidation of loans to cooperative associations made under the provisions of the Act of June 15, 1929 (46 Stat. 11). (Dec. 20, 1944, ch. 623, § 2, 58 Stat. 836.)

§ 1150b. Appropriations.

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amount as may be necessary to enable the Secretary to carry out the provisions of this chapter, and the current and subsequent appropriations to enable the Secretary to administer the respective Acts of Congress or programs to which the aforesaid payments or loans or extensions of credit relate shall also be available for the administrative expenses of carrying out this chapter. (Dec 20, 1944, ch. 623, § 3, 58 Stat. 837.)

§ 1150c. Penalties for false representation; acceptance of fees, gifts, etc.

(a) Whoever makes any material representation, knowing it to be false, for the purpose of influencing in any way the action of the Secretary, or of any person acting under his authority, in connection with any compromise, adjustment, or cancelation of indebtedness provided for herein, shall, upon conviction thereof, be punished by a fine of not more

than $1,000 or by imprisonment for not more than one year, or both.

(b) No officer or employee of the United States, and no person to whom the Secretary may delegate any power or function under this chapter, shall accept any fee, commission, gift, or other consideration, directly or indirectly, for or in connection with any transaction or business related to the compromise, adjustment, or cancelation of indebtedness hereunder. Any person violating the foregoing provision shall, upon conviction thereof, be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or both. (Dec. 20, 1944, ch. 623, § 4, 58 Stat. 837.)

Chapter 11.—FEDERAL HOME LOAN BANK ACT

Sec
1439a. Deposits in special fund; availability for all purposes of Federal Home Loan Bank Board and Federal Home Loan Bank Administration (New).

§ 1422. Definitions.

TRANSFER OF FUNCTIONS

Federal Home Loan Bank Board consolidated with other agencies into the National Housing Agency during present war, see Ex Ord. No 9070, set out in note under section 601 of Appendix to Title 50, War

§ 1423. Federal Home Loan Bank districts; number and boundaries; establishment of Federal Home Loan Banks; names.

CROSS REFERENCES

Financial control of Federal Home Loan Banks, see chapter 14 of Title 31, Money and Finance.

§ 1430. Advances—(a) Authorization to make; limitation on amount.

* * * * *

(1) If secured by a mortgage insured under the provisions of sections 1707–1715 and 1736–1742 of this title, the advance may be for an amount not in excess of 90 per centum of the unpaid principal of the mortgage loan. (As amended Mar. 28, 1941, ch. 31, § 7, 55 Stat. 62.)

* * * * *

AMENDMENTS

1941—Act Mar. 28, 1941, cited to text, amended par (1) of subsec. (9) of section by addition of words "and 1736-1742."

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title

§ 1433. Exemption from taxation; obligation acceptable as credit on debt of home owner.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance

§ 1437. Federal Home Loan Bank Board; creation; composition of board; powers and duties; salaries.

TRANSFER OF FUNCTIONS

Federal Home Loan Bank Board consolidated with other agencies into the National Housing Agency during present war, see Ex Ord No 9070, set out in note under section 601 of Appendix to Title 50, War.

FEDERAL LOAN AGENCY

By act Feb. 24, 1945, ch 4, 59 Stat 5, sections 1801–1804 of this title, the Federal Loan Agency was reconstituted an independent establishment of the Federal Government.

§ 1439a. Deposits in special fund; availability for all purposes of Federal Home Loan Bank Board and Federal Home Loan Bank Administration.

All moneys and funds heretofore deposited in the Treasury of the United States under the last sentence of section 1439, as amended (including unexpended balances of moneys appropriated therefrom for administrative expenses), and hereafter all moneys and funds which would, except for this provision, be so depositable thereunder, shall be deposited with the Treasurer of the United States in a special deposit account and shall be available, retroactively as well as prospectively, for expenditure for all purposes of the Federal Home Loan Bank Board and the Federal Home Loan Bank Administration, subject to subsections (a) and (b) of section 712a of Title 15. (June 26, 1943, ch. 145, title I, § 101, 57 Stat. 186.)

Chapter 12.—HOME OWNERS' LOAN ACT OF 1933

§ 1463. Home owners' loan corporation.

* * * * *

(c) Bond issue by corporation authorized; interest and principal guaranteed by United States; exemption from taxation.

In order to provide for applications filed before May 28, 1935, for applications filed within thirty days thereafter, and for carrying out the other purposes of this section, the Corporation is authorized to issue bonds in an aggregate amount not to exceed $4,750,000,000, which may be exchanged as hereinafter provided, or which may be sold by the Corporation to obtain funds for carrying out the purposes of this section or for the redemption of any of its outstanding bonds; and the Corporation is further authorized to increase its total bond issue for the purpose of retiring its outstanding bonds by an amount equal to the amount of the bonds to be so retired (except bonds retired from payments of principal on loans), such retirement to be at maturity or by call or purchase or exchange or any method prescribed by the Board with the approval of the Secretary of the Treasury: *Provided*, That no bonds issued under this subsection, as amended, shall have a maturity date later than 1952. Such bonds shall be in such forms and denominations, shall mature within such periods of not more than eighteen years from the date of their issue, shall bear such rates of interest not exceeding 4 per centum per annum, shall be subject to such terms and conditions, and shall be issued in such manner and sold at such prices, as may be prescribed by the Corporation, with the approval of the Secretary of the Treasury. Such bonds shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof, and such bonds shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds, the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the Corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such bonds, the Secretary of the Treasury shall pay to the holder

the amount thereof which is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such bonds. The Secretary of the Treasury, in his discretion, is authorized to purchase any bonds of the Corporation issued under this subsection which are guaranteed as to interest and principal, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under sections 752, 753, and 757 of Title 31, and the purposes for which securities may be issued under such sections are extended to include any purchases of the Corporation's bonds hereunder. The Secretary of the Treasury may, at any time, sell any of the bonds of the Corporation acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of the bonds of the Corporation shall be treated as public-debt transactions of the United States. The bonds issued by the Corporation under this subsection shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States or any District, Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. The Corporation, including its franchise, its capital, reserves and surplus, and its loans and income, shall likewise be exempt from such taxation; except that any real property of the Corporation shall be subject to taxation to the same extent, according to its value, as other real property is taxed: *Provided*, That any building now or hereafter owned by the Corporation in the District of Columbia and used in whole or in part as an office building of the Corporation, the Federal Home Loan Bank Board, the Federal Home Loan Bank Administration, and/or the Federal Savings and Loan Insurance Corporation, together with the land upon which the same stands, and all appurtenances, buildings, and land now or hereafter owned by the Corporation and used principally in connection with any such office building, shall be exempt from any and all taxation heretofore or hereafter imposed. No such bonds shall be issued in excess of the assets of the Corporation, including the assets to be obtained from the proceeds of such bonds, but a failure to comply with this provision shall not invalidate the bonds or the guaranty of the same. The Corporation shall have power to purchase in the open market at any time and at any price not to exceed par any of the bonds issued by it. Any such bonds so purchased may, with the approval of the Secretary of the Treasury, be sold or resold at any time and at any price. For a period of six months after April 27, 1934, the Corporation is authorized to refund any of its bonds issued prior to such date or any bonds issued after such date in compliance with commitments of the Corporation outstanding on such date, upon application of the holders thereof, by exchanging therefor bonds of an equal face amount issued by the Corporation under this subsection as amended, and bearing interest at such rate as may be prescribed by the Corporation with the approval of the Secretary of the Treasury; but such rate shall not be less than that first fixed after April 27, 1934, on bonds exchanged by the Corporation for home mortgages. For the purpose of such refunding the Corporation is further authorized to increase its total bond issue in an amount equal to the amount of the bonds so refunded. Nothing in this subsection shall be construed to prevent the Corporation from issuing bonds in compliance with commitments of the Corporation on April 27, 1934. (As amended Oct. 24, 1942, ch. 621, 56 Stat. 986.)

* * * * *

AMENDMENTS

1942—Act Oct. 24, 1942, cited to text, amended subsection (c) by adding proviso to the ninth sentence.

TRANSFER OF FUNCTIONS

Home Owners' Loan Corporation consolidated with other agencies, into the National Housing Agency during present war, see Ex Ord No 9070, set out in note under section 601 of Appendix to Title 50, War.

FEDERAL LOAN AGENCY

By act Feb. 24, 1945, ch. 4, 59 Stat. 5, sections 1801–1804 of this title, the Federal Loan Agency was reconstituted an independent establishment of the Federal Government.

LIQUIDATION OF HOME OWNERS' LOAN CORPORATION; O. P. A. RULES INAPPLICABLE TO DISPOSAL OF REAL PROPERTY; REPORTS TO CONGRESS

Act June 26, 1943, ch. 145, title I, § 1, 57 Stat. 186, provided in part: "Notwithstanding any order or regulation issued by the Office of Price Administration, the Home Owners' Loan Corporation is authorized to dispose of any real property to which such corporation has title upon such terms and conditions as the Federal Home Loan Bank Commissioner determines will expedite the orderly liquidation of such real property: *Provided further*, That the Home Owners' Loan Corporation shall prepare a plan for its liquidation at the earliest practicable date and shall, by February 1, 1944, submit a report of such plan to the Congress, setting forth the terms of liquidation and such other information as may be necessary to inform the Congress of the disposition of the property of such Corporation while in the process of liquidation: *Provided further*, That the Federal Home Loan Bank Commissioner, on behalf of the Home Owners' Loan Corporation, shall transmit to the Congress semiannually during the fiscal year ending June 30, 1944, a progress report with respect to liquidation, showing all dispositions of the property of such Corporation by States during the period of liquidation, together with the amounts of Federal funds expended in the process of liquidation, and any losses incurred in the use of such funds during each quarterly period of the fiscal year 1944."

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance.

§ 1464. Federal Savings and Loan Associations.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance.

Chapter 13.—NATIONAL HOUSING

Sec.

1701b. Citation of amendment of 1942 (New).

SUBCHAPTER I—HOUSING RENOVATION AND MODERNIZATION

1706b. Taxation of real property held by Administrator (New).

SUBCHAPTER VI.—DEFENSE HOUSING INSURANCE (NEW)

1736. Definitions.
1737. Creation of Defense Housing Insurance Fund.
1738 Insurance of mortgages; eligibility; limitations on time and amount; premiums.
1739. Payment of benefits.
1740. Fund; deposit or investment of surplus money; credits and charges
1741. State taxation of realty held by Administrator.
1742. Rules and regulations.
1743. Insurance of mortgages; mortgages on property designed for residential rental to war workers; mortgages in connection with sale of property acquired under subchapters II and VI (New).

§ 1701b. Citation of amendment of 1942.

The Act of May 26, 1942, ch. 319, 56 Stat. 301, may be cited as the "National Housing Act Amendments of 1942". (May 26, 1942, ch. 319, § 15, 56 Stat. 305.)

REFERENCES IN TEXT

The National Housing Act Amendments of 1942 affected sections 1701b, 1703, 1715c, 1737–1740, 1743, 1743 note, and the heading of subchapter VI of this chapter.

CROSS REFERENCES

Construction of act May 26, 1942, cited to text, with Ex Ord. No 9070, consolidating various housing agencies into the National Housing Agency, see note under section 1743 of this title.

SUBCHAPTER I.—HOUSING RENOVATION AND MODERNIZATION

§ 1702. Creation of Federal Housing Administration.

The President is authorized to create a Federal Housing Administration, all of the powers of which shall be exercised by a Federal Housing Administrator (hereinafter referred to as the "Administrator"), who shall be appointed by the President, by and with the advice and consent of the Senate, shall hold office for a term of four years, and shall receive compensation at the rate of $12,000 per annum. In order to carry out the provisions of this subchapter and subchapters II, III, and VI of this chapter, the Administrator may establish such agencies, accept and utilize such voluntary and uncompensated services, utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees, and appoint such other officers and employees as he may find necessary, and may prescribe their authorities, duties, responsibilities, and tenure and fix their compensation, without regard to the provisions of other laws applicable to the employment or compensation of officers or employees of the United States. The Administrator may delegate any of the functions and powers conferred upon him under this subchapter and subchapters II, III, and VI of this chapter to such officers, agents, and employees as he may designate or appoint, and may make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books and books of reference, and for paper, printing, and binding) as are necessary to carry out the provisions of this subchapter and subchapters II, III, and VI of this chapter, without regard to any other provisions of law governing the expenditure of public funds. All such compensation, expenses, and allowances shall be paid out of funds made available by this chapter. The Administrator shall, in carrying out the provisions of this subchapter and subchapters II, III, and VI, be authorized, in his official capacity, to sue and be sued in any court of competent jurisdiction, State or Federal. (As amended Mar. 28, 1941, ch. 31, § 2, 55 Stat. 61; June 28, 1941, ch. 261, § 6, 55 Stat. 365.)

AMENDMENTS

1941—Act Mar. 28, 1941, cited to text, substituted "subchapters II, III, and VI" for "subchapters II and III."

Act June 28, 1941, cited to text, substituted "$12,000" for "$10,000."

EFFECTIVE DATE

Amendment by act June 28, 1941, cited to text, became effective July 1, 1941

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title

TRANSFER OF FUNCTIONS

Federal Housing Administration consolidated with other agencies into the National Housing Agency during present war, see Ex Ord No 9070, set out in note under section 601 of Appendix to Title 50, War

FEDERAL LOAN AGENCY

By act Feb 24, 1945, ch. 4, 59 Stat 5, sections 1801–1804 of this title, the Federal Loan Agency was reconstituted an independent establishment of the Federal Government

CROSS REFERENCES

Financial control of United States Housing Corporation and Defense Homes Corporation, see chapter 14 of Title 31, Money and Finance

Prepayment of unpaid portion of purchase price of real estate, see section 640-1 of this title.

§ 1703. Insurance of financial institutions.

(a) The Administrator is authorized and empowered upon such terms and conditions as he may prescribe, to insure banks, trust companies, personal finance companies, mortgage companies, building and loan associations, installment lending companies and other such financial institutions, which the Administrator finds to be qualified by experience or facilities and approves as eligible for credit insurance, against losses which they may sustain as a result of loans and advances of credit, and purchases of obligations representing loans and advances of credit, made by them on and after July 1, 1939, and prior to July 1, 1947, for the purpose of financing alterations, repairs, and improvements upon or in connection with existing structures, and the building of new structures, upon urban, suburban, or rural real property (including the restoration, rehabilitation, rebuilding, and replacement of such improvements which have been damaged or destroyed by earthquake, conflagration, tornado, hurricane, cyclone, flood, or other catastrophe), by the owners thereof or by lessees of such real property under a lease expiring not less than six months after the maturity of the loan or advance of credit. In no case shall the insurance granted by the Administrator under this section to any such financial institution on loans, advances of credit, and purchases

made by such financial institution for such purposes on and after July 1, 1939, exceed 10 per centum of the total amount of such loans, advances of credit, and purchases. The total liability which may be outstanding at any time plus the amount of claims paid in respect of all insurance heretofore and hereafter granted under this section and section 1706a,[1] as amended, less the amount collected from insurance premiums and other sources and deposited in the Treasury of the United States under the provisions of subsection (f) of this section, shall not exceed in the aggregate $165,000,000

(b) No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it (1) if the amount of such loan, advance of credit, or purchase made for the purpose of financing the alteration, repair, or improvement of existing structures exceeds $2,500, or for the purpose of financing the construction of new structures exceeds $3,000; (2) if such obligation has a maturity in excess of three years and thirty-two days, except that such maturity limitation shall not apply if such loan, advance of credit, or purchase is for the purpose of financing the construction of a new structure for use in whole or in part for residential or agricultural purposes; or (3) unless the obligation bears such interest, has such maturity, and contains such other terms, conditions, and restrictions as the Administrator shall prescribe, in order to make credit available for the purposes of this subchapter. *Provided*, That insurance may be granted to any such financial institution with respect to any obligation not in excess of $5,000 and having a maturity not in excess of seven years and thirty-two days representing any such loan, advance of credit, or purchase by it if such loan, advance of credit, or purchase (1) is made for the purpose of financing the alteration, repair, improvement, or conversion of an existing structure located in an area or locality in which the President shall find that an acute shortage of housing exists or impends which would impede national war activities; and (2) is made for the purpose of providing additional living accommodations: *Provided further*, That any obligation with respect to which insurance is granted under this section on or after July 1, 1939, may be refinanced and extended in accordance with such terms and conditions as the Administrator may prescribe, but in no event for an additional amount or term in excess of the maximum provided for in this subsection. The Administrator is authorized to prescribe such procedures as in his judgment are necessary to secure to war workers occupancy priority with respect to any additional living accommodations referred to in clause (2) of the preceding sentence.

(c) (1) Notwithstanding any other provision of law, the Administrator shall have the power, under regulations to be prescribed by him and approved by the Secretary of the Treasury, to assign or sell at public or private sale, or otherwise dispose of, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section, and to collect or compromise all obligations assigned to or held by him and all legal or equitable rights accruing to him in connection with the payment of such insurance until such time as such obligations may be referred to the Attorney General for suit or collection.

(2) The Administrator is authorized and empowered (a) to deal with, complete, rent, renovate, modernize, insure, or sell for cash or credit, in his discretion, and upon such terms and conditions and for such consideration as the Administrator shall determine to be reasonable, any real property conveyed to or otherwise acquired by him in connection with the payment of insurance heretofore or hereafter granted under this subchapter and (b) to pursue to final collection, by way of compromise or otherwise, all claims against mortgagors assigned by mortgagees to the Administrator in connection with such real property by way of deficiency or otherwise: *Provided*, That section 5 of Title 41 shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $1,000 The power to convey and to execute in the name of the Administrator deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real property or any interest therein heretofore or hereafter acquired by the Administrator pursuant to the provisions of this subchapter may be exercised by the Administrator or by any Assistant Administrator appointed by him without the execution of any express delegation of power or power of attorney: *Provided*, That nothing in this paragraph shall be construed to prevent the Administrator from delegating such power by order or by power of attorney, in his discretion, to any officer or agent he may appoint.

* * * * *

(f) The Administrator shall fix a premium charge for the insurance hereafter granted under this subchapter, but in the case of any obligation representing any loan, advance of credit, or purchase, such premium charge shall not exceed an amount equivalent to 1 per centum per annum of the net proceeds of such loan, advance of credit, or purchase, for the term of such obligation, and such premium charge shall be payable in advance by the financial institution and shall be paid at such time and in such manner as may be prescribed by the Administrator. The moneys derived from such premium charges and all moneys collected by the Administrator as fees of any kind in connection with the granting of insurance as provided in this section, and all moneys derived from the sale, collection, disposition, or compromise of any evidence of debt, contract, claim, property, or security assigned to or held by the Administrator as provided in subsection (c) of this section with respect to insurance granted on and after July 1, 1939, shall be deposited in an account in the Treasury of the United States, which account shall be available for defraying the operating expenses of the Federal

Housing Administration under this subchapter, and any amounts in such account which are not needed for such purpose may be used for the payment of claims in connection with the insurance granted under this subchapter. (As amended June 28, 1941, ch 261, §§ 1–5, 55 Stat. 364, 365; May 26, 1942, ch. 319, § 13, 56 Stat. 305; Mar. 23, 1943, ch. 21, § 2, 57 Stat 43; Oct. 15, 1943, ch 259, §§ 3, 4, 57 Stat. 571.)

[1] Repealed by section 3 of act June 3, 1939, cited to the text

AMENDMENTS

1943—Subsec (a) was amended by acts Mar 23, 1943 and Oct 15, 1943, both cited to text Act Mar. 23, 1943, substituted "1944" for "1943" in first sentence. Act Oct 15, 1943, substituted "1947" for "1944" in first sentence.

Subsec (f) was amended by act Oct 15, 1943, cited to text which struck out "three-fourths of" preceding "1 per centum" in first sentence.

1941—Subsec (a) was amended by act June 28, 1941, cited to text, which substituted "July 1, 1943" for "July 1, 1941" in the first sentence, inserted "and other sources" after "premiums"; and substituted "$165,000,000" for "$100,000,000"

Subsec (b) was amended by acts June 28, 1941, and May 26, 1942, both cited to text The 1941 act inserted "made for the purpose of financing construction of new structures exceeds $3,000" for "exceeds $2,500"; substituted in clause (2) the words "where the loan limitations shall not apply if" for "unless"; and added proviso at end

Subsec (c) was amended by act June 28, 1941, cited to text, which numbered subsec as par (1), inserted "personal" before "property" therein, and added par (2)

Subsec (f) was amended by act June 28, 1941, cited to text, which added to last sentence the words "and all moneys collected by the Administrator with respect to insurance collected on and after July 1, 1939"

CROSS REFERENCES

Construction of act May 26, 1942, cited to text, with Ex Ord No 9070, consolidating various housing agencies into the National Housing Agency, see note under section 1743 of this title

§ 1706. Annual report.

The Administrator shall make an annual report to the Congress as soon as practicable after the 1st day of January in each year of his activities under this subchapter and subchapters II, III, and VI of this chapter (As amended Mar. 28 1941, ch. 31, § 3, 55 Stat. 61.)

AMENDMENTS

1941—Act Mar. 28, 1941, cited to text, substituted "subchapters II, III, and VI" for "subchapters II and III".

SAVING CLAUSE

Separability of act Mar 28, 1941, cited to text, see note under section 1736 of this title

§ 1706b. Taxation of real property held by Administrator.

Nothing in this subchapter shall be construed to exempt any real property acquired and held by the Administrator in connection with the payment of insurance heretofore or hereafter granted under this subchapter from taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed. (June 27, 1934, ch. 847, § 7, as added June 28, 1941, ch. 261, § 7, 55 Stat. 365.)

SUBCHAPTER II.—MORTGAGE INSURANCE

§ 1707. Definitions.

* * * * *

(a) The term "mortgage" means a first mortgage on real estate, in fee simple, or on a leasehold (1) under a lease for not less than ninety-nine years which is renewable or (2) under a lease having a period of not less than fifty years to run from the date the mortgage was executed; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State, in which the real estate is located, together with the credit instruments, if any, secured thereby.

* * * * *

(d) The term "State" includes the several States, and Alaska, Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands. (As amended Mar. 28, 1941, ch 31, § 4 (a), 55 Stat. 61.)

AMENDMENTS

1941—Act Mar. 28, 1941, cited to text, struck out words "district, or Territory" in subsec (a) and added subsec (d)

SAVING CLAUSE

Separability of act Mar 28, 1941, cited to text, see note under section 1736 of this title

§ 1709. Insurance of mortgages—(a) Authority of Administrator; aggregate of insurance; duration of authority.

The Administrator is authorized, upon application by the mortgagee, to insure as hereinafter provided any mortgage offered to him which is eligible for insurance as hereinafter provided, and, upon such terms as the Administrator may prescribe, to make commitments for the insuring of such mortgages prior to the date of their execution or disbursement thereon. *Provided*, That the aggregate amount of principal obligations of all mortgages insured under this subchapter and outstanding at any one time shall not exceed $4,000,000,000, except that with the approval of the President such aggregate amount may be increased to not to exceed $5,000,000,000: *Provided further*, That the aggregate amount of principal obligations of all mortgages that cover property the construction of which was completed more than one year prior to the date of the application for insurance, and that are insured under this subchapter after June 3, 1939, and outstanding at any one time shall not exceed 35 per centum of the total amount of the principal obligations of mortgages with respect to which insurance may be granted under this subchapter after such date: *Provided further*, That on and after July 1, 1946, no mortgages shall be insured under this subchapter except mortgages that cover property which is approved for mortgage insurance prior to the completion of the construction of such property, or which has been previously covered by a mortgage insured by the Administrator. (As amended June 28, 1941, ch. 261, § 8, 55 Stat. 365; Oct. 15, 1943, ch. 259, § 2, 57 Stat. 571.)

* * * * *

AMENDMENTS

1943—Subsec. (a) was amended by act Oct. 15, 1943, cited to text, which substituted "1946" for "1944" in third proviso.

1941—Subsec. (a) was amended by act June 28, 1941, cited to text, which substituted "$4,000,000,000" for "$3,000,000,000", "$5,000,000,000" for "$4,000,000,000"; substituted in second proviso words "June 3, 1939 . . . to which insurance may be granted under this chapter after such date." for "the effective date of this amendment . . . to which insurance may be granted under this chapter after such date;" and substituted "July 1, 1944" in third proviso for "July 1, 1941."

§ 1710. Payment of insurance—(a) Conveyance and assignment by mortgagee; debentures and certificates of claim; cost of foreclosure.

In any case in which the mortgagee under a mortgage insured under section 1709 or section 1715a of this title shall have foreclosed and taken possession of the mortgaged property in accordance with regulations of, and within a period to be determined by, the Administrator, or shall, with the consent of the Administrator, have otherwise acquired such property from the mortgagor after default, the mortgagee shall be entitled to receive the benefit of the insurance as hereinafter provided, upon (1) the prompt conveyance to the Administrator of title to the property which meets the requirements of rules and regulations of the Administrator in force at the time the mortgage was insured, and which is evidenced in the manner prescribed by such rules and regulations, and (2) the assignment to him of all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction or foreclosure proceedings, except such claims as may have been released with the consent of the Administrator. Upon such conveyance and assignment the obligation of the mortgagee to pay the premium charges for insurance shall cease and the Administrator shall, subject to the cash adjustment hereinafter provided, issue to the mortgagee debentures having a total face value equal to the value of the mortgage and a certificate of claim, as hereinafter provided. For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Administrator, by adding to the amount of the original principal obligation of the mortgage which was unpaid on the date of the institution of foreclosure proceedings, or on the date of the acquisition of the property after default other than by foreclosure, the amount of all payments which have been made by the mortgagee for taxes, ground rents, and water rates, which are liens prior to the mortgage, special assessments which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance on the mortgaged property, and any mortgage insurance premiums paid after either of such dates, and by deducting from such total amount any amount received on account of the mortgage after either of such dates, and any amount received as rent or other income from the property, less reasonable expenses incurred in handling the property, after either of such dates: *Provided,* That with respect to mortgages which are accepted for insurance prior to July 1, 1944, under section 1709 (b) (2) (B) of this title, and which are foreclosed before there shall have been paid on account of the principal obligation of the mortgage a sum equal to 10 per centum of the appraised value of the property as of the date the mortgage was accepted for insurance, there may be included in the debentures issued by the Administrator, on account of foreclosure costs actually paid by the mortgagee and approved by the Administrator an amount not in excess of 2 per centum of the unpaid principal of the mortgage as of the date of the institution of foreclosure proceedings, but in no event in excess of $75: *And provided further,* That with respect to mortgages to which the provisions of sections 523 and 536 of the Appendix to Title 50, as now or hereafter amended, apply and which are insured under section 1709 of this title, as now or hereafter amended, and subject to such regulations and conditions as the Administrator may prescribe, there shall be included in the debentures an amount which the Administrator finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter. (As amended June 28, 1941, ch. 261, § 9, 55 Stat. 365; Oct. 14, 1943, ch. 258, § 1, 57 Stat. 570.)

* * * * *

AMENDMENTS

1943—Subsec. (a) was amended by act Oct. 14, 1943, cited to text, by the addition of last proviso to last sentence

1941—Subsec. (a) was amended by act June 28, 1941, cited to text, which substituted "July 1, 1944" for "July 1, 1941" in last sentence.

§ 1713. Rental housing insurance—(a) Definitions.

* * * * *

(1) The term "mortgage" means a first mortgage on real estate in fee simple, or on the interest of either the lessor or lessee thereof (A) under a lease for not less than ninety-nine years which is renewable or (B) under a lease having a period of not less than fifty years to run from the date the mortgage was executed, upon which there is located or upon which there is to be constructed a building or buildings designed principally for residential use; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances (including but not being limited to advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State, in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby, and may be in the form of trust mortgages or mortgage indentures or deeds of trust securing notes, bonds, or other credit instruments.

* * * * *

(7) The term "State" includes the several States, and Alaska, Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands. (As amended Mar. 28, 1941, ch. 31, § 4 (b), 55 Stat. 62.)

* * * * *

AMENDMENTS

1941—Act Mar. 28, 1941, cited to text, struck out words "district, or Territory" in par. (1) and added par. (7).

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

§ 1715. Statistical and economic surveys.

The Administrator shall cause to be made such statistical surveys and legal and economic studies as he shall deem useful to guide the development of housing and the creation of a sound mortgage market in the United States, and shall publish from time to time the results of such surveys and studies. Expenses of such studies and surveys, and expenses of publication and distribution of the results of such studies and surveys, shall be charged as a general expense of the Fund, the Housing Fund, and the Defense Housing Insurance Fund in such proportion as the Administrator shall determine. (As amended Mar. 28, 1941, ch. 31, § 4 (c), 55 Stat. 62.)

AMENDMENTS

1941—Act Mar. 28, 1941, cited to text, substituted "Fund, the Housing Fund, and the Defense Housing Insurance Fund" for "Fund and the Housing Fund."

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

§ 1715c. Labor standards.

(a) The Administrator shall not insure under section 1713 or section 1715a of this title or under section 1743 of this title, pursuant to any application for insurance filed subsequent to the effective date of this section, a mortgage which covers property on which there is or is to be located a dwelling or dwellings, or a housing project, the construction of which was or is to be commenced subsequent to such date, unless the principal contractor files a certificate or certificates (at such times, in course of construction or otherwise, as the Administrator may prescribe) certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or the housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of the filing of the application for insurance.

(b) The Administrator is authorized to make such rules and regulations as may be necessary to carry out the provisions of this section.

(c) There is hereby authorized to be appropriated for the remainder of the fiscal year ending June 30, 1939, and for each fiscal year thereafter, a sum sufficient to meet all necessary expenses of the Department of Labor in making the determinations provided for in subsection (a). (As amended May 26, 1942, ch. 319, § 10, 56 Stat. 303.)

AMENDMENTS

1942—Act May 26, 1942, cited to text, inserted the reference to section 1743 of this title.

CROSS REFERENCES

Construction of act May 26, 1942, cited to text, with Ex. Ord. No. 9070, consolidating various housing agencies into the National Housing Agency, see note under section 1743 of this title.

SUBCHAPTER III.—NATIONAL MORTGAGE ASSOCIATIONS

§ 1716. Creation and powers of national mortgage associations.

(a) * * *

* * * * * *

(2) To purchase, service, or sell any mortgages, or partial interests therein, which are insured under subchapters II and VI of this chapter. (As amended Mar. 28, 1941, ch. 31, § 5, 55 Stat. 62.)

* * * * * *

AMENDMENTS

1941—Act Mar 28, 1941, cited to text, substituted "subchapters II and VI" for "subchapter II" in subsec. (a), par. (2).

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title

FEDERAL LOAN AGENCY

By act Feb. 24, 1945, ch. 4, 59 Stat. 5, sections 1801–1804 of this title, the Federal Loan Agency was reconstituted an independent establishment of the Federal Government.

§ 1717. Obligations of national mortgage associations.

Each national mortgage association is authorized to issue and have outstanding at any time notes, bonds, debentures, or other such obligations in an aggregate amount not to exceed (1) twenty times the amount of its paid-up capital and surplus, and in no event to exceed (2) the current unpaid principal of mortgages held by it and insured under the provisions of subchapters II and VI of this chapter, plus the amount of its cash on hand and on deposit and the amortized value of its investments in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. No national mortgage association shall borrow money otherwise than through the issuance of such notes, bonds, debentures, or other obligations, except with the approval of the Administrator and under such rules and regulations as he shall prescribe. An association may, if its by-laws so provide, accept any notes, bonds, debentures, or other obligations issued by it in payment of obligations due it at par plus accrued interest: *Provided*, That such notes, bonds, debentures, or other obligations so accepted shall be canceled and not reissued. (As amended Mar. 28, 1941, ch. 31, § 6, 55 Stat. 62.)

AMENDMENTS

1941—First sentence was amended by act Mar. 28, 1941, cited to text.

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

SUBCHAPTER IV.—INSURANCE OF SAVINGS AND LOAN ACCOUNTS

§ 1725. Creation of Federal Savings and Loan Insurance Corporation.

TRANSFER OF FUNCTIONS

Federal Savings and Loan Insurance Corporation consolidated with other agencies into the National Housing

Agency during present war, see Ex. Ord No 9070, set out in note under section 601 of Appendix to Title 50, War.

FEDERAL LOAN AGENCY

By act Feb. 24, 1945, ch. 4, 59 Stat 5, sections 1801–1804 of this title, the Federal Loan Agency was reconstituted an independent establishment of the Federal Government

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

SUBCHAPTER V.—MISCELLANEOUS

§ 1731. Penalties.

* * * * *

(d) No individual, association, partnership, or corporation shall hereafter, while the Federal Housing Administration exists, use the combination of letters "FHA", the words "Federal Housing" or "National Housing", or any combination or variation of such letters or words alone or with other letters or words as the name under which he or it shall do business, for the purpose of trade, or by way of advertisement to induce the sale of any article or product whatsoever, which use shall have the effect of leading the public to believe that any such individual, association, partnership, or corporation, or any article or product so offered for sale, has any connection with, approval of, or authorization from, the Federal Housing Administration, the Government of the United States, or any instrumentality thereof where such connection, approval, or authorization does not, in fact, exist No individual, association, partnership, or corporation shall falsely advertise, or otherwise represent falsely by any device whatsoever, that any project or business in which he or it is engaged, or product which he or it manufactures, deals in, or sells, has been in any way endorsed, authorized, or approved by the Federal Housing Administration, or by the Government of the United States, or by any instrumentality thereof Every violation of this subsection shall be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both. (As amended June 28, 1941, ch. 261, § 10, 55 Stat 365.)

* * * * *

AMENDMENTS

1941—Subsec. (d) was amended by act June 28, 1941, cited to text, which affected first sentence.

SUBCHAPTER VI.—WAR HOUSING INSURANCE

AMENDMENTS

1942—Subchapter heading was amended by act May 26, 1942, ch. 319, § 14 (a), 56 Stat 305. It formerly read "Defense Housing Insurance".

§ 1736. Definitions.

As used in this subchapter—

(a) The term "mortgage" means a first mortgage on real estate, in fee simple, or on a leasehold (1) under a lease for not less than ninety-nine years which is renewable; or (2) under a lease having a period of not less than fifty years to run from the date the mortgage was executed; and the term "first mortgage" means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate, under the laws of the State in which the real estate is located, together with the credit instruments, if any, secured thereby

(b) The term "mortgagee" includes the original lender under a mortgage, and his successors and assigns approved by the Administrator; and the term "mortgagor" includes the original borrower under a mortgage and his successors and assigns.

(c) The term "maturity date" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

(d) The term "State" includes the several States, and Alaska, Hawaii, Puerto Rico, the District of Columbia, and the Virgin Islands. (June 27, 1934, ch. 847, title VI, § 601, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 55.)

SEPARABILITY OF PROVISIONS

Section 9 of act Mar 28, 1941, cited to text, which act affected sections 371, 1430, 1702, 1706, 1707, 1713, 1715, 1716, 1717, and 1736–1742 of this title, and section 609k of Title 15, Commerce and Trade, provided: "If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby"

§ 1737. Creation of War Housing Insurance Fund.

There is hereby created a War Housing Insurance Fund which shall be used by the Administrator as a revolving fund for the carrying out of the provisions of this subchapter, and mortgages insured under this subchapter shall be known and referred to as "war housing insured mortgages". For this purpose, the Reconstruction Finance Corporation shall make available to the Administrator such funds as he may deem necessary, not to exceed $10,000,000, and the amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by an amount sufficient to provide such funds: *Provided*, That the Secretary of the Treasury is authorized and directed to cancel from time to time, upon the request of the Corporation, notes of the Corporation (which notes are hereby made available to the Secretary of the Treasury for purposes of this section), and to discharge its liability, as respects all sums due and unpaid upon or in connection with such notes at the time of such cancelation and discharge in a principal amount equal to the funds made available to the Administrator by the Corporation under or by reason of this subchapter together with interest paid to the Treasury thereon: *Provided further*, That any evidence of indebtedness with respect to funds so disbursed by the Corporation shall be transferred to the Secretary of the Treasury; that the Secretary and the Corporation are authorized and directed to make such adjustments on their books and records as may be necessary to carry out the purposes of this section; that the amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized to issue and have outstanding at any one time under the provisions of this section shall be correspondingly reduced by the amount of notes so canceled by the Secretary, and that any sums at any time received by the Corporation, representing repayments or re-

coveries of funds so disbursed shall forthwith be covered into the general fund of the Treasury: *And provided further,* There shall be allocated immediately to the War Housing Insurance Fund the sum of $5,000,000 out of funds made available to the Administrator for this purpose. General expenses of operation of the Federal Housing Administration under this subchapter may be charged to the War Housing Insurance Fund. (June 27, 1934, ch. 847, title VI, § 602, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 55, and amended May 26, 1942, ch. 319, § 14 (b), 56 Stat. 305.)

AMENDMENTS

1942—Act May 26, 1942, cited to text, amended this subchapter by substituting "War Housing Insurance Fund" and "war housing" for "Defense Housing Insurance Fund" and "defense housing" wherever occurring.

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

CROSS REFERENCES

A portion of this section is also set out as section 609k of Title 15, Commerce and Trade.

Construction of act May 26, 1942, cited to text, with Ex Ord No 9070, consolidating various housing agencies into the National Housing Agency, see note under section 1743 of this title.

§ 1738. Insurance of mortgages; eligibility; limitations on time and amount; premiums.

(a) The Administrator is authorized, upon application by the mortgagee, to insure as hereinafter provided any mortgage which is eligible for insurance as hereinafter provided and upon such terms as the Administrator may prescribe to make commitments for the insuring of such mortgages prior to the date of their execution or disbursement thereon: *Provided,* That the property covered by the mortgage is in an area or locality in which the President shall find that an acute shortage of housing exists or impends which would impede war activities: *Provided further,* That the aggregate amount of principal obligations of all mortgages insured under this subchapter shall not exceed $1,800,000,000: *And provided further,* That no mortgage shall be insured under this subchapter after July 1, 1946, or after such earlier date as the emergency, declared by the President on May 27, 1941, to exist, has by his declaration ceased to exist, except (1) pursuant to a commitment to insure issued on or before July 1, 1946, or such earlier date, whichever first occurs, or (2) a mortgage that is given to refinance an existing mortgage insured under this title and which does not exceed the original principal amount and unexpired term of such existing mortgage.

(b) To be eligible for insurance under this section a mortgage shall—

(1) have been made to, and be held by, a mortgagee approved by the Administrator as responsible and able to service the mortgage properly;

(2) involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Administrator shall approve) in an amount not to exceed 90 per centum of the appraised value (as of the date the mortgage is accepted for insurance) of a property, urban, suburban, or rural upon which there is located a dwelling designed principally for residential use for not more than four families in the aggregate, which is approved for mortgage insurance or war housing insurance prior to the beginning of construction, and (i) the construction of which is begun after March 28, 1941, or (ii) the construction of which was begun after January 1, 1940, and prior to March 28, 1941, and which has not been sold or occupied since completion. Such principal obligation shall not exceed—

(A) $5,400 if such dwelling is designed for a single-family residence, or

(B) $7,500 if such dwelling is designed for a two-family residence, or

(C) $9,500 if such dwelling is designed for a three-family residence, or

(D) $12,000 if such dwelling is designed for a four-family residence;

(3) have a maturity satisfactory to the Administrator but not to exceed twenty-five years from the date of the insurance of the mortgage;

(4) contain complete amortization provisions satisfactory to the Administrator;

(5) bear interest (exclusive of premium charges for insurance) but not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time, or not to exceed 6 per centum per annum if the Administrator finds that in certain areas or under special circumstances the mortgage market demands it;

(6) provide, in a manner satisfactory to the Administrator, for the application of the mortgagor's periodic payments (exclusive of the amount allocated to interest and to the premium charge which is required for mortgage insurance as herein provided) to amortization of the principal of the mortgage; and

(7) contain such terms and provisions with respect to insurance, repairs, alterations, payment of taxes, default reserves, delinquency charges, foreclosure proceedings, anticipation of maturity, additional and secondary liens, and other matters as the Administrator may in his discretion prescribe.

(c) The Administrator is authorized to fix a premium charge for the insurance of mortgages under this subchapter but in the case of any mortgage such charge shall not be less than an amount equivalent to one-half of 1 per centum per annum nor more than an amount equivalent to 1½ per centum per annum of the amount of the principal obligation of the mortgage outstanding at any time, without taking into account delinquent payments or prepayments. Such premium charges shall be payable by the mortgagee, either in cash, or in debentures issued by the Administrator under this subchapter at par plus accrued interest, in such manner as may be prescribed by the Administrator: *Provided,* That the Administrator may require the payment of one or more such premium charges at the time the mortgage is insured, at such discount rate as he may prescribe not in excess of the interest rate specified in the mortgage. If the Administrator finds, upon the presentation of a mortgage for insurance and the tender of the initial premium

charge and such other charges as the Administrator may require, that the mortgage complies with the provisions of this subchapter, such mortgage may be accepted for insurance by endorsement or otherwise as the Administrator may prescribe; but no mortgage shall be accepted for insurance under this subchapter unless the Administrator finds that the project with respect to which the mortgage is executed is an acceptable risk in view of the emergency referred to in this section. In the event that the principal obligation of any mortgage accepted for insurance under this subchapter is paid in full prior to the maturity date, the Administrator is further authorized in his discretion to require the payment by the mortgagee of an adjusted premium charge in such amount as the Administrator determines to be equitable, but not in excess of the aggregate amount of the premium charges that the mortgagee would otherwise have been required to pay if the mortgage had continued to be insured under this subchapter until such maturity date; and in the event that the principal obligation is paid in full as herein set forth, and a mortgage on the same property is accepted for insurance at the time of such payment, the Administrator is authorized to refund to the mortgagee for the account of the mortgagor all, or such portion as he shall determine to be equitable, of the current unearned premium charges theretofore paid. The Administrator is further authorized to prescribe such procedures as in his judgment are necessary to secure to war workers occupancy priority with respect to properties which have not been previously occupied and which are covered by mortgages insured under this section and section 1743 of this title.

(d) Any contract of insurance heretofore or hereafter executed by the Administrator under this subchapter shall be conclusive evidence of the eligibility of the mortgage for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of an approved mortgagee from the date of the execution of such contract, except for fraud or misrepresentation on the part of such approved mortgagee (June 27, 1934, ch. 847, title VI, § 603, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 56, and amended Sept. 2, 1941, ch. 410, 55 Stat. 686; May 26, 1942, ch. 319, §§ 1–4, 14 (b), 56 Stat. 301, 305; Mar. 23, 1943, ch. 21, § 1, 57 Stat. 42; Oct. 15, 1943, ch. 259, § 1, 57 Stat. 571; June 30, 1944, ch. 334, 58 Stat. 648; Mar. 31, 1945, ch. 48, § 1, 59 Stat. 47.)

AMENDMENTS

1945—Subsec. (a) amended by act Mar. 31, 1945, cited to text, which struck out "$1,700,000,000" and inserting in lieu thereof "$1,800,000,000", and struck out "1945" wherever appearing in third proviso and inserting in lieu thereof "1946".

1944—Subsec. (a) amended by act June 30, 1944, cited to text which substituted "1,700,000,000" for "$1,600,000,000", inserted the figure "(1)" in the third proviso immediately following word "except", substituted a comma for the period at the end thereof and added "or (2) a mortgage * * * such existing mortgage.".

1943—Subsec. (a) amended by acts Mar. 23, 1943, and act Oct 15, 1943, both cited to text. Act Mar. 23, 1943, substituted "$1,200,000,000" for "$800,000,000" and substituted "July 1, 1944" for "July 1, 1943" in third proviso. Act Oct. 15, 1943, substituted "$1,600,000" for "$1,200,000" and "July 1, 1945" for "July 1, 1944" wherever it appeared in subsection (a).

1942—Act May 26, 1942, § 14 (b), cited to text, amended this subchapter by substituting "War" and "war" for "Defense" and "defense" wherever occurring. In subsec. (a), first proviso, "war activities" originally read "national-defense activities".

Subsec (a) was amended by act May 26, 1942, § 1, cited to text.

Subsec. (b) (2) was amended by act May 26, 1942, § 2, cited to text, which increased limitations on amount of obligations.

Subsec. (b) (3) was amended by act May 26, 1942, § 3, cited to text, which substituted "twenty-five" for "twenty".

Subsec. (c) was amended by act May 26, 1942, § 4, cited to text.

1941—Subsec. (a) amended by act Sept. 2, 1941, cited to text, which substituted "$300,000,000" for "$100,000,000".

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title

CROSS REFERENCES

Construction of act May 26, 1942, cited to text, with Ex. Ord. No. 9070, consolidating various housing agencies into the National Housing Agency, see note under section 1743 of this title

§ 1739. Payment of benefits.

(a) In any case in which the mortgagee under a mortgage insured under section 1738 of this title shall have foreclosed and taken possession of the mortgaged property, in accordance with regulations of, and within a period to be determined by, the Administrator, or shall, with the consent of the Administrator, have otherwise acquired such property from the mortgagor after default, the mortgagee shall be entitled to receive the benefit of the insurance as hereinafter provided, upon (1) the prompt conveyance to the Administrator of title to the property which meets the requirements of rules and regulations of the Administrator in force at the time the mortgage was insured, and which is evidenced in the manner prescribed by such rules and regulations; and (2) the assignment to him of all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction or foreclosure proceedings except such claims as may have been released with the consent of the Administrator. Upon such conveyance and assignment the obligation of the mortgagee to pay the premium charges for insurance shall cease and the Administrator shall, subject to the cash adjustment hereinafter provided, issue to the mortgagee debentures having a total face value equal to the value of the mortgage and a certificate of claim, as hereinafter provided. For the purposes of this subsection, the value of the mortgage shall be determined, in accordance with rules and regulations prescribed by the Administrator, by adding to the amount of the original principal obligation of the mortgage which was unpaid on the date of the institution of foreclosure proceedings, or on the date of the acquisition of the property after default other than by foreclosure, the amount of all payments which have been made by the mortgagee for taxes, ground rents, and water rates, which are liens prior to the mortgage, special assessments which are noted on the application for insurance or which become liens after the

insurance of the mortgage, insurance of the mortgaged property, and any mortgage insurance premiums paid after either of such dates and by deducting from such total amount any amount received on account of the mortgage after either of such dates, and any amount received as rent or other income from the property, less reasonable expenses incurred in handling the property, after either of such dates: *Provided*, That with respect to mortgages which are foreclosed before there shall have been paid on account of the principal obligation of the mortgage a sum equal to 10 per centum of the appraised value of the property as of the date the mortgage was accepted for insurance, there may be included in the debentures issued by the Administrator, on account of the cost of foreclosure (or of acquiring the property by other means) actually paid by the mortgagee and approved by the Administrator an amount—

(1) not in excess of 2 per centum of the unpaid principal of the mortgage as of the date of the institution of foreclosure proceedings and not in excess of $75; or

(2) not in excess of two-thirds of such cost, whichever is the greater:

And provided further, That with respect to mortgages to which the provisions of sections 523 and 536 of the Appendix to Title 50, as now or hereafter amended, apply and which are insured under section 1738 of this title, as now or hereafter amended, and subject to such regulations and conditions as the Administrator may prescribe, there shall be included in the debentures an amount which the Administrator finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all of the period of such military service and three months thereafter.

(b) The Administrator may at any time, under such terms and conditions as he may prescribe, consent to the release of the mortgagor from his liability under the mortgage or the credit instrument secured thereby, or consent to the release of parts of the mortgaged property from the lien of the mortgage: *Provided*, That the mortgagor shall not be released from such liability in any case until the Administrator is satisfied that the mortgaged property has been sold to a purchaser satisfactory to the Administrator, and that such purchaser has paid on account of the purchase price, in cash or its equivalent, at least 10 per centum of the appraised value of such property as determined by the Administrator as of the date the mortgage is accepted for insurance.

(c) Debentures issued under this subchapter shall be in such form and denominations in multiples of $50, shall be subject to such terms and conditions, and shall include such provisions for redemption, if any, as may be prescribed by the Administrator with the approval of the Secretary of the Treasury, and may be in coupon or registered form. Any difference between the value of the mortgage determined as herein provided and the aggregate face value of the debentures issued, not to exceed $50, shall be adjusted by the payment of cash by the Administrator to the mortgagee from the War Housing Insurance Fund.

(d) The debentures issued under this section to any mortgagee shall be executed in the name of the War Housing Insurance Fund as obligor, shall be signed by the Administrator by either his written or engraved signature, and shall be negotiable. All such debentures shall be dated as of the date foreclosure proceedings were instituted, or the property was otherwise acquired by the mortgagee after default, and shall bear interest from such date at a rate determined by the Administrator, with the approval of the Secretary of the Treasury, at the time the mortgage was accepted for insurance, but not to exceed 3 per centum per annum, payable semiannually on the 1st day of January and the 1st day of July of each year. Such debentures as are issued in exchange for property covered by mortgages accepted for insurance under this section on or after May 26, 1942, shall mature ten years after the date thereof. Such debentures as are issued in exchange for property covered by mortgages accepted for insurance under this section prior to May 26, 1942, shall mature three years after the 1st day of July following the maturity date of the mortgage on the property in exchange for which the debentures were issued: *Provided*, That any mortgagee entitled to receive such debentures may elect to receive in lieu thereof debentures which shall mature ten years after the date thereof. Such debentures shall be exempt both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by any Territory, dependency, or possession of the United States, or by the District of Columbia, or by any State, county, municipality, or local taxing authority, and shall be paid out of the War Housing Insurance Fund, which shall be primarily liable therefor, and they shall be fully and unconditionally guaranteed as to principal and interest by the United States, and such guaranty shall be expressed on the face of the debentures. In the event that the War Housing Insurance Fund fails to pay upon demand, when due, the principal of or interest on any debentures issued under this subchapter, the Secretary of the Treasury shall pay to the holders the amount thereof which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such debentures.

(e) The certificate of claim issued by the Administrator to any mortgagee shall be for an amount which the Administrator determines to be sufficient, when added to the face value of the debentures issued and the cash adjustment paid to the mortgagee, to equal the amount which the mortgagee would have received if, at the time of the conveyance to the Administrator of the property covered by the mortgage, the mortgagor had redeemed the

property and paid in full all obligations under the mortgage and a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings, or the acquisition of the mortgaged property otherwise, and the conveyance thereof to the Administrator. Each such certificate of claim shall provide that there shall accrue to the holder of such certificate with respect to the face amount of such certificate, an increment at the rate of 3 per centum per annum which shall not be compounded. The amount to which the holder of any such certificate shall be entitled shall be determined as provided in subsection (f).

(f) If the net amount realized from any property conveyed to the Administrator under this section and the claim assigned therewith, after deducting all expenses incurred by the Administrator in handling, dealing with, and disposing of such property and in collecting such claims, exceeds the face value of the debentures issued and the cash paid in exchange for such property plus all interest paid on such debentures, such excess shall be divided as follows:

(1) If such excess is greater than the total amount payable under the certificate of claim issued in connection with such property, the Administrator shall pay to the holder of such certificate the full amount so payable, and any excess remaining thereafter shall be paid to the mortgagor of such property; and

(2) If such excess is equal to or less than the total amount payable under such certificate of claim, the Administrator shall pay to the holder of such certificate the full amount of such excess.

(g) Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, the Administrator shall have power to deal with, complete, rent, renovate, modernize, insure, make contracts or establish suitable agencies for the management of, or sell for cash or credit, in his discretion, any properties conveyed to him in exchange for debentures and certificates of claim as provided in this subchapter; and notwithstanding any other provision of law, the Administrator shall also have power to pursue to final collection, by way of compromise or otherwise, all claims against mortgagors assigned by mortgagees to the Administrator as provided in this subchapter, except that no suit or action shall be commenced by the Administrator against any such mortgagor on account of any claim so assigned with respect to mortgages insured under section 1738 of this title unless such suit or action is commenced within six months after the assignment of such claim to the Administrator, or within six months after the last payment was made to the Administrator with respect to the claim so assigned, whichever is later: *Provided*, That section 5 of Title 41 shall not be construed to apply to any contract for hazard insurance, or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $1,000 The power to convey and to execute in the name of the Administrator deeds of conveyances, deeds of release, assignments, and satisfactions of mortgages, and any other written instrument relating to real property or any interest therein heretofore or hereafter acquired by the Administrator pursuant to the provisions of this chapter, may be exercised by the Administrator or by any Assistant Administrator appointed by him, without the execution of any express delegation of power or power of attorney: *Provided*, That nothing in this subsection shall be construed to prevent the Administrator from delegating such power by order or by power of attorney in his discretion, to any officer, agent, or employee he may appoint.

(h) No mortgagee or mortgagor shall have and no certificate of claim shall be construed to give to any mortgagee or mortgagor, any right or interest in any property conveyed to the Administrator or in any claim assigned to him; nor shall the Administrator owe any duty to any mortgagee or mortgagor with respect to the handling or disposal of any such property or the collection of any such claim. (June 27, 1934, ch. 847, title VI, § 604, as added Mar. 28, 1941, ch 31, § 1, 55 Stat. 58, and amended May 26, 1942, ch. 319, §§ 5–8, 14 (b), 56 Stat. 302, 305; Oct. 14, 1943, ch. 258, § 2, 57 Stat. 570.)

AMENDMENTS

1943—Subsec (a) was amended by act Oct 14, 1943, cited to text, which added proviso dealing with losses due to nonforeclosure of mortgages to last sentence

1942—Act May 26, 1942, § 14 (b), cited to text, amended this subchapter by substituting the words "War" and "war" for words "Defense" and "defense" wherever occurring.

Subsec. (a) was amended by act May 26, 1942, § 5, cited to text, which authorized substitution of "section 1738 of this title" for "this subchapter".

Subsec (c) was amended by act May 26, 1942, § 6, cited to text, which authorized substitution of "subchapter" for "section".

Subsec (d) was amended by act May 26, 1942, § 7, cited to text

Subsec (g) was amended by act May 26, 1942, § 8, cited to text, which authorized substitution of "subchapter" for "section" and inserted "with respect to mortgages insured under section 1738 of this title"

SAVING CLAUSE

Separability of act Mar 28, 1941, cited to text, see note under section 1736 of this title

CROSS REFERENCES

Construction of act May 26, 1942, cited to text, with Ex Ord. No. 9070, consolidating various housing agencies into the National Housing Agency, see note under section 1743 of this title

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance.

§ 1740. Fund; deposit or investment of surplus money; credits and charges.

(a) Moneys in the War Housing Insurance Fund not needed for the current operations of the Federal Housing Administration under this subchapter shall be deposited with the Treasurer of the United States to the credit of the War Housing Insurance Fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by the United States. The Administrator may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued under the provisions of this subchapter. Such purchases shall be made at a price which will provide an investment yield of not less

than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

(b) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage accepted for insurance under this subchapter, the receipts derived from the property covered by such mortgage and claims assigned to the Administrator in connection therewith shall be credited to the War Housing Insurance Fund. The principal of, and interest paid and to be paid on debentures issued under this subchapter, cash adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired under the subchapter shall be charged to the War Housing Insurance Fund. (June 27, 1934, ch. 847, title VI, § 605, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 61, and amended May 26, 1942, ch. 319, §§ 9, 14 (b), 56 Stat. 303, 305.)

AMENDMENTS

1942—Act May 26, 1942, § 14 (b), cited to text, amended this subchapter by substituting the words "War" and "war" for words "Defense" and "defense" wherever occurring.

Subsec (a) was amended by act May 26, 1942, § 9, cited to text, which authorized substitution of "this subchapter" for "section 1739" in second sentence.

SAVING CLAUSE

Separability of act Mar. 28, 1941, cited to text, see note under section 1736 of this title.

CROSS REFERENCES

Construction of act May 26, 1942, cited to text, with Ex. Ord No 9070, consolidating various housing agencies into the National Housing Agency, see note under section 1743 of this title.

§ 1741. State taxation of realty held by Administrator.

Nothing in this subchapter shall be construed to exempt any real property acquired and held by the Administrator under this subchapter from taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed (June 27, 1934, ch. 867, title VI, § 606, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 61.)

SAVING CLAUSE

Separability of act Mar. 28 1941, cited to text, see note under section 1736 of this title

§ 1742. Rules and regulations.

The Administrator is authorized and directed to make such rules and regulations as may be necessary to carry out the provisions of this subchapter. (June 27, 1934, ch 847, title VI, § 607, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 61.)

SAVING CLAUSE

Separability of act Mar 28, 1941, cited to text, see note under section 1736 of this title

CROSS REFERENCES

United States obligations issued after Feb 28, 1941, subject to Federal taxation, see section 742a of Title 31, Money and Finance.

§ 1743. Insurance of mortgages; mortgages on property designed for residential rental to war workers; mortgages in connection with sale of property acquired under subchapters II and VI.

(a) In addition to mortgages insured under section 1738 of this title, the Administrator is authorized to insure mortgages as defined in section 1736 of this title (including advances on such mortgages during construction) which are eligible for insurance as hereinafter provided.

(b) To be eligible for insurance under this section a mortgage shall meet the following conditions:

(1) The mortgaged property shall be held by a mortgagor approved by the Administrator. The Administrator may, in his discretion, require such mortgagor to be regulated or restricted as to rents or sales, charges, capital structure, rate of return, and methods of operation. The Administrator may make such contracts with, and acquire for not to exceed $100 stock or interest in any such mortgagor, as the Administrator may deem necessary to render effective such restriction or regulation. Such stock or interest shall be paid for out of the War Housing Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Administrator under the insurance.

(2) The mortgaged property shall be designed for rent for residential use by war workers.

(3) The mortgage shall involve a principal obligation in an amount—

(A) not to exceed $5,000,000; and

(B) not to exceed 90 per centum of the amount which the Administrator estimates will be the reasonable replacement cost of the completed property or project, including the land; the proposed physical improvements; utilities within the boundaries of the property or project; architects' fees; taxes and interest accruing during construction; and other miscellaneous charges incidental to construction and approved by the Administrator: *Provided*, That such mortgage shall not in any event exceed the amount which the Administrator estimates will be the cost of the completed physical improvements on the property or project, exclusive of off-site public utilities and streets, and organization and legal expenses; and

(C) not to exceed $1,350 per room for such part of such property or project as may be attributable to dwelling use.

The mortgage shall provide for complete amortization by periodic payment within such term as the Administrator shall prescribe, and shall bear interest (exclusive of premium charges for insurance) at not to exceed 4½ per centum per annum on the amount of the principal obligation outstanding at any time. The Administrator may consent to the release of a part or parts of the mortgaged property from the lien of the mortgage upon such terms and conditions as he may prescribe and the mortgage may provide for such release.

(c) The failure of the mortgagor to make any payment due under or provided to be paid by the terms of a mortgage insured under this section shall be considered a default under such mortgage, and if such default continues for a period of thirty days, the mortgagee shall be entitled to receive the benefits of the insurance as hereinafter provided, upon assignment, transfer, and delivery to the Administrator, within a period and in accordance with rules and regulations to be prescribed by the Admin-

istrator of (1) all rights and interest arising under the mortgage so in default; (2) all claims of the mortgagee against the mortgagors or others, arising out of the mortgage transaction; (3) all policies of title or other insurance or surety bonds or other guaranties and any and all claims thereunder; (4) any balance of the mortgage loan not advanced to the mortgagor; (5) any cash or property held by the mortgagee, or to which it is entitled, as deposits made for the account of the mortgagor and which have not been applied in reduction of the principal of the mortgage indebtedness; and (6) all records, documents, books, papers, and accounts relating to the mortgage transaction. Upon such assignment, transfer, and delivery the obligation of the mortgagee to pay the premium charges for mortgage insurance shall cease, and the Administrator shall, subject to the cash adjustment provided for in section 1739 (c) of this title, issue to the mortgagee debentures having a total face value equal to the value of the mortgage, and a certificate of claim as hereinafter provided. For the purposes of this subsection, the value of the mortgage shall be determined in accordance with rules and regulations prescribed by the Administrator, by adding to the amount of the original principal obligation of the mortgage which was unpaid on the date of default, the amount the mortgagee may have paid for (A) taxes, special assessments, and water rates, which are liens prior to the mortgage; (B) insurance on the property; and (C) reasonable expenses for the completion and preservation of the property; less the sum of (i) an amount equivalent to 1 per centum of the unpaid amount of such principal obligation on the date of default; (ii) any amount received on account of the mortgage after such date; and (iii) any net income received by the mortgagee from the property after such date: *Provided,* That the mortgagee in the event of a default under the mortgage may, at its option and in accordance with regulations of, and in a period to be determined by the Administrator, proceed to foreclose on and obtain possession of or otherwise acquire such property from the mortgagor after default, and receive the benefits of the insurance as herein provided, upon (1) the prompt conveyance to the Administrator of title to the property which meets the requirements of the rules and regulations of the Administrator in force at the time the mortgage was insured, and which is evidenced in the manner prescribed by such rules and regulations; and (2) the assignment to him of all claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction or foreclosure proceedings, except such claims that may have been released with the consent of the Administrator. Upon such conveyance and assignment, the obligation of the mortgagee to pay the premium charges for insurance shall cease and the mortgagee shall be entitled to receive the benefits of the insurance as provided in this subsection, except that in such event the 1 per centum deduction, set out in (i) hereof, shall not apply.

(d) The certificate of claim issued by the Administrator to any mortgagee in connection with the insurance of mortgages under this section shall be for an amount determined in accordance with subsections (e) and (f) of section 1739 of this title, except that any amount remaining after the payment of the full amount under the certificate of claim shall be retained by the Administrator and credited to the War Housing Insurance Fund.

(e) Debentures issued under this section shall be issued in accordance with the provisions of section 1739 (d) of this title except that such debentures shall be dated as of the date of default as determined in subsection (c) of this section, and shall bear interest from such date.

(f) The provisions of section 1713 (k) of this title shall be applicable to mortgages insured under this section, except that as applied to such mortgages (1) all references in such section 1713 (k) to the "Housing Fund" shall be construed to refer to the "War Housing Insurance Fund", and (2) the reference therein to "subsection (g)" shall be construed to refer to "subsection (c)" of this section.

(g) The Administrator shall also have power to insure under this subchapter or subchapter II of this chapter any mortgage executed in connection with the sale by him of any property acquired under this subchapter or subchapter II of this chapter without regard to the limitations upon eligibility contained therein, and to insure under this subchapter any mortgage executed in connection with the sale by him of any property acquired under this subchapter without regard to any limit as to time or aggregate amount contained in this subchapter. (June 27, 1934, ch. 847, title VI, § 608, as added May 26, 1942, ch. 319, § 11, 56 Stat. 303, amended Mar. 31, 1945, ch. 48, § 2, 59 Stat. 47.)

AMENDMENTS

1945—Subsec. (g) amended by act Mar. 31, 1945, cited to text, which substituted a comma for the period following "eligibility contained therein" and added "and to insure * * * in this subchapter.".

CONSTRUCTION OF ACT MAY 26, 1942, WITH EX. ORD. NO. 9070, CONSOLIDATING NATIONAL HOUSING AGENCY

Section 12 of act May 26, 1942, cited to text of sections 1701b, 1703, 1715c, 1737–1740, and 1743 of this title, provided as follows: "Nothing contained in this Act shall be construed to supersede or be inconsistent with the provisions of the Executive Order Numbered 9070, dated February 24, 1942 (section 601 note of appendix to Title 50, War), and where necessary for this purpose, the term 'Administrator', as used herein, shall be construed to mean 'Federal Housing Commissioner'."

Chapter 14.—FEDERAL CREDIT UNIONS

Sec.

1756a. Reimbursement of Farm Credit Administration personnel for use of private automobiles for examining, supervising, and servicing credit unions (New).

§ 1751. Citation of chapter.

EX. ORD. NO. 9148. CREDIT UNION FUNCTIONS, RECORDS, PROPERTY, AND PERSONNEL

Ex. Ord. No 9148, April 27, 1942, 7 F. R. 3145, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18,

1941 (Public Law 354, 77th Congress), it is hereby ordered as follows:

1. TRANSFER OF FUNCTIONS

All functions, powers, and duties of the Farm Credit Administration and of the Governor thereof under the Federal Credit Union Act, as amended, (Title 12 U. S. C §§ 1751–1771) are transferred to the Federal Deposit Insurance Corporation

2 TRANSFER OF RECORDS, PROPERTY, AND PERSONNEL

All records and property (including office equipment) and all personnel of the Farm Credit Administration used primarily in the administration of the functions transferred by this order are transferred to the Federal Deposit Insurance Corporation for use in the administration of the functions transferred by this order; but any personnel so transferred who are found by the Federal Deposit Insurance Corporation to be in excess of the personnel necessary for the administration of such functions, powers, and duties shall be retransferred under existing law to other positions in the Government or separated from the service

3 TRANSFER OF FUNDS

So much of the unexpended balances of appropriations or other funds available (including those available for the fiscal year ending June 30, 1943) to the Farm Credit Administration in the exercise of the functions transferred by this order, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the Federal Deposit Insurance Corporation for use in connection with the exercise of the functions so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations or other funds prior to the transfer.

4. EFFECTIVE AND TERMINATION DATES

This order shall become effective as of May 16, 1942, and shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941. (50 App. § 601 et seq.)

§§ 1752–1756.

CROSS REFERENCES

Transfer of functions, etc., for duration of war to Federal Deposit Insurance Corporation, see Ex Ord. No. 9148, under section 1751.

§ 1756a. Reimbursement of Farm Credit Administration personnel for use of private automobiles for examining, supervising, and servicing credit unions.

Officers and employees of the Farm Credit Administration who under proper authorization use privately owned automobiles in the performance of official travel within the corporate limits of their official stations for the purpose of examining, supervising, or servicing Federal credit unions located within said corporate limits, may be reimbursed for such travel at a rate not to exceed 3 cents per mile. (July 22, 1942, ch. 516, § 1, 56 Stat. 700.)

CROSS REFERENCES

Transfer of functions, etc., for duration of war to Federal Deposit Insurance Corporation, see Ex. Ord. No. 9148, under section 1751.

§§ 1757–1771.

CROSS REFERENCES

Transfer of functions, etc., for duration of war to Federal Deposit Insurance Corporation, see Ex Ord. No 9148, under section 1751

Chapter 15.—FEDERAL LOAN AGENCY (New)

Sec
1801 Independent establishment of Government; administration by Federal Loan Administrator.
1802 Transfer of functions from Department of Commerce.
1803 Congressional enactment necessary for transferral of functions from Federal Loan Agency.
1804 Audit of financial transactions of Government corporations; place of audit; access to records, annual report to Congress; scope of report; payment of auditing expenses.
1805 Employment of auditing personnel; payment of auditing expenses; reimbursement of General Accounting Office; limitation on private audits

§ 1801. Independent establishment of Government; administration by Federal Loan Administrator.

The Federal Loan Agency, created by section 402 of the President's Reorganization Plan Numbered I under authority of section 45a of Title 3, sections 133–133r of Title 5, and section 2 of Title 31, shall continue as an independent establishment of the Federal Government and shall continue to be administered under the direction and supervision of the Federal Loan Administrator in the same manner and to the same extent as if Executive Order 9071, dated February 24, 1942, transferring the functions of the Federal Loan Agency to the Department of Commerce, had not been issued. (Feb. 24, 1945, ch. 4, § 1, 59 Stat. 5.)

REFERENCES IN TEXT

Section 402 of the President's Reorganization Plan Numbered I, referred to in text, is set out as a note under section 133t of Title 5, sections 1437, 1463, 1702, 1716, and 1725 of this title, and sections 601, 605k–1, and 712a of Title 15

Executive Order 9071, referred to in text, is set out as a note under section 601 of Appendix to Title 50

TRANSFER OF APPROPRIATIONS FOR FISCAL YEAR 1945

Section 3 of act Feb 24, 1945, cited to text, provided: "The unexpended balance of the funds made available to the Secretary of Commerce by Public Law 365, Seventy-eighth Congress, approved June 28, 1944 (Departments of State, Justice, and Commerce Appropriation Act, 1945, act June 28, 1944, ch 294, 58 Stat 395), for administrative expenses of supervising loan agencies, shall be transferred to the Federal Loan Agency to be used for the administrative expenses of that Agency."

CROSS REFERENCES

Financial control of Government corporations, see chapter 14 of Title 31, Money and Finance.

§ 1802. Transfer of functions from Department of Commerce.

All powers, functions, and duties of the Department of Commerce and of the Secretary of Commerce which relate to the Federal Loan Agency (together with the respective personnel, records, and property, including office equipment, relating to the exercise of such functions, powers, and duties) are hereby transferred to the Federal Loan Agency to be administered under the direction and supervision of the Federal Loan Administrator. (Feb. 24, 1945, ch. 4, § 2, 59 Stat. 5.)

§ 1803. Congressional enactment necessary for transferral of functions from Federal Loan Agency.

No functions, powers, or duties shall be transferred from the Federal Loan Agency under the provisions of sections 601–605 of Appendix to Title 50, or any

other law unless the Congress shall otherwise by law provide. (Feb. 24, 1945, ch. 4, § 4, 59 Stat. 5.)

§ 1804. Audit of financial transactions of Government corporations; place of audit; access to records; annual report to Congress; scope of report; payment of auditing expenses.

(a) The financial transactions of all Government corporations shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the respective corporations are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the respective corporations and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The audit shall begin with the current fiscal year.

(b) A report of each such audit for each fiscal year ending on June 30 shall be made by the Comptroller General to the Congress not later than January 15 following the close of the fiscal year for which such audit is made. The report shall set forth the scope of the audit of each corporation and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus, or deficit; a statement of surplus or deficit analysis; a statement of income and expense; and such comments and information as may be deemed necessary to keep Congress informed of the operations and financial condition of the several corporations together with such recommendations with respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital noted in the audit and recommendations for the return of such Government capital or the payment of such dividends as, in his judgment, should be accomplished. The report shall also show specifically every program, expenditure, or other financial transaction or undertaking, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President and to the corporation concerned at the time submitted to the Congress.

(c) The expenses of auditing the financial transactions of all Government corporations as provided in subsection (a) of this section may be paid out of appropriations to the General Accounting Office and appropriations in such sums as may be necessary are hereby authorized for the purpose: *Provided*, That by agreement between the General Accounting Office and said corporation the expenses of said audit may be paid from funds of such corporation. (Feb. 24, 1945, ch. 4, § 5, 59 Stat. 6.)

CROSS REFERENCES

Audit of financial transactions of all Government corporations is now covered by section 866 of Title 31, Money and Finance.

§ 1805. Employment of auditing personnel; payment of auditing expenses; reimbursement of General Accounting Office; limitation on private audits.

For the purpose of conducting the audit of all Government corporations as provided by section 1804 of this title, the Comptroller General is authorized in his discretion to employ not more than ten persons without regard to sections 661–663, 664–673 and 674 of Title 5, only one of whom may be compensated at a rate of as much as but not more than $10,000 per annum, and to employ by contract, without regard to section 5 of Title 41, professional services of firms and organizations for temporary periods or for special purposes: *Provided*, That the expenses of auditing the financial transactions of all Government corporations by the General Accounting Office shall be borne out of appropriations to the General Accounting Office, and appropriations in such sums as may be necessary are hereby authorized: *Provided further*, That each such corporation shall reimburse the General Accounting Office for the full cost of any such audit as billed therefor by the Comptroller General, and the General Accounting Office shall deposit the sums so reimbursed into the Treasury as miscellaneous receipts: *Provided further*, That, unless otherwise expressly provided by law, no funds of any Government corporation shall be used to pay the cost of any private audit of the financial records of the offices of such corporation except the cost of such audits contracted for and undertaken prior to April 25, 1945. (Apr. 25, 1945, ch. 95, title I, 59 Stat. 81.)

CROSS REFERENCES

Audit of financial transactions of all Government corporations is now covered by section 866 of Title 31, Money and Finance.

TITLE 13.—CENSUS

Chapter 1.—BUREAU OF THE CENSUS

§ 2. Director of the Census; duties.

TRANSFER OF FUNCTIONS

The functions, records, property, including office equipment, personnel and administration of the Sample Surveys Section of the Work Projects Administration of the Federal Works Agency were transferred to the Bureau of the Census by Ex. Ord No. 9232, set out in note under section 601 of Appendix to Title 50, War

Chapter 4.—FIFTEENTH AND SUBSEQUENT DECENNIAL CENSUSES

Sec

220 Reimbursement for traveling expenses (New).

§ 219. Traveling and subsistence expenses.

CROSS REFERENCES

Mileage rate for use of privately owned automobiles limited to 3 cents per mile, see section 220 of this title.

§ 220. Reimbursement for traveling expenses.

Employees engaged in census enumeration or surveys shall be reimbursed for actual cost of ferry fares and bridge, road and tunnel tolls, and not to exceed 3 cents per mile for travel performed in privately owned automobiles within the limits of their official posts of duty. (May 21, 1945, ch. 129, title III, 59 Stat. 188.)

TITLE 14.—COAST GUARD

Chapter 1.—GENERAL PROVISIONS

Sec.
3a. Same; personnel subject to Navy regulations (New).
15a–1. Appointment of Coast Guard Academy graduates as ensigns in the line; annual number of appointments to Academy (New).
31b Exchange of certain equipment in part payment of new equipment of similar character (New).
31c. Contracts with Government-owned establishments for work and material (New).
34a Detail of personnel to officers' quarters and messes ashore; exceptions; additional detail (New).
35a. Extension of enlistments during war or national emergency (New).
35b. Enlistment, continuation of term during disability (New).
35c. Same; extension by Secretary of Navy in time of war (New).
40a. (New; Repealed).

§ 1. Establishment of Coast Guard; control of organization generally; cooperation with Navy.

The Coast Guard as heretofore established in lieu of the Revenue Cutter Service and the Life Saving Service, existing prior to January 28, 1915, is continued. The Coast Guard which shall be a military service and constitute a branch of the land and naval forces of the United States at all times and shall operate under the Treasury Department in time of peace and operate as a part of the Navy, subject to the orders of the Secretary of the Navy, in time of war or when the President shall so direct. Whenever the Coast Guard or any units thereof are transferred to the Navy Department, applicable appropriations of the Navy Department shall be available for the expenses thereof: *Provided*, That the applicable appropriations of the Coast Guard shall be available for transfer to the Navy Department for such expenses in such amount or amounts as the Director of the Bureau of the Budget shall determine: *Provided further*, That no provision of sections 1, 2, 5, 36, 38, 65, 100, 102, 175 and 176 of this title shall be construed as giving any officer of either the Coast Guard or the Navy, military or other control at any time over any vessel, officer, or man of the other service except by direction of the President. (As amended July 11, 1941, ch. 290 §§ 5, 6 (a), 55 Stat. 585.)

AMENDMENTS

1941—Act July 11, 1941, cited to text, omitted from second sentence the words "which shall constitute a part of the military forces of the United States" after "Coast Guard" and substituted therefor the words "which shall be a military service and constitute a branch of the land and naval forces of the United States at all times." It also amended third sentence by omitting "When subject to the Secretary of the Navy in time of war the expense of the Coast Guard shall be paid by the Navy Department" and substituting therefor all preceding second proviso.

EX. ORD. NO. 9666. RETURN OF COAST GUARD TO THE TREASURY DEPARTMENT

Ex. Ord. No. 9666, Dec. 29, 1945, 11 F. R. 1, provided:

WHEREAS Executive Order No. 8929 of November 1, 1941 (6 F. R. 5581) [formerly set out as a note under this section], directed that from that date and until further orders the Coast Guard should operate as a part of the Navy, subject to the orders of the Secretary of the Navy; and

WHEREAS the need for the operation of the Coast Guard as a part of the Navy no longer exists, its primary mission in operating as a part of the Navy having been accomplished:

NOW THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including Title I of the First War Powers Act, 1941 (55 Stat. 838) [sections 601–605 of Appendix to Title 50], and as President of the United States, it is hereby directed that on and after January 1, 1946, the Coast Guard shall operate under the Department of the Treasury; and thereupon all authority, powers, and duties conferred upon or vested in the Secretary of the Navy by any law, proclamation or Executive order affecting the Coast Guard, enacted or promulgated during the period the Coast Guard has been operating as a part of the Navy and now in effect, shall, to the extent that they affect the Coast Guard, vest in and be exercised by the Secretary of the Treasury.

This order is subject to the following exceptions, provisions, and conditions:

1. In the interest of expeditious demobilization and other exigencies of the Naval Service, such Coast Guard vessels, facilities, and personnel as the Secretary of the Treasury and the Secretary of the Navy may mutually agree upon shall continue to operate as a part of the Navy, subject to the orders of the Secretary of the Navy, for such additional time beyond January 1, 1946, as the agreement may provide

2. The Coast Guard shall continue, for such period as may be mutually agreeable to the Secretary of the Treasury and the Secretary of the Navy, Air-Sea Rescue functions and the maintenance and operation of mid-ocean weather stations and air-sea navigational aids, under the directional control of the Navy; and all vessels, facilities, equipment and supplies required by the Coast Guard in connection with the maintenance and operation of such activities and not required by the Naval Establishment are authorized to be transferred to the jurisdiction of the Department of the Treasury for the use of the Coast Guard.

3. In the initiation, prosecution, and completion of disciplinary action, including remission and mitigation of punishments for any offense committed by any officer or enlisted man of the Coast Guard, the jurisdiction shall depend upon and be in accordance with the laws and regulations of the department having jurisdiction of the person of such offender at the various stages of such action.

4. In effecting the transfer herein prescribed no change shall be made until June 30, 1946, in existing methods of appropriation accounting, or in existing methods of disbursement for the Coast Guard, which shall continue until that date to be performed as heretofore by officers of the Navy or Coast Guard designated under existing regulations for that purpose. The appropriation accounts of the Coast Guard shall be kept on the general ledgers of the Navy Department until June 30, 1946, after which date they shall be transferred to the Treasury Department.

The said Executive Order No. 8929 of November 1, 1941, is hereby revoked.

CERTAIN VESSELS AND PERSONNEL TO ACT AS PART OF NAVY

Certain vessels and personnel of the Coast Guard were directed to operate and act as part of the Navy by Ex. Ord.

No. 8895, Sept. 11, 1941, 6 F R 4722, and Ex. Ord No. 8767, June 3, 1941, 6 F. R. 2743, respectively.

TRANSFER OF FUNCTIONS

Functions of Bureau of Marine Inspection and Navigation and certain functions of Secretary of Commerce, Collector of Customs, and United States Maritime Commission, transferred to Bureau of Customs and the Coast Guard during present War, see Ex. Ord. No. 9083, set out in note under section 601 of Appendix to Title 50, War.

CROSS REFERENCES

Operation of Coast Guard as part of Navy, transfer from Secretary of Treasury to Secretary of Navy powers regulating anchorage, movement, etc., of vessels, see section 191a of Title 50, War.

§ 3. Cooperation with Navy; Coast Guard when subject to Navy regulations.

CROSS REFERENCES

Operation of Coast Guard as part of Navy, transfer from Secretary of Treasury to Secretary of Navy powers regulating anchorage, movement, etc., of vessels, see section 191a of Title 50, War.

§ 3a. Same; personnel subject to Navy regulations.

Whenever the Coast Guard is operating as a part of the Navy the provisions of sections 197, 722, 875, 885, 961, and 962 of Title 34 shall be considered applicable to personnel of the Coast Guard. (Oct. 26, 1942, ch. 623, 56 Stat. 987.)

§ 4. Repealed. July 11, 1941, ch. 290, § 6 (b), 55 Stat 585.

§§ 10, 10c, 10e.

SUSPENSION OF PERIODIC COMPUTATION

Provisions relating to periodic computations to determine number, permanent promotion, etc, of line officers of the Regular Navy and the Marine Corps suspended by section 806 of Appendix to Title 50, War and made applicable to the Coast Guard by section 813 of Appendix to Title 50, War.

§ 11. Commandant; appointment; rank, pay, etc.; appointment as additional number in grade of captain

CROSS REFERENCES

Pay and allowances of officers of equivalent rank of general officers, see section 107 of Title 37, Pay and Allowances.

§ 15. Cadets; number; appointment; term of service; dismissal.

CROSS REFERENCES

Annual number of appointments to Coast Guard Academy, see section 15a–1 of this title

Eligibility for pensions, see section 730 of Title 38, Pensions, Bonuses, and Veterans' Relief

Mustering-out pay, noneligibility, see section 691a of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 15a–1. Appointment of Coast Guard Academy graduates as ensigns in the line; annual number of appointments to Academy.

The President of the United States is authorized, by and with the advice and consent of the Senate, to appoint as ensigns in the line of the Coast Guard all cadets who in 1945 and thereafter graduate from the Coast Guard Academy: *Provided*, That the number of cadets appointed annually to the Coast Guard Academy in 1943 and each year thereafter shall not exceed three hundred. (May 25, 1943, ch. 99, 57 Stat. 84.)

§ 15b. Coast Guard Academy; professors, appointment and qualifications.

The President of the United States is authorized, by and with the advice and consent of the Senate to appoint not to exceed five professors to the United States Coast Guard as heads or assistant heads of the departments of instruction at the Coast Guard Academy. An original appointment as professor not made from a civilian instructor or regular commissioned officer in the United States Coast Guard shall be a temporary appointment; but a professor so appointed, after completion of a satisfactory probationary period of two years, may be regularly appointed as professor to rank from the date of his original appointment: *Provided*, That any person who has served as a civilian instructor in the Coast Guard Academy for fifteen years or more may be appointed to the office of professor in the Coast Guard Academy pursuant to this section without physical examination. (As amended May 2, 1942, ch. 273, 56 Stat. 265.)

AMENDMENTS

1942—Act May 2, 1942, cited to text, inserted "or assistant heads" in the first sentence.

§ 15d. Same; civilian instructors; appointment and compensation.

The Secretary of the Treasury, or the Secretary of the Navy when the Coast Guard is operating as a part of the Navy pursuant to law, is authorized to appoint in the Coast Guard, subject to the competitive provisions of the civil-service laws and regulations, such number of civilian instructors as he deems necessary, not to exceed eight, and the compensation of such appointees shall be fixed in accordance with sections 661–673 and 674 of Title 5. (As amended May 2, 1942, ch. 273, 56 Stat. 265.)

AMENDMENTS

1942—Act May 2, 1942, cited to text, increased the number of instructors from three to eight and extended the provisions of this section to include the period when the Coast Guard is operating as a part of the Navy

§ 21. Grades and ratings of warrant and petty officers and enlisted men.

APPOINTMENT AS COMMISSIONED OFFICERS

Warrant officers appointed to grade and rank of commissioned officers, see sections 338–338g of Title 34, Navy.

§ 31b. Exchange of certain equipment in part payment of new equipment of similar character.

The Secretary of the Navy, insofar as Navy property is concerned, and the Secretary of the Treasury, insofar as Coast Guard property is concerned, are respectively authorized to exchange motor-propelled vehicles, airplanes, engines, and parts thereof, and obsolete, unsuitable, and unserviceable machines and tools, and parts thereof, in part payment for new equipment of the same or similar character as those proposed to be exchanged. (June 6, 1941, ch. 177, 55 Stat. 247.)

CODIFICATION

Provisions similar to those contained in this section are set out in section 532a of Title 34, Navy.

§ 31c. Contracts with Government-owned establishments for work and material.

All orders or contracts for work or material, under authorization of law heretofore or hereafter placed with Government-owned establishments by the Coast Guard, shall be considered as obligations in the same manner as provided for similar orders or contracts placed with private contractors, and appropriations for such work or material shall remain available for payment therefor as in the case of orders or contracts placed with private contractors. (June 6, 1942, ch. 384, 56 Stat. 328.)

§ 34a. Detail of personnel to officers' quarters and messes ashore; exceptions; additional detail.

Existing limitations with respect to the detail of personnel to officers' quarters and messes ashore shall not apply to the Coast Guard Academy, the Coast Guard yard, Coast Guard bases, Coast Guard air stations, Coast Guard training stations, and, in addition, not to exceed one hundred in number at such stations as shall be designated by the Commandant of the Coast Guard with the approval of the Secretary. (June 23, 1942, ch. 444, § 1, 56 Stat. 389; June 26, 1943, ch. 147, § 1, 57 Stat. 211; June 22, 1944, ch. 269, § 1, 58 Stat. 316; May 29, 1945, ch. 130, § 1, 59 Stat. 216.)

AMENDMENTS

1943—Act June 26, 1943, cited to text, substituted "Coast Guard bases, Coast Guard air stations, Coast Guard training stations" for "the New London base, Coast Guard and merchant marine officers' training stations".

CROSS REFERENCES

Existing limitations in the Navy, see section 450a of Title 34, Navy.

§ 35. Enlisted men; term of enlistment; extension; detention; pay and allowances.

(a) All persons composing the enlisted force of the Coast Guard shall be enlisted for a term not to exceed three years, in the discretion of the Secretary of the Treasury, who shall prepare regulations governing such enlistments and for the general government of the service: *Provided*, That an enlistment in the Coast Guard shall not be regarded as complete until the enlisted man concerned shall have served any time, in excess of one day, lost on account of unauthorized absence from duty, or injury, sickness, or disease, resulting from his own intemperate use of drugs or alcoholic liquors, or other misconduct, or while in confinement under sentence, or while awaiting trial and disposition of his case if the trial results in conviction.

(b) The term of enlistment of any enlisted man in the Coast Guard may, by his voluntary written agreement, under such regulations as may be prescribed by the Secretary of the Treasury, be extended for a period of one, two or three full years from the date of expiration of the then-existing term of enlistment, and subsequent to said date an enlisted man who extends his term of enlistment as herein authorized shall be entitled to and shall receive the same pay and allowances in all respects as though regularly discharged and reenlisted immediately upon expiration of his term of enlistment. No such extension shall operate to deprive the enlisted man concerned, upon discharge at the termination thereof, of any right, privilege, or benefit to which he would have been entitled if his term of enlistment had not been so extended.

(c) Under such regulations as the Secretary of the Treasury shall prescribe, an enlisted man may be detained in the Coast Guard beyond the term of his enlistment—

1. until the first arrival of the vessel on which he is serving at its permanent station, or at a port in a State of the United States or in the District of Columbia;

2. until the first arrival of an enlisted man attached to a shore station beyond the continental limits of the United States or in Alaska at a port in any State of the United States or in the District of Columbia where his reenlistment or discharge may be effected, or until he can be discharged or reenlisted at his station beyond the continental limits of the United States or in Alaska, whichever is earlier, but in no event to exceed three months;

3. with his consent, while undergoing medical or hospital treatment for injury, sickness, or disease incurred incident to service, until a final determination is made with reference to his eligibility for reenlistment, retirement, or discharge, but in no event to exceed six months;

4. while awaiting disciplinary action or trial and disposition of his case;

5. for a period of not exceeding thirty days in other cases not specifically covered by this section, when essential to the public interests: *Provided*, That the determination that such detention is essential to the public interests, made in accordance with regulations prescribed by the Secretary of the Treasury, shall be final and conclusive.

(d) Any person detained in the Coast Guard, as provided in subparagraph (c) of this section, shall be entitled to receive pay and allowances and benefits under the same conditions as though his enlistment period had not expired, and shall be subject in all respects to the laws and regulations for the government of the Coast Guard until his discharge therefrom: *Provided*, That enlisted men detained under the provisions of subparagraph (c) 1 of this section shall be entitled to the pay and allowances provided for enlisted personnel of the Navy detained under similar circumstances: *Provided further*, That pay or allowances shall not accrue for any period beyond the term of enlistment in the case of an enlisted person detained in accordance with subparagraph (c) 4 of this section if the trial results in conviction. (As amended July 11, 1941, ch. 290, § 8, 55 Stat. 586.)

AMENDMENTS

1941—Subsec (a) was amended by act July 11, 1941, cited to text, which substituted "four" for "three" years.

Subsec. (b) was amended by act July 11, 1941, cited to text, which substituted "one, two, three, or four full years" for "one, two, or three full years."

Subsec. (c) was deleted by act July 11, 1941, cited to text, and a new subsec. (c) added by the same act.

Subsec. (d) was added by act July 11, 1941, cited to text.

CROSS REFERENCES

Continuation of enlistment during disability, see section 35b of this title.

Pay and allowances, transportation, and subsistence to discharged or released underage enlisted personnel, see sections 900a and 900b of Title 34, Navy.

Recruiting campaigns for voluntary enlistments and reenlistments, see sections 187–189 of Title 34, Navy.

§ 35a. Same; extension of enlistments during war or national emergency.

The provisions of sections 181, 181a, 201a, 692, and 692a of Title 34 shall apply to personnel of the Regular Coast Guard in relationship to the Coast Guard in the same manner and to the same extent as they apply to personnel of the Regular Navy in relationship to the Navy, and the same authority vested in the Secretary of the Navy by this section, sections 181, 181a, 201a, 692, and 692a of Title 34, and section 16a of Title 37 with respect to the Navy and Marine Corps shall be, and is hereby, vested in the Secretary of the Treasury with respect to the Coast Guard. (Aug. 18, 1941, ch. 364, § 3, 55 Stat. 629.)

§ 35b. Same; continuation of term during disability.

Hereafter any enlisted man of the Army, Navy, Marine Corps, and Coast Guard of the United States in the active service, whose term of enlistment shall expire while he is suffering disease or injury incident to service and not due to misconduct, and who is in need of medical care or hospitalization, may, with his consent, be retained in such service beyond the expiration of his term of enlistment, and any such enlisted man shall be entitled to receive at Government expense medical care or hospitalization and his pay and allowances (including expense money authorized by law and credit for longevity) until he shall have recovered to such extent as would enable him to meet the physical requirements for reenlistment, or until it shall have been ascertained by competent authority of the service concerned that the disease or injury is of a character that recovery to such an extent would be impossible, whichever is earlier: *Provided*, That any enlisted man whose enlistment is extended as provided herein shall be subject to forfeiture in the same manner and to the same extent as if his term of enlistment had not expired, and nothing contained in this section shall prevent any enlisted man of the Army, Navy, or Marine Corps, and the Coast Guard, from being held in the service without his consent under, respectively, the provisions of section 1579 of Title 10, section 183 of Title 34, and section 35, subsection (a), of this title. (Dec. 12, 1941, ch 566, 55 Stat. 797.)

CODIFICATION

Provisions similar to those of this section are set out in section 628a of Title 10, Army, and section 185 of Title 34, Navy

§ 35c. Same; extension by Secretary of Navy in time of war.

In time of war all enlistments in the Regular Navy, Marine Corps, and Coast Guard, and in the Reserve components thereof as applicable, may be extended by the Secretary of the Navy for such additional time as he may deem necessary in the interest of national defense: *Provided*, That all men whose terms of enlistment are extended in accordance with the provisions of this section shall continue during such extensions to be subject in all respects to the laws and regulations for the government of the Navy: *Provided further*, That men detained in service in accordance with this section shall, unless they voluntarily extend their enlistments, be discharged not later than six months after the termination of the condition which originally authorized their detention. (Dec. 13, 1941, ch. 570, § 1, 55 Stat. 799.)

CODIFICATION

Same provisions as those of this section constitute section 186 of Title 34, Navy.

§ 40. Repealed. Oct. 27, 1943, ch. 287, § 9, 57 Stat. 583.

§ 40a. Repealed. Dec. 28, 1945, ch. 597, § 4, 59 Stat. —.

Section, act Oct. 27, 1943, ch. 287, § 5, 57 Stat. 583, provided for reimbursement for property lost or destroyed in service.

§ 45. Jurisdiction of Coast Guard; inland waters.

Commissioned, warrant, and petty officers of the Coast Guard are hereby empowered to make inquiries, examinations, inspections, searches, seizures, and arrests upon the high seas, and the navigable waters of the United States, its Territories, and possessions, except the Philippine Islands, for the prevention, detection, and suppression of violations of laws of the United States. For such purposes, such officers are authorized at any time to go on board of any vessel, subject to the jurisdiction, or to the operation of any law, of the United States, to address inquiries to those on board, to examine the ship's documents and papers, and to examine, inspect, and search the vessel and use all necessary force to compel compliance. When from such inquiries, examination, inspection, or search it shall appear that a breach of the laws of the United States rendering a person liable to arrest is being, or has been committed, by any person, such person shall be arrested or, if escaping to shore, shall be immediately pursued and arrested on shore, or other lawful and appropriate action shall be taken; or, if it shall appear that a breach of the laws of the United States has been committed so as to render such vessel, or the merchandise, or any part thereof, on board of, or brought into the United States by, such vessel, liable to forfeiture, or, so as to render such vessel liable to a fine or penalty and if necessary to secure such fine or penalty, such vessel shall be seized. (As amended July 11, 1941, ch. 290, § 7, 55 Stat. 585.)

AMENDMENTS

1941—Act July 11, 1941, cited to text, omitted proviso at end of first sentence which read "*Provided*, That nothing herein contained shall apply to the inland waters of the United States, its Territories, and possessions, other than the Great Lakes and the connecting waters thereof."

TRANSFER OF FUNCTIONS

Functions of Bureau of Marine Inspection and Navigation and certain functions of Secretary of Commerce, Collector of Customs, and United States Maritime Commission, transferred to Bureau of Customs and the Coast Guard during present War, see Ex Ord No 9083, set out in note under section 601 of Appendix to Title 50, War.

CROSS REFERENCES

Control by Coast Guard of anchorage and movement of vessels in territorial waters for safety of naval vessels, see section 191c of Title 50, War.

§ 48. Designation of officer as captain of port.

Any officer of the Coast Guard enumerated in section 45 of this title may be designated by the Commandant of the Coast Guard as captain of the port for such port or ports or adjacent navigable waters of the United States as he deems necessary to facilitate execution of the duties prescribed by sections 45–48 of this title. (As amended July 11, 1941, ch. 290, § 7, 55 Stat. 585.)

AMENDMENTS

1941—Prior to amendment by act July 11, 1941, cited to text, section defined "inland waters" as formerly used in section 45 of this title.

Chapter 2.—COAST GUARD VESSELS

Sec
72. Acquisition of small patrol craft during national emergency (New).
73. Same: advertisements for proposals for purchase (New).
74. Same; operation of Coast Guard as part of Navy (New).

SEIZURE OF MERCHANT MARINE TRAINING SHIPS DURING NATIONAL EMERGENCY

Act July 15, 1941, ch. 302, § 2, 55 Stat. 597, provided: "SEC 2 The President is authorized and empowered, in the interest of the national defense, through the Commandant of the Coast Guard, to purchase, charter, requisition the use of, or the possession of, for the use of the Coast Guard in the training of Coast Guard cadets and merchant marine personnel, any foreign vessel designed as a merchant marine training ship, which is lying idle in waters within the jurisdiction of the United States: *Provided*, That the provisions of the Act of Congress approved June 6, 1941 (Public, Numbered 101, Seventy-seventh Congress), (set out as sections 1271–1275 of Appendix to Title 50, War) except the third and fourth provisos of section 1 thereof, applicable to foreign merchant vessels shall be applicable to any foreign vessel acquired under this section."

§ 59. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section, which provided for the detail of surgeons, etc., of the Public Health Service on Coast Guard cutters, is now covered by section 215 of Title 42, The Public Health and Welfare.

§ 71. Claims for damages occasioned by vessels; adjustment by Secretary of Treasury.

The Secretary of the Treasury may consider, ascertain, adjust, and determine any claim accruing after June 15, 1936, on account of damages occasioned by collisions or incident to the operation of vessels of the United States Coast Guard and for which damage the said vessels shall be found to be responsible, and such amount as may be ascertained and determined to be due any claimant, not exceeding $3,000 in any one case, shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That no claim shall be considered under this section unless presented to the Secretary of the Treasury within one year from the date of the accrual of said claim: *Provided further*, That acceptance by any claimant of the amount determined to be due under the provisions of this section shall be deemed to be in full and final settlement of such claim against the Government of the United States. (As amended July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.)

REPEALS

Act July 1, 1944, cited to text, repealed words "or of the United States Public Health Service" following "Coast Guard".

§ 72. Acquisition of small patrol craft during national emergency.

During any period of national emergency proclaimed by the President, the Secretary of the Treasury is authorized to purchase, or accept as a gift, for the use of the Coast Guard in the performance of its maritime police functions, any motorboat, yacht, or other small craft owned by a citizen or citizens of the United States and suitable for patrolling harbors, bays, roadsteads, and other navigable waters of the United States. (Dec. 16, 1941, ch. 586, § 1, 55 Stat. 807.)

APPROPRIATIONS

Section 3 of act Dec. 16, 1941, cited to text, provided as follows: "SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amount as may be necessary to purchase vessels pursuant to the provisions of this Act (sections 72–74 of this title)."

§ 73. Same; advertisements for proposals for purchases.

The purchase of any vessel pursuant to the provisions of sections 72–74 of this title may be made without regard to the provisions of section 5 of Title 41. (Dec. 16, 1941, ch. 586, § 2, 55 Stat. 807.)

§ 74. Same; operation of Coast Guard as part of Navy.

In the event the Coast Guard should operate as a part of the Navy during any period of national emergency, the authority conferred by sections 72–74 of this title upon the Secretary of the Treasury shall vest in, and be exercised by, the Secretary of the Navy. (Dec. 16, 1941, ch. 586, § 4, 55 Stat. 807.)

CROSS REFERENCES

Operation of Coast Guard as part of Navy, see section 1 of this title and note thereunder.

Chapter 4.—PAY AND ALLOWANCES

Sec
121c Members of Women's Reserve as entitled to pay and allowances and other benefits (New).
132a. Equipment for officers' messes ashore; exceptions (New).
133a Rental allowance to officers deprived of quarters on board ship (New).
137. Per diem allowance to officers (New).

CROSS REFERENCES

Pay and allowances generally, see Title 37, Pay and Allowances

Travel allowance upon discharge from armed forces and enlistment or reenlistment, see section 895a of Title 34, Navy

Wartime pay and allowances generally, see section 1001 *et seq* of Appendix to Title 50, War.

§ 121c. Members of Women's Reserve as entitled to pay and allowances and other benefits.

The terms "men" and "enlisted men", as contained in Acts appropriating funds for the Coast Guard, shall not be construed to deprive women enlisted or enrolled in the Coast Guard, of the pay,

allowances, gratuities, and other benefits granted by law to enlisted personnel of the Coast Guard. (Nov. 23, 1942, ch. 639, § 3, 56 Stat. 1021.)

CROSS REFERENCES

Base pay of enlisted personnel of Coast Guard, see section 109 of Title 37, Pay and Allowances.

Quarters and subsistence allowances, see section 110 of Title 37, Pay and Allowances.

§§ 130, 130a.

CODIFICATION

Sections have been eliminated from the Code Present provisions are contained in section 112 of Title 37, Pay and Allowances

§ 132a. Equipment for officers' messes ashore; exceptions.

Existing limitations with respect to the furnishing of equipment for officers' messes ashore shall not apply to the Coast Guard Academy, the Coast Guard yard, Coast Guard bases, Coast Guard air stations, Coast Guard training stations, Coast Guard depots, messes temporarily set up on shore for officers attached to seagoing vessels, and such bachelor officers' quarters and messes as may be specifically designated by the Secretary. (June 23, 1942, ch. 444, § 1, 56 Stat 389, as amended June 26, 1943, ch 147, § 1, 57 Stat. 212; June 22, 1944, ch. 269, § 1, 58 Stat. 317; May 29, 1945, ch. 130, § 1, 59 Stat. 217.)

AMENDMENTS

1943—Act June 26, 1943, cited to text, added all after "Coast Guard bases" and omitted "and Coast Guard and merchant marine officers' training stations"

CROSS REFERENCES

Similar provisions, see section 110 of Title 37, Pay and Allowances

§ 133a. Rental allowance to officers deprived of quarters on board ship.

Section 915 of Title 34 shall apply to officers of the Coast Guard, subject to the regulations prescribed by the Secretary of the Navy when serving under the Navy, and to regulations prescribed by the Secretary of the Treasury when serving under the Treasury Department. (June 19, 1942, ch. 419, § 2, 56 Stat. 372.)

§ 134. Money from commutation of rations.

Money accruing from commutation of rations of enlisted personnel commuted for the benefit of any mess may be paid on proper voucher to the officer in charge of such mess. (May 31, 1941, ch. 156, title I, § 1, 55 Stat. 221; Feb 7, 1942, ch. 46, title I, 56 Stat. 71; June 26, 1943, ch. 147, § 1, 57 Stat. 211; June 22, 1944, ch. 269, § 1, 58 Stat. 316; May 29, 1945, ch. 130, § 1, 59 Stat. 216.)

AMENDMENTS

1943—Act June 26, 1943, cited to text, substituted "personnel" for "men".

§ 136. Settlement of accounts of deceased officers and men.

In the settlement of the accounts of deceased officers or enlisted men of the Coast Guard where the amount due the decedent's estate is less than one thousand dollars and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if the decedent left no widow, or widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes Where the amount due the decedent's estate is $1,000 or more and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow $1,000 of the amount due to the estate to the widow or legal heirs in the order of precedence hereinabove set forth: *Provided*, That this section shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers. (As amended Oct. 28, 1943, ch 289, 57 Stat. 583.)

AMENDMENTS

1943—Act Oct. 28, 1943, cited to text, amended section by striking words "five hundred" following "estate is less than" and inserting "one thousand", and by striking colon immediately preceding the proviso and inserting a period and a new sentence

§ 137. Per diem allowance to officers.

The Secretary of the Navy is hereby authorized to prescribe per diem rates of allowance for officers of the Coast Guard as authorized for officers of the Navy and Marine Corps. (June 23, 1942, ch. 444, § 1, 56 Stat. 389.)

Chapter 5.—OFFENSES OF OFFICERS AND ENLISTED MEN

Sec.

148 Payments on discharge for good of service (New)

§ 143. Coast Guard courts; composition; jurisdiction as to crimes and punishment; approval of sentence by President or Secretary of Treasury.

CROSS REFERENCES

Establishment of boards of review by the Secretary of the Navy, see section 693h of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 148. Payments on discharge for good of service.

On and after July 1, 1943, the limitation on the cost of civilian clothing per person, including an overcoat when necessary, for enlisted personnel of the Navy, Marine Corps, and Coast Guard given discharges for bad conduct, undesirability, unsuitability, or inaptitude is hereby increased to $30. (Dec. 23, 1943, ch. 380, title I, 57 Stat 628.)

Chapter 6.—RETIREMENT AND DISABILITY; ALLOWANCE TO DEPENDENTS

Sec

174a Retirement of officers commended for performance of combat duty; advance in rank; pay (New)

176. Repealed.

§ 163. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Section was from act June 10, 1922, ch. 212, § 17, 42 Stat 632, as amended June 25, 1941, ch 252, § 1, 55 Stat 263. It was also affected by act June 9, 1937, ch 309, § 2, 50 Stat. 252, which provided that retired commodores of the Coast Guard should thereafter have the rank of a rear admiral (lower half).

Present provisions on this subject are contained in section 115 of Title 37, Pay and Allowances

§ 166. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

§ 170. Retiring board; proceedings generally.

The Secretary of the Treasury, under the direction of the President, shall from time to time assemble a Coast Guard retiring board, composed of officers of the Coast Guard and medical officers of the Public Health Service, consisting of not less than five commissioned officers, two-fifths of whom shall be selected from medical officers of the Public Health Service, for the purpose of examining and reporting on such commissioned officers, warrant officers, and enlisted men of the Coast Guard as may be ordered by the Secretary of the Treasury to appear before it; and the members of said board shall be sworn, in every case, to discharge their duties honestly and impartially, the oath to be administered to the members by the president of the board, and to him by the junior member or recorder; and such board shall inquire into and determine the facts touching the nature and occasion of the disability of any commissioned officer, warrant officer, or enlisted man who appears to be incapable of performing the duties of his office, and shall have such powers as may be necessary for that purpose; and when the board finds a commissioned officer, warrant officer, or enlisted man incapacitated for active service it shall also find and report the cause which in its judgment has produced his incapacity whether such cause is an incident of service, whether due to his own vicious habits, or the infirmities of age, or physical or mental disability. The proceedings and decisions of the board shall be transmitted to the Secretary of the Treasury, and shall by him be laid before the President for his approval or disapproval and his orders in the case. (Apr. 12, 1902, ch 501, § 5, 32 Stat 100; Jan 28, 1915, ch 20, § 3, 38 Stat 801; July 1, 1944, ch 373, title VI, § 611, 58 Stat. 714.)

REPEALS

Act Aug. 14, 1912, ch. 288, § 1, 37 Stat. 309, which changed name of Public Health and Marine Hospital Service of the United States to Public Health Service was repealed by act July 1, 1944, cited to text. Said act July 1, 1944, retained the name as Public Health Service

CROSS REFERENCES

Boards of review established, see section 6931 of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 174a. Retirement of officers commended for performance of combat duty; advance in rank; pay.

All officers of the Coast Guard and the Coast and Geodetic Survey who have been specially commended for their performance of duty in actual combat by the head of the executive department under whose jurisdiction such duty was performed, shall, upon retirement, be placed upon the retired list with the rank of the next higher grade and with three-fourths of the active-duty pay of the grade in which serving at the time of retirement. (June 6, 1942, ch. 383, 56 Stat. 328.)

CODIFICATION

Provisions similar to those of this section are also set out as section 864e of Title 33, Navigation and Navigable Waters.

§ 176. Repealed. July 13, 1943, c. 233, § 15, 57 Stat. 559.

CROSS REFERENCES

Mustering-out pay, see sections 691-691g of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 179. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section was from act May 18, 1928, ch. 625, 45 Stat. 603, was repealed by act July 30, 1937, ch 545, § 2 (b), 50 Stat. 548, and again repealed by act July 1, 1944, ch 373, title VI, § 611, 58 Stat 714 Provisions of section related to medical and hospital relief and are now covered by section 253 of Title 42, The Public Health and Welfare

Chapter 7.—MEDALS AND HONORS

CROSS REFERENCES

Bronze Star Medal, see Ex Ord. No 9419 set out as a note under section 1412 of Title 10, Army

Medals for persons serving in merchant marine, see sections 751, 752 of Appendix to Title 50, War

Chapter 9.—AUXILIARY AND RESERVE FORCES

SUBCHAPTER I.—COAST GUARD AUXILIARY

Sec
260 Establishment (New).
261 Purpose (New)
262 Composition (New).
263 Nature and administration of organization; regulations (New)
264 Eligibility of members for other organizations (New)
265 Use of members' craft, aircraft, and radio stations (New)
266 Craft deemed public vessel of United States (New)
266a. Aircraft deemed public aircraft of the United States (New).
266b Radio station deemed a government station (New).
267. Availability of Coast Guard appropriations for travel and subsistence expenses and for operation of craft, aircraft, and radio stations (New)
268 Rights, powers, duties, etc., of members, allowances for services (New)
269. Application of existing rules, enrollments, etc (New).
270. Compensation for death or injury while on patrol or specific duty; hospital treatment for sickness or disease (New).
271 Rights, privileges, and benefits of members (New).

SUBCHAPTER II—COAST GUARD RESERVE (NEW)

301 Establishment and purpose
302 Composition; qualifications of members.
303. Ranks, grades, and ratings.
304 Nature and administration of organization; regulations
305. Active duty in time of war and national emergency or in time of peace.
306 Same, compensation.
307 Same, temporary membership; eligibility; compensation.
308. Exemption of members from other military duty; membership in other organizations prohibited.
309. Members subject to Coast Guard laws, regulations, and orders.

Sec.
310. Allowance of uniform, bedding, and equipment.
311. Sickness, disability, or death benefits; regular members.
312 Same; temporary members of Reserve and Auxiliary members not on active duty.
313. Membership of United States and District of Columbia employees; leave of absence for training; benefits.
314. Appointment of non-commissioned Coast Guardsmen as Reserve officers, active duty in the Reserve.
315. Same, compensation; sickness, disability, and death benefits

SUBCHAPTER III.—GENERAL PROVISIONS (NEW)

351. Term of service of members.
352. Flags, pennants, insignia, and uniforms authorized; penalties.
353. Correspondence courses for members
354. Employment of services and facilities of Coast Guard; availability of appropriations

SUBCHAPTER IV.—WOMEN'S RESERVE (NEW)

381. Establishment as branch of Coast Guard Reserve; laws applicable
382 Ranks and ratings; number of commissioned officers.
383. Age qualifications.
384 Duties restricted, shore duty within American area and certain Territories.
384a Definition of American area
385. Same; replacement of male officers and enlisted men in shore establishments.
386. Repealed
387. Uniforms and equipment
388. Termination date.

SUBCHAPTER I.—COAST GUARD AUXILIARY

§§ 251–259. Repealed. Feb. 19, 1941, ch. 8, title I, § 1, 55 Stat. 9.

COAST GUARD AUXILIARY IN LIEU OF RESERVE

The United States Coast Guard Auxiliary was established by section 260 of this title in lieu of the United States Coast Guard Reserve provided for by former sections 251–259

§ 260. Establishment.

In lieu of the former United States Coast Guard Reserve provided for in former sections 251–259 of this title there is hereby created and established a United States Coast Guard Auxiliary (hereinafter referred to as the "Auxiliary"). (Feb. 19, 1941, ch. 8, title I, § 1, 55 Stat. 9.)

§ 261. Purpose.

It is hereby declared to be the purpose of the auxiliary to assist the Coast Guard (a) to promote safety and to effect rescues on and over the high seas and on navigable waters; (b) to promote efficiency in the operation of motorboats and yachts; (c) to foster a wider knowledge of, and better compliance with, the laws, rules, and regulations governing the operation of motorboats and yachts; and (d) to facilitate other operations of the Coast Guard. (Feb. 19, 1941, ch. 8, title I, § 2, 55 Stat. 9, as amended Sept. 30, 1944, ch. 453, § 1, 58 Stat. 759.)

AMENDMENTS

1944—Act Sept. 30, 1944, cited to text, amended section by substituting "to assist the Coast Guard (a) to promote safety and to effect rescues on and over the high seas and on navigable waters;" for "(a) to further interest in safety of life at sea and upon navigable waters,".

§ 262. Composition.

The auxiliary shall be composed of citizens of the United States and of its Territories and possessions, including the Philippine Islands, who are owners (sole or part) of motorboats, yachts, aircraft, or radio stations or who by reason of their special training or experience are deemed by the Commandant to be qualified for duty in the auxiliary, and who may be enrolled therein pursuant to regulations prescribed under the authority of this subchapter. (Feb. 19, 1941, ch. 8, title I, § 3, 55 Stat. 9, as amended Oct. 26, 1942, ch. 628, 56 Stat. 990; Sept. 30, 1944, ch 453, § 2, 58 Stat. 760)

AMENDMENTS

1944—Act Sept. 30, 1944, cited to text, amended section to permit owners of aircraft and radio stations to become members of the Auxiliary, in addition to owners (sole or part) of motorboats or yachts.

1942—Act Oct 26, 1942, cited to text, amended section by changing the phrase "except the Philippine Islands" to read "including the Philippine Islands."

§ 263. Nature and administration of organization; regulations.

The Auxiliary shall be a nonmilitary organization administered by the Commandant of the Coast Guard (hereinafter referred to as the "Commandant") under the direction of the Secretary of the Treasury, and the Commandant shall, with the approval of the Secretary of the Treasury, prescribe such regulations as may be necessary to effectuate the purposes of this subchapter. (Feb. 19, 1941, ch. 8, title I, § 4, 55 Stat. 10.)

§ 264. Eligibility of members for other organizations.

Subject to regulations prescribed under the authority of this chapter, members of the Auxiliary may also be enrolled in the Coast Guard Reserve established by subchapter II of this chapter, and membership in the Auxiliary shall not be a bar to membership in any other naval or military organization. (Feb. 19, 1941, ch. 8, title I, § 5, 55 Stat. 10.)

§ 265. Use of members' craft, aircraft, and radio stations.

The Coast Guard is authorized to utilize in the conduct of duties incident to the saving of life and property, including air-sea rescue operations, in the patrol of marine parades and regattas, or for any other purpose incident to the carrying out of the functions and duties of the Coast Guard which may be authorized by the Secretary of the Treasury (or by the Secretary of the Navy when the Coast Guard operates as part of the Navy), any motorboat, yacht, aircraft, or radio station placed at its disposition for any of such purposes by any member of the auxiliary, by any corporation, partnership, or association, or by any State or political subdivision thereof. (Feb. 19, 1941, ch. 8, title I, § 6, 55 Stat. 10, as amended Nov. 23, 1942, ch. 639, § 2 (1), 56 Stat. 1021; Sept. 30, 1944, ch. 453, § 3, 58 Stat. 760)

AMENDMENTS

1944—Act Sept. 30, 1944, cited to text, amended section by inserting "including air-sea rescue operations," following "life and property," "(or by the Secretary of the Navy when the Coast Guard operates as part of the Navy)," following "Secretary of the Treasury", and omit-

ted sentence "No such motorboat or yacht shall be assigned to Coast Guard duty unless it is placed in charge of a commissioned officer, chief warrant officer, warrant officer, or petty officer of the Coast Guard or the Coast Guard Reserve established by subchapter II of this chapter."

1942—Act Nov. 23, 1942, cited to text, amended first sentence by adding words following "member of the Auxiliary" at end thereof.

§ 266. Craft deemed public vessel of United States.

Any motorboat or yacht, while assigned to Coast Guard duty as herein authorized, shall be deemed to be a public vessel of the United States, and within the meaning of section 71 of this title shall be deemed to be a vessel of the United States Coast Guard. (Feb. 19, 1941, ch. 8, title I, § 7, 55 Stat. 10.)

§ 266a. Aircraft deemed public aircraft of the United States.

Any aircraft, while assigned to Coast Guard duty as herein authorized, shall be deemed to be a vessel of the United States Coast Guard within the meaning of section 71 of this title, and shall be deemed to be a "public aircraft" within the meaning of sections 401–682 of Title 49. (Feb. 19, 1941, ch. 8, title I, § 7A, as added Sept. 30, 1944, ch. 453, § 4, 58 Stat. 760.)

§ 266b. Radio station deemed a Government station.

Any radio station, while assigned to Coast Guard duty as herein authorized, shall be deemed to be a radio station of the United States Coast Guard and a "Government station" within the meaning of sections 151–609 of title 47. (Feb. 19, 1941, ch. 8, title I, § 7B, as added Sept. 30, 1944, ch. 453, § 4, 58 Stat. 760.)

§ 267. Availability of Coast Guard appropriations for travel and subsistence expenses and for operation of craft, aircraft, and radio stations.

Appropriations of the Coast Guard shall be available for the payment of actual necessary traveling expenses and subsistence of members of the auxiliary assigned to specific duties as herein authorized and for actual necessary expenses of operation of any motorboat, yacht, aircraft, or radio station when assigned to Coast Guard duty, but shall not be available for the payment of compensation for personal services, incident to such operation, to other than personnel of the Regular Coast Guard or Coast Guard Reserve established by sections 301–315 of this title. The term "actual necessary expenses of operation", as used herein, shall include payment for fuel, oil, power, water, supplies, provisions, replacement or repair of equipment, repair of any damaged motorboat, yacht, aircraft, or radio station and for the constructive or actual loss of any motorboat, yacht, aircraft, or radio station where it is determined, under applicable regulations, that responsibility for the loss or damage necessitating such replacement or repair of equipment, or for the damage or constructive or actual loss of such motorboat, yacht, aircraft, or radio station rests with the Coast Guard. (Feb. 19, 1941, ch. 8, title I, § 8, 55 Stat. 10, as amended June 6, 1942, ch. 385, § 1 (1), 56 Stat. 329; Sept. 30, 1944, ch. 449, § 2, 58 Stat. 757; Sept. 30, 1944, ch. 453, § 5, 58 Stat. 760.)

AMENDMENTS

1944—Act Sept. 30, 1944, ch 453, cited to text, amended section by providing for the payment of actual traveling and subsistence expenses of members, by including aircraft and radio stations for which expenses may be paid, and by permitting payment for the actual or constructive loss of craft, aircraft or radio station.

Act Sept. 30, 1944, ch 449, cited to text, amended section by adding sentence which read "Appropriations of the Coast Guard shall also be available for the payment for constructive or actual total loss occurring after March 1, 1942, of any motorboat or yacht, utilized pursuant to section 6 of this Act [section 265 of this title], where it is determined under regulations prescribed by the Commandant that responsibility for such loss rests with the Coast Guard."

1942—Act June 6, 1942, cited to text, amended second sentence.

§ 268. Rights, powers, duties, etc., of members; allowances for services.

No member of the auxiliary, solely by reason of such membership, shall be vested with or exercise any right, privilege, power, or duty vested in or imposed upon the personnel of the Coast Guard or the Reserve, except that any such member may, under applicable regulations, be assigned specific duties, which, after appropriate training and examination, he has been found competent to perform, to effectuate the purposes of the auxiliary. No member of the auxiliary shall be placed in charge of a motorboat, yacht, aircraft, or radio station assigned to Coast Guard duty unless he has been specifically designated by authority of the Commandant to perform such duty. Members of the auxiliary, when assigned to specific duties as herein authorized, shall, unless otherwise limited by the Commandant, be vested with the same power and authority, in execution of such duties, as members of the regular Coast Guard assigned to similar duty. When any member of the auxiliary is assigned to such duty he may, pursuant to applicable regulations, be paid actual necessary traveling expenses, including a per diem allowance of not to exceed $6 in lieu of subsistence, while traveling and while on duty away from his home: *Provided, however,* That no per diem shall be paid for any period during which quarters and subsistence in kind are furnished by the Government: *Provided further,* That no per diem shall be paid for any period while such member is performing duty on a vessel. (Feb. 19, 1941, ch. 8, title I, § 9, 55 Stat. 10, as amended July 11, 1941, ch. 290, § 10 (1), 55 Stat 587; Sept. 30, 1944, ch. 453, § 6, 58 Stat. 761.)

AMENDMENTS

1944—Act Sept. 30, 1944, cited to text, amended section generally by requiring a finding that a member of the auxiliary is competent to perform duties to which he is assigned before his services may be utilized, a specific authorization by Commandant before such a member can be placed in charge of a motorboat, yacht, aircraft, or radio station, and vesting such members, when assigned to specific duties, with the same power and authority as members of the regular Coast Guard.

1941—Last sentence was amended by act July 11, 1941, cited to text.

§ 269. Application of existing rules, enrollments, etc.

All orders, rules, regulations, enrollments, privileges, or other benefits made, issued, or granted

pursuant to former sections 251–259 of this title, and in effect on February 19, 1941, shall be applicable to the Coast Guard Auxiliary and shall continue in effect hereunder until modified or revoked in accordance with the provisions of this chapter. (Feb. 19, 1941, ch. 8, title I, § 10, 55 Stat. 10.)

§ 270. Compensation for death or injury while on patrol or specific duty; hospital treatment for sickness or disease.

When any member of the auxiliary is physically injured or dies as a result of physical injury incurred while performing patrol duty or any other specific duty to which he has been assigned as herein authorized, such member or his beneficiary shall be entitled to the same benefits as are now or as may hereafter be provided for temporary members of the Coast Guard Reserve who suffer physical injury or death resulting from physical injury incurred in line of duty. Members of the auxiliary who contract sickness or disease while performing patrol duty or any other specific duty to which they have been assigned as herein authorized shall be entitled to the same hospital treatment as is afforded members of the Regular Coast Guard. (Feb. 19, 1941, ch. 8, title I, § 11, as added Sept. 30, 1944, ch. 453, § 7, 58 Stat 761.)

CROSS REFERENCES

Death and disability benefits of regular members of Reserve, see section 311 of this title.

§ 271. Rights, privileges, and benefits of members.

Members of the auxiliary shall be entitled only to such rights, privileges, and benefits as are specifically set forth in this subchapter for them or as may be specifically provided for them in any other law. Any law which grants rights, privileges, or benefits generally to military personnel or, among others, to personnel of the Coast Guard and the Reserve component thereof, without specifically granting such rights, privileges, or benefits to members of the auxiliary shall not be deemed applicable to members of the auxiliary. (Feb. 19, 1941, ch. 8, title I, § 12, as added Sept. 30, 1944, ch. 453, § 8, 58 Stat. 761.)

CROSS REFERENCES

Hospital treatment for members of the Regular Coast Guard, see section 253 of Title 42, The Public Health and Welfare.

SUBCHAPTER II.—COAST GUARD RESERVE

§ 301. Establishment and purpose.

There is hereby created and established a United States Coast Guard Reserve (hereinafter referred to as the "Reserve"), the purpose of which is to provide a trained force of officers and enlisted personnel which, added to regular personnel of the Coast Guard, will be adequate to enable that service to perform such extraordinary duties as may be necessitated by emergency conditions. (Feb. 19, 1941, ch. 8, title II, § 201, 55 Stat. 11, as amended Nov. 23, 1942, ch. 639, § 2 (2), 56 Stat. 1021.)

AMENDMENTS

1942—Act Nov. 23, 1942, cited to text, amended section by substituting words "enlisted personnel" for "men"

§ 302. Composition; qualifications of members.

The Reserve, which shall be a component part of the Coast Guard shall be composed of citizens of the United States and of its Territories and possessions, including the Philippine Islands, between the ages of seventeen and sixty-four, who are physically and otherwise qualified for the performance of duty with the Coast Guard, and who, through appointment or enlistment therein, obligate themselves to serve in the Coast Guard in time of war or during any period of national emergency declared by the President to exist. (Feb. 19, 1941, ch. 8, title II, § 202, 55 Stat. 11, as amended July 11, 1941, ch. 290, § 10 (2), 55 Stat. 587; Oct. 26, 1942, ch. 628, 56 Stat. 990; Nov. 23, 1942, ch. 639, § 2 (3), 56 Stat. 1021.)

AMENDMENTS

1942—Act Nov 23, 1942, cited to text, amended section by striking out word "male" immediately preceding words "citizens of the United States".

, Act Oct. 26, 1942, cited to text, amended section by changing the phrase "except the Philippine Islands" to read "including the Philippine Islands"

1941—Act July 11, 1941, cited to text, inserted comma after "Reserve" and added "which shall be a component part of the Coast Guard"

§ 303. Ranks, grades, and ratings.

The ranks, grades, and ratings, including cadets, in the Reserve shall be the various ranks, grades, and ratings not above captain, prescribed by law for the Coast Guard: *Provided*, That no officer shall be initially appointed in the Coast Guard Reserve in the grade or rank of captain or commander. (Feb. 19, 1941, ch. 8, title II, § 203, 55 Stat. 11; June 6, 1942, ch 385, § 1 (2), 56 Stat. 329.)

AMENDMENTS

1942—Act June 6, 1942, cited to text, deleted former text and substituted new text therefor

§ 304. Nature and administration of organization; regulations.

The Reserve shall be a military organization administered by the Commandant, under the direction of the Secretary of the Treasury, and the Commandant shall, with the approval of the Secretary of the Treasury and the concurrence of the Secretary of the Navy, prescribe such regulations as may be necessary to effectuate the purposes of this subchapter. (Feb. 19, 1941, ch. 8, title II, § 204, 55 Stat 11.)

§ 305. Active duty in time of war and national emergency or in time of peace.

Any member of the Reserve may be ordered to active duty by the Commandant in time of war or during any period of national emergency declared by the President to exist and be required to perform active duty throughout the war or until the President declares that such national emergency no longer exists; but in time of peace, except for disciplinary purposes as provided in section 309 hereof, no such member shall be ordered to or continued on active duty without his consent: *Provided*, That the Commandant may release any member from active duty either in time of war or in time of peace Members of the Reserve while engaged on active duty shall be vested with the same power, authority, rights, and privileges as members of the regular Coast

Guard of similar ranks, grades, or ratings. In time of peace members of the Coast Guard Reserve may, with their consent, be given additional training or other duty either with or without pay, as may be authorized by the Secretary of the Treasury. When authorized training or other duty without pay is performed by members of the Reserve they may, in the discretion of the Secretary of the Treasury, be furnished with transportation to and from such duty, with subsistence and transfers en route and, during the performance of such duty, be furnished subsistence in kind or commutation thereof at a rate to be fixed from time to time by the Secretary of the Treasury. (Feb. 19, 1941, ch. 8, title II, § 205, 55 Stat. 11, as amended July 11, 1941, ch. 290, § 10 (3), 55 Stat. 587.)

AMENDMENTS

1941—Act July 11, 1941, cited to text, added last two sentences

§ 306. Same; compensation.

Commissioned officers, chief warrant officers, warrant officers, and enlisted personnel of the Reserve when engaged on active duty, on active duty while undergoing training, on training duty with pay, or when engaged in authorized travel to or from such duty, shall receive the same pay and allowances as are received by commissioned officers, chief warrant officers, warrant officers, and enlisted personnel of the Naval Reserve of the same rank, grade, rating, and length of service; pay and allowances of cadets of the Reserve shall under the same conditions, for the same purposes, and in the same manner, be assimilated to the pay and allowances of midshipmen of the Naval Reserve. In determining length of service for the purposes of this section, there shall be included (a) all periods of active duty under this chapter, except active duty while undergoing training, and (b) all other service for which credit is given by law to members of the regular Coast Guard. When members of the Reserve perform active duty or active duty while undergoing training for a period of less than thirty days, such duty performed on the thirty-first day of any month shall be paid for at the same rate as for other days: *Provided*, That members of the Reserve while engaged on active duty which involves the actual flying in aircraft in accordance with regulations prescribed by the Commandant shall receive the same increase of pay of their ranks, grades, or ratings as may be received by members of the regular Coast Guard in similar ranks, grades, or ratings, for the performance of similar duty. (Feb. 19, 1941, ch. 8, title II, § 206, 55 Stat. 11, as amended July 11, 1941, ch. 290, § 10 (4), 55 Stat. 588; June 6, 1942, ch. 385, § 1 (3), 56 Stat. 329; Nov. 23, 1942, ch. 639, § 2 (4), 56 Stat. 1021.)

AMENDMENTS

1942—Act Nov. 23, 1942, cited to text, amended section by substituting word "personnel" for "men" wherever appearing.

Act June 6, 1942, cited to text, amended first sentence, adding matter after semicolon.

1941—Act July 11, 1941, cited to text, amended first sentence by inserting "on training duty with pay" and substituting "Naval Reserve" for "regular Coast Guard"

§ 307. Same; temporary membership; eligibility; compensation.

The Commandant, with the approval of the Secretary of the Treasury or of the Secretary of the Navy, while the Coast Guard is operating as a part of the Navy, is hereby authorized to enroll as temporary members of the Reserve, for duty under such conditions as he may prescribe, including but not limited to part-time and intermittent active duty with or without pay, and without regard to age, members of the Auxiliary, such officers and members of the crew of any motorboat or yacht placed at the disposal of the Coast Guard, and such persons (including Government employees without pay other than compensation of their civilian positions) who by reason of their special training and experience are deemed by the Commandant to be qualified for such duty, as are citizens of the United States or of its Territories or possessions, including the Philippine Islands, to define their powers and duties, and to confer upon them, appropriate to their qualifications and experience, the same ranks, grades, and ratings as are provided for the personnel of the regular Coast Guard Reserve. When performing active duty with pay, as herein authorized, temporary members of the Reserve shall be entitled to receive the pay and allowances of their respective ranks, grades, or ratings, as may be authorized for members of the regular Coast Guard Reserve. (Feb. 19, 1941, ch. 8, title II, § 207, 55 Stat. 12, as amended June 6, 1942, ch. 385, § 1 (4), 56 Stat. 329; Oct. 26, 1942, ch. 628, 56 Stat. 990; Nov. 23, 1942, ch. 639, § 2 (5), 56 Stat. 1021.)

AMENDMENTS

1942—Act Nov. 23, 1942, cited to text, amended section by substituting words "persons (including Government employees without pay other than the compensation of their civilian positions)" for word "men".

Act Oct. 26, 1942, cited to text, amended section by changing the phrase 'except the Philippine Islands" to read "including the Philippine Islands".

Act June 6, 1942, cited to text, deleted former text and substituted new text therefor

§ 308. Exemption of members from other military duty; membership in other organizations prohibited.

Members of the Reserve, other than temporary members as provided for in section 307 hereof, shall receive the same exemption from registration and liability for training and service as members of the Naval Reserve, and no member of the Reserve, other than temporary members thereof, shall be a member of any other naval or military organization except the Auxiliary or the Coast Guard as provided for in sections 314 and 315 of this subchapter: *Provided*, That temporary members of the Reserve who may be members of any other military reserve, if ordered to active duty therein, shall be forthwith released from all active duty with the Coast Guard, and their status as temporary members of the Reserve terminated (Feb. 19, 1941, ch. 8, title II, § 208, 55 Stat. 12.)

§ 309. Members subject to Coast Guard laws, regulations, and orders.

All members of the Reserve when employed on active duty, or when employed in authorized travel

to or from such duty, or while wearing a uniform prescribed for the Reserve, shall be subject to the laws, regulations, and orders for the government of the Coast Guard: *Provided*, That disciplinary action for an offense committed while subject to the laws, regulations, and orders for the government of the Coast Guard shall not be barred by reason of release from duty status of any person charged with the commission thereof: *Provided further*, That for the purpose of carrying the provisions of this section into effect, members of the Reserve may be retained on or returned to a duty status without their consent, but not for a longer period of time than may be required for disciplinary action. (Feb. 19, 1941, ch. 8, title II, § 209, 55 Stat. 12.)

§ 310. Allowance of uniform, bedding, and equipment.

Upon first reporting for active or training duty with pay at a location where uniforms are required to be worn, a commissioned or warrant officer of the Reserve shall be paid a sum not to exceed $100 as reimbursement for the purchase of the required uniforms, and thereafter such officer shall be paid an additional sum of $50 for the same purpose upon completion of each period of not less than four years in the Reserve: *Provided*, That this latter amount of $50 shall not become due any officer until called to active or training duty after the expiration of the previous four-year period: *Provided further*, That in time of war or national emergency a further sum of $150 for the purchase of required uniforms shall be paid to officers of the Reserve when they first report for active duty: *Provided further*, That the Secretary of the Treasury shall prescribe regulations governing the conditions and requirements under which this allowance shall be payable to temporary members of the Reserve: *And provided further*, That notwithstanding the foregoing provisions of this section, the Commandant may prescribe a lesser amount as a uniform allowance to such commissioned and warrant officers of the Reserve as are not required to purchase or have in their possession the complete outfit of uniform clothing which is prescribed for other commissioned and warrant officers of the Reserve. Cadets and enlisted personnel of the Reserve may be allowed the cost of, or issued such items of uniforms, bedding, and equipment as may be prescribed by the Commandant: *Provided further*, That the value of such allowances or of items so issued to any person during any three-year period shall not exceed $100: *And provided further*, That notwithstanding the foregoing limitation upon first reporting for active duty, in time of war or national emergency, enlisted personnel of the Reserve may be issued such additional articles as are required to give them the same outfit as is authorized for enlisted personnel of the regular Coast Guard upon first enlistment. (Feb. 19, 1941, ch. 8, title II, § 210, 55 Stat. 12, as amended July 11, 1941, ch. 290, § 10 (5), 55 Stat. 588; June 6, 1942, ch. 385, § 1 (5), 56 Stat. 330; Nov. 23, 1942, ch. 639, § 2 (6), 56 Stat. 1021.)

AMENDMENTS

1942—Act Nov. 23, 1942, cited to text, amended section by substituting words "such officer" for "he", and substituted word "personnel" for "men".

Act June 6, 1942, cited to text, added proviso at end of first sentence and inserted "Cadets and" at beginning of second sentence.

1941—Section as enacted by act Feb. 19, 1941, cited to text, was deleted and new provisions substituted by act July 11, 1941, cited to text.

§ 311. Sickness, disability, or death benefits; regular members.

Members of the Reserve, other than temporary members thereof, who suffer sickness, disease, disability, or death in line of duty shall be entitled to the same benefits as are or may hereafter be prescribed by law for members of the Naval Reserve who suffer sickness, disease, disability, or death under similar conditions. (Feb. 19, 1941, ch. 8, title II, § 211, 55 Stat. 12.)

§ 312. Same; temporary members of Reserve and Auxiliary members not on active duty.

(a) In case of physical injury or death resulting from physical injury—

(1) to any temporary member of the Reserve when incurred after February 19, 1941, in line of duty as a member of the Reserve, while on active duty or engaged in authorized travel to or from such duty; or

(2) to any member of the Auxiliary not on active duty as a member of the military or naval forces, when incurred after February 19, 1941, while on Coast Guard patrol pursuant to the request of competent Coast Guard authority, and which would have been incurred in line of duty in the active service had he been a member of the Reserve acting under competent orders;

the provisions of sections 751–791 and 793 of title 5, subject to the other subsections of this section, shall apply, and such sections shall be administered by the United States Employees' Compensation Commission (hereinafter called the Commission) in the same manner and to the same extent as if such person were a civil employee of the United States and were injured while in the performance of his duty: *Provided*, That for benefit computation, regardless of pay or pay status, such person shall be deemed to have had monthly pay of $150.

(b) This section shall not apply in any case coming within the purview of the workmen's compensation law of any State, Territory, or other jurisdiction because of a concurrent employment status of such member; and where such member or dependent should be entitled to a benefit under this section and also to any concurrent benefit from the United States on account of the same disability or death, such member or dependent shall elect which benefit he shall receive.

(c) Whenever a claim is filed with the Commission for benefits because of an alleged injury or death within the purview of this section, the Commission shall notify the Commandant and he or his designee shall investigate the facts surrounding such alleged injury and make certification with respect thereto, including certification as to such injured or

deceased person's membership in the Reserve or Auxiliary and his military status, and whether the injury or death occurred in line of duty or while on Coast Guard patrol pursuant to request of competent Coast Guard authority. Such certifications shall not excuse the making of such reports as are required by sections 751–791 and 793 of Title 5.

(d) Notice of injury and any claim for benefits on account of disability or death within the purview of this section which occurred prior to September 30, 1944, may be received as timely filed, if filed within one year from September 30, 1944.

(e) In case of physical injury incurred, or sickness or disease contracted (1) by any temporary member of the Reserve while performing active Coast Guard service or (2) by any member of the Auxiliary not a regular or temporary member of the Reserve, while performing active Coast Guard patrol service pursuant to request of competent Coast Guard authority, such person shall be entitled to receive the same hospital treatment as is afforded members of the Regular Coast Guard. (Feb. 19, 1941, ch. 8, title II, § 212, 55 Stat. 12; Nov. 23, 1942, ch. 639, § 2 (7), 56 Stat. 1021; Sept. 30, 1944, ch. 449, § 1, 58 Stat. 756.)

AMENDMENTS

1944—Act Sept 30, 1944, cited to text, amended section generally to offer protection to a class of persons which were inadequately protected.

1942— Act Nov. 23, 1942, cited to text, amended section by substituting words "such member or such member's" for words "he or his".

CROSS REFERENCES

Hospital treatment for members of the Regular Coast Guard, see section 253 of Title 42, The Public Health and Welfare

§ 313. Membership of United States and District of Columbia employees; leave of absence for training; benefits.

Officers and employees of the United States or of the District of Columbia who may become members of the Reserve shall be entitled to the same leave of absence with pay while on training duty and, except as otherwise provided by this chapter, to all other benefits which are now or hereafter may be applicable by law to officers and employees of the United States or of the District of Columbia who are members of the Naval Reserve. (Feb. 19, 1941, ch. 8, title II, § 213, 55 Stat. 13.)

§ 314. Appointment of non-commissioned Coast Guardsmen as Reserve officers; active duty in the Reserve.

Chief warrant and warrant officers and enlisted men of the regular Coast Guard may, under regulations promulgated pursuant to section 304 of this chapter, be issued appointments as commissioned, chief warrant, or warrant officers in the Reserve, under which appointments they may be required to serve only in time of war or during any period of national emergency declared by the President to exist: *Provided*, That while serving on active duty under such appointments, the regular status of such appointees shall be considered as in abeyance, and upon termination of active duty thereunder they shall revert to the status held by them immediately preceding such active duty: *Provided further*, That active duty in the Reserve performed under the provisions of this chapter shall be counted for all purposes as though it had been rendered by the individuals concerned in the status held by them immediately preceding such active duty. (Feb. 19, 1941, ch. 8, title II, § 214, 55 Stat. 13.)

§ 315. Same; compensation; sickness, disability, and death benefits.

Members of the regular Coast Guard called to active duty in the Reserve, as provided by section 314 of this chapter, shall not thereby suffer any reduction in pay and allowances: *Provided*, That if while so serving on active duty such members contract sickness or disease or sustain injury, or die as a result of such sickness, disease, or injury, they or their beneficiaries shall be entitled to all the benefits provided for commissioned, chief warrant, or warrant officers of the Reserve of the same rank, or to the benefits to which they would have been entitled had such active service been performed in their prior status as chief warrant or warrant officers or enlisted men of the regular Coast Guard, whichever may be the greater. (Feb. 19, 1941, ch. 8, title II, § 215, 55 Stat. 13.)

SUBCHAPTER III.—GENERAL PROVISIONS

§ 351. Term of service of members.

The term of enrollment in the Auxiliary and appointment and enlistment in the Reserve (except for temporary members of the Reserve) shall be three years. (Feb. 19, 1941, ch. 8, title III, § 301, 55 Stat. 13.)

§ 352. Flags, pennants, insignia, and uniforms authorized; penalties.

The Secretary of the Treasury, when the Coast Guard is operating in the Treasury Department, and the Secretary of the Navy, when the Coast Guard operates as part of the Navy, are hereby authorized to prescribe one or more suitable distinguishing flags, pennants, or other identifying insignia to be displayed by the motorboats, yachts, aircraft, and radio stations owned by members of the auxiliary or the Reserve, one or more suitable insignia which may be worn by such members, and one or more suitable uniforms which may be worn by members of the auxiliary. Such flags, pennants, uniforms, and insignia shall be furnished by the Coast Guard at actual cost, and the proceeds received therefor shall be credited to current appropriations from which replacements are purchased. Any person who shall without proper authority, fly from any building, aircraft, motorboat, yacht, or other vessel, any flag or pennant or display any identifying insignia or wear any insignia of the auxiliary or Reserve, or wear any uniform of the auxiliary shall, upon conviction thereof, be punished by a fine not exceeding $500. (Feb. 19, 1941, ch. 8, title III, § 302, 55 Stat. 13, as amended Sept. 30, 1944, ch. 453, § 9, 58 Stat. 761.)

AMENDMENTS

1944—Act Sept. 30, 1944, cited to text, amended section by adopting said section to the other amendments of said Act authorizing the enrollment of owners of aircraft and radio stations, by authorizing uniforms for auxiliary, and by increasing penalty provisions from $100 to $500.

§ 353. Correspondence courses for members.

Pursuant to such rules and regulations as the Commandant may prescribe, correspondence courses of the Coast Guard Institute may be made available to members of the Auxiliary and to members of the Reserve: *Provided,* That the actual cost of the study materials for each such course shall be paid by the member of the Auxiliary taking such course and the proper Coast Guard appropriation shall be credited accordingly: *Provided further,* That such courses shall be made available to members of the Reserve in accordance with Coast Guard regulations applicable to personnel of the regular Coast Guard. (Feb. 19, 1941, ch. 8, title III, § 303, 55 Stat. 14.)

§ 354. Employment of services and facilities of Coast Guard; availability of appropriations.

The services and facilities of the Coast Guard may be employed in the administration and operation of the Auxiliary and of the Reserve; and the appropriations for the Coast Guard shall be available to effectuate the purposes of this chapter. (Feb. 19, 1941, ch. 8, title III, § 304, 55 Stat. 14.)

SUBCHAPTER IV.—WOMEN'S RESERVE (New)

CROSS REFERENCES

Preference of veterans in government employment, see sections 851–869 of Title 5, Executive Departments and Government Officers and Employees.

Servicemen's readjustment benefits, see sections 693–697e of Title 38, Pensions, Bonuses, and Veterans' Relief

Women's Army Corps, see sections 1551–1555 of Title 10, Army

Women's Reserve of the Navy, see sections 857–857g of Title 34, Navy.

§ 381. Establishment as branch of Coast Guard Reserve; laws applicable.

A Women's Reserve is hereby established which shall be a branch of the Coast Guard Reserve and shall be administered in the same manner as provided for the Coast Guard Reserve in all respects, except as may be necessary to adapt said provisions to the Women's Reserve, or as specifically provided herein. (Feb. 19, 1941, ch. 8, title IV, § 401, as added Nov. 23, 1942, ch. 639, § 1, 56 Stat. 1020.)

MEDICAL AND HOSPITAL BENEFITS, DEPENDENTS

Section 610 (a) of act July 1, 1944, ch. 373, title VI, 58 Stat. 714, provided: "(a) Subject to regulations of the President, members of the Women's Reserve of the Coast Guard, or their dependents, shall be entitled to the benefits provided by section 326 [section 253 of Title 42] for male officers and enlisted men of the Coast Guard or their dependents: *Provided,* That the husbands of such members shall not be considered dependents, and the children of such members shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support."

§ 382. Ranks and ratings; number of commissioned officers.

Members of the Women's Reserve may be commissioned or enlisted in such appropriate ranks and ratings, not above the rank of captain, corresponding to those of the Regular Coast Guard, as may be prescribed by the Secretary of the Treasury, or by the Secretary of the Navy while the Coast Guard is operating as a part of the Navy: *Provided,* That there shall not be more than one officer in the grade of captain: *Provided further,* That military authority of officers commissioned under the provisions of this title may be exercised over women of the Reserve only and is limited to the administration of the Women's Reserve. (Feb. 19, 1941, ch. 8, title IV, § 402, as added Nov. 23, 1942, ch. 639, § 1, 56 Stat. 1020, and amended Dec. 23, 1943, ch. 378, 57 Stat. 609.)

AMENDMENTS

1943—Act Dec 23, 1943, cited to text, amended section by providing for an officer of the rank of captain, and by omitting provisions relating to the number of lesser commissioned officers.

§ 383. Age qualifications.

The Reserve established by this subchapter shall be composed of members who have attained the age of twenty years. (Feb. 19, 1941, ch. 8, title IV, § 403, as added Nov. 23, 1942, ch. 639, § 1, 56 Stat. 1020.)

§ 384. Duties restricted; shore duty within American area and certain Territories.

Members of the Women's Reserve shall not be assigned to duty on board vessels of the Navy or Coast Guard or in aircraft while such aircraft are engaged in combat missions and shall not be assigned to duty outside the American area and the Territories of Hawaii and Alaska, and may be assigned to duty outside the continental United States only upon their prior request. (Feb 19, 1941, ch. 8, title IV, § 404, as added Nov. 23, 1942, ch. 639, § 1, 56 Stat. 1020, amended Sept. 27, 1944, ch. 428, § 2, 58 Stat. 754.)

AMENDMENTS

1944—Act Sept. 27, 1944, cited to text, amended section by removing restrictions as to duty within the continental limits of the United States

§ 384a. Definition of American area.

As used in section 384 of this title the term "American area" means the area geographically defined as follows:

East boundary: From the North Pole, south along the seventy-fifth meridian west longitude to the seventy-seventh parallel north latitude, thence southeast through Davis Strait to the intersection of the fortieth parallel north latitude and the thirty-fifth meridian west longitude, thence south along that meridian to the tenth parallel north latitude, thence southeast to the intersection of the equator and the twentieth meridian west longitude, thence along the twentieth meridian west longitude to the South Pole

West boundary: From the North Pole, south along the one hundred and forty-first meridian west longitude to the east boundary of Alaska, thence south and southeast along the Alaskan boundary to the Pacific Ocean, thence south along the one hundred and thirtieth meridian to its intersection with the thirtieth parallel north latitude, thence southeast to the intersection of the equator and the one hundredth meridian west longitude, thence south along the one hundredth meridian west longitude to the South Pole. (Sept. 27, 1944, ch. 428, § 3, 58 Stat. 754.)

CODIFICATION

This section was not enacted as a part of the Coast Guard Auxiliary and Reserve Act of 1941.

§ 385. Same; replacement of male officers and enlisted men in shore establishments.

Members of the Women's Reserve shall not be used to replace civil-service personnel but shall be composed of women trained and qualified for duty in the shore establishment of the Coast Guard to release male officers and enlisted men of the Coast Guard service for duty at sea (Feb. 19, 1941, ch. 8, title IV, § 405, as added Nov. 23, 1942, ch. 639, § 1, 56 Stat. 1020.)

§ 386. Repealed. Dec. 23, 1943, ch. 378, 57 Stat. 610.

CODIFICATION

Section was from act Feb. 19, 1941, ch. 8, title IV, § 406, as added Nov. 23, 1942, ch. 639, § 1, 56 Stat. 1020.

§ 387. Uniforms and equipment.

The Commandant of the Coast Guard shall fix the money value of articles of uniform and equipment which enlisted members of the Women's Reserve are required to have upon their first reporting for active duty: *Provided*, That he may authorize such articles of uniform and equipment, or parts thereof, to be issued in kind, or, in lieu thereof, the payment in cash of the money value fixed according to the foregoing, not to exceed $200, to be made to such members so ordered to active duty, for the purchase of such articles of uniform and equipment. (Feb. 19, 1941, ch. 8, title IV, § 407, as added Nov. 23, 1942, ch. 639, § 1, 56 Stat. 1020, renumbered § 406, Dec. 23, 1943, ch. 378, 57 Stat. 610.)

§ 388. Termination date.

The authority conferred by sections 381–388 of this title for appointments and enlistments in the Women's Reserve shall be effective during the present war and for six months thereafter, or until such earlier time as the Congress, by concurrent resolution, or the President, by proclamation, may designate. (Feb. 19, 1941, ch. 8, title IV, § 408, as added Nov. 23, 1942, ch. 639, § 1, 56 Stat. 1020, renumbered § 407, Dec. 23, 1943, ch. 378, 57 Stat. 610.)

TITLE 15.—COMMERCE AND TRADE

Chap. Sec.
20. Regulation of Insurance (New)..... 1011

Chapter 1.—MONOPOLIES AND COMBINATIONS IN RESTRAINT OF TRADE

§ 1. Trusts, etc., in restraint of trade illegal; exception of resale price agreements; penalty.

CROSS REFERENCES

Applicability of sections 1-7 of this title to the insurance business, see sections 1011–1015 of this title.

§ 12. Words defined.

CROSS REFFRENCES

Applicability of sections 12–27 of this title to the insurance business, see sections 1011–1015 of this title.

§ 15. Suits by persons injured; amount of recovery.

CROSS REFERENCES

Limitation of action, suspension of, see note under section 16 of this title

§ 16. Judgment in favor of Government as evidence; limitation of actions.

SUSPENSION OF LIMITATIONS

Act Oct 10, 1942, ch. 589, 56 Stat 781, as amended June 30, 1945, ch 213, 59 Stat. 306, provided:

"[Sec 1] The running of any existing statute of limitations applicable to violations of the antitrust laws of the United States, now indictable or subject to civil proceedings under any existing statutes, shall be suspended until June 30, 1946, or until such earlier time as the Congress by concurrent resolution, or the President, may designate. This Act shall apply to acts, offenses, or transactions where the existing statute of limitations has not yet fully run, but it shall not apply to acts, offenses, or transactions which are already barred by the provisions of existing laws.

"Sec. 2. That this Act shall be in force and effect from and after the date of its passage."

§ 28. Expedition of actions by United States involving general public importance.

In any civil action brought in any district court of the United States under sections 1–7 of this title, chapters 1, 8, and 12 of Title 49, or any other Acts having a like purpose that hereafter may be enacted, wherein the United States is plaintiff, the Attorney General may file with the clerk of such court a certificate that, in his opinion, the case is of general public importance, a copy of which shall be immediately furnished by such clerk to the senior circuit judge (or in his absence, the presiding circuit judge) of the circuit in which the case is pending (including the District of Columbia). Upon receipt of the copy of such certificate, it shall be the duty of the senior circuit judge or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. (As amended Apr. 6, 1942, ch. 210, § 1, 56 Stat. 198.)

CODIFICATION

Provisions similar to those of this section are also set out as section 44 of Title 49, Transportation.

AMENDMENTS

1942—Act April 6, 1942, cited to text, amended section generally.

PENDING CASES, EFFECT OF AMENDMENT

Section 2 of act April 6, 1942, cited to text, provided as follows: "The amendment made by section 1 of this Act [amending Title 15, § 28, and Title 49, § 44] shall not apply to any case with respect to which the Attorney General has filed a certificate prior to the date of the enactment of this Act and in which the court has already been constituted"

CROSS REFERENCES

Single judge's powers in action in three-judge district court for interlocutory injunction and final hearing under this section, see section 792 of Title 28, Judicial Code and Judiciary.

§ 29. Appeals to Supreme Court.

In every suit in equity brought in any district court of the United States under sections 1–7 of this title, wherein the United States is complainant, an appeal from the final decree of the district court will lie only to the Supreme Court and must be taken within sixty days from the entry thereof: *Provided, however,* That if, upon any such appeal, it shall be found that, by reason of disqualification, there shall not be a quorum of Justices of the Supreme Court qualified to participate in the consideration of the case on the merits, then, in lieu of a decision by the Supreme Court, the case shall be immediately certified by the Supreme Court to the circuit court of appeals of the circuit in which is located the district in which the suit was brought which court shall thereupon have jurisdiction to hear and determine the appeal in such case, and it shall be the duty of the senior circuit judge of said circuit court of appeals, qualified to participate in the consideration of the case on the merits, to designate immediately three circuit judges of said court, one of whom shall be himself and the other two of whom shall be the two circuit judges next in order of seniority to himself, to hear and determine the appeal in such case and it shall be the duty of the court, so comprised, to assign the case for argument at the earliest practicable date and to hear and determine the same, and the decision of the three circuit judges so designated, or of a majority in number thereof, shall be final and there shall be no review of such decision by appeal or certiorari or otherwise.

If, by reason of disqualification, death or otherwise, any of said three circuit judges shall be unable to participate in the decision of said case, any such

vacancy or vacancies shall be filled by the senior circuit judge by designating one or more other circuit judges of the said circuit next in order of seniority and, if there be none such available, he shall fill any such vacancy or vacancies by designating one or more circuit judges from another circuit or circuits, designating, in each case, the oldest available circuit judge, in order of seniority, in the circuit from which he is selected, such designation to be only with the consent of the senior circuit judge of any such other circuit. (As amended June 9, 1944, ch. 239, 58 Stat. 272.)

AMENDMENTS

1944—Act June 9, 1944, cited to text, amended section by adding proviso to first paragraph and adding second paragraph

EFFECTIVE DATE

The last paragraph of act June 9, 1944, cited to text, provided: "This Act [this section] shall apply to every case pending before the Supreme Court of the United States on the date of its enactment [June 9, 1944]."

Chapter 2.—FEDERAL TRADE COMMISSION; PROMOTION OF EXPORT TRADE AND PREVENTION OF UNFAIR METHODS OF COMPETITION

§ 41. Federal Trade Commission established; membership; vacancies; seal.

CROSS REFERENCES

Applicability of sections 41–46 and 47–58 of this title to the insurance business, see sections 1011–1015 of this title.

Chapter 2A.—SECURITIES AND TRUST INDENTURES

§ 77c. Exempted securities.

* * * * * *

(b) The Commission may from time to time by its rules and regulations, and subject to such terms and conditions as may be prescribed therein, add any class of securities to the securities exempted as provided in this section, if it finds that the enforcement of this subchapter with respect to such securities is not necessary in the public interest and for the protection of investors by reason of the small amount involved or the limited character of the public offering; but no issue of securities shall be exempted under this subsection where the aggregate amount at which such issue is offered to the public exceeds $300,000. (As amended May 15, 1945, ch 122, 59 Stat. 167.)

AMENDMENTS

1945—Subsec. (b) amended by act May 15, 1945, cited to text, which substituted "$300,000" for "$100,000".

Chapter 2B.—REGULATION OF SECURITIES EXCHANGES

§ 78ee. Registration fees.

Every national securities exchange shall pay to the Commission on or before March 15 of each calendar year a registration fee for the privilege of doing business as a national securities exchange during the preceding calendar year or any part thereof. Such fee shall be in an amount equal to one five-hundredths of 1 per centum of the aggregate dollar amount of the sales of securities (other than securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States or such securities issued or guaranteed by corporations in which the United States has a direct or an indirect interest as shall be designated for exemption from the provisions of this section by the Secretary of the Treasury) transacted on such national securities exchange during the preceding calendar year and subsequent to its registration as a national securities exchange. (As amended Mar. 17, 1944, ch. 101, 58 Stat. 117.)

AMENDMENTS

1944—Act Mar. 17, 1944, cited to text, amended section by adding all material within parenthesis

Chapter 2D.—INVESTMENT COMPANIES AND ADVISERS

SUBCHAPTER I.—INVESTMENT COMPANIES

§ 80a-3. Same; investment company.

* * * * * *

(c) * * *

* * * * * *

(13) Any employees' stock bonus, pension, or profit-sharing trust which meets the conditions of section 165 of Title 26, as amended. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 162 (c), 56 Stat. 867.)

* * * * * *

AMENDMENTS

1942—Act Oct. 21, 1942, cited to text, added "as amended", to subsec. (c)(13)

EFFECTIVE DATE

Section 162 (d) of act Oct. 21, 1942, cited to text, as amended by act Dec. 17, 1943, ch. 346, § 3, 57 Stat. 602, provided as follows.

"Taxable Years to Which Amendments Applicable.—The amendments made by this section [to this section and sections 22, 23 and 165 of Title 26] shall be applicable as to both the employer and employees only with respect to taxable years of the employer beginning after December 31, 1941, except that—

(1) In the case of a stock bonus, pension, profit-sharing, or annuity plan in effect on or before September 1, 1942,

(A) such a plan shall not become subject to the requirements of section 165 (a) (3), (4), (5), and (6) until the beginning of the first taxable year beginning after December 31, 1942,

(B) such a plan shall be considered as satisfying the requirements of section 165 (a), (3), (4), and (5) and (6) for the period beginning with the beginning of the first taxable year following December 31, 1942, and ending December 31, 1944, if the provisions thereof satisfy such requirements by December 31, 1944, and if by that time such provisions are made effective for all purposes as of a date not later than January 1, 1944.

(C) if the contribution of an employer to such a plan in the employer's taxable year beginning in 1942 exceeds the maximum amount deductible for such year under section 23 (p) (1), as amended by this section, the amount deductible in such year shall be not less than the sum of—

(i) the amount paid in such taxable year prior to September 1, 1942, and deductible under section 23 (a) or 23 (p) prior to amendment by this section, and

(ii) with respect to the amount paid in such taxable year on or after September 1, 1942, that proportion of the amount deductible for the taxable year under section 23 (p) (1), as amended by this section, which the number of months after August 31, 1942, in the taxable year bears to twelve.

(2) In the case of a stock bonus, pension, profit sharing or annuity plan put into effect after September 1, 1942,

such a plan shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the date such plan is put into effect and ending December 31, 1944, if the provisions thereof satisfy such requirements by December 31, 1944, and if by that time such provisions are made effective for all purposes as of a date not later than the effective date of such plan or January 1, 1944, whichever is the later."

Chapter 5.—THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE

ESTABLISHMENT AND FUNCTIONS

§§ 189a, 192.

CROSS REFERENCES

Disposition of fees for services or publications furnished by department, see section 606 of Title 5, Executive Departments and Government Officers and Employees.

Chapter 6.—WEIGHTS AND MEASURES AND STANDARD TIME

STANDARD TIME

§ 261. Zones for standard time.

RETURN TO STANDARD TIME

Act Sept. 25, 1945, ch. 388, 59 Stat. 537, provided, that, notwithstanding the provisions of act Jan. 20, 1942, ch. 7, 56 Stat. 9, which provided for war time, the standard time for each zone as provided for in sections 261–264 of this title should again become effective as of Sept. 30, 1945, at 2:00 A. M.

Chapter 9.—THE WEATHER BUREAU

Sec.

323 Scholarships for meteorological students; regulations governing scholarships; termination date (New)
324. Extra compensation to other Government employees in Alaska and other territorial possessions (New).

§ 319. Printing.

REPEATED.—Act June 28, 1941, ch. 258, title II, 55 Stat 289, act July 2, 1942, ch. 472, title III, 56 Stat. 500; act July 1, 1943, ch. 182, title III, § 1, 57 Stat. 300; act June 28, 1944, ch. 294, title III, § 1, 58 Stat. 424; act May 21, 1945, ch. 129, title III, 59 Stat. 195.

§ 322. Odd jobs for part-time employees.

Weather Bureau part-time employees, appointed by designation or otherwise under regulations of the Civil Service Commission for observational work, may perform odd jobs in the installation, repair, improvement, alteration, cleaning, or removal of Government property and receive compensation therefor under regulations to be prescribed by the Chief of the Weather Bureau. (As amended June 28, 1941, ch. 258, title II, 55 Stat. 289; July 2, 1942, ch. 472, title III, 56 Stat. 500; July 1, 1943, ch. 182, title III, § 1, 57 Stat. 301.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, substituted "under regulations to be prescribed by the Chief of the Weather Bureau" for "at rates of pay to be fixed by the Secretary of Commerce."

1942—Act July 2, 1942, cited to text, repeated provisions of this section

1941—Act June 28, 1941, cited to text, repeated provisions of this section.

§ 323. Scholarships for meteorological students; regulations governing scholarships; termination date.

The Secretary of Commerce is authorized, within the limits of available appropriations made by the Congress, to establish and provide not to exceed fifty scholarships annually for furnishing instruction and training in weather forecasting technique for students of meteorology. Such instruction and training shall be secured by contracts for tuition and laboratory charges only with educational institutions which offer accredited graduate professional courses in meteorological science. Such scholarship students shall be selected pursuant to such regulations as to desirable qualifications, ability, and aptitude for weather forecasting as the Weather Bureau, Department of Commerce, may from time to time prescribe, including regulations requiring students participating therein to agree to enter Government employ as meteorologists in the Weather Bureau or as officers in the military services after graduation and completion of training. No scholarship shall be granted under this section after the termination of the wars in which the United States is now engaged or such earlier date as the Congress by concurrent resolution may fix, and any contract or other obligation entered into under this section shall expire not later than one year after such termination or such earlier date, as the case may be: *Provided*, That no alien shall receive training under the provisions of this section. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. (Oct. 29, 1942, ch. 632, 56 Stat. 1012.)

§ 324. Extra compensation to other Government employees in Alaska and other territorial possessions.

Extra compensation at not to exceed $5 per day may be paid to employees of other Government agencies in Alaska, and in other territorial possessions for taking and transmitting meteorological observations for the Weather Bureau. (July 1, 1943, ch. 182, title III, § 1, 57 Stat. 301; June 28, 1944, ch. 294, title III, § 1, 58 Stat. 424; May 21, 1945, ch. 129, title III, 59 Stat. 195.)

Chapter 14.—RECONSTRUCTION FINANCE CORPORATION ACT AND EMERGENCY RELIEF AND CONSTRUCTION ACT OF 1932

Sec.

606b–1. Transfer of real estate by Government agencies to Corporation and its affiliates (New).
606b–2. Funds for War Damage Corporation; insurance against property injury by enemy attack (New).
606b–3 Loans or purchases to relieve dealers in certain rationed commodities; terms and conditions (New).
609k. Same; additional amount authorized for defense housing insurance (New).
609l–609p. Same, additional amount authorized (New).
609q. Same; additional amount authorized (New).
609r. Same; additional amount authorized (New).
609s. Same; additional amount authorized (New).
609t. Same; additional amount authorized (New).
609u. Same; additional amount authorized (New).
609v. Same; additional amount authorized (New).
609w Same; additional amount authorized (New).
609x. Same, additional amount authorized (New).
609y. Same; additional amount authorized (New).
611a–1. Disposition by Secretary of Treasury of county, municipal, and other securities transferred from Reconstruction Finance Corporation (New).

§ 601. Reconstruction Finance Corporation; creation; office and branches; citation of act.

TRANSFER OF FUNCTIONS

Functions, powers, and duties of Federal Loan Agency and Federal Loan Administrator relating to Reconstruction Finance Corporation and other agencies transferred to Department of Commerce during present war, see Ex Ord No 9071, set out in note under section 601 of Title 50, War.

All duties and responsibilities with respect to disposal of property, transferred to War Assets Corporation by 11 F. R. Title 32, ch. 23, p. 408

FEDERAL LOAN AGENCY

By act Feb 24, 1945, ch. 4, 59 Stat 5, sections 1801–1804 of Title 12, the Federal Loan Agency was reconstituted an independent establishment of the Federal Government.

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

Powers of Corporation as unaffected by mobilization of small business, see section 1111 of Appendix to Title 50, War.

EX. ORD NO 9643. TRANSFERRING OF CERTAIN PERSONNEL, RECORDS, PROPERTY, AND FUNDS OF THE DEPARTMENT OF COMMERCE WITH RESPECT TO SURPLUS PROPERTY, TO THE RECONSTRUCTION FINANCE CORPORATION

Ex. Ord. No. 9643, Oct 19, 1945, 10 F. R. 13039, provided

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941 [sections 601–605 of Appendix to Title 50], and as President of the United States, and consonant with the designation of the Reconstruction Finance Corporation by the Surplus Property Administrator pursuant to the provisions of the Surplus Property Act of 1944 [sections 611–646 of Appendix to Title 50], as amended, as the disposal agency for certain categories of surplus property for which the Department of Commerce has heretofore been the disposal agency, it is hereby ordered, effective as of the opening of business November 5, 1945, that the Office of Surplus Property in the Department of Commerce is hereby terminated, and that all personnel, records, property, contracts, obligations, and funds of the Office, together with so much of the other personnel, records, property, contracts, obligations, and funds of the Department of Commerce as relates primarily to the surplus property disposal functions placed under the Reconstruction Finance Corporation by the aforesaid designation, are hereby transferred to the Reconstruction Finance Corporation for use in connection with such functions. Such measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfers and termination provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

§ 605k–1. Repealed. June 30, 1945, ch. 215, § 1, 59 Stat. 310.

Section amended by act June 10, 1941, ch. 190, § 1, 55 Stat. 248.

Section 3 of act June 30, 1945, ch. 215, 59 Stat. 310, provided that the act should become effective on July 1, 1945.

§ 606b. Loans to States, municipalities, etc., public agencies, and business enterprises; exception of railroads; loans to and creation of corporations producing necessities for national defense; expiration date.

* * * * *

In order to aid the Government of the United States in its national-defense program, the Corporation is authorized—

* * * * *

(2) To make loans to and purchase the obligations of any business enterprise, including, when requested by the Secretary of Commerce, subscription to the capital stock thereof, for any purpose deemed by the Corporation to be advantageous to the national defense. Such loans, purchases, or subscriptions shall be made under such terms and conditions and with such maturities as the Corporation may determine. The War Department and the Navy Department are hereby authorized to participate in or to guarantee any loans made by the Reconstruction Finance Corporation pursuant to this provision, and, in connection therewith, they may use any funds heretofore or hereafter made available for purposes of procuring war materials, supplies, and equipment.

(3) When requested by the Federal Loan Administrator, with the approval of the President, to create or organize, at any time prior to July 1, 1943, a corporation or corporations, with power (a) to produce, acquire, carry, sell, or otherwise deal in strategic and critical materials as defined by the President; (b) to purchase and lease land, purchase, lease, build, and expand plants, and purchase and produce equipment, facilities, machinery, materials, and supplies for the manufacture of strategic and critical materials, arms, ammunition, and implements of war, any other articles, equipment, facilities, and supplies necessary to the national defense, and such other articles, equipment, supplies, and materials as may be required in the manufacture or use of any of the foregoing or otherwise necessary in connection therewith; (c) to lease, sell, or otherwise dispose of such land, plants, facilities, and machinery to others to engage in such manufacture; (d) to engage in such manufacture itself, if the President finds that it is necessary for a Government agency to engage in such manufacture; (e) to produce, lease, purchase, or otherwise acquire railroad equipment (including rolling stock), and commercial aircraft, and parts, equipment, facilities, and supplies necessary in connection with such railroad equipment and aircraft, and to lease, sell, or otherwise dispose of the same; (f) to purchase, lease, build, expand, or otherwise acquire facilities for the training of aviators and to operate or lease, sell, or otherwise dispose of such facilities to others to engage in such training; and (g) to take such other action as the President and the Federal Loan Administrator may deem necessary to expedite the national-defense program, but the aggregate amount of the funds of the Reconstruction Finance Corporation which may be outstanding at any one time for carrying out this clause (g) shall not exceed $200,000,000: *Provided*, That nothing in this subsection shall be construed to authorize the Corporation to take any action, directly or indirectly, with respect to the proposals heretofore considered by the Congress and known as the Great Lakes-St. Lawrence seaway, Passamaquoddy, Florida ship canal, and Tombigbee River projects, or to the project known as the Nicaragua Canal. The powers of every corporation hereafter created or organized under this subsection shall be set out in a charter which shall be valid only when certified copies

thereof are filed with the Secretary of the Senate and the Clerk of the House of Representatives and published in the Federal Register, and all amendments to such charters shall be valid only when similarly filed and published. The charters of corporations heretofore so created or organized shall be so filed and published before July 1, 1941, and amendments thereto shall be valid only when certified copies thereof are hereafter so filed and published. No corporation heretofore or hereafter created or organized by the Corporation pursuant to this subsection shall have succession beyond January 22, 1947, except for purposes of liquidation, unless the life of such corporation is extended beyond such date pursuant to an Act of Congress. The Corporation may make loans to, or purchase the capital stock of, any such corporation for any purpose within the powers of the corporation as above set forth related to the national-defense program, on such terms and conditions as the Corporation may determine.

(4) When requested by the Federal Loan Administrator, with the approval of the President, and subject to such conditions and limitations as may be set forth in such request, to make loans, notwithstanding the provisions of any other law, to any foreign governments, to their central banks, or to any person, commission, association, corporation, or bank acting for or on behalf of such government, for the purpose of achieving the maximum dollar exchange value in the United States for the securities or property of any such government, central bank, person, commission, association, corporation, or bank. Such loans may be made only upon the security of bonds, debentures, stocks, or other such obligations of (a) the Government of the United States or any State, municipality, or political subdivision of any State, or (b) any private corporation organized under the laws of the United States or any State.

(5) To acquire real estate and any right or interest therein by purchase, lease, condemnation, or otherwise, determined by the Corporation to be necessary or advantageous to the carrying out of any authority vested in any corporation created or organized pursuant to this section The Corporation is also authorized to sell, lease, or otherwise dispose of any such real estate. Proceedings for such condemnation shall be instituted in the name of the United States pursuant to the provisions of sections 257 and 258 of Title 40, and any real estate already devoted to public use which would be subject to condemnation in proceedings instituted upon application of any officer of the Government shall likewise be subject to condemnation in proceedings instituted upon application of the Corporation as herein provided. Sections 258a, 258b, and 258d of Title 40, shall be applicable in any such proceeding. Any judgment rendered against the United States in any such proceeding shall promptly be paid by the Corporation. Immediately upon the vesting of title in the United States of America in any such proceeding, the Secretary of Commerce, by deed executed by him in the name of the United States of America, shall transfer the entire title or interest so acquired to the Corporation, and the Corporation shall thereupon have the same rights with respect to any real estate so acquired as it has with respect to real estate acquired by purchase. The power to institute proceedings for condemnation in pursuance of this section shall terminate on June 30, 1944, or upon such earlier date as the Congress by concurrent resolution, or the President by proclamation, may designate, but no such proceedings instituted prior to such termination shall abate by reason thereof. (As amended June 10, 1941, ch. 190, § 4, 55 Stat. 249; Mar. 27, 1942, ch. 198, § 1, 56 Stat. 174; June 11, 1942, ch. 404, § 8, 56 Stat. 355.)

* * * * *

AMENDMENTS

1942—Act June 11, 1942, cited to text, amended subparagraph (2) of fourth paragraph

Act Mar. 27, 1942, cited to text, added subparagraph (5) of fourth paragraph

1941—Fourth par., subsec. (3) was amended and subsec. (4) was inserted by act June 10, 1941, cited to text.

TRANSFER OF FUNCTIONS

Functions, powers and duties of Federal Loan Agency and Federal Loan Administrator relating to Export-Import Bank of Washington and other agencies transferred to Department of Commerce during present war, see Ex. Ord. No. 9071, set out in note under section 601 of Appendix to Title 50, War.

DECREASE IN CERTAIN SUBSIDY PAYMENTS

Act July 31, 1945, ch. 332, 59 Stat. 506, provided: "That the amount of funds authorized to be expended by Commodity Credit Corporation pursuant to section 3 of the Act of April 12, 1945 (Public, 30, Seventy-ninth Congress) [set out as a note under section 713 of this title], shall be increased by such amounts as may from time to time be determined by the Secretary of Agriculture as follows: (1) Not to exceed with respect to livestock and livestock products, $595,000,000, (2) not to exceed with respect to wheat and wheat products, $190,000,000; and (3) not to exceed with respect to butterfat and butter, $100,000,000: *Provided*, That the amounts authorized to be expended pursuant to section 1 of the Act of June 23, 1945 (Public Law 88, Seventy-ninth Congress) [set out as a note under this section], for subsidy payments on meat, butter, and flour shall be reduced correspondingly."

DISSOLUTION OF CERTAIN CORPORATIONS; ASSUMPTION OF FUNCTIONS, DUTIES, LIABILITIES, ETC BY RECONSTRUCTION FINANCE CORPORATION; EFFECTIVE DATE.

The named corporations were dissolved and their functions, duties, and liabilities were transferred to the Reconstruction Finance Corporation pursuant to act June 30, 1945, ch. 215, 59 Stat. 310, which provided:

"That, notwithstanding any other provision of law, all functions, powers, duties, and authority of the corporations hereinafter designated, are hereby transferred, together with all their documents, books of account, records, assets, and liabilities of every kind and nature, to Reconstruction Finance Corporation and shall be performed, exercised, and administered by that Corporation in the same manner and to the same extent and effect as if originally vested in Reconstruction Finance Corporation, and the designated corporations are hereby dissolved: Defense Plant Corporation, Metals Reserve Company, Rubber Reserve Company, and Defense Supplies Corporation, created by Reconstruction Finance Corporation pursuant to the Act of June 25, 1940 (54 Stat. 572), and Disaster Loan Corporation, created by the Act of February 11, 1937 (50 Stat. 19), are hereby designated as the corporations to which this joint resolution applies.

"SEC 2. The Reconstruction Finance Corporation shall assume and be subject to all liabilities, whether arising out of contract or otherwise, of the corporations dissolved by this joint resolution. No suit, action, or other pro-

ceeding lawfully commenced by or against any of such corporations shall abate by reason of the enactment of this joint resolution, but the court, on motion or supplemental petition filed at any time within twelve months after the date of such enactment, showing a necessity for the survival of such suit, action, or other proceeding to obtain a determination of the questions involved, may allow the same to be maintained by or against the Reconstruction Finance Corporation

"SEC. 3. This joint resolution shall take effect on July 1, 1945."

LIMITATION ON SECTION

Act June 23, 1945, ch. 193, 59 Stat 260, provided: "That the last paragraph of section 2 (e) of the Emergency Price Control Act of 1942, as amended by the Stabilization Extension Act of 1944 [section 902 (e) of Appendix to Title 50], shall not apply, with respect to operations for the fiscal year ending June 30, 1946, to corporations created or operations authorized to be performed pursuant to section 5d (3) of the Reconstruction Finance Corporation Act, as amended [this section]: *Provided*, That with respect to such corporations and such operations the making of subsidy payments and buying for resale at a loss shall be limited as follows.

"(a) Payments or purchases may be made after June 30, 1945, in such amounts as may be necessary to fulfill obligations incurred prior to July 1, 1945, with respect to 1945 and prior fiscal year activities.

"(b) Payments and purchases may be made with respect to operations for the fiscal year ending June 30, 1946, which involve subsidies and anticipated losses as follows:

"(1) With respect to materials or commodities, other than rubber and rubber products, produced outside the United States, in an amount not to exceed $80,000,000,

"(2) With respect to rubber and rubber products produced outside the United States, in an amount not to exceed $60,000,000;

"(3) With respect to materials or commodities produced within the United States, as follows.

"(A) Meat in an amount not to exceed $595,000,000,

"(B) Butter in an amount not to exceed $100,000,000,

"(C) Flour in an amount not to exceed $190,000,000;

"(D) Petroleum and petroleum products in an amount not to exceed $290,000,000;

"(E) Copper, lead, and zinc, in the form of premium payments, in an amount not to exceed $86,000,000; and

"(F) Other materials or commodities in an amount not to exceed $100,000,000.

Provided, That in the event the entire amount of any of the above allocations is not required for its purpose, the unused portion of such allocation, but not to exceed 10 per centum of such allocation, may be used for making such payments on and purchases of any other item or items enumerated in this Act [June 23, 1945, ch 193, 59 Stat 260], as may be determined by the Director of Economic Stabilization: *Provided further*, That the premium price plan for copper, lead, and zinc shall be extended until June 30, 1946, on the same terms as heretofore, except that all classes of premiums shall be noncancelable unless necessary in order to make individual adjustments of income to specific mines; and that the Metals Reserve Company shall purchase during the fiscal year ending June 30, 1946, at its 1944 price schedule, bauxite produced from such of the underground mines as supplied bauxite to the Metals Reserve Company during 1944 and in such quantities as the Bureau of Mines determines as being subject to permanent loss if not removed prior to June 30 1946, but not to exceed, however, five hundred thousand long tons

"SEC. 2. Any slaughterer who heretofore or hereafter shall have received extra compensation payments under Livestock Slaughter Payments Regulation Numbered 3 of Defense Supplies Corporation (adopted pursuant to directives of the Director of Economic Stabilization) when such slaughterer was not in a class eligible for such extra compensation payments, shall be relieved, in whole or in part, of obligation to repay the amount thereof and shall be entitled to receive, in whole or in part, the amount of such extra compensation payments repaid by such slaughterer to, or withheld by Defense Supplies Corporation on account of such extra compensation payments, to the extent that it is determined by the Director of Economic Stabilization, or any agency of the Government authorized by him, that it would be inequitable for Defense Supplies Corporation to require repayment by such slaughterer or to retain the amounts so repaid or withheld, provided such Director or agency also determines that such slaughterer believed reasonably and in good faith that he was eligible to receive such extra compensation payments: *Provided*, That any determination by such Director or agency under this section shall be reviewable by the Emergency Court of Appeals under such rules as such court may prescribe."

SMALLER WAR PLANTS CORPORATION

All functions of the Corporation were transferred to the Reconstruction Finance Corporation and the Department of Commerce by Ex. Ord No. 9665, Dec 27, 1945, 10 F. R. 15365, set out as a note under section 1104 of Appendix to Title 50, War.

CROSS REFERENCES

Financial control of the following corporations and companies formed under this section, see chapter 14 of Title 31, Money and Finance: Defense Plant Corporation, Defense Supplies Corporation, Disaster Loan Corporation, Federal National Mortgage Association, Metals Reserve Company, Petroleum Reserves Corporation, RFC Mortgage Company, Rubber Development Corporation, Rubber Reserve Company, U S Commercial Company and War Damage Corporation.

§ 606b–1. Transfer of real estate by Government agencies to Corporation and its affiliates.

Any department, agency, or independent establishment of the Government or any corporation all of the capital stock of which is owned or controlled, directly or indirectly, by the Government is hereby authorized, notwithstanding any other provision of law, to sell, transfer, or lease, with or without consideration, to the Corporation or to any corporation created or organized pursuant to sections 606b and 609j of this title, any real estate and any right or interest therein. (Jan 22, 1932, ch. 8, § 5f, as added Mar. 27, 1942, ch. 198, § 2, 56 Stat. 175.)

CODIFICATION

Section is from section 5f of act Jan 22, 1932, cited to text, as added by act Mar 27, 1942, also cited As enacted, this provision was designated subsec (a) of said section 5f although there were no other subsections thereof.

§ 606b–2. Funds for War Damage Corporation; insurance against property injury by enemy attack.

(a) The Reconstruction Finance Corporation is hereby directed to continue to supply funds to the War Damage Corporation, a corporation created pursuant to sections 606b and 609j of this title; and the amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and to have outstanding at any one time under existing law is hereby increased by an amount sufficient to carry out the provisions of this subsection. Such funds shall be supplied only upon the request of the Secretary of Commerce, with the approval of the President, and the aggregate amount of the funds so supplied shall not exceed $1,000,000,000. The Reconstruction Finance Corporation is authorized to and shall empower the War Damage Corporation to use its funds to provide, through insurance, reinsurance, or otherwise, reasonable protection against loss of or dam-

age to property, real and personal, which may result from enemy attack (including any action taken by the military, naval, or air forces of the United States in resisting enemy attack), with such general exceptions as the War Damage Corporation, with the approval of the Secretary of Commerce, may deem advisable. Such protection shall be made available through the War Damage Corporation on and after a date to be determined and published by the Secretary of Commerce which shall not be later than July 1, 1942, upon the payment of such premium or other charge, and subject to such terms and conditions, as the War Damage Corporation, with the approval of the Secretary of Commerce, may establish, but, in view of the national interest involved, the War Damage Corporation shall from time to time establish uniform rates for each type of property with respect to which such protection is made available, and, in order to establish a basis for such rates, such Corporation shall estimate the average risk of loss on all property of such type in the United States. Such protection shall be applicable only (1) to such property situated in the United States (including the several States and the District of Columbia), the Philippine Islands, the Canal Zone, the Territories and possessions of the United States, and in such other places as may be determined by the President to be under the dominion and control of the United States, (2) to such property in transit between any points located in any of the foregoing, and (3) to all bridges between the United States and Canada and between the United States and Mexico: *Provided*, That such protection shall not be applicable after the date determined by the Secretary of Commerce under this subsection to property in transit upon which the United States Maritime Commission is authorized to provide marine war-risk insurance. The War Damage Corporation, with the approval of the Secretary of Commerce, may suspend, restrict, or otherwise limit such protection in any area to the extent that it may determine to be necessary or advisable in consideration of the loss of control over such area by the United States making it impossible or impracticable to provide such protection in such area.

(b) Subject to the authorizations and limitations prescribed in subsection (a), any loss or damage to any such property sustained subsequent to December 6, 1941, and prior to the date determined by the Secretary of Commerce under subsection (a), may be compensated by the War Damage Corporation without requiring a contract of insurance or the payment of premium or other charge, and such loss or damage may be adjusted as if a policy covering such property was in fact in force at the time of such loss or damage. (Jan. 22, 1932, ch. 8, § 5g, as added Mar. 27, 1942, ch. 198, § 2, 56 Stat. 176.)

§ 606b–3. Loans or purchases to relieve dealers in certain rationed commodities; terms and conditions.

(a) In order to prevent and relieve distress among dealers in articles or commodities which are rationed in connection with the war effort, the Reconstruction Finance Corporation, acting directly or through any of its subsidiary corporations, is authorized to purchase or make loans upon the security of any article or commodity the sale or distribution of which is rationed under authority of the United States, subject to the following terms and conditions:

(1) Such purchases and loans shall be made only in the case of articles or commodities which have been rationed in a manner and under circumstances which have resulted or are likely to result in a substantial number of dealers being unable, in the ordinary course of trade or business, to sell within a period of six months from the beginning of such rationing the stocks of such articles or commodities which they have in stock.

(2) Such purchases and loans shall be made only in the case of, or for the purpose of aiding or assisting, dealers a substantial part of whose business consists of dealing in and servicing rationed articles or commodities of one or more kinds.

(3) Such purchases and loans shall be made on a basis which will enable any such dealer to secure for any such article or commodity which he has on hand an amount not less than its cost to him (to the extent that such cost is a reasonable cost incurred in the ordinary course of trade or business), plus a reasonable allowance for transportation costs, storage, handling, servicing, insurance, carrying charges, and other expenses incurred by the dealer in connection with such article or commodity.

(4) Such purchases and loans shall be made on a basis which will enable any such dealer to secure for any such article or commodity that has been in the stock of one or more dealers for an aggregate of eighteen months or longer after the beginning of the rationing an amount not less than the fair retail price as fixed by the Price Administrator for such article or commodity wherever located.

(5) Such purchases may be made from and such loans made to such dealers or credit agencies furnishing credit for such dealers, and may be made upon the request of any dealer having title to the rationed article or commodity or having the right to acquire title thereto upon the discharge of his credit obligations with respect thereto.

(b) The Reconstruction Finance Corporation may prescribe such additional terms and conditions with respect to such purchases and loans as it deems to be necessary and consistent with the purposes of this section: *Provided*, That the Reconstruction Finance Corporation shall not be required to purchase or make a loan upon the security of any article or commodity which is not in a salable condition, or which has suffered substantial damage or deterioration as the result of negligence or lack of proper care: *And provided further*, That if, upon the sale of any article or commodity acquired pursuant to the terms of any loan contract entered into hereunder, the Reconstruction Finance Corporation or any subsidiary corporation thereof shall not recover, by reason of any limitation upon sales price imposed pursuant to sections 901–946 of the Appendix to Title 50, the full amount of any such loan, no recourse on account of such deficiency shall be had against

the borrower. The Reconstruction Finance Corporation is authorized to sell at public or private sale, with or without competitive bidding, any article or commodity acquired by it pursuant to this section: *Provided,* That, until the expiration of nineteen months after the beginning of the rationing of such article or commodity, no such sale shall be made except to a dealer in such article or commodity. In the event any such sale is made to another department or agency of the Government, such other department or agency is hereby authorized, notwithstanding any other provision of law, to pay for such article or commodity any price not in excess of a fair retail market price as of the date of such sale.

(c) The Reconstruction Finance Corporation is authorized to make such agreements or arrangements as may be necessary and appropriate for carrying out the purposes of this section, including agreements to pay to those from whom it acquires articles or commodities a portion of the proceeds realized by such Corporation from the sale of such articles or commodities. For the purposes of this section, an article or commodity shall be deemed to be rationed whenever its sale to the general public in the ordinary course of trade or business has been restricted or prohibited by any regulation or order made for the purpose of aiding in the more effective prosecution of the war effort or for the purpose of conserving the supply of such article or commodity.

(d) No authority, limitation, restriction, or other provision contained in this section shall be construed to limit, restrict, modify, or otherwise in any way affect any authority or powers now or hereafter vested in the Reconstruction Finance Corporation or in any corporation created or organized by or at the instance of the Reconstruction Finance Corporation. (Jan. 22, 1932, ch. 8, § 5h, as added May 11, 1942, ch. 301, 56 Stat. 275.)

§ 609k. Same; additional amount authorized for defense housing insurance.

The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by an amount sufficient to provide not to exceed $10,000,000 for the Defense Housing Insurance Fund as provided in section 1737 of Title 12. (June 27, 1934, ch. 847, title VI, § 602, as added Mar. 28, 1941, ch. 31, § 1, 55 Stat. 55.)

CODIFICATION

Provisions similar to those of this section are set out as a portion of section 1737 of Title 12, Banks and Banking.

SAVING CLAUSE

Separability of act Mar 28, 1941, cited to text, see note under section 1736 of Title 12, Banks and Banking.

§ 609*l*. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by $50,000,000. (July 1, 1941, ch. 267, § 1, 55 Stat. 439.)

§ 609m. Same; additional amount authorized.

The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under the provisions of law in force on July 1, 1941, is hereby increased by $120,000,000. (July 1, 1941, ch. 267, § 1, 55 Stat. 440.)

§ 609n. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by $100,000,000. (July 1, 1941, ch. 267, § 1, 55 Stat. 442.)

§ 609*o*. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by $1,500,000,000. (June 10, 1941, ch. 190, § 5, 55 Stat. 250.)

§ 609p. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by $1,500,000,000. (Oct. 23, 1941, ch. 454, 55 Stat. 744.)

§ 609q. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased, in addition to the increase authorized in sections 606b–1 and 606b–2 of this title, by $2,500,000,000. (Mar. 27, 1942, ch. 198, § 3, 56 Stat. 176.)

§ 609r. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized to issue and have outstanding at any one time under existing law is hereby increased by $5,000,000,000. (June 5, 1942, ch. 352, 56 Stat. 326.)

§ 609s. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by $32,500,000. (July 22, 1942, ch. 516, § 1, 56 Stat. 695.)

§ 609t. Same; additional amount authorized.

The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under the provisions of law in force on July 22, 1942, is hereby increased by an amount not to exceed $97,500,000. (July 22, 1942, ch. 516, § 1, 56 Stat. 697.)

§ 609u. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by $10,000,000. (July 22, 1942, ch. 516, § 1, 56 Stat. 698.)

§ 609v. Same; additional amount authorized.

The amount of notes, debentures, bonds, or other such obligations which the Corporation is authorized and empowered to issue and to have outstanding at any one time under the provisions of law in force on May 5, 1945, is increased by an amount sufficient to carry out the provisions of this paragraph (July 12, 1943, ch. 215, § 1, 57 Stat. 426, as amended June 28, 1944, ch 296, § 1, 58 Stat. 456; May 5, 1945, ch. 109, § 1, 59 Stat. 160.)

AMENDMENTS

1945—Act May 5, 1945, cited to text, amended section by substituting "May 5, 1945" for "June 28, 1944."

1944—Act June 28, 1944, cited to text, amended section by inserting "June 28, 1944" for "July 12, 1943", and "$67,500,000" for "$60,000,000.".

§ 609w. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by $15,000,000. (July 12, 1943, ch. 215, § 1, 57 Stat. 428; June 28, 1944, ch. 296, § 1, 58 Stat. 457.)

AMENDMENTS

1944—Act June 28, 1944, cited to text, increased authorized amount by an additional $15,000,000

§ 609x. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is hereby increased by $25,000,000. (June 28, 1944, ch. 296, § 1, 58 Stat. 458.)

§ 609y. Same; additional amount authorized.

The amount of notes, bonds, debentures, and other such obligations which the Reconstruction Finance Corporation is authorized and empowered to issue and to have outstanding at any one time under existing law is increased by $50,000,000. (May 5, 1945, ch. 109, § 1, 59 Stat. 162.)

§ 610. Obligations of corporation; exemption from taxation.

Any and all notes, debentures, bonds, or other such obligations issued by the corporation shall be exempt both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except as provided in section 742a (a) of Title 31. The corporation, including its franchise, its capital, reserves, and surplus, and its income shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the corporation shall be subject to State, Territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed. The exemptions provided for in the preceding sentence with respect to taxation (which shall, for all purposes, be deemed to include sales, use, storage, and purchase taxes) shall be construed to be applicable not only with respect to the Reconstruction Finance Corporation but also with respect to (1) the Defense Plant Corporation, the Defense Supplies Corporation, the Metals Reserve Company, the Rubber Reserve Company, and any other corporation heretofore or hereafter organized or created by the Reconstruction Finance Corporation under section 606b of this title, as amended, to aid the Government of the United States in its national-defense program, (2) The RFC Mortgage Company, the Federal National Mortgage Association, and any other public corporation heretofore or hereafter organized by or at the instance of the Reconstruction Finance Corporation, and (3) the Disaster Loan Corporation, and any other public corporation which is now or which may be hereafter wholly financed and wholly managed by the Reconstruction Finance Corporation. Such exemptions shall also be construed to be applicable to the loans made, and personal property owned, by the Reconstruction Finance Corporation or by any corporation referred to in clause (1), (2) or (3) of the preceding sentence, but such exemptions shall not be construed to be applicable in any State to any buildings which are considered by the laws of such State to be personal property for taxation purposes. (As amended June 10, 1941, ch. 190, § 3, 55 Stat. 248.)

AMENDMENTS

1941—Act June 10, 1941, cited to text, inserted clause at end of first sentence and added last two sentences

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance.

§ 611a–1. Disposition by Secretary of Treasury of county, municipal, and other securities transferred from Reconstruction Finance Corporation.

With respect to any bonds, notes, or other securities of counties and municipalities acquired by the Reconstruction Finance Corporation under the provisions of sections 602, 603, 603 note, 605, 605a–605d, 608, 609, 609a of this title, sections 343 and 1148 of Title 12, section 6 of Title 23, and section 767a of Title 31, and transferred to the Secretary of the Treasury under the provisions of section 611a of this title, and any bonds, notes, or other securities acquired under the provisions of this section, the Secretary of the Treasury is hereby authorized to sell, exchange, or otherwise dispose of, any such bonds, notes or other securities, or to enter into arrangements for the extension of the maturity thereof, in such manner, in such amounts, at such prices, for cash, securities, or other property, or any combination thereof, and upon such terms and conditions

as he may deem advisable and in the public interest. (Jan. 31, 1942, ch. 30, 56 Stat. 40.)

CROSS REFERENCES

This section not affected by subd. (a) of section 741a of Title 31, see subd. (b) of section 741 of Title 31, Money and Finance.

Chapter 15.—ECONOMIC RECOVERY

Sec.

713a-8. Operations to encourage the expansion of production of non-basic agricultural commodities (New).

713a-9. Reimbursement of corporation from funds of government agencies for services, losses, operating costs, or commodities purchased (New).

§§ 701–712. Unconstitutional.

ELECTRIC HOME AND FARM AUTHORITY

Electric Home and Farm Authority, Inc., Ex Ord No 6514, Dec. 19, 1933. Existence continued to January 22, 1947, by act June 10, 1941, ch. 190, § 2, 55 Stat 248.

TRANSFER OF FUNCTIONS

Functions, powers and duties of Federal Loan Agency and Federal Loan Administrator relating to Electric Home and Farm Authority and Export-Import Bank of Washington, and other agencies, transferred to Department of Commerce during present war, see Ex Ord No 9071, set out in note under section 601 of Appendix to Title 50, War.

§ 712a. Limitation of obligations for administrative expenses of certain agencies; limitation on life of certain agencies.

APPLICABILITY TO NATIONAL HOUSING AGENCY; TRANSFER OF FUNDS; REPORT TO CONGRESS

Act May 3, 1945, ch. 106, title I, § 1, 59 Stat. 122, provided in part: "Section 7 of the First Deficiency Appropriation Act, 1936 [this section], shall continue to apply to administrative expenses of and for the constituent units of the National Housing Agency mentioned in said section 7 [this section] and shall also apply to such expenses of said National Housing Agency in connection with the functions and purposes of said constituent units, and none of the funds made available by this Act [act May 3, 1945, ch. 106, title I, § 1, 59 Stat. 106] for such administrative expenses shall be obligated or expended unless and until an appropriate appropriation account shall have been established therefor pursuant to an appropriation warrant or a covering warrant, and all such expenditures shall be accounted for and audited in accordance with the Budget and Accounting Act, as amended [sections 1, 2, 11, 13–24, 41–58 of Title 31]. *Provided further,* That the Administrator may, with the approval of the President of the United States, transfer to this authorization or to an authorization of a constituent unit from funds available for administrative expenses of the constituent units or the Office of the Administrator such additional sums as represent a consolidation in the Office of the Administrator or in a constituent unit of any of the administrative functions of the National Housing Agency; but no such transfer of funds shall be made unless the consolidation will result in a reduction in manpower and a savings in administrative expenses, which savings shall not be used for administrative expenses but instead shall be returned to or remain in the funds from which administrative expenses are drawn under this authorization: *Provided further,* That a report of such transfers and the savings effected thereby shall be submitted to Congress in the annual budget."

Similar provisions were contained in acts June 26, 1943, ch. 145, title I, § 1, 57 Stat. 184; June 27, 1944, ch. 286, title I, § 1, 58 Stat. 375.

TRANSFER OF FUNCTIONS

Federal Home Loan Bank Board, Home Owners' Loan Corporation, Federal Savings and Loan Insurance Corporation and the Federal Housing Administration consolidated with other agencies into the National Housing Agency during present war, see Ex. Ord. No 9070, set out in note under section 601 of Appendix to Title 50, War.

Federal Loan Agency's and Federal Loan Administrator's functions and duties relating to Reconstruction Finance Corp., Reconstruction Finance Mortgage Company, Electric Home and Farm Authority and Export-Import Bank of Washington, and other agencies, transferred to Department of Commerce, during present war, see Ex. Ord. No. 9071, set out in note under section 601 of Appendix to Title 50, War.

Surplus Marketing Administration, including Federal Surplus Commodities Corporation as an agency of Department of Agriculture, consolidated with other agencies into Agricultural Marketing Administration for duration of war, see Ex. Ord. No 9069, set out in note under section 601 of Appendix to Title 50, War.

FEDERAL LOAN AGENCY

By act Feb 24, 1945, ch. 4, 59 Stat. 5, sections 1801–1804 of Title 12, the Federal Loan Agency was reconstituted an independent establishment of the Federal Government.

EX ORD. NO 9256. DISSOLUTION OF ELECTRIC HOME AND FARM AUTHORITY

Ex Ord No 9256, Oct 13, 1942, 7 F R 8334, provided:

By virtue of the authority vested in me by section 1 of the act of Congress approved March 31, 1936, 49 Stat. 1186, as amended, and as President of the United States, it is ordered as follows:

1. The Electric Home and Farm Authority shall cease to be an agency of the United States on the effective date of this order; and proceedings for the dissolution of the Authority shall be instituted in accordance with the laws of the District of Columbia, and the capital stock of the Authority shall be cancelled.

2 For purposes of liquidation and payment of its liabilities, all assets, funds, records, contracts, and property of the Electric Home and Farm Authority and the further administration thereof are hereby transferred to the Reconstruction Finance Corporation. All funds remaining upon completion of the liquidation of the Authority shall be paid by the Reconstruction Finance Corporation into the general fund of the Treasury.

3 All personnel of the Electric Home and Farm Authority are hereby transferred, without change in civil service status, to the Reconstruction Finance Corporation.

4 This order shall become effective as of the close of business October 31, 1942

§ 713. Commodity Credit Corporation; continuance of existence, functions, and ownership of stock by United States; audit of transactions; payment of audit expenses; place of audit.

(a) Notwithstanding any other provision of law, Commodity Credit Corporation, a corporation organized under the laws of the State of Delaware as an agency of the United States pursuant to the Executive order of the President of October 16, 1933, shall continue, until the close of business on June 30, 1947, or such earlier date as may be fixed by the President by Executive order, to be an agency of the United States. During the continuance of such agency, the Secretary of Agriculture and the Governor of the Farm Credit Administration are authorized and directed to continue, for the use and benefit of the United States, the present investment in the capital stock of Commodity Credit Corporation, and the corporation is hereby authorized to use all its assets, including capital and net earnings therefrom, and all moneys which have been or may hereafter be allocated to or borrowed by it, in the exercise of its functions as such agency, including the making of loans on agricultural commodities: *Provided, however,* That the Corporation shall at all times

maintain complete and accurate books of account and shall determine the procedures to be followed in the transaction of the corporate business.

(b) The financial transactions of the Corporation beginning with the period from July 1, 1944, shall be audited by the General Accounting Office in accordance with the principles applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States: *Provided,* That the Corporation shall continue to have the authority to make final and conclusive settlement and adjustment of any claims by or against the Corporation or the accounts of its fiscal officers: *Provided further,* That a report of such audit shall be made to the Congress, together with such recommendations as the Comptroller General may deem advisable, and that each such report shall cover a period of one fiscal year: *Provided further,* That a copy of each such report shall be furnished the Secretary of the Treasury and that the findings contained therein shall be considered by the Secretary in appraising the assets and liabilities and determining the net worth of the Corporation under sections 713a–1 and 713a–2 of this title: *Provided, however,* That nothing in this section shall be construed as modifying legislation authorizing the use of funds of the Corporation for administrative expenses and requiring accountability therefor.

(c) The expenses of the audit as provided in this section may be paid up to and including June 30, 1946, from moneys advanced therefor by the Corporation, or from any appropriation or appropriations for the General Accounting Office, and appropriations so used shall be reimbursed promptly by the Corporation as billed by the Comptroller General: *Provided,* That any such advances or reimbursements shall be considered as nonadministrative expenses of the Corporation. For the purpose of such audit the representatives of the General Accounting Office shall have access to all papers, books, files, accounts, financial records, warehouses, and all other things, property, and places belonging to or under the control of or used or employed by the Corporation and shall be afforded full facilities for verifying transactions with the balances in depositaries and with fiscal agents: *Provided further,* That the certified financial reports and schedules of the fiscal agents of the Corporation based on commercial audits in the usual course of business may be accepted by the General Accounting Office in its audit of the financial transactions of the Corporation as final and not subject to further audit verification.

(d) Any examination of the corporate records shall be made at the place or places where such records are normally kept in the transaction of the corporate business, and the Corporation shall retain custody of contracts, vouchers, schedules, or other financial or accounting documents, either original or duplicate, relating to its nonadministrative transactions. (As amended July 1, 1941, ch. 270, § 1, 55 Stat. 498; July 16, 1943, ch. 241, § 1, 57 Stat. 566, eff. June 30, 1943; Dec. 23, 1943, ch. 383, 57 Stat. 643; Feb. 28, 1944, ch. 71, §§ 1, 3, 58 Stat. 105, 106, eff. Feb. 17, 1944; Apr. 12, 1945, ch. 54, § 5, 59 Stat. 51.)

AMENDMENTS

1945—Subsec. (a) amended by act Apr. 12, 1945, cited to text, which substituted "June 30, 1947" for "June 30, 1945"

1944—Act Feb 28, 1944, §§ 1, 3, cited to text, amended section, by substituting "June 30, 1945," for "February 17, 1944," and by making the first par. subsec. (a), striking period at the end and inserting colon in lieu thereof, inserting proviso, and adding subsecs (b, (c), and (d).

1943—Act Dec. 23, 1943, cited to text, substituted "February 17, 1944" for "December 31, 1943 "

Act July 16, 1943, cited to text, eff. June 30, 1943, substituted "December 31, 1943", for "June 30, 1943."

1941—Act July 1, 1941, cited to text, substituted "June 30, 1943" for "June 30, 1941" in first sentence.

EFFECTIVE DATE

Amendment of first sentence of section by section 1 of act Feb. 28, 1944, cited to text, was made effective as of Feb 17, 1944. Further amendment of section by section 3 of act Feb. 28, 1944, cited to text, effective Feb. 28, 1944.

INCREASE IN CERTAIN SUBSIDY PAYMENTS

Act July 31, 1945, ch. 332, 59 Stat. 506, provided: "That the amount of funds authorized to be expended by Commodity Credit Corporation pursuant to section 3 of the Act of April 12, 1945 (Public, 30, Seventy-ninth Congress) [set out as a note under this section] shall be increased by such amounts as may from time to time be determined by the Secretary of Agriculture as follows: (1) Not to exceed with respect to livestock and livestock products, $595,000,000, (2) not to exceed with respect to wheat and wheat products, $190,000,000, and (3) not to exceed with respect to butterfat and butter, $100,000,000: *Provided,* That the amounts authorized to be expended pursuant to section 1 of the Act of June 23, 1945 (Public Law 88, Seventy-ninth Congress) [set out as a note under section 606b of this title], for subsidy payments on meat, butter, and flour shall be reduced correspondingly."

SUBSIDY PAYMENTS UNAFFECTED BY 50 U. S C. A. APP. § 902 (e)

Section 3 of act Apr. 12, 1945, cited to text, provided: "The last paragraph of section 2 (e) of the Emergency Price Control Act of 1942, as amended by the Stabilization Extension Act of 1944 [section 902 (e) of Appendix to Title 50], shall not apply to the operations of the Commodity Credit Corporation for the fiscal year ending June 30, 1946: *Provided,* That the making of subsidy payments and the buying of commodities for resale at a loss, by the Commodity Credit Corporation, shall be limited as follows: Obligations for making such payments and absorbing such losses may be incurred and paid by the Commodity Credit Corporation (a) in such amounts as may be necessary (1) to complete operations with respect to 1944 and prior year crop programs and (2) to fulfill obligations incurred prior to July 1, 1945, with respect to 1945 and prior fiscal year noncrop programs; and (b) in amounts which do not involve subsidy payments or losses in excess of (1) $568,000,000 for operations during the fiscal year ending June 30, 1946, with respect to the dairy production payment program, (2) $120,000,000 for operations during the fiscal year ending June 30, 1946, with respect to other noncrop programs, including the feed-wheat program, and (3) $225,000,000 with respect to the 1945 crop program operations: *Provided,* That not to exceed 10 percentum of each amount specified in clauses (b) (1), (2), and (3) shall be available interchangeably for the operations described in such clauses but in no case shall the total subsidy payments and losses absorbed under any one of such clauses be increased by more than 10 per centum: *Provided further,* That in carrying out the dairy production payment program, beginning April 1, 1945, the rate of payment per pound of butterfat delivered shall not be less than 25 per centum of the national weighted average rate of payment per one hundred pounds of whole milk delivered."

CROSS REFERENCES

Auditing procedures and expenses, see sections 850 and 866 of Title 31, Money and Finance

Federal reserve banks as depositaries and fiscal agents for corporation, see section 395 of Title 12, Banks and Banking.

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

The Commodity Credit Corporation was consolidated with other agencies into the Administration of Food Production and Distribution within Department of Agriculture by Ex. Ord. No 9322, Mar 26, 1943, set out in note under section 601 of Appendix to Title 50, War.

§ 713a-1. Same; annual appraisal of assets; restoration of capital impairment.

As of the 30th of June in each year and as soon as possible thereafter, beginning with June 30, 1945, an appraisal of all of the assets and liabilities of the Commodity Credit Corporation for the purpose of determining the net worth of the Commodity Credit Corporation shall be made by the Secretary of the Treasury. The value of assets shall be determined on the basis of the cost of such assets to the Commodity Credit Corporation, or insofar as practicable, the average market price of such assets during the last month of the fiscal year covered by the appraisal, whichever is the lower, and a report of any such appraisal shall be submitted to the President as soon as possible after it has been made. In the event that any such appraisal shall establish that the net worth of the Commodity Credit Corporation is less than $100,000,000, the Secretary of the Treasury, on behalf of the United States, shall restore the amount of such capital impairment by a contribution to the Commodity Credit Corporation in the amount of such impairment. To enable the Secretary of the Treasury to make such payment to the Commodity Credit Corporation, there is hereby authorized to be appropriated annually, commencing with the fiscal year 1938, out of any money in the Treasury not otherwise appropriated, an amount equal to any capital impairment found to exist by virtue of any appraisal as provided herein. (As amended July 1, 1941, ch. 270, § 2, 55 Stat. 498; Apr. 12, 1945, ch 54, § 4, 59 Stat. 51.)

AMENDMENTS

1945—Act Apr. 12, 1945, cited to text, amended section by substituting "30th of June" for "31st of March", "June 30, 1945" for "March 31, 1938" in the first sentence, and amending second sentence generally.

1941—Act July 1, 1941, cited to text, affected second sentence by substituting for "on the basis of market prices at the time of appraisal" the words "on the basis of the cost . . . whichever is less."

§ 713a-4. Same; obligations of corporation; issuance; sale; purchase; redemption; etc.

With the approval of the Secretary of the Treasury, the Commodity Credit Corporation is authorized to issue and have outstanding at any one time, bonds, notes, debentures, and other similar obligations in an aggregate amount not exceeding $4,750,000,000. Such obligations shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be subject to such terms and conditions, and shall be issued in such manner and sold at such prices as may be prescribed by the Commodity Credit Corporation, with the approval of the Secretary of the Treasury. Such obligations shall be fully and unconditionally guaranteed both as to interest and principal by the United States, and such guaranty shall be expressed on the face thereof, and such obligations shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof. In the event that the Commodity Credit Corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such obligations, the Secretary of the Treasury shall pay to the holder the amount thereof which is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such obligations. The Secretary of the Treasury, in his discretion, is authorized to purchase any obligations of the Commodity Credit Corporation issued hereunder, and for such purpose the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under sections 745, 747, 752, 752a, 753, 754, 754a, 754b, 757, 757b, 757c, 758, 760, 764-766, 769, 771, 773, 774 (2), and 801 of Title 31, and the purposes for which securities may be issued under such sections, are extended to include any purchases of the Commodity Credit Corporation's obligations hereunder. The Secretary of the Treasury may at any time sell any of the obligations of the Commodity Credit Corporation acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of the obligations of the Commodity Credit Corporation shall be treated as public-debt transactions of the United States. No such obligations shall be issued in excess of the assets of the Commodity Credit Corporation, including the assets to be obtained from the proceeds of such obligations, but a failure to comply with this provision shall not invalidate the obligations or the guaranty of the same. The Commodity Credit Corporation shall have power to purchase such obligations in the open market at any time and at any price. (As amended July 1, 1941, ch. 270, § 3, 55 Stat. 498; July 16, 1943, ch. 241, § 2, 57 Stat. 566; Apr. 12, 1945, ch. 54, § 1, 59 Stat. 50.)

AMENDMENTS

1945—Act Apr. 12, 1945, cited to text, amended section by substituting "$4,750,000,000" for "$3,000,000,000".

1943—Act July 16, 1943, cited to text, substituted "$3,000,000,000", for "$2,650,000,000."

1941—Act July 1, 1941, cited to text, substituted "$2,650,000,000" for "$1,400,000,000."

§ 713a-5. Same; exemption of corporation and its obligations from taxation.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance.

§ 713a–8. Operations to cover the expansion of production of non-basic agricultural commodities; fulfillment of commitments to producers.

(a) Whenever during the existing emergency the Secretary of Agriculture finds it necessary to encourage the expansion of production of any nonbasic agricultural commodity, he shall make public announcement thereof and he shall so use the funds made available under section 713a–4 of this title or otherwise made available to him for the disposal of agricultural commodities, through a commodity loan, purchase, or other operation, taking into account the total funds available for such purpose for all commodities, so as to support, during the continuance of the present war and until the expiration of the two-year period beginning with the 1st day of January immediately following the date upon which the President by proclamation or the Congress by concurrent resolution declares that hostilities in the present war have terminated, a price for the producers of any such commodity with respect to which such announcement was made of not less than 90 per centum of the parity or comparable price therefor. The comparable price for any such commodity shall be determined and used by the Secretary for the purposes of this section if the production or consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for basic commodities Any such commodity loan, purchase, or other operation which is undertaken shall be continued until the Secretary has given sufficient public announcement to permit the producers of such commodity to make a readjustment in the production of the commodity. For the purposes of this section, commodities other than cotton, corn, wheat, tobacco, peanuts, and rice shall be deemed to be non-basic commodities.

(b) It is hereby declared to be the policy of the Congress that the lending and purchase operations of the Department of Agriculture (other than those referred to in subsection (a)) shall be carried out so as to bring the price and income of the producers of non-basic commodities not covered by any such public announcement to a fair parity relationship with other commodities, to the extent that funds for such operations are available after taking into account the operations with respect to the basic commodities and the commodities listed in any such public announcement and the ability of producers to bring supplies into line with demand.

(c) In cases where producers have expanded or hereafter expand production of nonbasic agricultural commodities pursuant to any public announcement made under subsection (a) of this section, it shall be the duty of the Secretary of Agriculture or the War Food Administrator through loans, purchases, and other operations under subsection (a) of this section, to completely fulfill all commitments made to such producers. In order to carry out the purposes of this section, the Secretary of Agriculture or the War Food Administrator shall use such of the funds available for carrying out the provisions of subsection (a) of this section as may be necessary, and such funds are hereby made available for such purpose. (July 1, 1941, ch. 270, § 4, 55 Stat. 498, as amended Oct. 2, 1942, ch. 578, § 9 (a), 56 Stat. 768; Feb. 28, 1944, ch. 71, § 2, 58 Stat. 105.)

AMENDMENTS

1944—Subsec. (c) comprised section 2 of act Feb 28, 1944, cited to text

1942—Subsec (a) was amended by act Oct. 2, 1942, cited to text, which substituted "90 per centum" for "85 per centum"; inserted ", peanuts" in last sentence; and inserted clause within commas in first sentence after "so as to support"

APPLICABILITY OF 1942 AMENDMENT IRRESPECTIVE OF NEW ANNOUNCEMENTS

Section 9 (b) of act Oct 2, 1942, cited to text, section 9 (a) of which amended subsec (a) of this section, provided as follows: "The amendments made by this section shall, irrespective of whether or not there is any further public announcement under such section 4 (a) (Title 15, § 713a–8 (a)), be applicable with respect to any commodity with respect to which a public announcement has heretofore been made under such section 4 (a) (Title 15, § 713a-8 (a))."

§ 713a–9. Reimbursement of corporation from funds of government agencies for services, losses, operating costs, or commodities purchased.

Full reimbursement shall be made to the Commodity Credit Corporation for services performed, losses sustained, operating costs incurred, or commodities purchased or delivered to or on behalf of the Lend-Lease Administration, the Army or Navy, the Board of Economic Warfare, the Reconstruction Finance Corporation, or any other Government agency, from the appropriate funds of these agencies. (July 16, 1943, ch. 241, § 4, 57 Stat. 566)

§ 713b. Repealed. July 31, 1945, ch. 341, § 10, 59 Stat. 529.

Section, relating to the Export-Import Bank of Washington, its continuation of existence, and its powers, is now covered by sections 635 635h of this title

§ 713c. Federal Surplus Commodities Corporation; continuance of existence; purchase and distribution of surplus agricultural commodities.

In carrying out the provisions of clause (2) of section 612c of Title 7, as amended, the Secretary of Agriculture may transfer to the Federal Surplus Commodities Corporation, which Corporation is hereby continued, until June 30, 1945, as an agency of the United States under the direction of the Secretary of Agriculture, such funds, appropriated by said section 612c, as may be necessary for the purpose of effectuating said clause (2) of section 612c: *Provided*, That such transferred funds, together with other funds of the Corporation, may be used for purchasing, exchanging, processing, distributing, disposing, transporting, storing, and handling of agricultural commodities and products thereof and inspection costs, commissions, and other incidental costs and expenses, without regard to the provisions of existing law governing the expenditure of public funds and for administrative expenses, including rent, printing and binding, and the employment of persons and means, in the District of Columbia and elsewhere, such employment of persons to be in accordance with the provisions of law applicable to the employment of persons by the Agricultural Adjustment Administration.

In carrying out clause (2) of section 612c, the funds appropriated by said section may be used for the purchase, without regard to the provisions of existing law governing the expenditure of public funds, of agricultural commodities and products thereof, and such commodities, as well as agricultural commodities and products thereof purchased under the preceding paragraph hereof, may be donated for relief purposes. (As amended June 27, 1942, ch. 454, 56 Stat. 461.)

AMENDMENTS

1942—Act June 27, 1942, cited to text, provided for the continuance of the Corporation from June 30, 1942, to June 30, 1945 It read as follows "The Federal Surplus Commodities Corporation is hereby continued as an agency of the United States, under the direction of the Secretary of Agriculture, until June 30, 1945"

TRANSFER OF FUNCTIONS

Surplus Marketing Administration, including Federal Surplus Commodities Corporation as an agency of Department of Agriculture, consolidated with other agencies into Agricultural Marketing Administration for duration of war, see Ex Ord. No 9069, set out in note under section 601 of Appendix to Title 50, War.

CROSS REFERENCES

Financial control of Federal Surplus Commodities Corporation, see chapter 14 of Title 31, Money and Finance.

Chapter 15A.—INTERSTATE TRANSPORTATION OF PETROLEUM PRODUCTS

CONSTRUCTION OF PETROLEUM PIPE LINES

Act July 30, 1941, ch. 333, 55 Stat 610, as amended by acts June 30, 1943, ch 180, 57 Stat 270, June 8, 1945, ch. 177, 59 Stat. 233, provided:

"That as used in this Act—

"(1) The term 'interstate commerce' means commerce between any point in a State and any point outside thereof or between points within the same State but through any place outside thereof

"(2) The term 'person' includes an individual, firm, copartnership, corporation, company, or association, and any trustee, receiver, assignee, or personal representative thereof

"SEC 2 Whenever the President finds that the construction of any pipe line for the transportation and/or distribution of petroleum or petroleum products moving in interstate commerce, or the extension or completion of any such pipe line already wholly or partly constructed, is or may be necessary for national-defense purposes, he shall by proclamation declare such finding.

"SEC 3. In case the construction, extension, or completion of any such pipe line is undertaken otherwise than as provided in section 4, the person or persons undertaking such construction, extension, or completion may acquire such land or interests in land, including rights-of-way or easements, by the exercise of the right of eminent domain, as, in the opinion of the President, may be necessary for such purposes, and for purposes of operation and maintenance of such pipe line

"SEC. 4. (a) In the event that it is impracticable for any private person promptly and satisfactorily to construct, extend, or complete any such pipe line, the President, if of the opinion that such action is desirable in the interests of national defense, may provide for the construction, extension, completion, or operation of such pipe line by such department or agency of the Government as he may designate.

"(b) The department or agency undertaking such construction, extension, or completion may acquire such land or interests in land, including rights-of-way or easements, by purchase or by the exercise of the right of eminent domain, as may be necessary for such purposes, and for purposes of operation and maintenance of such pipe line.

"SEC. 5. (a) The exercise of the right of eminent domain under the authority of this Act shall be by a proceeding instituted in the district court of the United States for the district in which the land is located, under the provisions of the Act entitled 'An Act to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain', approved February 26, 1931 (U.S C., 1934 edition, Title 40, secs. 258a to 258e, inclusive).

"(b) Where such proceeding is instituted by any person or persons under the authority granted by section 8, the provisions of such Act of February 26, 1931, shall apply with respect to the acquisition of the land or interest in land by such person or persons in the same manner, as nearly as may be, as in the case of the acquisition of land or an interest in land by the United States in a proceeding instituted thereunder by and in the name of the United States, except that in addition to the deposit in the court of the amount estimated by such person or persons to be just compensation for the land or interest in land being taken, such person or persons shall give such bond as the court may deem proper to secure the payment to the persons entitled thereto of the amount of compensation finally awarded in the proceeding, with such interest as may be payable under the provisions of such Act of February 26, 1931.

"SEC. 6 In case the construction, extension, or completion of any such pipe line is undertaken otherwise than as provided in section 4, the President, for the purpose of facilitating such construction, extension, or completion, may provide for the making of such advances as he deems advisable, through such department or agency of the Government as he may designate, to the person or persons undertaking the proposed construction, extension, or completion Any such advance shall be made upon such security and at such rate of interest, shall be amortized by means of such periodical payments of principal and interest over such period of time, and shall be made subject to such other terms and conditions, as the President shall prescribe.

"SEC 7. In any case where a pipe line is constructed, extended, or completed as provided in section 4, the President may direct that any department or agency of the Government designated by him may operate and maintain such pipe line and exercise such powers and functions with respect thereto as may deem necessary, and he may, upon such terms and conditions as he may prescribe, dispose of or lease to any person persons such right, title, and interest as the United States may have acquired under this Act in such pipe line, or in any land or interest in land, including easements or rights-of-way.

"SEC 8 (a) Any pipe line with respect to which an advance is made or the right of eminent domain is exercised, under authority of this Act, shall be constructed, extended, or completed, and operated and maintained, subject to such terms and conditions as the President may prescribe as necessary for national-defense purposes.

"(b) Nothing in this Act shall operate to relieve any person, operating any pipe line, from any duty or liability to which such person may be subject under the provisions of the Interstate Commerce Act, including all Acts amendatory thereof or supplemental thereto (section 1 et seq of Title 49), or the Natural Gas Act (chapter 15B of Title 15), except that the President is authorized to relieve any person, operating any pipe line with respect to which an advance is made or the right of eminent domain is exercised, under authority of this Act, from any duty or liability under either of such Acts to such extent as he may deem advisable for national-defense purposes, but relief so granted by the President shall not in any case be for a period extending beyond five years after June 30, 1945. (As amended June 30, 1943, ch. 180, § 1, 57 Stat. 270.)

"SEC. 9. After June 30, 1946, neither the President, any department or agency of the Government, nor any person shall exercise any of the powers conferred by

section 2, 3, 4, or 6 of this Act; and in no case shall any pipe line constructed, extended, or completed under authority of section 4 be operated or maintained by or under the direction or control of the President or any department or agency of the Government after the expiration of one year after the termination of the unlimited national emergency proclaimed in the proclamation issued by the President of the United States on May 27, 1941." (As amended June 30, 1943, ch. 180, § 2, 57 Stat. 271; June 8, 1945, ch. 177, 59 Stat. 233.)

NATIONAL DEFENSE PIPE LINES

Construction of a national defense pipe line from Baton Rouge, Louisiana, to Greensboro, North Carolina, by the Plantation Pipe Line Company was authorized by Proc. No 2505, Aug. 23, 1941, 6 F R 4429, 55 Stat. 1670.

Construction of a national defense pipe line from South Portland, Maine, through North Troy, Vermont, to Montreal, Canada, by the Portland Pipe Line Company was authorized by Proc No 2517, Oct. 1, 1941, 6 F. R 5081, 55 Stat. 1691

Construction of a national defense pipe line from Port Saint Joe, Florida, to Chattanooga, Tennessee, by the Southeastern Pipe Line Company was authorized by Proc. No. 2508, Sept. 3, 1941, 6 F. R. 4583, 55 Stat. 1672.

Construction of one or more national defense pipe lines from Port Saint Joe, and other points on the Gulf Coast of Florida to the Saint Johns River, Florida, and a crude-oil pipe line from Yazoo, Mississippi, to Charleston, South Carolina and/or Savannah, Georgia, was authorized by act July 23, 1942, ch 520, § 1, 56 Stat. 703, as amended June 17, 1943, ch. 127, 57 Stat. 156

Construction of a national defense pipe line from El Dorado, Arkansas, to Helena, Arkansas, by the Project Five Pipe Line Corporation, was authorized by Proc. No 2567, Aug 28, 1942, 7 F. R. 6839, 56 Stat. 1975.

§ 715*l*. Repealed. June 22, 1942, ch. 436, 56 Stat. 381.

Chapter 15B.—NATURAL GAS ACT

§ 717f. Construction, extension, or abandonment of facilities; certificate of convenience and necessity.

* * * * *

(c) No natural-gas company or person which will be a natural-gas company upon completion of any proposed construction or extension shall engage in the transportation or sale of natural gas, subject to the jurisdiction of the Commission, or undertake the construction or extension of any facilities therefor, or acquire or operate any such facilities or extensions thereof, unless there is in force with respect to such natural-gas company a certificate of public convenience and necessity issued by the Commission authorizing such acts or operations: *Provided, however,* That if any such natural-gas company or predecessor in interest was bona fide engaged in transportation or sale of natural gas, subject to the jurisdiction of the Commission, on February 7, 1942, over the route or routes or within the area for which application is made and has so operated since that time, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission within ninety days after February 7, 1942. Pending the determination of any such application, the continuance of such operation shall be lawful.

In all other cases the Commission shall set the matter for hearing and shall give such reasonable notice of the hearing thereon to all interested persons as in its judgment may be necessary under rules and regulations to be prescribed by the Commission; and the application shall be decided in accordance with the procedure provided in subsection (e) of this section and such certificate shall be issued or denied accordingly: *Provided, however,* That the Commission may issue a temporary certificate in cases of emergency, to assure maintenance of adequate service or to serve particular customers, without notice or hearing, pending the determination of an application for a certificate, and may by regulation exempt from the requirements of this section temporary acts or operations for which the issuance of a certificate will not be required in the public interest.

(d) Application for certificates shall be made in writing to the Commission, be verified under oath, and shall be in such form, contain such information, and notice thereof shall be served upon such interested parties and in such manner as the Commission shall, by regulation, require.

(e) Except in the cases governed by the provisos contained in subsection (c) of this section, a certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operation, sale, service, construction, extension, or acquisition covered by the application, if it is found that the applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of this chapter and the requirements, rules, and regulations of the Commission thereunder, and that the proposed service, sale, operation, construction, extension, or acquisition, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied The Commission shall have the power to attach to the issuance of the certificate and to the exercise of the rights granted thereunder such reasonable terms and conditions as the public convenience and necessity may require.

(f) The Commission, after a hearing had upon its own motion or upon application, may determine the service area to which each authorization under this section is to be limited. Within such service area as determined by the Commission a natural-gas company may enlarge or extend its facilities for the purpose of supplying increased market demands in such service area without further authorization.

(g) Nothing contained in this section shall be construed as a limitation upon the power of the Commission to grant certificates of public convenience and necessity for service of an area already being served by another natural-gas company. (As amended Feb. 7, 1942, ch. 49, 56 Stat. 83.)

AMENDMENTS

1942—Subsecs. (c)–(g) were added by act Feb. 7, 1942, cited to text, which also struck out former subsec. (c).

Chapter 16.—EMERGENCY RELIEF

§§ 721–728. Emergency Relief Act of 1933.

SUPPLEMENTARY LEGISLATION

Further legislation supplementary to the Federal Emergency Relief Act of 1933 was contained in the following acts: Mar. 1, 1941, ch. 9, § 1, 55 Stat. 15; Apr. 5, 1941.

ch. 40, § 1, 55 Stat. 110; June 27, 1942, ch. 450, § 1, 56 Stat. 410; June 26, 1943, ch. 145, title I, § 1, 57 Stat. 180.

EMERGENCY RELIEF APPROPRIATION ACTS

EMERGENCY RELIEF APPROPRIATION ACT OF 1942

The Emergency Relief Appropriation Act of 1942, Res. July 1, 1941, ch 266, 55 Stat. 396, provided as follows:

"WORK PROJECTS ADMINISTRATION

"SECTION 1 (a) In order to continue to provide work for employable needy persons on useful public projects in the United States and its Territories and possessions, there is hereby appropriated to the Work Projects Administration, of the Federal Works Agency, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1942, $875,000,000, together with all balances of appropriations under section 1 (a) of the Emergency Relief Appropriation Act, fiscal year 1941, and under Public Law 9, Seventy-seventh Congress, which remain unobligated on June 30, 1941, including such unobligated balances of funds transferred to other Federal agencies for nonconstruction projects under the provisions of section 10 (a) of such Act for the fiscal year 1941, as supplemented by such Public Law 9, or set aside for specific purposes in accordance with other law: *Provided*, That notwithstanding any other provision of law, funds heretofore irrevocably set aside for the completion of Federal construction projects under authority of the Emergency Relief Appropriation Acts of 1938 and 1939 and the Emergency Relief Appropriation Act, fiscal year 1941, as amended, and supplemented, shall remain available until June 30, 1942, for such completion, and any such funds which remain unobligated by reason of the completion or abandonment of any such Federal construction project shall be returned to this appropriation: *Provided further*, That no part of any appropriation contained in this Act shall be used to pay the compensation of David Lasser

"(b) The funds provided in this section shall be available for (1) administration, (2) the prosecution of projects approved by the President under the provisions of the Emergency Relief Appropriation Acts of 1938, and 1939, and the Emergency Relief Appropriation Act, fiscal year 1941, as amended, and supplemented by Public Law 9, Seventy-seventh Congress, and (3) the prosecution of the following types of public projects, Federal and non-Federal, subject to the approval of the President, namely: Highways, roads, and streets; public buildings; parks, and other recreational facilities, including buildings therein; public utilities; electric transmission and distribution lines or systems to serve persons in rural areas, including projects sponsored by and for the benefit of nonprofit and cooperative associations; sewer systems, water supply, and purification systems; airports and other transportation facilities, facilities for the training of personnel in the operations and maintenance of air navigation and landing area facilities; flood control; drainage, irrigation, including projects sponsored by nonprofit irrigation companies or nonprofit irrigation associations organized and operating for community benefit; water conservation, soil conservation, including projects sponsored by soil conservation districts and other bodies duly organized under State law for soil erosion control and soil conservation, preference being given to projects which will contribute to the rehabilitation of individuals and an increase in the national income; forestation, reforestation, and other improvements of forest areas, including the establishment of fire lanes; fish, game, and other wildlife conservation, eradication of insect, plant, and fungus pests; the production of lime and marl for fertilizing soil for distribution to farmers under such conditions as may be determined by the sponsors of such projects under the provisions of State law; educational, professional, clerical, cultural, recreational, production, and service projects, including training for manual occupations in industries engaged in production for national-defense purposes, for nursing and for domestic service; aid to self-help and cooperative associations for the benefit of needy persons; and miscellaneous projects: *Provided*, That all persons employed on work projects shall, so far as practicable, be employed on projects nearest their respective homes.

"(c) The funds appropriated in this section, exclusive of those used for administrative expenses, shall be so administered that expenditure authorizations for other than labor costs for all the work projects financed from such funds in any State, Territory, possession, or the District of Columbia shall not exceed an average for the fiscal year ending June 30, 1942, of $6 per month per worker, except that the Commissioner of Work Projects (hereinafter referred to as the 'Commissioner') may authorize an increase in the average in cases where the increased cost of materials would have the effect of raising such average above $6 but in no event shall the increase in such average exceed the amount necessary to meet such increase in material costs and in no event shall such average exceed $7: *Provided*, That the funds appropriated in this section shall not be used for the purchase of any construction equipment or machinery in any case in which such equipment or machinery can be rented at prices determined by the Commissioner to be reasonable, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive: *Provided further*, That not to exceed $45,000,000 of funds herein appropriated to the Work Projects Administration may be used by the Commissioner to supplement the amounts so authorized for other than labor costs in any State, Territory, possession, or the District of Columbia in connection with the prosecution of projects which have been certified by the Secretary of War, and the Secretary of the Navy, respectively, as being important for military or naval purposes

"(d) In administering the funds appropriated in this section, not to exceed three-fourths of the total cost of all non-Federal projects approved after January 1, 1940, to be undertaken within any State, Territory, possession, or the District of Columbia, with respect to which any such funds are used, shall be borne by the United States, and not less than one-fourth of such total cost shall be borne by the State and its political subdivisions, or by the Territory, possession, or the District of Columbia, as the case may be. *Provided*, That the provisions of this subsection shall not apply to projects (1) which have been certified by the Secretary of War and the Secretary of the Navy, respectively, as being important for military or naval purposes, or (2) which authorize necessary temporary measures to avert danger to life, property, or health in the event of disaster or grave emergency caused by flood, storm, fire, earthquake, drought, or similar cause The facts constituting compliance with the requirements of this subsection shall be determined by the Commissioner, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive

"(e) The funds appropriated in section 1 (a) hereof shall be available to provide, under regulations to be prescribed by the Commissioner, for medical and hospital facilities for work camp project employees and burial expenses of deceased work camp project employees, including the transportation of remains to place of burial: *Provided*, That deductions shall be made from the earnings of all project employees quartered in such camps in an amount sufficient to offset the estimated cost to the United States for furnishing the foregoing.

"(f) When it is found that as a result of bad faith, fraud, or misrepresentation on the part of the sponsor, any land, building, structure, facility, or other project, or any part thereof, upon which funds appropriated in this joint resolution have been expended, is used, transferred, or disposed of without retention and control for public use, the sponsor of the project and the person or organization to which the land, building, structure, facility, or project has been sold, leased, or given, shall be liable, jointly and severally, upon demand of the Commissioner or his duly authorized representative, to pay over to the United States an amount equal to the amount of Federal funds expended on such land, building, structure, facility, or project.

"(g) The amount which may be obligated for administrative expenses of the Work Projects Administration in

the District of Columbia and in the field shall not exceed in the aggregate the sum of $35,466,000 during the fiscal year 1942, of which sum the amounts so to be obligated for the following respective purposes shall not exceed these sums: Salaries, $29,016,000; communication service, $500,000; travel, $2,800,000; and printing and binding, $300,000.

"(h) The Federal Works Administrator shall transmit to Congress, on the first day of each regular session thereof, a statement showing for each State the names, addresses, positions, and compensation of all employees of the Work Projects Administration whose compensation is at the rate of $1,200 per annum or more. For the purposes of this subsection, the term 'State' shall include the Territories, possessions, and the District of Columbia.

"(i) The Work Projects Administration is hereby extended to June 30, 1942, to carry out the purposes of this joint resolution and the Commissioner, with the approval of the Federal Works Administrator, is authorized to prescribe such rules and regulations as may be necessary to carry out its functions in connection therewith.

"ADMINISTRATIVE AGENCIES

"SEC 2 (a) In order to provide for administrative expenses incidental to carrying out the purposes of this joint resolution, there is hereby appropriated to the following agencies, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1942 (1) General Accounting Office, $1,400,000, and (2) Treasury Department· (a) Procurement Division, $2,400,000, (b) Division of Disbursement, $1,100,000, (c) Office of the Treasurer, $350,000, (d) Secret Service Division, $130,000, (e) Bureau of Accounts, $2,025,000; for administrative accounting; total, Treasury Department, $6,005,000

"(b) The appropriations in this section shall not be used to pay the compensation of persons employed entirely upon the regular work (as distinguished from emergency work under appropriations in this section) of any department or agency, nor to pay the compensation of employees engaged partially upon such regular work unless, in the determination of the head of such department or agency (which determination shall be conclusive), offsetting employment upon such emergency work of such department or agency is performed by employees paid from the regular funds thereof.

"UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

"SEC 3 (a) In order to carry out the provisions of section 18 of this Act, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1942, $3,500,000, which sum shall be added to the appropriation 'Employees' Compensation Fund, Emergency Relief' contained in subsection (b) of this section.

"(b) Employees' compensation fund, emergency relief· The unexpended balance of the special funds set up on the books of the Treasury pursuant to the provisions of the Emergency Relief Appropriation Acts of 1935, 1936, 1937, 1938, 1939, and fiscal year 1941, and paragraph 18 of the 'National Youth Administration Appropriation Act, 1941', shall be available for expenditure during the fiscal year ending June 30, 1942, and such balance combined with the appropriation in subsection (a) of this section shall be one fund available for the payment of compensation accruing under section 18 of this Act and under the other Acts enumerated in this subsection, including payments to Federal agencies for medical and hospital services and including advancement of costs for the enforcement of recoveries as provided in sections 26 and 27 of the Act of September 7, 1916, as made applicable to relief employments. *Provided,* That $700,000 of such combined appropriation shall be available during the fiscal year 1942 for administrative expenses and not to exceed $75,000 thereof may be added to the appropriation in the 'Employees' Compensation Commission Appropriation Act, 1942' for salaries and expenses of such Commission and be available for the purposes thereof: *Provided further,* That this appropriation shall not be limited in its use to the United States, its Territories and possessions, for payment of compensation benefits.

"GENERAL AND SPECIAL PROVISIONS

"SEC. 4. Funds appropriated in this joint resolution to the various Federal agencies shall be so apportioned and distributed over the period ending June 30, 1942, and shall be so administered during such period as to constitute the total amount that will be furnished to such agencies during such period for the purposes herein set forth

"SEC. 5. The funds made available by this joint resolution shall be used only for work relief for employable persons in need except as otherwise specifically provided herein.

"SEC 6. (a) The Commissioner, with the approval of the Federal Works Administrator, is authorized to allocate not to exceed $8,500,000 of the appropriation contained in section 1 (a) to other Federal agencies for the operation, under such rules and regulations as the Commissioner may prescribe, of projects of the type specified in subsection (b) of section 1 which are within the scope of the functions usually carried out by such agencies, including administrative expenses of such agencies incident to such operation: *Provided,* That $3,500,000 of such amount shall be allocated to the Department of Agriculture for the continuation during the calendar year 1941 of existing projects now under the jurisdiction of such Department: *Provided further,* That not to exceed 4 per centum of the total amount so allocated to any such agency shall be used for such administrative expenses: *Provided further,* That no project shall be prosecuted under any allocation under this subsection upon which the percentage of nonrelief persons employed exceeds 10 per centum of the total number of persons employed: *Provided further,* That not to exceed $576,000 of the appropriation contained in section 1 (a) hereof may be allocated, with the approval of the Director of the Bureau of the Budget, for administrative expenses of Federal agencies incident to the planning and review of Work Projects Administration projects

"(b) No Federal construction project, except flood control and water conservation projects authorized under other law, shall be undertaken or prosecuted under the appropriations in this joint resolution unless and until there shall have been allocated and irrevocably set aside Federal funds sufficient for its completion.

"(c) No non-Federal project shall be undertaken or prosecuted under appropriations under this joint resolution unless and until the sponsor has made a written agreement to finance such part of the entire cost thereof as the Work Projects Administration determines under the circumstances is an adequate contribution taking into consideration the financial ability of the sponsor. The Commissioner shall prescribe rules and regulations relating to the valuation of contributions in kind by sponsors of projects through furnishing the use of their own facilities and equipment and the services of their own employees, which shall represent an actual cash value, and such rules and regulations shall also allow credit only to the extent that the furnishing of such contributions represents a financial burden which is undertaken by the sponsors on account of Work Projects Administration projects, or other sponsored projects.

"SEC 7. None of the funds made available by this joint resolution shall be expended on the construction of any building (1) the total estimated cost of which, in the case of a Federal building, exceeds $100,000 from Federal funds, or (2) the portion of the total estimated cost of which payable from Federal funds, in the case of a non-Federal building, exceeds $100,000, unless the building is one (a) for which the project has been approved by the President on or prior to May 15, 1940, or for which an issue of bonds has been approved at an election held on or prior to such date, or for which a State legislature has made an appropriation on or prior to such date, or (b) for the completion of which funds have been allocated and irrevocably set aside under prior relief appropriation Acts: *Provided,* That the provisions of this section shall not apply to any projects which have been certified by the Secretary of War and the Secretary of the Navy, respectively, as being important for military or naval purposes.

"SEC 8 (a) The Work Projects Administration is authorized to receive from sponsors of non-Federal projects contributions in services, materials, or money, such money to be deposited with the Treasurer of the United States. Such contributions shall be expended or utilized as agreed upon between the sponsor and the Work Projects Administration

"(b) All receipts and collections by reason of operations in consequence of appropriations made in this joint resolution, except cash contributions of sponsors of projects and amounts credited to revolving funds authorized by this joint resolution, shall be covered into the Treasury as miscellaneous receipts.

"(c) Except as authorized in this joint resolution, no allocation of funds shall be made to any other Federal agency from the appropriation in this joint resolution for any Federal agency. No such allocation shall be made for the exercise of the functions of the Radio Division or the United States Film Service transferred to the Office of Education of the Federal Security Agency.

"SEC. 9 (a) The Commissioner, subject to the approval of the Federal Works Administrator, shall fix a monthly earning schedule for persons engaged upon work projects financed in whole or in part from funds appropriated by section 1 which shall not substantially affect the current national average labor cost per person of the Work Projects Administration Such monthly earning schedule shall not be varied for workers of the same type in different geographical areas to any greater extent than may be justified by differences in the cost of living The Commissioner shall require that the hours of work for all persons engaged upon work projects financed in whole or in part by funds appropriated by section 1 shall (1) be one hunded and thirty hours per month except that the Commissioner, in his discretion, may require a lesser number of hours of work per month in the case of relief workers with no dependents and the earnings of such workers shall be correspondingly reduced, and, (2) not exceed eight hours in any day, and (3) not exceed forty hours in any week

"(b) The Commissioner may authorize exemptions from the above limitations of monthly earnings and hours of work on projects certified as hereinbefore provided as being important for military or naval purposes; to protect work already done on a project; to permit making up lost time; in the case of an emergency involving the public welfare; and in the case of supervisory personnel employed on work projects

"SEC 10 (a) Section 15 (a) of the Emergency Relief Appropriation Act, fiscal year 1941, is hereby continued in effect for the month of July 1941. Effective on August 1, 1941, in employing or retaining in employment on Work Projects Administration work projects, preference shall be given to veterans of the World War and the Spanish-American War and veterans of any campaign or expedition in which the United States has been engaged (as determined on the basis of the laws administered by the Veterans' Administration, except that discharged draft enrollees other than those with service-connected disability shall not be considered as veterans for the purposes of this subsection), and unmarried widows of any such veterans, and the wives of any such veterans who are unemployable, who have been certified as in need of employment by the Work Projects Administration or by any agency designated by it to so certify: *Provided*, That if the total monthly income from all sources of any such veteran or of the unmarried widow of any such veteran, or if the total combined monthly income from all sources of any such unemployable veteran and his wife, as determined by the Commissioner (whose determination shall be final and conclusive), is less than the monthly earnings the veteran, unmarried widow, or wife would receive if employed as a project worker of the Work Projects Administration, then such veteran, unmarried widow, or wife, as the case may be, shall be certified as in need of such employment, and when assigned to such employment he or she shall be employed for such period as will permit the total monthly income of such veteran or unmarried widow, or the total combined monthly income of such unemployable veteran and his wife, to be approximately equal to the amount which would be obtainable by full-time employment on any such project. Thereafter preference in such employment shall be given on the basis of relative needs, as far as practicable, to other American citizens, Indians, and other persons owing allegiance to the United States who are in need.

"(b) There shall be removed from employment on Work Projects Administration projects all relief workers, excepting blind persons, veterans, unmarried widows of such veterans and wives of such veterans as are unemployable, who have been continuously employed on such projects for more than eighteen months, and any relief worker so removed shall be ineligible to be restored to employment on such projects until after (1) the expiration of twenty days after the date of his removal, and (2) recertification of his eligibility for restoration to employment on such projects: *Provided*, That such workers shall be removed only in the numbers necessary to provide employment for employable persons with the same or similar job qualifications who have been certified for a period of three months or more as in need of Work Projects Administration project employment and who have not in such period been given employment on work projects

"(c) In considering employment of persons upon work projects prosecuted under the appropriations contained in this joint resolution, the Work Projects Administration shall determine whether such persons are able to perform the work on work projects to which they can be assigned and no person shall be employed or retained for employment on any such project whose work habits are such or work record shows that he is incapable of performing satisfactorily the work to which he may be assigned on the project.

"(d) There shall be removed from employment on Work Projects Administration projects all relief workers whose needs for employment have not been certified by, and except as provided in section 10 (a) or in section 11 (b), no relief worker shall be employed on such projects until after his need for employment has been certified by (a) a local public certifying agency or (b) the Work Projects Administration where no such agency exists or where the Work Projects Administration certifies by reason of its refusal to accept certification by local public agencies

"(e) No blind person receiving aid under the Social Security Act, as amended, shall be prohibited from temporarily relinquishing such aid to accept employment on a Work Projects Administration project

"(f) No alien, no Communist, and no member of any Nazi Bund Organization shall be given employment or continued in employment on any work project prosecuted under the appropriations contained in this joint resolution and no part of the money appropriated in this joint resolution shall be available to pay any person who has not made or who does not make affidavit as to United States citizenship and to the effect that he is not a Communist and not a member of any Nazi Bund Organization, such affidavit to be considered prima facie evidence of such citizenship, and that he is not a Communist, and not a member of any Nazi Bund Organization.

"(g) The Commissioner shall cause a periodic investigation to be made of the rolls of certified employees on work projects, and shall eliminate from the rolls those not in actual need, such investigation to be made so that each case is investigated at least once in every twelve months

"SEC. 11. (a) No person in need who refuses a bona fide offer of private or other public employment under reasonable working conditions which pays the prevailing wage for such work in the community where he resides and who is capable of performing such work shall be employed or retained in employment on work projects under the funds appropriated in this joint resolution for the period such private or other public employment would be available.

"(b) Any person who takes such employment shall at the expiration thereof be entitled to immediate reemployment with the Work Projects Administration if he is still in need and if he has lost such employment through no fault of his own, and if he has first drawn all the benefits of unemployment compensation that shall have

accrued to him during his term in private employment and which are available to him.

"SEC. 12. (a) No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, under the appropriations in this joint resolution unless such person has previously subscribed or before engaging in such employment subscribes to the following oath:

"'I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God.'

"(b) No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law

"(c) The Commissioner and the head of any other agency receiving an appropriation hereunder is authorized to designate employees, administrative and supervisory, as he may deem necessary to administer such oaths as are required by this joint resolution and such other oaths as may be required or necessary in the operation of the Work Projects Administration or other agency, which oaths shall be administered without charge or fee; such oaths shall have the same force and effect as oaths administered by notaries, justices of the peace, and other Federal and non-Federal officers qualified to administer oaths

"SEC. 13 In carrying out the purpose of the appropriations in this joint resolution, the Secretary of the Treasury with the approval of the Director of the Bureau of the Budget, is authorized to prescribe rules and regulations for the establishment of special funds in the nature of revolving funds for use, until June 30, 1942, in the purchase, repair, distribution, or rental of materials, supplies, equipment, and tools.

"SEC. 14. The provision of section 3709 of the Revised Statutes (41 U. S C. 5) shall not apply to any purchase made or service procured in connection with the appropriations in this joint resolution when the aggregate amount involved is less than $300

"SEC. 15. The appropriations in this joint resolution for administrative expenses and such portions of other appropriations in this joint resolution as are available for administrative expenses may be obligated in the amounts which the agency, with the approval of the Director of the Bureau of the Budget, shall have certified to the Secretary of the Treasury as necessary for personal services, in the District of Columbia and elsewhere, and for contract stenographic reporting services, supplies, and equipment; purchase and exchange of lawbooks, books of reference, directories, and periodicals, and newspapers; travel expenses, including expenses of attendance at meetings of officials and employees of the agency on official business and including transfer of household goods and effects as provided by the Act of October 10, 1940 (Public, Numbered 839, Seventy-sixth Congress), and regulations promulgated thereunder; rental at the seat of government and elsewhere; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; printing and binding and such other expenses as may be necessary for the accomplishment of the objectives of this joint resolution.

"SEC 16. (a) The appropriations contained in section 1 of this joint resolution and any administrative allocations thereof shall not be available to pay the compensation of any person appointed in accordance with the civil-service laws; except that this limitation shall not apply in the case of any person who is employed by any agency of the Government (other than the Work Projects Administration) on the date of enactment of this joint resolution

"(b) In carrying out the purposes of this joint resolution the agencies receiving appropriations under section 1 hereof or allocations under such appropriations are authorized to accept and utilize such voluntary and uncompensated services, appoint, without regard to civil-service laws, such officers and employees, and utilize, with the consent of the head of the Federal agency by which they are employed, such Federal officers and employees, and with the consent of the State such State and local officers and employees at such compensation as shall be determined by the head of the agency involved, as may be necessary, and prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed.

"(c) Appointments to Federal positions of an administrative or advisory capacity under the appropriations in this joint resolution in any State shall be made from among the bona fide citizens of that State so far as not inconsistent with efficient administration

"SEC 17 In making separations from the Federal service, or furloughs without pay to last as long as three months, of persons employed within the District of Columbia, under the provisions of this joint resolution, the appointing power shall give preference, as nearly as good administration will warrant, in retention to appointees from States that have not received their share of appointments according to population: *Provided, however*, That soldiers, sailors and marines, the widows of such, or the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified to hold a position in the Government service, shall be given preference in retention, in their several grades and classes, where their ratings are good or better

"SEC 18 The provisions of the Act of February 15, 1934 (48 Stat 351), as amended, relating to disability or death compensation and benefits shall apply to persons (except administrative employees qualifying as civil employees of the United States) receiving compensation from the appropriations in this joint resolution for services rendered as employees of the United States. *Provided*, That this section shall not apply in any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death

"SEC 19 None of the funds made available by this joint resolution shall be used (a) for the operation of any theater project, (b) for the operation of any project sponsored solely by the Work Projects Administration, or (c) for radio broadcasting in an amount exceeding $50,000 or for the acquisition, rental, or distribution of motion-picture films

"SEC. 20. The Commissioner is authorized to consider, ascertain, adjust, determine, and pay from the appropriation in section 1 hereof any claim on account of damage to or loss of privately owned property caused by the negligence of any employee of the Works Progress Administration or the Work Projects Administration while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of $500, or which is not presented in writing within one year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive

"SEC. 21. The Commissioner is authorized to call to the attention of the city, county, and State governments the unemployment situation of that city, county, or State, and

to seek the cooperation of the State or any subdivision thereof in meeting the unemployment problem.

"SEC. 22. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any work project, employment, or relief aid under the appropriations in this joint resolution, or diverts, or attempts to divert or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of such appropriations, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations (except as may be authorized or required by law), or membership or nonmembership in a labor organization, deprives any person of any of the benefits to which he may be entitled under any such appropriations, or attempts so to do, or assists in so doing, or who disposes of, or assists in disposing of, except for the account of the United States, any property upon which there exists a lien securing a loan made under the provisions of this joint resolution or the Emergency Relief Appropriation Acts of 1935, 1936, 1937, 1938, and 1939, and the Emergency Relief Appropriation Act, fiscal year 1941, as amended, and supplemented, shall be deemed guilty of a felony and fined not more than $2,000 or imprisoned not more than two years, or both The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

"SEC 23. (a) It shall be unlawful for any person knowingly to solicit, or knowingly be in any manner concerned in soliciting, any assessment, subscription, or contribution for the campaign expenses of any individual or political party from any person receiving compensation or employment provided for by this joint resolution

"(b) Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution

"SEC 24. (a) It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, or any other Act of the Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate in any election or any political party

"(b) Except as may be authorized or required by law, it shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, on account of race, creed, color, or any political activity, support of or opposition to any candidate or any political party in any election.

"(c) Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of law, or of this joint resolution.

"SEC 25. (a) It shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government, whose compensation or any part thereof is paid from funds authorized or appropriated by this joint resolution, to use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part, directly or indirectly, in political management or in political campaigns or in political conventions.

"(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by this joint resolution shall be used to pay the compensation of such person. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

"SEC 26. No part of any appropriation in this joint resolution shall be used to pay the salary or expenses of any person in a supervisory or administrative position who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches), in any primary, general, or special election, or who is serving as a campaign manager or assistant thereto for any such candidate.

"SEC. 27. Reports of the operations under the appropriations in this joint resolution and the appropriations in the Emergency Relief Appropriation Act, fiscal year 1941, as amended, and supplemented, including a statement of the expenditures made and obligations incurred by classes of projects and amounts, shall be submitted to Congress by the President on or before the 31st of January in each of the next two regular sessions of Congress.

"SEC 28. No funds appropriated in this joint resolution, whether administered by the Federal Government or by the States or local governmental agencies from funds contributed in whole or in part by the Federal Government, shall be used by any Federal, State, or other agency to purchase, establish, relocate, or expand mills, factories, stores, or plants which would manufacture, handle, process, or produce for sale articles, commodities, or products (other than those derived from the first processing of sweetpotatoes and naval stores products) in competition with existing industries

"SEC. 29 None of the funds appropriated by this joint resolution shall be used for the manufacture, purchase, or construction of any naval vessel, any armament, munitions, or implement of war, for military or naval forces, and no funds herein appropriated or authorized shall be diverted or allocated to any other department or bureau for such purpose.

"SEC 30 No part of the funds made available in this joint resolution shall be loaned or granted, except pursuant to an obligation incurred prior to the date of the enactment of this joint resolution, to any State, or any of its political subdivisions or agencies, for the purpose of carrying out or assisting in carrying out any program or project or constructing, rebuilding, repairing, or replanning its penal or reformatory institutions, unless the President shall find that the projects to be financed with such loan or grant will not cause or promote competition of the products of convict labor with the products of free labor.

"SEC 31 In expending appropriations or portions of appropriations, contained in this joint resolution, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in any appropriation unit herein shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated, the salary of such position shall not exceed the average of the compensation rates for the grade: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, or (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated

"SEC 32. Any Administrator or other officer named to have general supervision at the seat of government over the program and work contemplated under the appropriations contained in this joint resolution and receiving

a salary of $5,000 or more per annum from such appropriations, and any State or regional administrator receiving a salary of $5,000 or more per annum from such appropriations (except persons now serving as such under other law) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the provisions of section 1761 of the Revised Statutes shall not apply to any such appointee and the salary of any person so appointed shall not be increased for a period of six months after confirmation

"SEC. 33. The Work Projects Administration shall continue to maintain in each State an Office of State Administrator for such State.

"SEC. 34. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 1942, the sum of $25,000,000, to be used by the Secretary of Agriculture for the purpose of effectuating the provisions of section 32 of the Act entitled 'An Act to amend the Agricultural Adjustment Act, and for other purposes', approved August 24, 1935, as amended, such sum to be in addition to any funds appropriated by such section 32 and to be subject to all the provisions of law relating to the expenditure of such funds"

EMERGENCY RELIEF APPROPRIATION ACT OF 1943

The Emergency Relief Appropriation Act of 1943, Res. July 2, 1942, ch. 479, 56 Stat. 634, provided as follows:

"WORK PROJECTS ADMINISTRATION

"SECTION 1. (a) In order to continue to provide work for employable needy persons on useful public projects in the United States and its Territories and possessions, there is hereby appropriated to the Work Projects Administration, of the Federal Works Agency, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1943, $280,000,000, together with all balances of appropriations under section 1 (a) of the Emergency Relief Appropriation Act, fiscal year 1942, which remain unobligated on June 30, 1942, including such unobligated balances of funds transferred to other Federal agencies for nonconstruction projects under the provisions of section 6 (a) of such Act for the fiscal year 1942 or set aside for specific purposes in accordance with other law: *Provided*, That notwithstanding any other provision of law, funds heretofore irrevocably set aside for the completion of Federal construction projects under authority of the Emergency Relief Appropriation Acts of 1938 and 1939, the Emergency Relief Appropriation Act, fiscal year 1941, as amended and supplemented, and the Emergency Relief Appropriation Act, fiscal year 1942, shall remain available until June 30, 1943, for such completion, and any such funds which remain unobligated by reason of the completion or abandonment of any such Federal construction project shall be returned to this appropriation.

"(b) The funds provided in this section shall be available for (1) administration, (2) the prosecution of projects approved by the President under the provisions of the Emergency Relief Appropriation Acts of 1938 and 1939, and the Emergency Relief Appropriation Act, fiscal year 1941, as amended and supplemented by Public Law 9, Seventy-seventh Congress (section 60a of Title 2, The Congress), and the Emergency Relief Appropriation Act, fiscal year 1942; and (3) the prosecution of the following types of public projects, Federal and non-Federal, subject to the approval of the President, namely: Highways, roads, and streets; public buildings; parks, and other recreational facilities, including buildings therein; public utilities; electric transmission and distribution lines or systems to serve persons in rural areas, including projects sponsored by and for the benefit of nonprofit and cooperative associations, sewer systems, water supply, and purification systems; airports and other transportation facilities; facilities for the training of personnel in the operations and maintenance of air navigation and landing area facilities; flood control; drainage; irrigation, including projects sponsored by nonprofit irrigation companies or nonprofit irrigation associations organized and operating for community benefit; water conservation; soil conservation, including projects sponsored by soil conservation districts and other bodies duly organized under State law for soil-erosion control and soil conservation, preference being given to projects which will contribute to the rehabilitation of individuals and an increase in the national income; forestation, reforestation, and other improvements of forest areas, including the establishment of fire lanes; fish, game, and other wildlife conservation; eradication of insect, plant, and fungus pests; the production of lime and marl for fertilizing soil for distribution to farmers under such conditions as may be determined by the sponsors of such projects under the provisions of State law; educational, professional, clerical, cultural, recreational, production, and service projects, including training for manual occupations in industries engaged in production for national-defense purposes, for nursing and for domestic service; aid to self-help and cooperative associations for the benefit of needy persons, and miscellaneous projects; not less than $6,000,000 of the funds made available in this Act shall be used exclusively for the operation of day nurseries and nursery schools for the children of employed mothers: *Provided*, That all persons employed on work projects shall, so far as practicable, be employed on projects nearest their respective homes.

"(c) The funds appropriated in this section, exclusive of those used for administrative expenses, shall be so administered that expenditure authorizations for other than labor costs for all the work projects financed from such funds in any State, Territory, possession, or the District of Columbia shall not exceed an average for the fiscal year ending June 30, 1943, of $6 per month per worker, except that the Commissioner of Work Projects (hereinafter referred to as the 'Commissioner') may authorize an increase in the average in cases where the increased cost of materials would have the effect of raising such average above $6 but in no event shall the increase in such average exceed the amount necessary to meet such increase in material costs and in no event shall such average exceed $7: *Provided*, That the funds appropriated in this section shall not be used for the purchase of any construction equipment or machinery in any case in which such equipment or machinery can be rented at prices determined by the Commissioner to be reasonable, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive: *Provided further*, That the unobligated balance of the $45,000,000 in section 1 (c) of the Emergency Relief Appropriation Act, fiscal year 1942, may be used by the Commissioner to supplement the amounts so authorized for other than labor costs in any State, Territory, possession, or the District of Columbia in connection with the prosecution of projects which have been certified by the Secretary of War, and the Secretary of the Navy, respectively, as being important for military or naval purposes.

"(d) In administering the funds appropriated in this section, not to exceed three-fourths of the total cost of all non-Federal projects approved after January 1, 1940, to be undertaken within any State, Territory, possession, or the District of Columbia, with respect to which any such funds are used, shall be borne by the United States, and not less than one-fourth of such total cost shall be borne by the State and its political subdivisions, or by the Territory, possession, or the District of Columbia, as the case may be *Provided*, That the provisions of this subsection shall not apply to projects (1) which have been certified by the Secretary of War and the Secretary of the Navy, respectively, as being important for military or naval purposes, or (2) which authorize necessary temporary measures to avert danger to life, property, or health in the event of disaster or grave emergency caused by war, flood, storm, fire, earthquake, drought, or similar cause. The facts constituting compliance with the requirements of this subsection shall be determined by the Commissioner, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive.

"(e) The funds appropriated in section 1 (a) hereof shall be available to provide, under regulations to be prescribed by the Commissioner, for medical and hospital facilities for work-camp-project employees and burial expenses of deceased work-camp-project employees, including the transportation of remains to place of burial: *Provided*, That deductions shall be made from the earnings

of all project employees quartered in such camps in an amount sufficient to offset the estimated cost to the United States for furnishing the foregoing.

"(f) When it is found that as a result of bad faith, fraud, or misrepresentation on the part of the sponsor, any land, building, structure, facility, or other project, or any part thereof, upon which funds appropriated in this joint resolution have been expended, is used, transferred, or disposed of without retention and control for public use, the sponsor of the project and the person or organization to which the land, building, structure, facility, or project has been sold, leased, or given, shall be liable, jointly and severally, upon demand of the Commissioner or his duly authorized representative, to pay over to the United States an amount equal to the amount of Federal funds expended on such land, building, structure, facility, or project.

"(g) The amount which may be obligated for administrative expenses of the Work Projects Administration in the District of Columbia and in the field shall not exceed in the aggregate the sum of $16,000,000 during the fiscal year 1943, of which sum the amounts so to be obligated for the following respective purposes shall not exceed these sums: Salaries, $14,380,000; communication service, $310,000, travel, $1,000,000; and printing and binding, $160,000: *Provided,* That 5 per centum of the foregoing amounts shall be available interchangeably, but not more than 5 per centum shall be added to any one limitation: *Provided further,* That not to exceed a total of $100,000 of the foregoing sum of $16,000,000 may be expended for salaries for the Division of Information, or for equivalent services in the central office, and for like services in field offices, and for other costs of preparation of exhibits, radio-broadcasts, press releases, bulletins, and other public informational material.

"(h) The Work Projects Administration is hereby extended to June 30, 1943, to carry out the purposes of this joint resolution and the Commissioner, with the approval of the Federal Works Administrator, is authorized to prescribe such rules and regulations as may be necessary to carry out its functions in connection therewith.

"ADMINISTRATIVE AGENCIES

"SEC 2 (a) In order to provide for administrative expenses incidental to carrying out the purposes of this joint resolution, the following sums are hereby appropriated to the following agencies, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1943: (1) General Accounting Office, $625,000; and (2) Treasury Department: (a) Procurement Division, $1,000,000; (b) Division of Disbursement, $457,000, (c) Office of the Treasurer, $150,000; (d) Secret Service Division, $52,000; (e) Bureau of Accounts, $285,000, to remain available until December 31, 1942, and $15,000 for the period commencing January 1, 1943, and ending June 30, 1943, for administrative accounting; total, Treasury Department, $1,959,000

"(b) The appropriations in this section shall not be used to pay the compensation of persons employed entirely upon the regular work (as distinguished from emergency work under appropriations in this section) of any department or agency, nor to pay the compensation of employees engaged partially upon such regular work unless, in the determination of the head of such department or agency (which determination shall be conclusive), offsetting employment upon such emergency work of such department or agency is performed by employees paid from the regular funds thereof.

"GENERAL AND SPECIAL PROVISIONS

"SEC. 3. Funds appropriated in this joint resolution to the various Federal agencies shall be so apportioned and distributed over the period ending June 30, 1943, and shall be so administered during such period as to constitute the total amount that will be furnished to such agencies during such period for the purposes herein set forth.

"SEC. 4. The funds made available by this joint resolution shall be used only for work relief for employable persons in need except as otherwise specifically provided herein.

"SEC. 5. (a) Not to exceed $100,000 of the appropriation contained in section 1 (a) hereof may be allocated, with the approval of the Director of the Bureau of the Budget, for administrative expenses of Federal agencies incident to the planning and review of Work Projects Administration projects.

"(b) No Federal construction project, except flood-control and water-conservation projects authorized under other law, shall be undertaken or prosecuted under the appropriations in this joint resolution unless and until there shall have been allocated and irrevocably set aside Federal funds sufficient for its completion.

"(c) No non-Federal project shall be undertaken or prosecuted under appropriations under this joint resolution unless and until the sponsor has made a written agreement to finance such part of the entire cost thereof as the Work Projects Administration determines under the circumstances is an adequate contribution, taking into consideration the financial ability of the sponsor. The Commissioner shall prescribe rules and regulations relating to the valuation of contributions in kind by sponsors of projects through furnishing the use of their own facilities and equipment and the services of their own employees, which shall represent an actual cash value, and such rules and regulations shall also allow credit only to the extent that the furnishing of such contributions represents a financial burden which is undertaken by the sponsors on account of Work Projects Administration projects, or other sponsored projects.

"SEC 6 None of the funds made available by this joint resolution shall be expended on the construction of any building (1) the total estimated cost of which, in the case of a Federal building, exceeds $100,000 from Federal funds, or (2) the portion of the total estimated cost of which payable from Federal funds, in the case of a non-Federal building, exceeds $100,000, unless the building is one (a) for which the project has been approved by the President on or prior to May 15, 1940, or for which an issue of bonds has been approved at an election held on or prior to such date, or for which a State legislature has made an appropriation on or prior to such date, or (b) for the completion of which funds have been allocated and irrevocably set aside under prior relief appropriation Acts: *Provided,* That the provisions of this section shall not apply to any projects which have been certified by the Secretary of War and the Secretary of the Navy, respectively, as being important for military or naval purposes

"SEC 7 (a) The Work Projects Administration is authorized to receive from sponsors of non-Federal projects contributions in services, materials, or money, such money to be deposited with the Treasurer of the United States. Such contributions shall be expended or utilized as agreed upon between the sponsor and the Work Projects Administration

"(b) All receipts and collections by reason of operations in consequence of appropriations made in this joint resolution, except cash contributions of sponsors of projects and amounts credited to revolving funds authorized by this joint resolution, shall be covered into the Treasury as miscellaneous receipts

"(c) Except as authorized in this joint resolution, no allocation of funds shall be made to any other Federal agency from the appropriation in this joint resolution for any Federal agency. No such allocation shall be made for the exercise of the functions of the Radio Division or the United States Film Service transferred to the Office of Education of the Federal Security Agency.

"SEC 8. (a) The Commissioner, subject to the approval of the Federal Works Administrator, shall fix a monthly earning schedule for persons engaged upon work projects financed in whole or in part from funds appropriated by section 1 which shall not substantially affect the current national average labor cost per person of the Work Projects Administration. Such monthly earning schedule shall not be varied for workers of the same type in different geographical areas to any greater extent than may be justified by differences in the cost of living The Commissioner shall require that the hours of work for all persons engaged upon work projects financed in whole or in part by funds appropriated by section 1 shall (1) be one hundred and thirty hours per month except that the Commissioner,

in his discretion, may require a lesser number of hours of work per month in the case of relief workers with no dependents and the earnings of such workers shall be correspondingly reduced, and, (2) not exceed eight hours in any day, and (3) not exceed forty hours in any week.

"(b) The Commissioner may authorize exemptions from the above limitations of monthly earnings and hours of work on projects certified as hereinbefore provided as being important for military or naval purposes, to protect work already done on a project; to permit making up lost time; in the case of an emergency involving the public welfare, and in the case of supervisory personnel employed on work projects.

"SEC. 9 (a) In employing or retaining in employment on Work Projects Administration work projects, preference shall be given to veterans of any war, campaign, or expedition in which the United States has been engaged (as determined on the basis of the laws administered by the Veterans' Administration, except that discharged draft enrollees other than those with service-connected disability shall not be considered as veterans for the purposes of this subsection), and unmarried widows of any such veterans, and the wives of any such veterans who are unemployable, who have been certified as in need of employment by the Work Projects Administration or by any agency designated by it to so certify: *Provided*, That if the total monthly income from all sources of any such veteran or of the unmarried widow of any such veteran, or if the total combined monthly income from all sources of any such unemployable veteran and his wife, as determined by the Commissioner (whose determination shall be final and conclusive), is less than the monthly earnings the veteran, unmarried widow, or wife would receive if employed as a project worker of the Work Projects Administration, then such veteran, unmarried widow, or wife, as the case may be, shall be certified as in need of such employment, and when assigned to such employment he or she shall be employed for such period as will permit the total monthly income of such veteran or unmarried widow, or the total combined monthly income of such unemployable veteran and his wife, to be approximately equal to the amount which would be obtainable by full-time employment on any such project Thereafter preference in such employment shall be given on the basis of relative needs, as far as practicable, to other American citizens, Indians, and other persons owing allegiance to the United States who are in need.

"(b) There shall be removed from employment on Work Projects Administration projects all relief workers, excepting blind persons, veterans, unmarried widows of such veterans and wives of such veterans as are unemployable, who have been continuously employed on such projects for more than eighteen months, and any relief worker so removed shall be ineligible to be restored to employment on such projects until after (1) the expiration of twenty days after the date of his removal, and (2) recertification of his eligibility for restoration to employment on such projects: *Provided*, That such workers shall be removed only in the numbers necessary to provide employment for employable persons with the same or similar job qualifications who have been certified for a period of three months or more as in need of Work Projects Administration project employment and who have not in such period been given employment on work projects.

"(c) In considering employment of persons upon work projects prosecuted under the appropriations contained in this joint resolution, the Work Projects Administration shall determine whether such persons are able to perform the work on work projects to which they can be assigned and no person shall be employed or retained for employment on any such project whose work habits are such or work record shows that he is incapable of performing satisfactorily the work to which he may be assigned on the project.

"(d) There shall be removed from employment on Work Projects Administration projects all relief workers whose needs for employment have not been certified by, and except as provided in section 9 (a) or in section 10 (b), no relief worker shall be employed on such projects until after his need for employment has been certified by (a) a local public certifying agency or (b) the Work Projects Administration where no such agency exists or where the Work Projects Administration certifies by reason of its refusal to accept certification by local public agencies.

"(e) No blind person receiving aid under the Social Security Act, as amended, shall be prohibited from temporarily relinquishing such aid to accept employment on a Work Projects Administration project.

"(f) No alien, no Communist, and no member of any Nazi bund organization shall be given employment or continued in employment on any work project prosecuted under the appropriations contained in this joint resolution and no part of the money appropriated in this joint resolution shall be available to pay any person who has not made or who does not make affidavit as to United States citizenship and to the effect that he is not a Communist and not a member of any Nazi bund organization, such affidavit to be considered prima facie evidence of such citizenship, and that he is not a Communist, and not a member of any Nazi bund organization.

"(g) The Commissioner shall cause a periodic investigation to be made of the rolls of certified employees on work projects, and shall eliminate from the rolls those not in actual need, such investigation to be made so that each case is investigated at least once in every twelve months

"SEC. 10 (a) No person in need who refuses a bona fide offer of private or other public employment under reasonable working conditions which pays the prevailing wage for such work in the community where he resides and who is capable of performing such work shall be employed or retained in employment on work projects under the funds appropriated in this joint resolution for the period such private or other public employment would be available.

"(b) Any person who takes such employment shall at the expiration thereof be entitled to immediate reemployment with the Work Projects Administration if he is still in need and if he has lost such employment through no fault of his own, and if he has first drawn all the benefits of unemployment compensation that shall have accrued to him during his term in private employment and which are available to him.

"SEC 11 (a) No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, under the appropriations in this joint resolution unless such person has previously subscribed or before engaging in such employment subscribes to the following oath:

"'I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God.'

"(b) No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates the overthrow of the Government of the United States by force or violence. *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation contained in this Act shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both. *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law.

"(c) The Commissioner and the head of any other agency receiving an appropriation hereunder is authorized to designate employees, administrative and supervisory, as he may deem necessary to administer such

oaths as are required by this joint resolution and such other oaths as may be required or necessary in the operation of the Work Projects Administration or other agency, which oaths shall be administered without charge or fee; such oaths shall have the same force and effect as oaths administered by notaries, justices of the peace, and other Federal and non-Federal officers qualified to administer oaths.

"SEC. 12 In carrying out the purpose of the appropriations in this joint resolution, the Secretary of the Treasury with the approval of the Director of the Bureau of the Budget, is authorized to prescribe rules and regulations for the establishment of special funds in the nature of revolving funds for use, until June 30, 1943, in the purchase, repair, distribution, or rental of materials, supplies, equipment, and tools

"SEC 13 The provision of section 3709 of the Revised Statutes (41 U. S C 5) shall not apply to any purchase made or service procured in connection with the appropriations in this joint resolution when the aggregate amount involved is less than $300

"SEC 14 The appropriations in this joint resolution for administrative expenses and such portions of other appropriations in this joint resolution as are available for administrative expenses may be obligated in the amounts which the agency, with the approval of the Director of the Bureau of the Budget, shall have certified to the Secretary of the Treasury as necessary for personal services, in the District of Columbia and elsewhere, and for contract stenographic reporting services, supplies, and equipment; purchase and exchange of lawbooks, books of reference, directories, and periodicals, and newspapers; travel expenses, including expenses of attendance at meetings of officials and employees of the agency on official business and including transfer of household goods and effects as provided by the Act of October 10, 1940 (Public, Numbered 839, Seventy-sixth Congress) (section 73c–1 of Title 5, Executive Departments and Government Officers and Employees), and regulations promulgated thereunder; rental at the seat of government and elsewhere; operation and maintenance of motor-propelled passenger-carrying vehicles; printing and binding and such other expenses as may be necessary for the accomplishment of the objectives of this joint resolution

"SEC 15 (a) The appropriations contained in section 1 of this joint resolution and any administrative allocations thereof shall not be available to pay the compensation of any person appointed in accordance with the civil-service laws; except that this limitation shall not apply in the case of any person who is employed by any agency of the Government (other than the Work Projects Administration) on the date of enactment of this joint resolution.

"(b) In carrying out the purposes of this joint resolution the agencies receiving appropriations under section 1 hereof or allocations under such appropriations are authorized to accept and utilize such voluntary and uncompensated services, appoint, without regard to civil-service laws, such officers and employees, and utilize, with the consent of the head of the Federal agency by which they are employed, such Federal officers and employees, and with the consent of the State such State and local officers and employees at such compensation as shall be determined by the head of the agency involved, as may be necessary, and prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended (sections 661–663, 664–673, and 674 of Title 5, Executive Departments and Government Officers and Employees), to fix the compensation of any officers and employees so appointed

"(c) Appointments to Federal positions of an administrative or advisory capacity under the appropriations in this joint resolution in any State shall be made from among the bona fide citizens of that State so far as not inconsistent with efficient administration.

"SEC 16 In making separations from the Federal service, or furloughs without pay to last as long as three months, of persons employed within the District of Columbia, under the provisions of this joint resolution, the appointing power shall give preference, as nearly as good administration will warrant, in retention to appointees from States that have not received their share of appointments according to population: *Provided, however,* That soldiers, sailors, and marines, the widows of such, or the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified to hold a position in the Government service, shall be given preference in retention, in their several grades and classes, where their ratings are good or better.

"SEC 17. The provisions of the Act of February 15, 1934 (48 Stat 351), as amended (section 796 of Title 5, Executive Departments and Government Officers and Employees), relating to disability or death compensation and benefits shall apply to persons (except administrative employees qualifying as civil employees of the United States) receiving compensation from the appropriations in this joint resolution for services rendered as employees of the United States: *Provided,* That this section shall not apply in any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death: *Provided further,* That any funds appropriated under the head 'Employees' Compensation Fund, Emergency Relief,' shall be available for carrying out the provisions of this section.

"SEC 18 None of the funds made available by this joint resolution shall be used (a) for the operation of any theater project, (b) for the operation of any project sponsored solely by the Work Projects Administration, or (c) for radio broadcasting in an amount exceeding $10,000 or for the acquisition, rental, or distribution of motion-picture films

"SEC. 19 The Commissioner is authorized to consider, ascertain, adjust, determine, and pay from the appropriation in section 1 hereof any claim on account of damage to or loss of privately owned property caused by the negligence of any employee of the Works Progress Administration or the Work Projects Administration while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of $500, or which is not presented in writing within one year from the date of accrual thereof Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive

"SEC 20. The Commissioner is authorized to call to the attention of the city, county, and State governments the unemployment situation of that city, county, or State, and to seek the cooperation of the State or any subdivision thereof in meeting the unemployment problem

"SEC 21. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any work project, employment, or relief aid under the appropriations in this joint resolution, or diverts, or attempts to divert or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of such appropriations, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations (except as may be authorized or required by law), or membership or nonmembership in a labor organization, deprives any person of any of the benefits to which he may be entitled under any such appropriations, or attempts so to do, or assists in so doing, or who disposes of, or assists in disposing of, except for the account of the United States, any property upon which there exists a lien securing a loan made under the provisions of this joint resolution or the Emergency Relief Appropriation Acts of 1935, 1936, 1937, 1938, and 1939, the Emergency Relief Appropriation Act, fiscal year 1941, as amended and supplemented, and the Emergency Relief Appropriation Act, fiscal year 1942, shall be deemed guilty of a felony and fined not more than $2,000 or imprisoned not more than two years, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

"SEC 22. (a) It shall be unlawful for any person knowingly to solicit, or knowingly be in any manner con-

cerned in soliciting, any assessment, subscription, or contribution for the campaign expenses of any individual or political party from any person receiving compensation or employment provided for by this joint resolution

"(b) Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution

"SEC 23 (a) It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, or any other Act of the Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate in any election or any political party.

"(b) Except as may be authorized or required by law, it shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election

"(c) Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both The provisions of this section shall be in addition to, and not in substitution for, any other provisions of law, or of this joint resolution

"SEC 24 (a) It shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government, whose compensation or any part thereof is paid from funds authorized or appropriated by this joint resolution, to use his official authority or influence for the purpose of interfering with an election or affecting the results thereof While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part, directly or indirectly, in political management or in political campaigns or in political conventions

"(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by this joint resolution shall be used to pay the compensation of such person The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

"SEC 25 No part of any appropriation in this joint resolution shall be used to pay the salary or expenses of any person in a supervisory or administrative position who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches), in any primary, general, or special election, or who is serving as a campaign manager or assistant thereto for any such candidate

"SEC 26 Reports of the operations under the appropriations in this joint resolution and the appropriations in the Emergency Relief Appropriation Act, fiscal year 1942, including a statement of the expenditures made and obligations incurred by classes of projects and amounts, shall be submitted to Congress by the President on or before the 31st of January in each of the next two regular sessions of Congress.

"SEC 27. No funds appropriated in this joint resolution, whether administered by the Federal Government or by the States or local governmental agencies from funds contributed in whole or in part by the Federal Government, shall be used by any Federal, State, or other agency to purchase, establish, relocate, or expand mills, factories, stores, or plants which would manufacture, handle, process, or produce for sale articles, commodities, or products (other than those derived from the first processing of sweetpotatoes and naval stores products) in competition with existing industries.

"SEC. 28. None of the funds appropriated by this joint resolution shall be used for the manufacture, purchase, or construction of any naval vessel, any armament, munitions, or implement of war, for military or naval forces, and no funds herein appropriated or authorized shall be diverted or allocated to any other department or bureau for such purpose.

"SEC 29 No part of the funds made available in this joint resolution shall be loaned or granted, except pursuant to an obligation incurred prior to the date of the enactment of this joint resolution, to any State, or any of its political subdivisions or agencies, for the purpose of carrying out or assisting in carrying out any program or project of constructing, rebuilding, repairing, or replanning its penal or reformatory institutions, unless the President shall find that the projects to be financed with such loan or grant will not cause or promote competition of the products of convict labor with the products of free labor.

"SEC 30 Any Administrator or other officer named to have general supervision at the seat of government over the program and work contemplated under the appropriations contained in this joint resolution and receiving a salary of $5,000 or more per annum from such appropriations, and any State or regional administrator receiving a salary of $5,000 or more per annum from such appropriations (except persons now serving as such under other law) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the provisions of section 1761 of the Revised Statutes (section 56 of Title 5, Executive Departments and Government Officers and Employees) shall not apply to any such appointee and the salary of any person so appointed shall not be increased for a period of six months after confirmation.

"SEC 31. The provisions of section 501 of the Third Supplemental National Defense Appropriation Act, 1942 (Public Law 353, Seventy-seventh Congress), approved December 17, 1941, shall be applicable to appropriations under the Emergency Relief Appropriation Act of 1939 (53 Stat 927), which lapse for expenditure purposes on June 30, 1942, and there shall be transferred to the 'Emergency relief liquidation fund' from appropriations under the Emergency Relief Appropriation Act of 1939 sufficient amounts to meet unliquidated obligations incurred thereunder: *Provided*, That claims certified for payment by the Comptroller General of the United States, chargeable to the 'Emergency relief liquidation fund', shall be paid without regard to project allocations

"SEC. 32. The Work Projects Administration shall continue to maintain in each State an Office of State Administrator for such State.

"SEC 33 Not to exceed $225,000 of the funds made available in this joint resolution shall be used for personal services in not to exceed three regional offices of the Work Projects Administration.

"SEC 34. The appropriations and authority with respect to appropriations contained herein shall be available from and including July 1, 1942, for the purposes respectively provided in such appropriations and authority All obligations incurred during the period between June 30, 1942, and the date of the enactment of this joint resolution in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms thereof."

APPROPRIATION FOR WORK RELIEF IN PUERTO RICO AND VIRGIN ISLANDS

Act June 22, 1943, ch 138, 57 Stat 161, provided: "The Federal Works Administrator is authorized to provide work for employable needy persons on useful public projects in Puerto Rico and the Virgin Islands for the period July 1, 1943, to November 30, 1943, in accordance with the appropriate provisions and for the purposes prescribed in the Emergency Relief Appropriation Act, fiscal year 1943, which provisions are hereby extended and made applicable to the appropriations made to carry out the purposes of this joint resolution. There is hereby authorized to be appropriated a sum not to exceed $8,000,000 to carry out the provisions of this joint resolu-

tion, including administrative expenses in connection therewith."

LIQUIDATION OF WORK PROJECTS ADMINISTRATION; PAYMENT OF CLAIMS FOR LOSS OR DAMAGE TO PROPERTY

Act July 12, 1943, 4 p. m., E. W. T., ch. 229, title I, 57 Stat 540, provided in part:

"Not to exceed $1,065,000, out of balances of appropriations under section 1 (a) of the Emergency Relief Appropriation Act, fiscal year 1943 (set out in note preceding this note), which remain unobligated on June 30, 1943, is hereby made available to the Administrator, Federal Works Agency, during the fiscal year 1944 for all necessary expenses for the liquidation of the Work Projects Administration, including personal services and rents in the District of Columbia and elsewhere; printing and binding; operation and maintenance of motor-propelled passenger-carrying vehicles; and not less than $583,632 of such sum shall be allocated exclusively for payment for accumulated and current accrued leave of employees separated from the Government service due to the discontinuance of the Work Projects Administration: *Provided*, That employees of the Work Projects Administration in leave status and in active duty status on June 30, 1943, may, in the discretion of the Administrator, be transferred to and paid from this appropriation without the necessity of further appointment

"In carrying out the liquidation of the activities under the Emergency Relief Appropriation Acts, fiscal years 1942 and 1943, (set out in notes preceding this note) accounts shall be maintained without regard to the limitations established by said Acts and without regard to project allocations: *Provided*, That the appropriations established and extended for the completion of Federal construction projects under the provisions of the Emergency Relief Appropriation Act, fiscal year 1943, (set out in note preceding this note) shall be liquidated and accounted for as one fund: *Provided further*, That all credits subsequent to June 30, 1943, representing repayments or recoveries on account of funds disbursed out of amounts allocated or made available pursuant to any of the provisions of law referred to in this paragraph, shall be covered into the Treasury as miscellaneous receipts, together with such balances as the Administrator may from time to time determine to be no longer required to meet obligations.

"The provisions of section 501 of the Third Supplemental National Defense Appropriation Act, 1942, approved December 17, 1941 (act Dec 17, 1941, c 591, 55 Stat 810), shall be applicable to appropriations under the Emergency Relief Appropriation Act, fiscal year 1941, (set out in note preceding this note) and there shall be transferred to the 'Emergency relief liquidation fund' from appropriations under the Emergency Relief Appropriation Act, fiscal year 1941, sufficient amounts to meet unliquidated obligations incurred thereunder: *Provided*, That claims certified for payment by the Comptroller General of the United States, chargeable to the 'Emergency relief liquidation fund', shall be paid without regard to project allocations.

"The Federal Works Administrator, or his designee for such purpose, is authorized to consider, ascertain, adjust, determine, and pay from the foregoing appropriation any claim on account of damage to or loss of privately owned property caused by the negligence of any employee of the Works Progress Administration or the Work Projects Administration while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of $500, or which is not presented in writing within one year from the date of accrual thereof Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive."

LIQUIDATION OF PUBLIC WORKS ADMINISTRATION

The Second Deficiency Appropriation Act of 1944, act June 28, 1944, ch. 304, title I, 58 Stat 602, as amended Apr. 25, 1945, ch. 95, title I, § 1, 59 Stat. 80, provided in part:

"Not to exceed $9,000,000 of the funds heretofore made available to the Public Works Administration which remain unobligated on June 30, 1944, is hereby made available until June 30, 1946, to the Federal Works Administrator for the purpose of providing for the completion of projects heretofore undertaken by said Administration, the protection of the financial interests of the United States in such projects, and the liquidation of obligations of the United States incurred in the exercise of the powers granted to said Administration, and the Administrator is authorized to continue to perform all functions of the Public Works Administration necessary to the accomplishment of such purposes, of which amount not exceeding $100,000 may be used during the fiscal year 1945 and not exceeding a total of $25,000 may be used during the fiscal year 1946 for administrative expenses in performing said functions.

"In addition to the amount above provided, such amount of the unexpended balances of the funds heretofore made available to said Administration as shall be required to liquidate obligations under the Federal Works Agency and under allocations heretofore made to other Federal agencies and outstanding on June 30, 1944, shall be continued available until June 30, 1946, and said amounts (except those allocated to other Federal agencies and the Public Roads Administration) shall be accounted for as one fund and all existing provisions of law relating to the availability of funds necessary in carrying out said functions are hereby continued and made applicable thereto, notwithstanding any existing time limitations heretofore established by the Congress: *Provided*, That all unobligated receipts from the sale of bonds shall be covered into the Treasury as miscellaneous receipts *Provided further*, That all balances in appropriation accounts of the Public Works Administration on June 30, 1944, the availability of which is not hereby continued, together with such other balances as the Administrator may from time to time thereafter determine to be no longer required to meet obligations, shall be carried to the surplus fund of the Treasury, and refunds, repayments, and recoveries applicable thereto shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That all furniture, equipment, supplies, and money, heretofore delivered, transferred, or allotted by the Public Works Administration to other Federal agencies or departments shall be accounted for by such agencies or departments

"The 'Emergency relief liquidation fund' established by section 501 (b) of the Third Supplemental National Defense Appropriation Act, 1942, as supplemented [Oct. 8, 1940, ch. 756, 54 Stat. 965], is hereby made available for the payment, in accordance with said section 501, of claims arising under the Emergency Relief Appropriation Act, fiscal year 1942 [July 1, 1941, ch. 266, 55 Stat. 396]: *Provided*, That claims certified for payment by the Comptroller General of the United States, chargeable to the 'Emergency relief liquidation fund,' shall be paid without regard to project allocations."

NATIONAL YOUTH ADMINISTRATION APPROPRIATION ACTS

NATIONAL YOUTH ADMINISTRATION APPROPRIATION ACT OF 1942

The National Youth Administration Appropriation Act of 1942, act July 1, 1941, ch. 269, title II, 55 Stat 487, provided:

"PAR. 1. Part-time youth work and student aid. To enable the National Youth Administration, which is hereby extended to and including June 30, 1942, under the supervision and direction of the Federal Security Agency, to engage in the following types of programs for assistance to needy young persons, $85,984,000, namely:

"(a) To provide part-time employment for needy young persons in schools, colleges, and universities to enable such persons to continue their education.

"(b) To provide employment and training for unemployed young persons on public projects of the following types:

"(I) The construction, improvement, and repair of non-Federal public buildings and grounds, parks, and other recreational facilities; bridges, highways, roads, streets,

and alleys; airports and airway facilities; water and sanitation facilities; facilities for conservation; irrigation and flood control; pest eradication; and work on all other non-Federal public facilities including cooperative associations receiving financial assistance from the Rural Electrification Administration or other public agencies;

"(II) The construction, improvement, and repair of buildings or other facilities of Federal agencies;

"(III) The production, repair, and renovation of goods, articles, and foodstuffs for needy individuals and for public institutions providing that products so produced do not replace normal purchases of such individuals or institutions;

"(IV) Professional, clerical, and other nonconstruction services in the fields of education, recreation, research, professional, cultural, and clerical activities for the benefit of public and nonprofit organizations;

"(V) The prosecution of work of the types enumerated above which involve the maintenance of young persons in camps, institutions, and other resident facilities.

"PAR. 2. Salaries and other administrative expenses: For personal services and necessary miscellaneous expenses in the District of Columbia and elsewhere for carrying out the administration of the programs set forth in paragraph 1, including supplies and equipment; purchase and exchange of books of reference, directories, and periodicals; travel expenses, including expenses of attendance at meetings of officials and employees on official business, purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles and such other expenses as may be necessary for the accomplishment of the objectives set forth in paragraph 1, $5,700,000: *Provided*, That the National Youth Administration may transfer from the above sum to the appropriation in paragraph 1 such amounts as will not be required for the purposes of this paragraph: *Provided further*, That there may be transferred from the above sum of $5,700,000 to appropriations of the Treasury Department such amounts, not to exceed in the aggregate the sum of $765,000 as the Director of the Bureau of the Budget may determine to be proper, to reimburse such appropriations on account of expenditures therefrom in connection with the accomplishments of the purposes of the appropriations herein for the National Youth Administration.

"PAR 3 Printing and binding: For printing and binding for the National Youth Administration $83,000

"PAR. 4 The Administrator of the National Youth Administration shall, subject to the approval of the Federal Security Administrator, fix the monthly earnings and hours of work for youth workers engaged on work projects financed in whole or in part from the appropriation in paragraph 1, but such determination shall not have the effect of establishing a national average labor cost per youth worker on such projects during the fiscal year 1942 substantially different from the national average labor cost per such worker on such projects prevailing at the close of the fiscal year 1941.

"PAR 5 Funds appropriated under paragraph 1 shall be so apportioned and distributed over the period ending June 30, 1942, and shall be so administered during such period as to constitute the total amount that will be furnished during such period for the purposes set forth in paragraph 1

"PAR 6 No non-Federal construction project costing in excess of $5,000 shall be undertaken or prosecuted under paragraph 1 unless and until the cosponsor has made a written agreement to finance such part of the entire cost thereof as the Federal Security Administrator determines, under the circumstances, is an adequate contribution taking into consideration the financial ability of the cosponsor. The National Youth Administrator, subject to the approval of the Federal Security Administrator, shall prescribe rules and regulations relating to the valuation of contributions in kind by cosponsors of projects through furnishing the use of their own facilities and equipment and the services of their own employees, which shall also allow credit only to the extent that the furnishing of such contributions represents a financial burden which is undertaken by the cosponsors on account of National Youth Administration projects.

"PAR. 7. The National Youth Administration is authorized to receive reimbursements from other agencies and contributions for the operation of projects from Federal or non-Federal agencies in the form of services, materials, or money; any money so received to be deposited with the Treasurer of the United States. Such contributions shall be expended or utilized as agreed upon between the contributing agency and the National Youth Administration and such reimbursements shall be available for the purposes of this appropriation.

"PAR 8. All receipts and collections by reason of operations authorized in paragraph 1, except cash contributions and reimbursement from other agencies, shall be covered into the Treasury as miscellaneous receipts.

"PAR 9 In considering employment of persons upon work projects prosecuted under the appropriation in paragraph 1, the National Youth Administration shall determine whether such persons are able to perform the work on work projects to which they can be assigned and no person shall be employed or retained for employment on any such project whose work habits are such or work record shows that he is incapable of performing satisfactorily the work to which he may be assigned on the project.

"PAR. 10. No alien shall be given employment or continued in employment on any work project prosecuted under the appropriation in paragraph 1 and no part of the money appropriated in paragraph 1 or paragraph 2 shall be available to pay any person who has not made or who does not make affidavit as to United States citizenship, such affidavit to be considered prima facie evidence of such citizenship.

"PAR. 11. No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, and no person shall receive assistance in the form of payments or otherwise from the United States for services rendered under the National Youth Administration, under the appropriation in paragraph 1 or paragraph 2 unless such person before engaging in such employment or receiving such assistance subscribes to the following oath:

"'I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy) So help me God'

"PAR. 12. Compensated and uncompensated administrative and supervisory employees of the National Youth Administration, designated for the purpose by the National Youth Administrator, or his authorized representative, shall have the general powers of notaries public in the administration of oaths required by paragraphs 10 and 11, and the execution and acknowledgment of other legal instruments, and all forms of notarial acts determined by the National Youth Administrator to be necessary for the effective prosecution of the National Youth Administration programs No fee shall be charged for oaths administered by such employees.

"PAR. 13 No person in need who refuses a bona fide offer of private employment under reasonable working conditions which pays the prevailing wage for such work in the community where he resides and who is capable of performing such work shall be employed or retained in employment on out-of-school work projects under the funds appropriated in paragraph 1 for the period such private employment continues available

"PAR 14 No portion of the appropriation in paragraph 1 or paragraph 2 shall be used to pay any compensation to any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States through force or violence.

"PAR 15. No portion of the appropriations in paragraph 1 or paragraph 2 shall be used to pay the compensation of any civil service employee, except persons so appointed who are already employed by another agency of the Gov-

ernment and are assigned or detailed to the National Youth Administration

"PAR 16 In carrying out the purposes of this appropriation, the National Youth Administrator, or his authorized representatives, subject to the approval of the Federal Security Administrator, is authorized to accept and utilize voluntary and uncompensated services, to appoint and compensate officers and employees without regard to civil-service laws or the Classification Act of 1923, as amended (section 661 et seq of Title 5); and to utilize, with the consent of the head of the Federal agency by which they are employed, Federal officers and employees, and with the consent of the State or local government, State and local officers and employees at such compensation as shall be determined by the National Youth Administrator to be necessary without regard to other laws governing the employment and compensation of Federal employees

"PAR 17 Appointments in any State to Federal positions of an administrative or advisory capacity under the appropriation in paragraph 2 shall be made from among the bona fide citizens of that State so far as not inconsistent with efficient administration.

"PAR 18 In making separations from the Federal service, or furloughs without pay to last as long as three months, of persons employed within the District of Columbia, under the provisions of paragraph 2, the appointing power shall give preference, as nearly as good administration will warrant, in retention to appointees from States that have not received their share of appointments according to population: *Provided, however*, That soldiers and sailors, and marines, the widows of such, or the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified to hold a position in the Government service, shall be given preference in retention, in their several grades and classes, where their ratings are good or better.

"PAR 19 The provisions of the Act of February 15, 1934 (ch 13) (48 Stat 351), as amended, relating to disability or death compensation and benefits, shall apply to persons receiving compensation from the appropriation in paragraph 1 for services rendered as employees of the United States *Provided*, That this section shall not apply in any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death: *Provided further*, That for carrying out the purposes of this paragraph there shall be made available to the United States Employees' Compensation Commission from the appropriation in such paragraph 1 the sum of $200,000, or so much thereof as such Commission, with the approval of the Bureau of the Budget, estimates and certifies to the Secretary of the Treasury will be necessary for such purposes.

"PAR 20 The funds appropriated by paragraph 1 hereof shall be available for emergency hospitalization and medical care, other than that contemplated by paragraph 19 hereof, by reimbursement to Government hospitals or by contract with other public or private hospitals, in cases of critical illness or injury, of youths, employed under paragraph 1 (b) hereof, who are full-time residents of projects involving the maintenance of youths in camps or other resident work centers under the supervision of the National Youth Administration.

"PAR 21 The National Youth Administrator, subject to the approval of the Federal Security Administrator, is authorized to consider, ascertain, adjust, determine, and pay from the appropriation in paragraph 1 any claim arising out of operations thereunder accruing after June 30, 1941, on account of damage to, or loss of, privately owned property caused by the negligence of any employee of the National Youth Administration, while acting within the scope of his employment No claim shall be considered hereunder which is in excess of $500 or which is not presented in writing within one year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive.

"PAR. 22. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any project authorized in paragraph 1, or diverts, or attempts to divert, or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of the appropriation in paragraph 1, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations, or membership in a labor organization, deprives, or attempts to deprive, or assists in depriving any person of any of the benefits to which he may be entitled under such appropriation, shall be deemed guilty of a felony and fined not more than $2,000 or imprisoned not more than two years, or both. The provisions of this paragraph shall be in addition to, and not in substitution for, any other provisions of existing law.

"PAR. 23. All training or educational programs for youth employed by the National Youth Administration on work projects shall be under the control and supervision of the State boards for vocational education of the several States and shall be paid for out of appropriations made to the Office of Education and expended by the States pursuant to plans submitted by State boards for vocational education and approved by the Commissioner of Education.

* * * * * *

"The paragraphs herein under the National Youth Administration may be cited as the "National Youth Administration Appropriation Act, 1942"

NATIONAL YOUTH ADMINISTRATION APPROPRIATION ACT, 1943

The National Youth Administration Act, 1943, act July 2, 1942, ch. 475, title II, 56 Stat 571, provided.

"PAR 1 Youth work To enable the National Youth Administration, which is hereby extended to and including June 30, 1943, under the supervision and direction of the Federal Security Agency, to provide employment and work training for unemployed young persons of the ages of 16 to 24, inclusive, on resident and nonresident workshop and other projects approved by the Chairman of the War Manpower Commission as needed in the prosecution of the war in furnishing work experience and work training preparatory to employment in occupations in which there is a present or potential shortage of labor, $49,729,000 This appropriation shall be available for the payment of project supervisory employees, the procurement of project facilities by contract or otherwise and the maintenance of such facilities, including the purchase of materials, supplies and equipment; the purchase, operation, maintenance and repair of trucks and passenger-carrying automobiles; the payment of rentals; and travel and other expenses essential to the prosecution of the program authorized under this appropriation.

"PAR 2 To provide continuance of part-time employment for needy young persons in colleges and universities to enable such persons to continue their education, $5,000,000, to provide continuance of part-time employment for needy students in schools below the college level to enable such persons to continue their education, $3,000,000, in all, $8,000,000

"PAR 3 Salaries and other administrative expenses: For personal services and necessary miscellaneous expenses in the District of Columbia and elsewhere for carrying out the general administration of the programs set forth in paragraph 1, including supplies and equipment; purchase and exchange of books of reference and periodicals; travel expenses, transfer of household goods and effects as provided by the Act of October 10, 1940 [Title 5, § 73c–1], and regulations promulgated thereunder; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles and such other expenses as may be necessary for the accomplishment of the objectives set forth in paragraphs 1 and 2, $3,500,000, from which the National Youth Administration may transfer to the appropriation in paragraph 1 such amounts as will not be required for the purposes of this paragraph: *Provided*, That there may be transferred from this appropriation to appropriations of the Treasury Department

such amounts as the Director of the Bureau of the Budget may determine to be proper, to reimburse such appropriations on account of expenditures therefrom in connection with the accomplishments of the purposes of the appropriations herein for the National Youth Administration.

"PAR 4. Printing and binding: For printing and binding for the National Youth Administration, $45,000.

"PAR. 5. The Administrator of the National Youth Administration shall, subject to the approval of the Federal Security Administrator, fix the monthly earnings and hours of work for youth workers engaged on work projects financed in whole or in part from the appropriation in paragraph 1, but such determination shall not have the effect of establishing a national average labor cost per youth worker on such projects during the fiscal year 1943 substantially different from the national average labor cost per such worker on such projects prevailing at the close of the fiscal year 1942.

"PAR. 6. Funds appropriated under paragraphs 1 and 2 shall be so apportioned and distributed over the period ending June 30, 1943, and shall be so administered during such period as to constitute the total amount that will be furnished during such period for the purposes set forth in paragraphs 1 and 2.

"PAR 7 The National Youth Administration is authorized to receive reimbursements from other Federal or non-Federal public agencies for the use of facilities and for the cost of materials, and contributions for the operation of projects from Federal or non-Federal agencies in the form of services, materials, or money; any money so received to be deposited with the Treasurer of the United States. Such contributions shall be expended or utilized as agreed upon between the contributing agency and the National Youth Administration and such reimbursements shall be available for the purposes of this appropriation.

"PAR 8 The facilities and services of the United States Employment Service of the Social Security Board shall be utilized wherever possible in the selection and referral of youth for employment and work training on projects of the National Youth Administration.

"PAR. 9 No alien shall be given employment or continued in employment on any work project prosecuted under the appropriation in paragraph 1 or paragraph 2 and no part of the money appropriated in paragraph 1 or paragraph 2 or paragraph 3 shall be available to pay any person who has not made or who does not make affidavit that he is a citizen of the United States, such affidavit to be considered prima facie evidence of such citizenship This paragraph shall not apply to citizens of the Commonwealth of the Philippines

"PAR 10 No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, and no person shall receive assistance in the form of payments or otherwise from the United States for services rendered under the National Youth Administration, under the appropriation in paragraph 1 or paragraph 2 or paragraph 3 unless such person before engaging in such employment or receiving such assistance subscribes to the following oath:

"'I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God.'

"PAR 11. Compensated and uncompensated administrative and supervisory employees of the National Youth Administration, designated for the purpose by the National Youth Administrator, or his authorized representative, shall have the general powers of notaries public in the administration of oaths required by paragraphs 9 and 10, and the execution and acknowledgment of other legal instruments, and all forms of notarial acts determined by the National Youth Administrator to be necessary for the effective prosecution of the National Youth Administration programs. No fee shall be charged for oaths administered by such employees

"PAR. 12. No person who refuses prior to employment to agree that he will accept employment in industry related to national defense if and when offered in good faith shall be eligible for employment on any project of the National Youth Administration

"PAR 13. No portion of the appropriation in paragraph 1 or paragraph 2 or paragraph 3 shall be used to pay any compensation to any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States through force or violence.

"PAR. 14. No portion of the appropriations in paragraph 1 or paragraph 2 or paragraph 3 shall be used to pay the compensation of any civil service employee, except persons so appointed who are already employed by another agency of the Government and are assigned or detailed to the National Youth Administration.

"PAR 15 In carrying out the purposes of this appropriation, the National Youth Administrator, or his authorized representatives, subject to the approval of the Federal Security Administrator, is authorized to accept and utilize voluntary and uncompensated services; to appoint and compensate officers and employees without regard to civil-service laws or the Classification Act of 1923, as amended [Title 5, § 661 et seq], and to utilize, with the consent of the head of the Federal agency by which they are employed, Federal officers and employees, and with the consent of the State or local government, State and local officers and employees at such compensation as shall be determined by the National Youth Administrator to be necessary without regard to other laws governing the employment and compensation of Federal employees.

"PAR 16 Appointments in any State to Federal positions of an administrative or advisory capacity under the appropriation in paragraph 3 shall be made from among the bona fide citizens of that State so far as not inconsistent with efficient administration.

"PAR 17 In making separations from the Federal service, or furloughs without pay to last as long as three months, of persons employed within the District of Columbia, under the provisions of paragraph 3, the appointing power shall give preference, as nearly as good administration will warrant, in retention to appointees from States that have not received their share of appointments according to population: *Provided, however,* That soldiers and sailors, and marines, the widows of such, or the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified to hold a position in the Government service, shall be given preference in retention, in their several grades and classes, where their ratings are good or better.

"PAR 18 The provisions of the Act of February 15, 1934 ([ch 13] 48 Stat 351), as amended, relating to disability or death compensation and benefits, shall apply to persons receiving compensation from the appropriation in paragraph 1 for services rendered as employees of the United States: *Provided,* That this section shall not apply in any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death: *Provided further,* That for carrying out the purposes of this paragraph there shall be made available to the United States Employees' Compensation Commission from the appropriation in such paragraph 1 the sum of $115,000, or so much thereof as such Commission, with the approval of the Bureau of the Budget, estimates and certifies to the Secretary of the Treasury will be necessary for such purposes

"PAR. 19. The funds appropriated by paragraph 1 hereof shall be available for emergency hospitalization and medical care, by reimbursement to Government hospitals or by contract with other public or private hospitals, in cases of critical illness or injury, of youths, employed under paragraph 1 hereof, who are full-time residents of projects involving the maintenance of youths in camps

or other resident work centers under the supervision of the National Youth Administration.

"PAR. 20. The National Youth Administrator, subject to the approval of the Federal Security Administrator, is authorized to consider, ascertain, adjust, determine, and pay from the appropriation in paragraph 1 any claim arising out of operations thereunder accruing after June 30, 1942, on account of damage to, or loss of, privately owned property caused by the negligence of any employee of the National Youth Administration, while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of $500 or which is not presented in writing within one year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive. [Extended to Jan. 2, 1944, by act Dec. 23, 1943, ch. 380, title I, 57 Stat. 615].

"PAR 21. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any project authorized in paragraph 1, or diverts, or attempts to divert, or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of the appropriation in paragraph 1, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations, or membership in a labor organization, deprives, or attempts to deprive, or assists in depriving any person of any of the benefits to which he may be entitled under such appropriation, shall be deemed guilty of a felony and fined not more than $2,000 or imprisoned not more than two years, or both. The provisions of this paragraph shall be in addition to, and not in substitution for, any other provisions of existing law

"PAR 22 All training or educational programs other than work and training on the project location incidental to the supervision of a work program being conducted thereon for youth employed by the National Youth Administration on work projects shall be under the control and supervision of the State boards for vocational education of the several States and shall be paid for out of appropriations made to the Office of Education and expended by the States pursuant to plans submitted by State boards for vocational education and approved by the Commissioner of Education

"PAR 23 Section 3709 of the Revised Statutes [Title 41, § 5] shall not be construed to apply to any purchase with funds appropriated under this title when the aggregate amount involved in such purchase does not exceed the sum of $300

"PAR 24 Whenever the Chairman of the War Manpower Commission shall determine that the facilities of any shop project of the National Youth Administration can contribute more effectively to the prosecution of the war if operated by another department or agency of the Government, or by another public agency, he may direct the transfer of such facilities to such department or agency

"PAR 25 Property and facilities which are declared surplus to the needs of the program as provided in paragraph 1 may be transferred, upon such terms as may be approved by the Federal Security Administrator, but without cost to the United States for transportation or otherwise, to school districts, municipalities, counties, States, or other non-Federal public agencies, without regard to other Federal law or regulation: *Provided*, That such property and facilities shall first be tendered to other agencies of the United States for use in the war effort.

"PAR 26. The paragraphs herein under the National Youth Administration may be cited as the 'National Youth Administration Appropriation Act, 1943'."

LIQUIDATION OF NATIONAL YOUTH ADMINISTRATION, DISPOSAL OF PROPERTY

Act July 12, 1943, ch. 221, title VII, 57 Stat. 518, provided in part: "For all necessary expenses to enable the National Youth Administrator to provide for the liquidation of the National Youth Administration and the conservation and disposition of all the property of whatever type (including buildings, accessories, equipment, and machinery of all types), in use by said National Youth Administration, including the personal services in the District of Columbia and elsewhere; payment for accrued annual leave of employees separated from the Government service due to the discontinuance of the National Youth Administration operations, and such travel and other necessary expenses as may be incurred in connection with the liquidation of the National Youth Administration from the unexpended balances of the appropriations made to the National Youth Administration in the 'Federal Security Agency Appropriation Act of 1943' not exceeding $3,000,000: *Provided*, That said liquidation shall be completed as quickly as possible, but in any event not later than January 1, 1944."

Act July 12, 1943, 4 p m, E W T., ch 229, title I, 57 Stat. 539, provided in part: "That all real and personal property of the National Youth Administration is hereby declared surplus, and all equipment, materials, and supplies shall be assembled, inventoried, and turned over to the Director of Procurement, Treasury Department, under Executive Order 9235 (set out as note under section 611 of Appendix to Title 50) by the Administrator of the National Youth Administration as expeditiously as possible, and all real property shall be disposed of by the Commissioner of Public Buildings in accordance with the Act of August 27, 1935 (40 U S C 304 (a) and 304 (b)): *Provided further*, That, under commitment to return such property to the United States at borrower's expense, any real or personal property of the National Youth Administration in use on June 30, 1943, by any non-Federal vocational education authority within any State may continue to be so used during the period of the present war and for not to exceed six months after the termination thereof, without compensation, but in no event beyond the date such property ceases to be used for vocational education purposes *Provided further*, That during such period, the Director of Procurement, in the case of personal property, and the Commissioner of Public Buildings, in the case of real property, upon certificate of the United States Commissioner of Education that such property is to be used for vocational education and training, may loan, without compensation, to any such existing non-Federal vocational education authority, if applied for within ninety days after the date of enactment of this Act (July 12, 1943), any real or personal property of the National Youth Administration not required by any other Federal Agency (excepting the Lend-Lease Administration) or otherwise loaned under the authority of this paragraph, if such borrower agrees, in the case of personal property, to pay all expenses incident to obtaining and returning such property."

Act Dec 23, 1943, ch 380, title 1, 57 Stat 615, provided in part "For all expenses necessary to enable the Federal Security Administrator to provide for the settlement of obligations of the National Youth Administration, and also to settle claims for property damage accruing prior to January 2, 1944, under paragraph 20 of the National Youth Administration Appropriation Act, 1943 (act July 2, 1942, ch. 475, title II, 56 Stat. 571) (which paragraph is hereby extended to such date), as may be proper in closing the affairs and accounts of the National Youth Administration, not to exceed $300,000 of the unexpended balances of the appropriations made to the National Youth Administration for the purposes of liquidation in the War Manpower Commission Appropriation Act, 1944 (Act July 12, 1943, ch. 221, title VII, § 1, 57 Stat. 518), and the Second Deficiency Appropriation Act, 1943 (Act July 12, 1943, ch 229, 57 Stat 537), are hereby continued available until June 30, 1944, for payment of all such obligations incurred prior to January 1, 1944, including accumulated and accrued annual leave to employees who have not liquidated such by January 1, 1944; and also for the payment of salaries and other necessary administrative expenses (including personal services in the District of Columbia and travel expenses), not exceeding $145,000, incurred during the period January 1 to June 30, 1944, both inclusive, including payment of accumulated and accrued annual leave of the personnel employed under such amount: *Provided*, That no person shall be employed under such sum of $145,000 at a rate exceed-

ing the rates applicable to classification grade CAF–13 or the equivalent and the amount allocated for salaries thereunder shall not exceed $75,000 and the amount for microfilming records shall not exceed $50,000: *Provided further*, That the Federal Security Administrator is hereby authorized to retain such office materials, supplies, and equipment of the National Youth Administration as may be necessary in carrying out the purposes of this appropriation, and such office materials, supplies, and equipment shall not be subject to the provisions of the Second Deficiency Appropriation Act, 1943 (Act July 17, 1943, ch 229, 57 Stat. 537), with respect to such property, during the period of such use: *Provided further*, That said Administrator is authorized to appoint such personnel as may be required for the purposes hereof without regard to civil service and classification laws."

Act June 28, 1944, ch 302, title II, 58 Stat 564, provided in part. "National Youth Administration liquidation: Not to exceed $78,000 of the unexpended balances of the appropriations made to the National Youth Administration in the War Manpower Commission Appropriation Act, 1944, [July 12, 1943, ch 221, Title VII, 57 Stat 518], and the Second Deficiency Appropriation Act, 1943 [July 12, 1943, 4 p. m., E W T, ch 229, title I, 57 Stat 540], are hereby continued available until June 30, 1945, for all expenses necessary to enable the Federal Security Administrator to liquidate the affairs of the National Youth Administration, including settlement of claim for property damage accruing prior to January 2, 1944, under paragraph 20 of the National Youth Administration Appropriation Act, 1943; payment of accumulated and accrued annual leave to employees who have not liquidated such by June 30 1944, payment of salaries and other necessary administrative expenses (including personal services in the District of Columbia and travel expenses), not exceeding $53,000, incurred during the fiscal year 1945; and payment of accumulated and accrued annual leave of the personnel employed under such amount: *Provided*, That no person shall be employed under such sum of $53,000 at a rate exceeding the rates applicable to classification grade CAF 13 or the equivalent and the amount allocated for salaries thereunder shall not exceed $36,500 and the amount for microfilming records shall not exceed $25,000: *Provided further*, That the Federal Security Administrator is hereby authorized to retain such office materials, supplies, and equipment of the National Youth Administration as may be necessary in carrying out the purposes of this appropriation, and such office materials, supplies, and equipment shall not be subject to the provisions of the Second Deficiency Appropriation Act, 1943, with respect to such property, during the period of such use. *Provided further*, That said Administrator is authorized to appoint such personnel as may be required for the purposes hereof without regard to civil service and classification laws *Provided further*, That any personal property formerly belonging to the National Youth Administration and loaned to any public school, school system, or institution of higher education within any State under the provisions of Public Law 140, Seventy-eighth Congress, under the heading 'War Manpower Commission', shall vest in, be, and become the property of such school, school system, or institution of higher education in which such property is located."

Chapter 17.—PRODUCTION, MARKETING, AND USE OF BITUMINOUS COAL

SUBCHAPTER B.—BITUMINOUS COAL ACT OF 1937

Sec
852 Bituminous Coal Consumers' Counsel (New; Expired).

SUBCHAPTER B.—BITUMINOUS COAL ACT OF 1937

EXPIRATION OF SUBCHAPTER

This subchapter, consisting of sections 828–849, 851, expired on August 24, 1943, at 12.01 A M, by authority of act May 21, 1943, ch 97, 57 Stat 82 See note under section 849

§§ 828–848. Expired. May 21, 1943, ch. 97, 57 Stat. 84, eff. Aug. 24, 1943, 12: 01 a. m.

ABOLITION OF COMMISSION AND COUNSEL AND TRANSFER OF FUNCTIONS

Office of Consumers' Counsel of National Bituminous Coal Commission. Functions, records, property, and personnel of Counsel which were transferred by Reorg Plan No II, § 4 (c), to office of Solicitor of Department of Interior, were retransferred to newly created Bituminous Coal Consumers' Counsel by section 852 of this title.

§ 849. Expired. May 21, 1943, ch. 97, 57 Stat. 84, eff. Aug. 24, 1943, 12: 01 a. m.

EXPIRATION OF SUBCHAPTER

Prior to its expiration the text of this section, as amended by acts Apr 11, 1941, ch 64, § 1 (a), 55 Stat 134, Apr 24, 1943, ch 68, 57 Stat 68, May 21, 1943, ch 97, 57 Stat. 82, read as follows: "This subchapter shall cease to be in effect (except as provided in section 29 of Title 1) and any agencies and offices established under, or to engage in the administration of, this subchapter shall cease to exist at 12.01 A M, August 24, 1943."

§§ 851, 852. Expired. May 21, 1943, ch. 97, 57 Stat. 84, eff. Aug. 24, 1943, 12: 01 a. m.

CODIFICATION

Section 852 was added to this subchapter by act April 11, 1941, ch 64, § 2, 55 Stat 134, and constituted a new section 22 of act April 26, 1935, ch. 127, 50 Stat 72

Chapter 19.—MISCELLANEOUS

Sec
1002 Golden Gate Bridge tolls; government traffic and personnel in performance of office business not subject to tolls (New).
1003 Same, authorization for free travel, issuance, presentation, and acceptance; other authorization devices (New)
1004 Same, penalties (New).

§ 1002. Golden Gate Bridge tolls; government traffic and personnel in performance of office business not subject to tolls.

Tolls may be charged for the passage or transit over the Golden Gate Bridge of Government traffic, of military or naval personnel and their dependents, and of civilian employees of the Army and Navy traveling on Government business, but such tolls shall not be in excess of the tolls charged for the passage or transit of other like traffic over such bridge: *Provided, however*, That subject to the provisions of section 1003 of this title, military and naval personnel, and civilian employees of the Army and Navy, when such personnel or employees are engaged in the performance of official duties requiring the use of such bridge, together with the conveyances being used by them in the performance of such duties, shall have the use of such bridge free of toll. (Mar. 14, 1944, ch. 92, § 1, 58 Stat. 116.)

EFFECTIVE DATE

Section 4 of act Mar. 14, 1944, cited to text, provided. "The provisions of this Act [sections 1002–1004 of this title] shall take effect thirty days after the date of its enactment."

§ 1003. Same; authorization for free travel; issuance, presentation, and acceptance; other authorization devices.

(a) The use of the Golden Gate Bridge free of toll, provided for in section 1002 of this title, shall be granted upon the presentation and surrender at the toll lanes of an authorization certifying that the traffic in question is entitled to such right. Such authorization shall be issued and signed by any mili-

tary or naval officer designated for such purpose in accordance with regulations which shall be prescribed by the Secretary of War and the Secretary of the Navy, respectively. The names and signatures of officers so designated shall be furnished to the Golden Gate Bridge and Highway District, and thereafter authorizations signed by them shall be accepted by such bridge and highway district as prima facie evidence of the facts stated therein.

(b) Notwithstanding the provisions of subsection (a), such right to use the Golden Gate Bridge free of toll may be established by any other device or means which may be acceptable to the Golden Gate Bridge and Highway District; and the Secretary of War and the Golden Gate Bridge and Highway District, and the Secretary of the Navy and the Golden Gate Bridge and Highway District, may enter into any appropriate agreements to secure the effective, convenient, and just exercise of such right. (Mar. 14, 1944, ch. 92, § 2, 58 Stat. 116.)

§ 1004. Same; penalties.

Whoever secures or attempts to secure the exemption from toll provided for in sections 1002–1004 of this title or an authorization referred to in section 1003 of this title, knowing that he is not entitled thereto, and whoever signs or issues any such authorization certifying to such right of exemption, knowing that such right does not exist, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than $100 or by imprisonment for not more than ten days, or by both such fine and imprisonment. (Mar. 14, 1944, ch. 92, § 3, 58 Stat. 116.)

Chapter 20.—REGULATION OF INSURANCE (New)

Sec.

1011 Congressional declaration of policy
1012 Regulation by State law; Federal law relating specifically to insurance; applicability of certain Federal laws after January 1, 1948.
1013 Suspension until January 1, 1948, of application of certain Federal laws; Sherman Anti-Trust Act applicable to agreements to, or acts of, boycott, coercion, or intimidation.
1014 Applicability of National Labor Relations Act and the Fair Labor Standards Act of 1938
1015 Definition of "State".

§ 1011. Congressional declaration of policy.

Congress declares that the continued regulation and taxation by the several States of the business of insurance is in the public interest, and that silence on the part of the Congress shall not be construed to impose any barrier to the regulation or taxation of such business by the several States. (Mar. 9, 1945, ch. 20, § 1, 59 Stat. 33.)

SEPARABILITY

Section 6 of act Mar. 9, 1945, cited to text, provided: "If any provision of this Act [this chapter], or the application of such provision to any person or circumstances, shall be held invalid, the remainder of the Act, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected."

§ 1012. Regulation by State law; Federal law relating specifically to insurance; applicability of certain Federal laws after January 1, 1948.

(a) The business of insurance, and every person engaged therein, shall be subject to the laws of the several States which relate to the regulation or taxation of such business.

(b) No Act of Congress shall be construed to invalidate, impair, or supersede any law enacted by any State for the purpose of regulating the business of insurance, or which imposes a fee or tax upon such business, unless such Act specifically relates to the business of insurance: *Provided*, That after January 1, 1948, sections 1–7 of this title, and sections 12–27, 44 of this title, section 412 of Title 18, sections 381–383, 386–390a of Title 28, and sections 52 and 53 of Title 29, and sections 41–46 and 47–58 of this title, as amended, shall be applicable to the business of insurance to the extent that such business is not regulated by State law. (Mar. 9, 1945, ch. 20, § 2, 59 Stat. 34)

§ 1013. Suspension until January 1, 1948, of application of certain Federal laws; Sherman Anti-Trust Act applicable to agreements to, or acts of, boycott, coercion, or intimidation.

(a) Until January 1, 1948, sections 1–7 of this title and sections 12–27, 44 of this title, section 412 of Title 18, sections 381–383, 386–390a of Title 28, and sections 52 and 53 of Title 29, and sections 41–46 and 47–58 of this title and sections 13–13b, and 21a of this title, shall not apply to the business of insurance or to acts in the conduct thereof.

(b) Nothing contained in this chapter shall render sections 1–7 of this title, inapplicable to any agreement to boycott, coerce, or intimidate, or act of boycott, coercion, or intimidation. (Mar. 9, 1945, ch. 20, § 3, 59 Stat. 34.)

§ 1014. Applicability of National Labor Relations Act and the Fair Labor Standards Act of 1938.

Nothing contained in this chapter shall be construed to affect in any manner the application to the business of insurance of sections 151–166 of Title 29 or sections 201–219 of Title 29 or sections 861–869, 870a–872, 874–885, and 887–889 of Title 46. (Mar. 9, 1945, ch. 20, § 4, 59 Stat. 34.)

§ 1015. Definition of "State."

As used in this chapter, the term "State" includes the several States, Alaska, Hawaii, Puerto Rico, and the District of Columbia. (Mar. 9, 1945, ch. 20, § 5, 59 Stat. 34.)

TITLE 16.—CONSERVATION

Chapter 1.—THE NATIONAL PARKS, MILITARY PARKS, MONUMENTS, AND SEASHORES

THE NATIONAL PARK SERVICE

Sec.
14c. Same; availability for expense of recording donated lands (New).
18e Repealed.

SEQUOIA AND YOSEMITE NATIONAL PARKS

45a–1 Same; addition of lands authorized (New).
45a–2 Same; exchange of certain lands conveyed to United States (New).

COLONIAL NATIONAL HISTORICAL PARK

81j. Same, transfer of lands (New).

GLACIER NATIONAL PARK

161d. Same; elimination of fish hatchery from park; transfer of administration of hatchery to Fish and Wildlife Service (New).

ROCKY MOUNTAIN NATIONAL PARK

192b–1. Same, exchange of lands (New).

OLYMPIC NATIONAL PARK

251a Same; additions to park (New)
256 Acceptance of land ceded by State of Washington; assumption of jurisdiction (New)
256a Judicial district, jurisdiction of offenses, fugitives from justice (New)
256b Hunting and fishing, general rules and regulations; protection of property, violation of statutes or rules; penalties (New)
256c. Same, forfeiture of property used in hunting, fishing, etc. (New)
256d. Park commissioner, appointment, jurisdiction over violations; practice and procedure; review (New)
256e. Same; jurisdiction over crimes not covered by section 256b; bail (New).
256f Same, salary (New)
256g. Fees costs, and expenses, certification, approval, and payment (New).
256h. Same; disposition of fees, fines, costs, and expenses (New).
256i Notice to Governor of Washington of sections 256–256i, application of laws to subsequently accepted lands (New).

ACADIA NATIONAL PARK

343b. Same; addition of lands (New).

SHENANDOAH NATIONAL PARK AND GREAT SMOKY MOUNTAINS NATIONAL PARK

403h–1. Same, acceptance of jurisdiction by United States; saving provisions (New).
403h–2. Same, judicial districts, jurisdiction of courts over offenses; fugitives from justice (New).
403h–3. Same; hunting, fishing, etc.; rules and regulations, protection of property, penalties for violating laws and rules (New).
403h–4 Same, forfeiture of property used in commission of offenses (New).
403h–5. Same; park commissioner; appointment; jurisdiction of offenses; appeals, rules of procedure (New).
403h–6 Same, park commissioner; jurisdiction of offenses not covered by section 403h–5 (New).

Sec.
403h–7. Same; park commissioner's salary (New).
403h–8 Same; fees, costs, and expenses against the United States (New).
403h–9. Same, disposition of fees, fines, costs and expenses collected (New)
403h–10. Same; notice to Governors of North Carolina and Tennessee; application of sections 403h–2 to 403h-9 to subsequent lands accepted (New).
403h–11. Same; further additions for construction of scenic parkway (New).

MAMMOTH CAVE NATIONAL PARK

404c–1 Acceptance of cession by United States, jurisdiction (New)
404c–2. Judicial district; fugitives from justice (New).
404c–3 Criminal offenses concerning hunting, fishing, and property; prima facie evidence; rules and regulations (New)
404c–4 Forfeiture of property used in commission of offenses (New)
404c–5 United States Commissioner; appointment; jurisdiction of offenses; appeals; rules of procedure (New).
404c–6 Same, jurisdiction of offenses not covered by section 404c–3; bail (New).
404c 7. Same, salary (New).
404c–8 Fees, costs, and expenses against United States (New).
404c–9 Fees, fines, and costs, disposition of (New).
404c–10 Notice of assumption of police jurisdiction by United States; acceptance by Secretary of further cessions (New).
404c–11 Secretary of Interior authorized to acquire lands within park boundaries; special fund, approval of title; lands to become part of park (New)
404c–12 Entrance roads (New).

ISLE ROYALE NATIONAL PARK

408e. Addition of lands to Park; Passage Island (New)
408f. Same; former Siskiwit Islands Bird Reservation (New).
408g Same; submerged lands surrounding islands (New)
408h Same, federally owned lands within Park boundaries (New).
408i. Acceptance of territory ceded by Michigan; jurisdiction (New)
408j. Judicial district; jurisdiction of offenses (New).
408k. Hunting and fishing; general rules and regulations, protection of property, violation of statutes or rules; penalties (New).
408l Same, forfeiture of property used in hunting, fishing, etc. (New).
408m. Park commissioner, appointment, jurisdiction over violations; practice and procedure, review (New)
408n. Same, jurisdiction over crimes not covered by section 408k, bail (New).
408o Same; salary (New)
408p. Fees, costs, and expenses; certification, approval, and payment (New).
408q. Same, disposition of fees, fines, costs, and expenses (New).

EVERGLADES NATIONAL PARK

410d. Same, acceptance and protection of property pending establishment of park, publication of establishment order (New).

THE NATIONAL MILITARY PARKS

Sec.
422a–1. Same; acceptance of property (New).
424a–1. Same; acceptance of donations of lands and other property on Signal Mountain (New).
424a–2. Same; conveyance of portion of Park to Georgia (New).

NATIONAL AND INTERNATIONAL MONUMENTS AND MEMORIALS (NEW)

450y. Coronado International Memorials; establishment.
450y–1. Same; administration by National Park Service.
450y–2. Same; grazing and mining within memorial area.
450y–3 Same; construction of fences.
450y–4. Same; acquisition of property; donations.
450z. Organ Pipe Cactus National Monument; disposal of minerals and mining rights.
450aa George Washington Carver National Monument; acquisition of land.
450aa–1. Same; establishment and supervision.
450aa–2. Same; maintenance of museum; construction of roads and use of markers.
450bb. Harpers Ferry National Monument; establishment; acceptance of donations of land, etc. (New).
450bb–1. Same; administration by National Park Service (New).
450bb–2. Same; maintenance of museum; acceptance of museum articles; construction of roads, etc. (New).

RECREATIONAL DEMONSTRATION PROJECTS (NEW)

459r. Disposition of recreational demonstration projects
459s. Lands for certain projects added to certain projects.
459t. Secretary of the Interior authorized to execute deeds and leases for project lands; inclusion of conditional covenants

RESERVOIR PUBLIC PARKS AND RECREATIONAL FACILITIES (NEW)

460d. Construction and operation of public parks and recreational facilities in reservoir areas; lease of lands; preference for use; water areas for public use; limitations; disposition of receipts (New).

THE NATIONAL PARK SERVICE

§ 6. Donations of lands within national parks and monuments and moneys.

CROSS REFERENCES

Appropriation to cover cost of recording donated lands, see section 14c of this title

§ 14c. Same; availability for expense of recording donated lands.

Hereafter appropriations made for the National Park Service shall be available for any expenses incident to the preparation and recording of title evidence covering lands to be donated to the United States for administration by the National Park Service. (June 28, 1941, ch. 259, § 1, 55 Stat. 350)

§ 18c. Same; rules and regulations; employees.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

§ 18e. Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 541 (c), 55 Stat. 710.

Section, act June 28, 1941, ch 259, § 1, 55 Stat 350, exempted national park, etc., admission fees from all Federal tax on admissions. Act Sept. 20, 1941, cited in the catchline, amended the Interior Department Appropriation Act, 1942, "by striking out that part thereof" which was the source of this section. Said act Sept. 20, 1941, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof.

YELLOWSTONE NATIONAL PARK

§ 29. Same; compensation of commissioner, marshals, and United States attorneys.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

SEQUOIA AND YOSEMITE NATIONAL PARKS

§ 45a–1. Same; addition of lands authorized.

The Secretary of the Interior is hereby authorized, in his discretion, to accept title to lands and interests in lands near the entrance to the Sequoia National Park, subject to existing easements for public highways and public utilities, within the following described tracts:

Tract A. A portion of tract 37, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately two acres.

Tract B. A portion of the east half of the northeast quarter of section 4, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately thirty-eight acres.

Tract C. A portion of the south half of tract 37, township 17 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately sixty one-hundredths acre.

The owners of the lands to be conveyed to the United States, before any exchange is effective, shall furnish to the Secretary of the Interior evidence satisfactory to him of title to such lands. Such property shall become a part of the Sequoia National Park upon the acceptance of title thereto by the Secretary, and shall thereafter be subject to all laws and regulations applicable to the park. (Dec. 21, 1943, ch. 372, § 1, 57 Stat. 606.)

ELECTRIC POWER DEVELOPMENT PERMITS

Section 3 of act Dec. 21, 1943, cited to text, provided as follows: "Nothing in this Act (sections 45a–1 and 45a–2 of this title) shall be construed to alter or affect in any manner the provisions, or extend the term, of the permit heretofore granted to the Southern California Edison Company and predecessors thereof for the use of lands in the Sequoia National Park for electric power development purposes, or to relieve the company of any financial or other obligation under said permit, or under agreements or orders relating or supplementary thereto."

§ 45a–2. Same; exchange of certain lands for lands conveyed to United States.

In exchange for the conveyance to the United States of tract A, as provided in section 45a–1 of

this title, the Secretary is authorized, in his discretion, to patent to the owner of tract A, subject to such terms and conditions as the Secretary may deem necessary, certain lands of approximately equal value described as follows:

Tract D. A portion of the southeast quarter of section 33, township 16 south, range 29 east, Mount Diablo meridian, Tulare County, California, comprising approximately two and fifty one-hundredths acres.

In exchange for the conveyance to the United States of tracts B and C, as provided in section 45a–1 of this title, the Secretary is authorized to patent, in a similar manner, to the owner of tracts B and C certain lands of approximately equal value described as follows:

Tract E. The southwest quarter of the northwest quarter of section 4, which shall be subject to section 818 of this title; the south half of the northeast quarter of section 5; and approximately sixty-eight acres of the north half of the southeast quarter of section 5, which shall not include the surveyed two-hundred-foot strip as shown on map "D" of exhibit "K", entitled "Detailed Map of Kaweah Project of the Southern California Edison Company, Ltd.", and filed in the office of the Federal Power Commission on December 12, 1923; all of said lands in tract E being situated in township 17 south, range 29 east, Mount Diablo meridian, comprising approximately one hundred and eighty-eight acres. (Dec. 21, 1943, ch. 372, § 2, 57 Stat. 606.)

CROSS REFERENCES

Electric power development permits, see note set out under section 45a–1 of this title.

§ 72. Same; salaries of commissioners.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

KINGS CANYON NATIONAL PARK

§ 80a. Same; General Grant National Park abolished; lands added to Kings Canyon National Park.

ADJUSTMENT OF BOUNDARIES AND RIGHTS

Act June 5, 1942, ch 333, §§ 1, 2, 56 Stat. 310, authorized the Secretary of the Interior to adjust the boundaries of privately owned lands in the General Grant grove section of Kings Canyon National Park in accordance with a survey made by the county surveyor of Tulare County, California; to amend existing patents or relinquish or grant parcels of land therein according to said survey, and to pay from departmental appropriations expenses of surveys and investigations necessary to carry out provisions of this act.

COLONIAL NATIONAL HISTORICAL PARK

§ 81. Colonial National Historical Park; establishment; purpose.

TEMPORARY TRANSFER OF JURISDICTION OF PETITION

Act Dec. 24, 1942, ch. 820, 56 Stat. 1085, provided:

"§ 1. The Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the control and jurisdiction of the Department of the Navy a portion of the Colonial National Historical Park, Yorktown, Virginia, south of Ballards Creek and adjacent to the east boundary of the naval mine depot, containing approximately sixteen acres

"§ 2. The President of the United States is authorized by Executive order to retransfer jurisdiction over the property to the Secretary of the Interior upon his application when, in the judgment of the President, the property has become surplus to the needs of the Department of the Navy, in which event it again shall become a part of the Colonial National Historical Park."

§ 81j. Same; transfer of lands.

The Secretary of the Interior be, and he is hereby, authorized and directed to transfer to the Secretary of the Navy complete control and jurisdiction over a parcel of land within the Colonial National Historical Park, Yorktown, Virginia, described as follows:

Beginning at a point on the existing property line between the United States naval mine depot and the Colonial National Monument Parkway properties, said point being a fence corner seven hundred and sixty-five feet, more or less, southeast of the marine barracks gate; thence south fifty-six degrees thirty-eight minutes east fifty-three and fifteen one-hundredths feet, more or less; thence south fifty degrees sixteen minutes east three hundred and twelve feet, more or less; thence south thirty-nine degrees forty-four minutes west one hundred and twenty-five and seven one-hundredths feet, more or less, to the property line between the United States naval mine depot and the Colonial National Monument Parkway; thence along the said property line north thirty-nine degrees fifty-four minutes west one hundred and twenty-eight and ninety-six one-hundredths feet, more or less; thence continuing along said property line north twenty-eight degrees eighteen minutes west two hundred and fifty-six and fifty-nine one-hundredths feet, more or less, to the point of beginning; containing six hundred and twenty-one one-thousandths of an acre, more or less. (Dec. 23, 1944, ch. 721, 58 Stat. 923.)

MOUNT RAINIER NATIONAL PARK

§ 103. Same; commissioner; salary; fees.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

MESA VERDE NATIONAL PARK

§ 117h. Same; salary of commissioner; fees, costs, and expenses.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

CRATER LAKE NATIONAL PARK

§ 132a. Same; commissioners' salary.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

GLACIER NATIONAL PARK

§ 161d. Same; elimination of fish hatchery from park; transfer of administration of hatchery to Fish and Wildlife Service.

The property at Creston, Montana, acquired by the United States for the establishment of a fish hatchery for restocking the waters of Glacier National Park and administered as a part of the park pursuant to section 161c of this title, together with the improvements and equipment utilized in connection with the hatchery property, is eliminated from the park.

The functions of the National Park Service with regard to the administration of the aforesaid properties for the benefit of the park are transferred to and shall be exercised by the Fish and Wildlife Service for the same purposes: *Provided, however,* That such fish propagated at the hatchery as may be in excess of the number necessary to restock and maintain an optimum fish population in the waters of the park at all times may be utilized for the restocking of other waters. (Dec. 13, 1944, ch. 555, 58 Stat. 801.)

§ 175. Same; commissioner; salary; fees.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

ROCKY MOUNTAIN NATIONAL PARK

§ 192b-1. Same; exchange of lands.

Upon submission of satisfactory evidence of title the Secretary of the Interior is authorized, in his discretion, to accept title on behalf of the United States to the following described land conveyed to William W. Kiskadden by warranty deed numbered 174403 from Mrs. Arah Chapman, recorded August 24, 1916, in book 339, page 231, records of Larimer County, Colorado: Beginning at the northeast corner of the southwest quarter of section 31, township 5 north, range 73 west, sixth principal meridian, Colorado; thence south four hundred and eighty feet; thence west two hundred feet; thence north 27 degrees 30 minutes west five hundred and forty-one feet; thence east four hundred and fifty feet to the place of beginning, containing approximately three and fifty-eight one-hundredths acres, and in exchange therefor to issue a patent for that portion of the northeast quarter of the southwest quarter and that portion of the southeast quarter of the northwest quarter of section 31, township 5 north, range 73 west, sixth principal meridian, Colorado, more particularly described as follows: Beginning at a point from whence the center quarter-section corner of section 31 bears south 79 degrees no minutes east, three hundred and sixty and nine-tenths feet; thence south four hundred and eighty feet to a point from whence the east quarter corner of section 31 bears north 79 degrees 22 minutes east, two thousand six hundred and seventy-three and six-tenths feet; thence west two hundred feet; thence north 27 degrees 30 minutes west, five hundred and forty-one feet; thence east four hundred and fifty feet to the point of beginning, containing approximately three and five-tenths acres: *Provided,* That the land conveyed to the United States, other than the land to be patented, shall, upon acceptance of title thereto, become a part of the Rocky Mountain National Park, Colorado, and become subject to all laws and regulations applicable to said park. (July 14, 1945, ch. 296, 59 Stat. 466.)

§ 198h. Same; United States Commissioner; salary; fees, costs and expenses in court proceedings.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

LASSEN VOLCANIC NATIONAL PARK

§ 204h. Same; salary of commissioner; fees, costs, and expenses.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees

OLYMPIC NATIONAL PARK

§ 251. Olympic National Park; establishment; boundaries.

ACQUISITION OF CERTAIN BUILDINGS, ETC; APPROPRIATION

Act Dec 6, 1944 ch 506, 58 Stat. 793, authorized the Secretary of the Interior to purchase buildings and fixtures of the Olympic Recreation Company and the Olympic Chalet Company, and appropriated $35,000 for that purpose.

§ 251a. Same; additions to park.

Title to State, county, and private lands situated north of the line between townships 27 and 28 north, Willamette base and meridian, Washington, and within the boundaries of the Olympic National Park as now or hereafter established by proclamation of the President of the United States, shall be subject to acceptance under the provisions of section 485 of this title, and such lands when vested in the ownership of the United States shall be a part of the Olympic National Park subject to all laws and regulations applicable thereto. (Dec. 22, 1942, ch. 800, 56 Stat. 1070.)

§ 256. Acceptance of land ceded by State of Washington; assumption of jurisdiction.

The provisions of the act of the Legislature of the State of Washington, approved March 8, 1941 (Chapter 51 of the Laws of 1941 of the State of Washington), ceding to the United States exclusive jurisdiction over and within all the territory included on March 8, 1941, in the tract of land in the State of Washington, set aside for the purposes of a national park and known as the Olympic National

Park, are hereby accepted. Subject to the reservations made by the State in the act of cession, the United States hereby assumes sole and exclusive jurisdiction over such territory. (Mar. 6, 1942, ch. 151, § 1, 56 Stat. 135.)

REFERENCES IN TEXT

Law of State of Washington "approved March 8, 1941," mentioned in text, may be found in Rem. Rev. St., § 8110-1 and Pierce's Code, § 7121-31

§ 256a. Judicial district; jurisdiction of offenses; fugitives from justice.

The park shall constitute a part of the United States judicial district for the western district of Washington, and the district court of the United States in and for said district shall have jurisdiction over all offenses committed within the boundaries of the park. All fugitives from justice taking refuge in the park shall be subject to the same laws as refugees from justice found in the State of Washington. (Mar. 6, 1942, ch. 151, § 2, 56 Stat. 136.)

§ 256b. Hunting and fishing; general rules and regulations; protection of property; violation of statutes or rules; penalties.

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of the park, nor shall any fish be taken out of any of the waters of the park, except at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within the park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the waters in the park. Possession within the park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating sections 256–256i of this title. Any person or persons, stage or express company, railway or other transportation company, who knows or has reason to believe that such wild birds, fish, or animals were taken or killed contrary to the provisions of sections 256–256i of this title or the rules and regulations promulgated by the Secretary of the Interior, and who receives for transportation the dead bodies or any part thereof of the wild birds, fish, or animals so taken or killed, or who shall violate any of the other provisions of sections 256–256i of this title, or the rules and regulations, with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within the park, or for the protection of the animals, birds, and fish in the park, or who shall within the park commit any damage, injury, or spoliation to or upon any building, fence, sign, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings. (Mar. 6, 1942, ch. 151, § 3, 56 Stat. 136.)

§ 256c. Same; forfeiture of property used in hunting, fishing, etc.

All guns, traps, nets, seines, fishing tackle, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of the park when engaged in killing, trapping, ensnaring, taking, or capturing such wild birds, fish, or animals contrary to the provisions of sections 256–256i of this title or the rules and regulations promulgated by the Secretary of the Interior shall be forfeited to the United States and may be seized by the officers in the park and held pending prosecution of any person or persons arrested under the charge of violating the provisions of sections 256–256i of this title, and upon conviction under sections 256–256i of this title of such person or persons using said guns, traps, nets, seines, fishing tackle, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in sections 256–256i of this title. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior: *Provided*, That the forfeiture of teams, horses, or other means of transportation shall be in the discretion of the court. (Mar. 6, 1942, ch. 151, § 4, 56 Stat. 136.)

§ 256d. Park commissioner; appointment; jurisdiction over violations; practice and procedure; review.

Upon the recommendation and approval of the Secretary of the Interior of a qualified candidate, the United States District Court for the Western District of Washington shall appoint a park commissioner, who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by sections 256–256i of this title. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with a violation of the rules and regulations, or with a violation of any of the provisions of sections 256–256i of this title prescribed for the government of the park and for the protection of the animals, birds, and fish in the park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed.

In all cases of conviction an appeal shall lie from the judgment of the commissioner to the United States District Court for the Western District of Washington; and the district court shall prescribe the rules of procedure and practice for the commissioner in the trial of cases and for appeal to the district court. (Mar. 6, 1942, ch. 151, § 5, 56 Stat. 137.)

§ 256e. Same; jurisdiction over crimes not covered by section 256b; bail.

The park commissioner shall also have power to issue process, as hereinbefore provided, for the arrest of any person charged with the commission within the park of any criminal offense not covered by the provisions of section 256b of this title, to hear the evidence introduced, and, if he is of the opinion that probable cause is shown for holding the person so charged, for trial, shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Western District of Washington, and certify a transcript of the record of his proceedings and the testimony in such case to the said district court, which court shall have jurisdiction of the case. The park commissioner shall have authority to grant bail in all cases according to the laws of the United States. (Mar. 6, 1942, ch. 151, § 6, 56 Stat. 137.)

§ 256f. Same; salary.

The park commissioner shall be paid an annual salary as appropriated for by Congress. (Mar. 6, 1942, ch. 151, § 7, 56 Stat. 137.)

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

§ 256g. Fees, costs, and expenses; certification, approval, and payment.

All fees, costs, and expenses arising in cases under sections 256–256i of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (Mar. 6, 1942, ch. 151, § 8, 56 Stat. 137.)

§ 256h. Same; disposition of fees, fines, costs, and expenses.

All fees, fines, costs, and expenses imposed and collected shall be deposited by the commissioner, or by the marshal of the United States collecting the same, with the clerk of the United States District Court for the Western District of Washington. (Mar. 6, 1942, ch. 151, § 9, 56 Stat. 137.)

§ 256i. Notice to Governor of Washington of sections 256–256i; application of laws to subsequently accepted lands.

The Secretary of the Interior shall notify in writing the Governor of the State of Washington of the passage and approval of sections 256–256i of this title, and of the fact that the United States assumes police jurisdiction over the park. Upon the acceptance by the Secretary of the Interior of further cessions of jurisdiction over lands now or hereafter included in the Olympic National Park, the provisions of sections 256a–256h of this title shall apply to such lands. (Mar. 6, 1942, ch. 151, § 10, 56 Stat. 137.)

CUMBERLAND GAP NATIONAL HISTORICAL PARK

§ 261. Cumberland Gap National Historical Park; establishment.

When title to such lands, structures, and other property in the Cumberland Gap-Cumberland Ford areas, being portions of the Warriors Path of the Indians and Wilderness Road of Daniel Boone, within Bell and Harlan Counties, Kentucky; Lee County, Virginia; and Claiborne County, Tennessee; as may be determined by the Secretary of the Interior as necessary or desirable for national historical park purposes, shall have been vested in the United States, such area or areas shall be, and they are hereby, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the Cumberland Gap National Historical Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid areas. (As amended May 26, 1943, ch. 103, § 1, 57 Stat 85.)

AMENDMENTS

1943—Act May 26, 1943, cited to text, omitted proviso relating to inclusion of certain specified lands.

§ 262. Same; total area; consent of Congress to acquisition of lands and property and transfer thereof to United States.

The total area of the Cumberland Gap National Historical Park, as determined pursuant to sections 261–264 of this title, shall comprise not less than six thousand acres and shall not exceed fifty thousand acres, and lands may be added to the park following its establishment within the aforesaid limitations. The park shall not include any land within the city limits of Middlesboro and Pineville, Kentucky; Cumberland Gap, Tennessee; which the proper officials thereof shall indicate to the Secretary of the Interior prior to the establishment of said park are required for expansion of said cities.

(a) The consent of Congress is hereby given to the States of Tennessee, Kentucky, and Virginia to enter into a compact providing for (1) the acquisition of the lands, structures, and other property in the Cumberland Gap-Cumberland Ford areas referred to in section 261 of this title, as amended, and (2) the transfer of title to such lands, structures, and other property to the United States.

(b) The right to alter, amend, or repeal this section is hereby expressly reserved. (As amended May 26, 1943, ch. 103, § 2, 57 Stat. 85.)

AMENDMENTS

1943—Act May 26, 1943, cited to text, among other changes, inserted minimum acreage limitation in first paragraph and added paragraphs (a) and (b).

ACADIA NATIONAL PARK

§ 342a. Same; extension of boundary limits.

CROSS REFERENCES

Addition of Acadia recreational demonstration project lands to parks, see section 459s of this title.

§ 343b. Same; addition of lands.

The Home Owners' Loan Corporation (herein called the "Corporation") is authorized and directed to convey and transfer to the United States of America, upon the terms and conditions provided in this section, all right, title, and interest vested in the Corporation, at the date of such conveyance and transfer, in and to real property and interests therein in the county of Hancock, State of Maine, acquired by the Corporation through the foreclosure of that certain mortgage deed, dated October 20, 1933, executed to the Corporation by Percy B. Russell and Florence L. Russell, and appearing in book 642, page 389, of the Registry of Deeds of Hancock County, State of Maine.

The Secretary of the Interior, for and on behalf of the United States of America, is authorized and directed to accept the conveyance and transfer of such property without regard to the provisions of section 1339 of Title 10, section 733 of Title 33, section 520 of Title 34, section 255 of Title 40, section 5 of Title 41, and section 175 of Title 50 (except the last paragraph of section 733 of Title 33, section 520 of Title 34, section 255 of Title 40, and section 175 of Title 50, which shall be applicable hereto), or any other provision of law. The Secretary of the Interior is further authorized and directed to pay all necessary fees, charges, and expenses in connection with such conveyance and transfer.

Upon the conveyance and transfer of such property as herein provided, it shall be used and administered by the Secretary of the Interior solely for national-park purposes, and it shall be deemed to constitute a part of the Acadia National Park.

Any other provision of law to the contrary notwithstanding, the Secretary of the Treasury shall, upon such conveyance and transfer and in lieu of any other payment by the United States to the Corporation as consideration for the conveyance and transfer of such property, cancel bonds of the Corporation, in the principal sum of $18,000, purchased by the Secretary of the Treasury under or by reason of the provisions set forth in section 1463 of Title 12 (which bonds are hereby made available to the Secretary of the Treasury for the purposes of this section), and all sums due and unpaid upon or in connection with such bonds at the time of such cancelation and discharge, together with any accrued interest: *Provided,* That the Secretary of the Treasury and the Corporation are authorized and directed to make adjustments on their books and records as may be necessary to carry out the purposes of this Act (Dec. 22, 1944, ch. 674, 58 Stat. 914).

HOT SPRINGS NATIONAL PARK

§ 379. Same; fees of commissioner and marshal and deputies.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

HAWAII NATIONAL PARK

§ 395h. Same; salary of commissioner; fees, costs, and expenses; acting commissioners.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

BRYCE CANYON NATIONAL PARK

§ 420f. Same; further additions to park.

For the purpose of preserving in their natural state the outstanding scenic features thereon and for the purpose of rounding out the boundary of the Bryce Canyon National Park, the President of the United States is authorized, upon the joint recommendation of the Secretaries of Interior and of Agriculture, to add to said park by Executive proclamation any or all of the following-described lands in the State of Utah, which shall thereupon become and be a part of said park subject to all laws and regulations applicable thereto, to wit: South half southwest quarter section 2, south half south half section 3, southeast quarter southeast quarter section 4, east half section 8, sections 9, 10, west half section 11, west half section 14, sections 15, 16, east half, northeast quarter northwest quarter, east half northwest quarter northwest quarter, north half southeast quarter northwest quarter, south half northeast quarter southwest quarter, north half south half southeast quarter northwest quarter and north half southeast quarter southwest quarter section 17, south half south half section 19, south half northwest quarter section 20, west half, west half east half and northeast quarter northeast quarter section 22, north half northwest quarter section 23, west half section 27, and north half northwest quarter section 34, township 36 south, range 3 west; lots 3 and 4, south half northwest quarter section 4, northeast quarter northeast quarter and southeast quarter southeast quarter section 8, township 37 south, range 3 west; west half east half and southwest quarter section 25, unsurveyed township 36 south, range 4 west; lots 3 and 4, south half west half section 3, lots 1, 2, 3, and 4 and south half section 4, and lots 1 and 2 and south half east half section 5, township 39 south, range 4 west, Salt Lake meridian: *Provided,* That nothing herein shall affect any valid existing claims upon the lands herein authorized to be added to the park or the rights of stockmen to continue to drive stock over the lands now under an existing stock driveway withdrawal. (As amended Mar. 7, 1942, ch. 161, 56 Stat. 141.)

AMENDMENTS

1942—Act Mar. 7, 1942, cited to text, corrected the description of portions of the land

SHENANDOAH NATIONAL PARK AND GREAT SMOKY MOUNTAINS NATIONAL PARK

§ 403. Shenandoah National Park and Great Smoky Mountains National Park established.

CROSS REFERENCES

Addition of Shenandoah recreational demonstration project lands to park, see section 459s of this title.

§ 403c–1. Same; respective jurisdiction of Virginia and United States over lands in Shenandoah Park.

In order to provide for uniform Federal jurisdiction over all of the lands now or hereafter embraced within the Shenandoah National Park, the provisions of the Act of the General Assembly of the Commonwealth of Virginia, approved April 1, 1940 (Acts of 1940, ch. 402, p. 725), fixing and defining the respective jurisdiction and powers of the Commonwealth of Virginia and the United States and ceding to the United States exclusive police jurisdiction over all lands now or hereafter included within the park are hereby accepted and such exclusive jurisdiction is assumed by the United States over such lands From June 5, 1942, the respective jurisdiction and powers of the Commonwealth of Virginia and the United States over all lands within the Shenandoah National Park as it is now constituted or may hereafter be extended shall be as follows:

(a) The United States shall have exclusive jurisdiction, legislative, executive, and judicial, with respect to the commission of crimes, and the arrest, trial, and punishment therefor, and exclusive general police jurisdiction thereover.

(b) The United States shall have the power to regulate or prohibit the sale of alcoholic beverages on said lands: *Provided, however,* That, if the sale of alcoholic beverages is prohibited by general law in the Commonwealth of Virginia outside of said lands, no such alcoholic beverages shall be sold on said lands contained in said park area: *And provided further,* That, if the general laws of the Commonwealth of Virginia permit the sale of alcoholic beverages, then the regulations of the United States relating to such sales on said lands shall conform as nearly as possible to the regulatory provisions in accordance with which such sales are permitted in the Commonwealth of Virginia outside of said park lands. Nothing in this subsection shall be construed as reserving in the Commonwealth power to require licenses of persons engaged in the sale of intoxicating beverages on said lands, nor the power to require that any sales be made through official liquor stores.

(c) The Commonwealth of Virginia shall have jurisdiction to serve civil process within the limits of said park in any suits properly instituted in any of the courts of the Commonwealth of Virginia, and to serve criminal process within said limits in any suits or prosecutions for or on account of crimes committed in said Commonwealth but outside of said park.

(d) The Commonwealth of Virginia shall have the jurisdiction and power to levy a nondiscriminatory tax on all alcoholic beverages possessed or sold on said lands.

(e) The Commonwealth of Virginia shall have jurisdiction and power to tax the sales of oil and gasoline, and other motor-vehicle fuels and lubricants for use in motor vehicles. This subsection shall not be construed as a consent by the United States to the taxation by the Commonwealth of such sales for the exclusive use of the United States.

(f) The Commonwealth of Virginia shall have the jurisdiction and power to levy nondiscriminatory taxes on private individuals, associations, and corporations, their franchises and properties, on said lands, and on their businesses conducted thereon.

(g) The courts of the Commonwealth of Virginia shall have concurrent jurisdiction with the courts of the United States of all civil causes of action arising on said lands to the same extent as if the cause of action had arisen in the county or city in which the land lies outside the park area, and the State officers shall have jurisdiction to enforce on said lands the judgments of said State courts and the collection of taxes by appropriate process.

(h) Persons residing in or on any of the said lands embraced in said Shenandoah National Park shall have the right to establish a voting residence in Virginia by reason thereof, and the consequent right to vote at all elections within the county or city in which said land or lands upon which they reside are located upon like terms and conditions, and to the same extent, as they would be entitled to vote in such county or city if the said lands on which they reside had not been deeded or conveyed to the United States of America. All fugitives from justice taking refuge in the park shall be subject to the same laws as refugees from justice found in the Commonwealth of Virginia. (As amended June 5, 1942, ch. 343, 56 Stat. 321.)

REFERENCES IN TEXT

Words "June 5, 1942" read in the original "the effective date of this Act."

"Acts 1940, ch 402, p 725, approved April 1, 1940", referred to in text, is also set out as Va. Code 1936, Supp. 1942, § 585 (58) a.

AMENDMENTS

1942—Act June 5, 1942, cited to text, amended section generally.

§ 403c–9. Same; salary of commissioner; residence; fees, costs, expenses.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

§ 403h–1. Same; acceptance of jurisdiction by United States; saving provisions.

The provisions of the act of the Legislature of the State of North Carolina, approved March 18, 1929, and the act of the Legislature of the State of Tennessee, approved April 12, 1929, ceding to the United States exclusive jurisdiction over and within certain lands within said States as may be acquired for the Great Smoky Mountains National Park are hereby accepted and sole and exclusive jurisdiction is hereby assumed by the United States over such lands, saving, however, to the State of North Carolina and to the State of Tennessee, respectively, the right to serve civil or criminal process within the limits of the area ceded by such State in suits or prosecutions for or on account of any rights acquired, obligations incurred, or crimes committed in such State outside of said park; and saving further to each such State

the right to tax persons and corporations, their franchises and property on the lands included in such ceded area; and saving also to the persons residing in said park now, or hereafter, the right to vote at all elections held within the county in which they reside; and saving further to each such State the right to tax sales in such ceded area of gasoline and other motor-vehicle fuels and oil for use in motor vehicles. Nothing in this section shall be construed as a consent by the United States to the taxation by the States of such sales for the exclusive use of the United States. (Apr. 29, 1942, ch. 264, § 1, 56 Stat. 258.)

§ 403h–2. Same; judicial districts; jurisdiction of courts over offenses; fugitives from justice.

The portion of said park located in the State of North Carolina shall constitute a part of the United States judicial district for the western district of North Carolina and the portion of said park located in the State of Tennessee shall constitute a part of the United States judicial district for the eastern district of Tennessee, and the district court of the United States in and for each such district shall have jurisdiction over all offenses committed within the ceded area of the said park in such district. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in either the State of North Carolina or Tennessee. (Apr. 29, 1942, ch. 264, § 2, 56 Stat. 259.)

§ 403h–3. Same; hunting, fishing, etc.; rules and regulations; protection of property; penalties for violating laws and rules.

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park, nor shall any fish be taken out of any of the waters of the said park, in any other way than by hook and line, and then only at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the said park; and he shall make rules and regulations governing the taking of fish from the streams or lakes in the said park. Possession within said park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating sections 403h–1 to 403h–10 of this title. Any person or persons, stage or express company, railway or other transportation company, who knows or has reason to believe that such wild birds, fish, or animals were taken or killed contrary to the provisions of sections 403h–1 to 403h–10 of this title or the rules and regulations promulgated by the Secretary of the Interior, and who receives for transportation the dead bodies or any part thereof of the wild birds, fish, or animals so taken or killed, or who shall violate any of the other provisions of sections 403h–1 to 403h–10 of this title, or the rules and regulations, with reference to the management and care of the said park, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in said park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, sign, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings. (Apr. 29, 1942, ch. 264, § 3, 56 Stat. 259.)

§ 403h–4. Same; forfeiture of property used in commission of offenses.

All guns, traps, nets, seines, fishing tackle, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said park when engaged in killing, trapping, ensnaring, taking, or capturing such wild birds, fish, or animals contrary to the provisions of sections 403h–1 to 403h–10 of this title or the rules and regulations promulgated by the Secretary of the Interior, shall be forfeited to the United States and may be seized by the officers in said park and held pending prosecution of any person or persons arrested under the charge of violating the provisions of sections 403h–1 to 403h–10 of this title, and upon conviction under sections 403h–1 to 403h–10 of this title of such person or persons using said guns, traps, nets, seines, fishing tackle, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in sections 403h–1 to 403h–10 of this title. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior and the proceeds paid into the Treasury of the United States: *Provided*, That the forfeiture of teams, horses, or other means of transportation shall be in the discretion of the court. (Apr. 29, 1942, ch. 264, § 4, 56 Stat 260.)

§ 403h–5. Same; park commissioner; appointment; jurisdiction of offenses; appeals; rules of procedure.

The United States District Court for the Western District of North Carolina and the United States District Court for the Eastern District of Tennessee shall jointly appoint a commissioner, who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection

of the animals, birds, and fish, and objects of interest therein, and for other purposes, authorized by sections 403h–1 to 403h–10 of this title. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with a violation of the rules and regulations, or with a violation of any of the provisions of sections 403h–1 to 403h–10 of this title prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forefeiture[1] prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Western District of North Carolina, or the United States District Court for the Eastern District of Tennessee, respectively, depending upon the district in which the particular land in said park on which the offense shall have taken place is located; and the United States district courts in the aforementioned district shall jointly prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to said United States district courts. (Apr. 29, 1942, ch. 264, § 5, 56 Stat. 260.)

[1] So in original. Probably should read "forfeiture".

§ 403h–6. Same; park commissioner; jurisdiction of offenses not covered by section 403h–5.

The park commissioner provided for in sections 403h–1 to 403h–10 of this title shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said park of any criminal offense not covered by the provisions of section 403h–3 of this title, to hear the evidence introduced, and, if he is of the opinion that probable cause is shown for holding the person so charged for trial, shall commit such person for further appropriate action, and certify a transcript of the record of his proceedings, and the testimony in such case to the particular district court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner may grant bail in all cases according to the laws of the United States. (Apr. 29, 1942, ch. 264, § 6, 56 Stat. 260.)

§ 403h–7. Same; park commissioner's salary.

The park commissioner provided for in sections 403h–1 to 403h–10 of this title shall be paid an annual salary, as appropriated for by Congress. (Apr. 29, 1942, ch. 264, § 7, 56 Stat. 260.)

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

§ 403h–8. Same; fees, costs, and expenses against the United States.

All fees, costs, and expenses arising in cases under sections 403h–1 to 403h–10 of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (Apr. 29, 1942, ch. 264, § 8, 56 Stat. 261.)

§ 403h–9. Same; disposition of fees, fines, costs and expenses collected.

All fees, fines, and costs and expenses imposed and collected shall be deposited by the commissioner, or by the marshal of the United States collecting the same, with the clerk of the respective United States district courts for either the western district of North Carolina or the eastern district of Tennessee, depending upon the district in which the offense for which collection is made shall have taken place. (Apr. 29, 1942, ch. 264, § 9, 56 Stat. 261.)

§ 403h–10. Same; notice to Governors of North Carolina and Tennessee; application of sections 403h–2 to 403h–9 to subsequent lands accepted.

The Secretary of the Interior shall notify in writing the Governors of the States of North Carolina and Tennessee of the passage and approval of sections 403h–1 to 403h–10 of this title, and of the fact that the United States assumes police jurisdiction over said park as specified in said acts of the States of North Carolina and Tennessee. Upon the acceptance by the Secretary of the Interior of further cessions of jurisdiction over lands now or hereafter included in the Great Smoky Mountains National Park, the provisions of sections 403h–2 to 403h–9 of this title shall apply to such lands. (Apr. 29, 1942, ch 264, § 10, 56 Stat 261)

§ 403h–11. Same; further additions for construction of scenic parkway.

The Secretary of the Interior is authorized to accept, on behalf of the United States, donations of land and interests in land in the State of Tennessee for the construction of a scenic parkway to be located generally parallel to the boundary of the Great Smoky Mountains National Park and connecting with the park, in order to provide an appropriate view of the park from the Tennessee side. The right-of-way to be acquired for the parkway shall be of such width as to comprise an average of one hundred and twenty-five acres per mile for its entire length. The title to real property acquired pursuant to this section shall be satisfactory to the Secretary of the Interior. All property acquired pursuant to this section shall become a part of the Great Smoky Mountains National Park upon acceptance of title thereto by the Secretary, and shall be subject to all laws, rules, and regulations applicable thereto. (Feb. 22, 1944, ch. 28, 58 Stat. 19.)

MAMMOTH CAVE NATIONAL PARK

§ 404c–1. Acceptance of cession by United States; jurisdiction.

The provisions of the act of the General Assembly of the Commonwealth of Kentucky, approved March 22, 1930 (Acts of 1930, ch. 132, p. 405), ceding to the United States exclusive jurisdiction over, within, and under such territory in the Commonwealth as may be acquired for the Mammoth Cave National Park, are hereby accepted. Subject to the reservations made by the Commonwealth in the act of cession, the United States hereby assumes sole and exclusive

jurisdiction over such territory. (June 5, 1942, ch. 341, § 1, 56 Stat. 317.)

REFERENCES IN TEXT

Act of the General Assembly of the Commonwealth of Kentucky, approved March 22, 1930 (acts of 1930, ch. 132, p. 405), to which reference is made in this section, is also set out as Ky. St., §§ 3766e16 to 3766e22.

§ 404c–2. Judicial district; fugitives from justice.

The park shall constitute a part of the United States judicial district for the western district of Kentucky, and the district court of the United States in and for said district shall have jurisdiction over all offenses committed within the boundaries of the park. All fugitives from justice taking refuge in the park shall be subject to the same laws as fugitives from justice found in the Commonwealth of Kentucky. (June 5, 1942, ch. 341, § 2, 56 Stat. 317.)

CROSS REFERENCES

Western District of Kentucky, boundaries, see section 158 of Title 28, Judicial Code and Judiciary.

§ 404c–3. Criminal offenses concerning hunting, fishing, and property; prima facie evidence; rules and regulations.

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of the park, nor shall any fish be taken out of any of the waters of the park, except at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within the park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the park; and he shall make rules and regulations governing the taking of fish from the waters in the park. Possession within the park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating sections 404c–1 to 404c–12 of this title. Any person or persons, stage or express company, railway or other transportation company, who knows or has reason to believe that such wild birds, fish, or animals were taken or killed contrary to the provisions of sections 404c–1 to 404c–12 of this title or the rules and regulations promulgated by the Secretary of the Interior, and who receives for transportation the dead bodies or any part thereof of the wild birds, fish, or animals so taken or killed, or who shall violate any of the other provisions of sections 404c–1 to 404c–12 of this title, or the rules and regulations, with reference to the management and care of the park, or for the protection of the property therein, for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within the park, or for the protection of the animals, birds, and fish in the park, or who shall within the park commit any damage, injury, or spoliation to or upon any building, fence, sign, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings. (June 5, 1942, ch. 341, § 3, 56 Stat. 317.)

§ 404c–4. Forfeiture of property used in commission of offenses.

All guns, traps, nets, seines, fishing tackle, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of the park when engaged in killing, trapping, ensnaring, taking, or capturing such wild birds, fish, or animals contrary to the provisions of sections 404c–1 to 404c–12 of this title or the rules and regulations promulgated by the Secretary of the Interior shall be forfeited to the United States and may be seized by the officers in the park and held pending prosecution of any person or persons arrested under the charge of violating the provisions of sections 404c–1 to 404c–12 of this title, and upon conviction under sections 404c–1 to 404c–12 of this title of such person or persons using said guns, traps, nets, seines, fishing tackle, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in sections 404c–1 to 404c–12 of this title. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior: *Provided,* That the forfeiture of teams, horses, or other means of transportation shall be in the discretion of the court. (June 5, 1942, ch. 341, § 4, 56 Stat. 318.)

§ 404c–5. United States Commissioner; appointment; jurisdiction of offenses; appeals; rules of procedure.

Upon the recommendation and approval of the Secretary of the Interior of a qualified candidate, the United States District Court for the Western District of Kentucky shall appoint a park commissioner, who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes authorized by sections 404c–1 to 404c–12 of this title. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with a violation of the rules and regulations, or with a violation of any of the provisions of sections 404c–1 to 404c–12 of this title prescribed for the government of the park and for the protection of the animals, birds, and fish in the park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the for-

feiture prescribed. In all cases of conviction an appeal shall lie from the judgment of the commissioner to the United States District Court for the Western District of Kentucky; and the district court shall prescribe the rules and procedure and practice for the commissioner in the trial of cases and for appeal to the district court. (June 5, 1942, ch. 341, § 5, 56 Stat. 318.)

§ 404c–6. Same; jurisdiction of offenses not covered by section 404c–3; bail.

The park commissioner shall also have power to issue process, as hereinbefore provided, for the arrest of any person charged with the commission within the park of any criminal offense not covered by the provisions of section 404c–3 of this title, to hear the evidence introduced, and, if he is of the opinion that probable cause is shown for holding the person so charged, for trial, shall cause such person to be safely conveyed to a secure place of confinement within the jurisdiction of the United States District Court for the Western District of Kentucky, and certify a transcript of the record of his proceedings and the testimony in such case to the said district court, which court shall have jurisdiction of the case. The park commissioner shall have authority to grant bail in all cases according to the laws of the United States. (June 5, 1942, ch. 341, § 6, 56 Stat. 319.)

§ 404c–7. Same; salary.

The park commissioner shall be paid an annual salary as appropriated for by Congress. (June 5, 1942, ch. 341, § 7, 56 Stat. 319.)

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

§ 404c–8. Fees, costs, and expenses against United States.

All fees, costs, and expenses arising in cases under sections 404c–1 to 404c–12 of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (June 5, 1942, ch. 341, § 8, 56 Stat. 319.)

§ 404c–9. Fees, fines, and costs; disposition of.

All fees, fines, costs, and expenses imposed and collected shall be deposited by the commissioner, or by the marshal of the United States collecting the same, with the clerk of the United States District Court for the Western District of Kentucky. (June 5, 1942, ch. 341, § 9, 56 Stat. 319.)

§ 404c–10. Notice of assumption of police jurisdiction by United States; acceptance by Secretary of further cessions.

The Secretary of the Interior shall notify in writing the Governor of the Commonwealth of Kentucky of the passage and approval of sections 404c–1 to 404c–12 of this title, and of the fact that the United States assumes police jurisdiction over the park. Upon the acceptance by the Secretary of the Interior of further cessions of jurisdiction over lands now or hereafter included in the Mammoth Cave National Park, the provisions of sections 404c–2 to 404c–9, inclusive, shall apply to such lands. (June 5, 1942, ch. 341, § 10, 56 Stat. 319.)

§ 404c–11. Secretary of Interior authorized to acquire lands within park boundaries; special fund; approval of title; lands to become part of park.

The Secretary of the Interior is hereby authorized in his discretion to acquire for inclusion within the Mammoth Cave National Park by purchase, condemnation, or otherwise, any lands, interests in lands, and other property within the maximum boundaries thereof as authorized by sections 404–404b, 404c of this title, notwithstanding the provisions of sections 404b-1, 404f, of this title, or any action taken thereunder to exclude certain caves from the park area.

For the purpose of enabling the Secretary of the Interior to acquire property on behalf of the United States, as authorized by this section, there shall be reserved and set aside in the Treasury a special fund of not to exceed $350,000. Said fund shall consist of the annual revenues of the Federal Government from the Mammoth Cave National Park which are in excess of the annual appropriations made for the administration, protection, and maintenance of said park. At the close of each fiscal year, the Secretary of the Interior shall certify to the Secretary of the Treasury the excess of revenues over appropriations for the preceding fiscal year.

The title to lands, interests in lands, and other property to be acquired pursuant to sections 404c–1 to 404c–12 of this title shall be satisfactory to the Secretary of the Interior. Any property acquired pursuant to sections 404c–1 to 404c–12 of this title upon acquisition by the Federal Government, shall become a part of the park, and shall be subject to all laws and regulations applicable thereto. (June 5, 1942, ch. 341, § 11, 56 Stat. 319.)

§ 404c–12. Entrance roads.

For the purpose of developing a proper and suitable entrance road to the Mammoth Cave National Park, the Secretary of the Interior is hereby authorized in his discretion to accept on behalf of the United States donations of lands, buildings, structures, and other property or interests therein, or to acquire such property with donated funds by purchase, condemnation, or otherwise, within an area or areas to be determined by him, but (a) not to exceed one mile in width, extending from the exterior boundary of the Mammoth Cave National Park to a point to be selected by him on United States Highway Numbered 31–W, and (b) not to exceed one-half mile in width on either side of United States Highway Numbered 31–W and running for a distance of not to exceed two miles along said highway. Lands acquired for purposes of protecting such entrance roads shall not be less than five hundred feet in width on either side of said roads: *Provided*, That only one such entrance road shall be established between United States Highway Numbered 31–W and Mammoth Cave National Park pursuant to sections 404c–1 to 404c–12 of this title. (June 5, 1942, ch. 341, § 12, 56 Stat. 320.)

CARLSBAD CAVERNS NATIONAL PARK

§ 407d. Admission and guide fees exempt from tax.

REPEAL

Act Sept 20, 1941, 12.15 p. m., E. S. T., ch. 412, title V, § 541 (c), 55 Stat. 710, amended act May 9, 1935, cited to text, "by striking out that part thereof" upon which this section was based. Said act Sept. 20, 1941, however, made no mention of act June 22, 1936, cited to text, which reenacted those same provisions. Such act Sept. 20, 1941, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof.

ISLE ROYALE NATIONAL PARK

§ 408c. Addition of lands to Park; Passage Island.

Subject to valid existing rights the following-described lands, in addition to the lands established as the Isle Royale National Park pursuant to sections 408–408b of this title, are hereby made a part of the park:

Passage Island, containing approximately one hundred and eighty-two acres, located in sections 3, 4, and 9, township 67 north, range 32 west, in Keweenaw County, Michigan: *Provided*, That the Secretary of the Navy shall retain control and jurisdiction over the following portions of the Island for lighthouse and boathouse purposes:

(a) All that part of Passage Island lying south of a true east and west line located four hundred and twenty-five feet true north of the center of the Passage Island Light containing approximately six and five-tenths acres.

(b) Beginning at the center of Passage Island Light, thence north thirty-three degrees fifty-two minutes east three thousand five hundred and fifteen feet to a point from which this description shall begin to measure, being the southwest corner of said boathouse site; thence north two hundred feet to a point being the northwest corner of said site; thence east one hundred and seventy-five feet more or less to the harbor shore; thence southeasterly following the harbor shore to a point on the shore being a point on the south boundary of the boathouse site; thence two hundred feet more or less west to the point of beginning, containing approximately seventy-eight one-hundredths acre.

(c) A right-of-way between the sites described in the preceding subparagraphs, to be defined by the Secretary of the Navy within a reasonable length of time after March 6, 1942. (Mar. 6, 1942, ch. 152, § 1, 56 Stat. 138; July 27, 1942, ch. 526, 56 Stat. 722.)

AMENDMENTS

1942—Act July 27, 1942, cited to text, substituted "Secretary of the Navy" for "Secretary of the Treasury".

§ 408f. Same; former Siskiwit Islands Bird Reservation.

The Siskiwit Islands Bird Reservation is hereby abolished and shall hereafter be a part of the Isle Royale National Park. (Mar. 6, 1942, ch. 152, § 2, 56 Stat. 138.)

§ 408g. Same; submerged lands surrounding islands.

The boundaries of the Isle Royale National Park are hereby extended to include any submerged lands within four and one-half miles of the shore line of Isle Royale and the immediately surrounding islands, and the Secretary of the Interior is hereby authorized, in his discretion, to acquire title by donation to any such lands not now owned by the United States, the title to be satisfactory to him. (Mar. 6, 1942, ch. 152, § 3, 56 Stat. 138.)

§ 408h. Same; federally owned lands within Park boundaries.

All federally owned lands within the boundaries of the Isle Royale National Park are hereby made a part of the park: *Provided*, That the Secretary of the Navy shall retain control and jurisdiction, for lighthouse purposes, over Menagerie Island, located in township 64 north, range 35 west, and an unsurveyed island known as Rock of Ages, situated in approximate sections 7 and 18, township 63 north, range 39 west, and also shall retain the right to maintain existing floating and shore aids to navigation and to establish and maintain additional aids to navigation within the established park area when so required by general navigation. (Mar. 6, 1942, ch. 152, § 4, 56 Stat. 138; July 27, 1942, ch. 526, 56 Stat. 722.)

AMENDMENTS

1942—Act July 27, 1942, cited to text, substituted "Secretary of the Navy" for "Secretary of the Treasury"

§ 408i. Acceptance of territory ceded by Michigan; jurisdiction.

The provisions of the act of the Legislature of the State of Michigan, approved February 27, 1939, ceding to the United States exclusive jurisdiction over and within all the territory that is now or may hereafter be included in that area in the State of Michigan set aside and dedicated for park purposes by the United States as the Isle Royale National Park are hereby accepted and sole and exclusive jurisdiction is hereby assumed by the United States over such lands, saving, however, to the State of Michigan the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State outside of said park; and saving further to said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing in said park now, or hereafter, the right to vote at all elections held within the county in which they reside. All fugitives from justice taking refuge in said park shall be subject to the same laws as refugees from justice found in the State of Michigan. (Mar. 6, 1942, ch. 150, § 1, 56 Stat. 133.)

NOTICE TO MICHIGAN OF SECTIONS 408i–408q

Section 10 of act Mar. 6, 1942, cited to text, which act affected sections 408i–408q of this title, provided, "That the Secretary of the Interior shall notify in writing the Governor of the State of Michigan of the passage and approval of this Act, and of the fact that the United States assumes police jurisdiction over said park as specified in said act of the State of Michigan."

REFERENCES IN TEXT

The Michigan act referred to in this section constitutes Mich. Laws 1939, Act No. 8

§ 408j. Judicial district; jurisdiction of offenses.

Said park shall constitute a part of the United States judicial district for the western district of Michigan, and the district court of the United States in and for said district shall have jurisdiction over all offenses committed within the boundaries of the said park. (Mar. 6, 1942, ch. 150, § 2, 56 Stat. 133.)

§ 408k. Hunting and fishing; general rules and regulations; protection of property; violation of statutes or rules; penalties.

All hunting or the killing, wounding, or capturing at any time of any wild bird or animal, except dangerous animals when it is necessary to prevent them from destroying human lives or inflicting personal injury, is prohibited within the limits of said park, nor shall any fish be taken out of any of the waters of the said park, except at such seasons and at such times and in such manner as may be directed by the Secretary of the Interior. The Secretary of the Interior shall make and publish such general rules and regulations as he may deem necessary and proper for the management and care of the park and for the protection of the property therein, especially for the preservation from injury or spoliation of all timber, mineral deposits, natural curiosities, or wonderful objects within said park, and for the protection of the animals and birds in the park from capture or destruction, and to prevent their being frightened or driven from the said park; and he shall make rules and regulations governing the taking of fish from the waters in the said park. Possession within said park of the dead bodies or any part thereof of any wild bird or animal shall be prima facie evidence that the person or persons having the same are guilty of violating sections 408i–408q of this title. Any person or persons, stage or express company, railway or other transportation company, who knows or has reason to believe that such wild birds, fish, or animals were taken or killed contrary to the provisions of sections 408i–408q of this title or the rules and regulations promulgated by the Secretary of the Interior, and who receives for transportation the dead bodies or any part thereof of the wild birds, fish, or animals so taken or killed, or who shall violate any of the other provisions of sections 408i–408q of this title, or the rules and regulations, with reference to the management and care of the said park, or for the protection of the property therein for the preservation from injury or spoliation of timber, mineral deposits, natural curiosities, or wonderful objects within said park, or for the protection of the animals, birds, and fish in said park, or who shall within said park commit any damage, injury, or spoliation to or upon any building, fence, sign, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than $500 or imprisonment not exceeding six months, or both, and be adjudged to pay all the costs of the proceedings. (Mar. 6, 1942, ch. 150, § 3, 56 Stat. 133.)

§ 408l. Same; forfeiture of property used in hunting, fishing, etc.

All guns, traps, nets, seines, fishing tackle, teams, horses, or means of transportation of every nature or description used by any person or persons within the limits of said park when engaged in killing, trapping, ensnaring, taking, or capturing such wild birds, fish, or animals contrary to the provisions of sections 408i–408q of this title or the rules and regulations promulgated by the Secretary of the Interior, shall be forfeited to the United States and may be seized by the officers in said park and held pending prosecution of any person or persons arrested under the charge of violating the provisions of sections 408i–408q of this title, and upon conviction under sections 408i–408q of this title of such person or persons using said guns, traps, nets, seines, fishing tackle, teams, horses, or other means of transportation, such forfeiture shall be adjudicated as a penalty in addition to the other punishment prescribed in sections 408i–408q of this title. Such forfeited property shall be disposed of and accounted for by and under the authority of the Secretary of the Interior: *Provided*, That the forfeiture of teams, horses, or other means of transportation shall be in the discretion of the court. (Mar. 6, 1942, ch. 150, § 4, 56 Stat. 134.)

§ 408m. Park commissioner; appointment; jurisdiction over violations; practice and procedure; review.

Upon the recommendation and approval of the Secretary of the Interior of a qualified candidate the United States District Court for the Western District of Michigan shall appoint a commissioner, who shall have jurisdiction to hear and act upon all complaints made of any violations of law or of the rules and regulations made by the Secretary of the Interior for the government of the park and for the protection of the animals, birds, and fish, and objects of interest therein, and for other purposes, authorized by sections 408i–408q of this title. Such commissioner shall have power, upon sworn information, to issue process in the name of the United States for the arrest of any person charged with a violation of the rules and regulations, or with a violation of any of the provisions of sections 408i–408q of this title prescribed for the government of said park and for the protection of the animals, birds, and fish in said park, and to try the person so charged, and, if found guilty, to impose punishment and to adjudge the forfeiture prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States District Court for the Western District of Michigan; and the United States district court in the aforementioned district shall prescribe the rules of procedure and practice for said commissioner in the trial of cases and for appeal to the said United States district court. (Mar. 6, 1942, ch. 150, § 5, 56 Stat. 134.)

§ 408n. Same; jurisdiction over crimes not covered by section 408k; bail.

The park commissioner provided for in sections 408i–408q of this title shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission within said

park of any criminal offense not covered by the provisions of section 408k of this title, to hear the evidence introduced, and, if he is of the opinion that probable cause is shown for holding the person so charged for trial, shall commit such person for further appropriate action, and certify a transcript of the record of his proceedings and the testimony in such case to the district court, which court shall have jurisdiction of the case: *Provided,* That the said commissioner may grant bail in all cases according to the laws of the United States. (Mar. 6, 1942, ch. 150, § 6, 56 Stat. 135.)

§ 408o. Same; salary.

The park commissioner provided for in sections 408i–408q of this title shall be paid an annual salary, as appropriated for by Congress. (Mar. 6, 1942, ch. 150, § 7, 56 Stat. 135.)

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

§ 408p. Fees, costs, and expenses; certification, approval, and payment.

All fees, costs, and expenses arising in cases under sections 408i–408q of this title and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. (Mar. 6, 1942, ch. 150, § 8, 56 Stat. 135.)

§ 408q. Same; disposition of fees, fines, costs, and expenses.

All fees, fines, and costs and expenses imposed and collected shall be deposited by the commissioner, or by the marshal of the United States collecting the same, with the clerk of the United States District Court for the Western District of Michigan. (Mar. 6, 1942, ch. 150, § 9, 56 Stat. 135.)

EVERGLADES NATIONAL PARK

§ 410d. Same; acceptance and protection of property pending establishment of park; publication of establishment order.

(a) For the purpose of protecting the scenery, the wildlife, and other natural features of the region authorized to be established as the Everglades National Park by sections 410–410c of this title, notwithstanding any provision contained in said sections, the Secretary of the Interior is authorized in his discretion to accept on behalf of the United States any land, submerged land, or interests therein, subject to such reservations of oil, gas, or mineral rights as the Secretary may approve, within the area of approximately two thousand square miles recommended by said Secretary in his report to the Congress of December 3, 1930, pursuant to the Act of March 1, 1929 (45 Stat. 1443): *Provided,* That no general development of the property accepted pursuant to this section shall be undertaken nor shall the park be established until title satisfactory to the Secretary to a major portion of the lands, to be selected by him, within the aforesaid recommended area shall have been vested in the United States: *Provided further,* That until the property acquired by the United States pursuant to this section has been cleared of the aforesaid reservations, the Secretary in his discretion shall furnish such protection thereover as may be necessary for the accomplishment of the purposes of this section: *And provided further,* That in the event the park is not established within ten years from December 6, 1944, or upon the abandonment of the park at any time after its establishment, title to any lands accepted pursuant to the provisions of this section shall thereupon automatically revest in the State of Florida or other grantors of such property to the United States.

(b) Upon the execution of the aforesaid provisions relating to establishment thereof, the Everglades National Park shall be established by order of the Secretary which shall be published in the Federal Register. (Dec. 6, 1944, ch. 508, 58 Stat. 794.)

THE NATIONAL MILITARY PARKS

§ 422a–1. Same; acceptance of property.

The Secretary of the Interior is hereby authorized, in his discretion, to accept in behalf of the United States donations of lands, buildings, structures, and other property, or interests therein, which he may determine to be of historical interest in connection with the Moores Creek National Military Park, the title to such property or interests to be satisfactory to the Secretary of the Interior: *Provided,* That the area to be accepted pursuant to this section shall not exceed one hundred acres. All such property and interests, upon acquisition by the Federal Government, shall be a part of the Moores Creek National Military Park and shall be subject to all laws and regulations applicable thereto. (Sept. 27, 1944, ch. 417, 58 Stat. 746.)

§ 423. Petersburg National Military Park; establishment.

TRANSFER OF PORTION OF LANDS TO SECRETARY OF WAR

Act June 5, 1942, ch. 345, 56 Stat. 322, provided: "That the Secretary of the Interior shall transfer to the Secretary of War jurisdiction over all lands owned by the United States lying south and east of the Hickory Hill Road within the Petersburg National Military Park in the Commonwealth of Virginia. Upon the date of the transfer, the lands shall cease to be a part of the Petersburg National Military Park and the Secretary of War shall thereafter administer the lands for military purposes."

§ 424a–1. Same; acceptance of donations of lands and other property on Signal Mountain.

The Secretary of the Interior, in his discretion, is hereby authorized to accept, on behalf of the United States, donations of lands, buildings, structures, and other property, or interests therein, on Signal Mountain near Chattanooga, Tennessee, for addition to the Chickamauga-Chattanooga National Military Park, the title to such property or interests to be satisfactory to him. Upon acquisition, such lands shall be a part of the Chickamauga-Chattanooga National Military Park and shall be subject to all laws and regulations applicable thereto. (Mar. 5, 1942, ch. 148, § 1, 56 Stat. 133.)

§ 424a–2. Same; conveyance of portion of Park to Georgia.

The Secretary of the Interior, in his discretion, is hereby authorized to convey, without consideration but under such terms and conditions as he may deem advisable, to the State of Georgia all of lot 78 and approximately one hundred and fifty acres of lot 114, Eleventh District, fourth section, of Dade County, Georgia, now a part of the Chickamauga-Chattanooga National Military Park (Mar. 5, 1942, ch. 148, § 2, 56 Stat 133.)

§ 430i. Guilford Courthouse National Military Park.

ABOLISHMENT OF COMMISSION

Act Oct 9, 1942, ch 583, 56 Stat 778, provided: "That the Guilford Courthouse National Military Park Commission, established pursuant to the Act of March 2, 1917 (39 Stat 996; 16 U S C 430i), is abolished effective at the expiration, on October 13, 1941, of the current appointment of the resident commissioner"

NATIONAL AND INTERNATIONAL MONUMENTS AND MEMORIALS (New)

§§ 450f 450k. Repealed. Dec. 21, 1941, ch. 634, § 1, 58 Stat. 852.

UNEXPENDED FUNDS

Section 2 of act Dec. 21, 1944, ch 634, 58 Stat 853, provided that all unexpended balances of amounts appropriated were to be covered into the surplus fund of the Treasury.

§ 450y. Coronado International Memorial; establishment.

For the purpose of permanently commemorating the explorations of Francisco Vásquez de Coronado, the President of the United States is authorized to declare, by proclamation, any lands within the following-described area, subject to all valid existing rights, to be established as the "Coronado International Memorial":

Gila and Salt River meridian: Township 24 south, range 20 east, section 10, south half southwest quarter, south half southeast quarter; section 11, south half southwest quarter; section 13, southwest quarter northwest quarter, south half; section 14, northwest quarter, south half, northwest quarter northeast quarter, south half northeast quarter; section 15, all; section 22, all; section 23, all; section 24, all; township 24 south, range 21 east, section 17, south half southwest quarter; section 18, southwest quarter, south half southeast quarter; section 19, all; section 20, lots 3 and 4; aggregating approximately two thousand eight hundred and eighty acres: *Provided*, That said proclamation shall not be issued until the President of the United States shall have been advised through official channels that the Government of Mexico has established, or provided for the establishment of, an area of similar type and size adjoining the area described herein. (Aug. 18, 1941, ch. 365, § 1, 55 Stat 630.)

CROSS REFERENCES

Coronado National Forest, see section 482h of this title

§ 450y–1. Same; administration by National Park Service.

The National Park Service, under the direction of the Secretary of the Interior, shall promote and regulate the use of the Coronado International Memorial for the benefit and enjoyment of the people of the United States. Insofar as applicable and not in conflict with sections 450y to 450y–4 of this title, and sections 1, 2–4, 22, 43 of this title, providing for the establishment of a National Park Service, as amended and supplemented, shall govern the promotion and regulation of the designated memorial area: *Provided*, That nothing in sections 450y to 450y–4 of this title shall be construed to authorize any recreational or other development by the National Park Service within the sixty-foot strip north of the international boundary between the United States and Mexico withdrawn by proclamation of the President dated May 27, 1907 (35 Stat., part II, p. 2136), unless such development has received the prior approval of the Secretary of State. (Aug. 18, 1941, ch. 365, § 2, 55 Stat. 630.)

§ 450y–2. Same; grazing and mining within memorial area.

The Secretary of the Interior, under such regulations as shall be prescribed by him, which regulations shall be substantially similar to those now in effect, shall permit—

(a) Grazing of livestock within the memorial area to the extent now permitted within the said area when such grazing will not interfere with recreational development authorized by sections 450y to 450y–4 of this title; and

(b) Prospecting and mining within the memorial area, when not inconsistent with the public uses thereof. Rights to minerals in the area shall not extend to the lands containing such minerals, but the Secretary of the Interior shall grant rights to use so much of the surface of the lands as may be required for all purposes reasonably incident to the mining and removal of the minerals. (Aug. 18, 1941, ch. 365, § 3, 55 Stat. 631.)

§ 450y–3. Same; construction of fences.

In the administration of the memorial area the Secretary shall not permit the construction of fences except (a) along the international boundary, (b) beside memorial roads or approach roads, and (c) around memorial areas within which improvements have been located by the National Park Service: *Provided*, That any roads constructed within the memorial area by the National Park Service shall include necessary cattle underpasses properly located for the passage of cattle across such roads: *And provided further*, That the right to the exclusive beneficial consumptive use for stock-watering purposes of any water heretofore developed or used for such purposes within the memorial area shall remain in the present holders thereof, their heirs, assigns, successors, and administrators, so long as such water continues to be used exclusively for such purposes: *And provided further*, That nothing in sections 450y to 450y–4 of this title shall be construed to alter or affect any water right in the State of Arizona or the jurisdiction of said State over its waters: *And provided further*, That neither roads nor public campgrounds shall be constructed by the National Park Service within the south half southwest quarter of said section 10. (Aug. 18, 1941, ch. 365, § 4, 55 Stat. 631.)

§ 450y–4. Same; acquisition of property; donations.

Upon submission of title satisfactory to him, the Secretary of the Interior, on behalf of the United States, may accept lands and interests in lands which are within the memorial area but are not in Federal ownership and which are offered to the United States without cost. (Aug. 18, 1941, ch. 365, § 5, 55 Stat. 631.)

§ 450z. Organ Pipe Cactus National Monument; disposal of minerals and mining rights.

Within the Organ Pipe Cactus National Monument in Arizona all mineral deposits of the classes and kinds now subject to location, entry, and patent under the mining laws of the United States shall be, exclusive of the land containing them, subject to disposal under such laws, with right of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior. (Oct. 27, 1941, ch. 459, 55 Stat. 745.)

§ 450aa. George Washington Carver National Monument; acquisition of land.

The Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, by gift or purchase, the site of the birthplace of George Washington Carver, distinguished Negro scientist, located near Diamond, Missouri, together with such additional land or interests in land and any improvements thereon as the Secretary may deem necessary to carry out the purposes of sections 450aa to 450aa–2 of this title. In the event the Secretary is unable to acquire such property, or any part thereof, at a reasonable price, he is authorized and directed to condemn such property, or any part thereof, in the manner provided by law. (July 14, 1943, ch. 238, § 1, 57 Stat. 563.)

APPROPRIATION

Section 4 of act July 14, 1943, ch 238, 57 Stat 564, provided "There are authorized to be appropriated such sums not to exceed $30,000 as may be necessary to carry out the provisions of this Act."

§ 450aa–1. Same; establishment and supervision.

The property acquired under the provisions of section 450aa of this title shall constitute the George Washington Carver National Monument and shall be a public national memorial to George Washington Carver. The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of such national monument, and shall maintain and preserve it in a suitable and enduring manner which, in his judgment, will provide for the benefit and enjoyment of the people of the United States. (July 14, 1943, ch. 238, § 2, 57 Stat. 563.)

§ 450aa–2. Same; maintenance of museum; construction of roads and use of markers.

The Secretary of Interior is authorized to—

(1) Maintain, either in an existing structure acquired under the provisions of section 450aa of this title or in a building constructed by him for the purpose, a museum for relics and records pertaining to George Washington Carver, and for other articles of national and patriotic interest, and to accept, on behalf of the United States, for installation in such museum, articles which may be offered as additions to the museum; and

(2) Construct roads and mark with monuments, tablets, or otherwise, points of interest within the boundaries of the George Washington Carver National Monument. (July 14, 1943, ch. 238, § 3, 57 Stat. 564.)

§ 450bb. Harpers Ferry National Monument; establishment; acceptance of donations of land, etc.

The Secretary of the Interior is authorized to accept donations of land, interest in land, buildings, structures, and other property in the vicinity of Harpers Ferry, West Virginia, not to exceed one thousand five hundred acres, as the Secretary of the Interior may deem necessary to carry out the purposes of sections 450bb to 450bb–2 of this title, and donations of funds for the purchase and maintenance thereof, the evidence of title to such lands to be satisfactory to the Secretary of the Interior. Any Federal land within the area designated by the Secretary of the Interior as necessary for monument purposes shall be transferred to the administration of the Department of the Interior and when so transferred shall become a part of the monument: *Provided*, That the Federal department or agency having administration over such land shall agree in advance to such transfer. (June 30, 1944, ch. 328, § 1, 58 Stat. 645.

APPROPRIATION

Section 4 of act June 30, 1944, cited to text, provided: "There are authorized to be appropriated such sums as may be necessary to carry out the improvements and maintenance on the lands and sites donated under the provisions of this Act [sections 450bb to 450bb–2 of this title] "

§ 450bb–1. Same; administration by National Park Service.

The property acquired under the provisions of section 450bb of this title shall constitute the Harpers Ferry National Monument and shall be a public national memorial commemorating historical events at or near Harpers Ferry. The Director of the National Park Service under the direction of the Secretary of the Interior, shall have the supervision, management, and control of such national monument, and shall maintain and preserve it for the benefit and enjoyment of the people of the United States, subject to the provisions of sections 1, 2–4, 22, and 43 of this title. (June 30, 1944, ch. 328, § 2, 58 Stat. 646.)

§ 450bb–2. Same; maintenance of museum; acceptance of museum articles; construction of roads, etc.

The Secretary of the Interior is authorized to—

(1) Maintain, either in an existing structure acquired under the provisions of section 450bb of this title or in a building constructed by him for the purpose, a museum for relics and records pertaining to historic events that took place at Harpers Ferry, and for other relics of national and patriotic in-

terest, and to accept on behalf of the United States, for installation in such museum, articles which may be offered as additions to the museum; and

(2) Construct roads and facilities and mark with monuments, tablets, or otherwise, points of interest within the boundaries of the Harpers Ferry National Monument. (June 30, 1944, ch. 328, § 3, 58 Stat. 646.)

RECREATIONAL DEMONSTRATION PROJECTS (NEW)

§ 459r. Disposition of recreational demonstration projects.

Except as provided in section 459s of this title, the Secretary of the Interior is authorized, with the approval of the President, to convey or lease to the States or to the political subdivisions thereof, without consideration, any or all of the recreational demonstration projects and lands, improvements, and equipment comprised within such projects transferred to him by Executive Order Numbered 7496, dated November 14, 1936, or any parts of such projects, when in his judgment such grantees or lessees are adequately prepared to administer, operate, and maintain such project areas for public park, recreational, and conservation purposes, or he may, with the approval of the President, transfer to other Federal agencies any of the aforesaid recreational demonstration areas that may be of use to such agencies. (June 6, 1942, ch. 380, § 1, 56 Stat. 326.)

EX ORD NO 7496. TRANSFER OF RECREATIONAL DEMONSTRATION PROJECTS

Ex Ord No 7496, Nov. 14, 1936, 1 F. R. 1946, provided:

By virtue of and pursuant to the authority vested in me by Title II of the National Industrial Recovery Act (48 Stat 200) (Title 15, §§ 701–712), the Emergency Relief Appropriation Act of 1935 (49 Stat. 115), and the Emergency Relief Appropriation Act of 1936 (Public, No 739, 74th Congress), (Title 15, ch. 16 note) I hereby order as follows:

1 There is transferred from the Resettlement Administration to the Secretary of the Interior (a) all the real and personal property or any interest therein, together with all contracts, options, rights and interests, books, papers, memoranda, records, etc., acquired by the Resettlement Administration in connection with the recreational demonstration projects set forth in the attached schedule with funds appropriated or made available to carry out the provisions of the National Industrial Recovery Act by the Fourth Deficiency Act, fiscal year 1933 (48 Stat. 274, 275), and by the Emergency Appropriation Act, fiscal year 1935 (48 Stat. 1055), and with funds appropriated by the Emergency Relief Appropriation Act of 1935 (49 Stat. 115), and by the Emergency Relief Appropriation Act of 1936 (Public No. 739, 74th Congress), (Title 15, ch. 16 note) and (b) all personnel, whether in the District of Columbia or elsewhere, now employed in connection with the acquisition of land for those recreational demonstration projects, together with all administration personnel records pertaining to the employees transferred, and to those employees engaged in development activities as of July 31, 1936, who were released by the Resettlement Administration on that date to permit the Department of the Interior to enter them on its rolls as of August 1.

2. There is transferred and allocated to the Secretary of the Interior all balances of appropriations heretofore made available to or allotted for expenditure by the Resettlement Administration both for acquiring land for the recreational demonstration projects set forth in the attached schedule and for developing those projects, under the said National Industrial Recovery Act, Fourth Deficiency Act, fiscal year 1933, Emergency Appropriation Act, fiscal year 1935, Emergency Relief Appropriation Act of 1935, and Emergency Relief Appropriation Act of 1936, to be used for the purposes for which such funds were made available or allotted to the Resettlement Administration. The Secretary of the Interior shall assume all outstanding obligations, commitments, and encumbrances heretofore incurred by the Resettlement Administration in connection with the said projects.

3. The Secretary of the Interior is authorized, through the National Park Service, to complete and administer the projects transferred to him by this Executive Order and to exercise with respect to any real or personal property or any interest therein, contracts, options, rights and interests, books, papers, memoranda, and records acquired in connection with such projects, all the powers and functions given to the Resettlement Administration in connection therewith by Executive Orders Nos. 7027 and 7028 of April 30, 1935, and April 30, 1935, respectively.

4 The Secretary of the Interior is authorized to prescribe such rules and regulations as may be necessary to carry out the administrative functions transferred and delegated to him by this Executive Order.

Schedule of Recreational Demonstration Projects

OP No	*RA No.*	*Name*
65-11-24	LD-ME-2	Camden Hills
56-143	LP-ME-2	Camden Hills
65-11-25	LD-ME-3	Acadia
56-144	LP ME-3	Acadia
65-25-340	LD MD-4	Catoctin
56-147	LP-MD-4	Catoctin
65-13-145	LD-NH-1	Bear Brook
56-183	LP-NH-1	Bear Brook
65-23-3466	LD PA-6	Racoon Creek
56-232	LP-PA 6	Racoon Creek
65-23-3467	LD-PA-7	French Creek
56-233	LP-PA-7	French Creek
65-23 3468	LD PA-8	Laurel Hill
56 234	LP PA-8	Laurel Hill
65-23-3469	LD-PA-11	Blue Knob
56-235	LP-PA-11	Blue Knob
65-23-3470	LD-PA-12	Hickory Run
56-236	LP-PA-12	Hickory Run
65-16-365	LD-RI 2	Beach Pond
56-238	LP-RI-2	Beach Pond
65-51-3019	LD-MI-4	Waterloo
56-152	LP-MI-4	Waterloo
65-51-3020	LD-MI-6	Yankee Springs
56-153	LP-MI-6	Yankee Springs
65-71-4637	LD-MN-7	St Croix
56-160	LP-MN-7	St. Croix
65-54-1683	LD-IL-5	Pere Marquette
56-126	LP-IL-5	Pere Marquette
65 52-2067	LD-IN-5	Versailles
56-129	LP-IN-5	Versailles
65 52-2068	LD-IN-6	Winemac
56-130	LP-IN-6	Winemac
65-55 2838	LD-MO-6	Lake of the Ozarks
56-167	LP-MO-6	Lake of the Ozarks
65-55-2839	LD-MO-7	Cuivre River
56-168	LP MO-7	Cuivre River
65-55-2840	LD-MO-8	Montserrat
56-169	LP-MO-8	Montserrat
65-43-1491	LD-KY-4	Otter Creek
56-136	LP KY-4	Otter Creek
65-32-1133	LD-NC 8	Crabtree Creek
56-203	LP-NC-8	Crabtree Creek
65-32-1134	LD-NC-11	Appalachian National Parkway (Blue Ridge Parkway)
56 204	LP-NC 11	Appalachian National Parkway (Blue Ridge Parkway)
65-44-1315	LD-TN-11	Montgomery Bell
56 266	LP-TN-11	Montgomery Bell
65-44-1316	LD-TN-12	Shelby Forest Park
56-267	LP TN-12	Shelby Forest Park
65-44-1317	LD-TN 13	Falls Creek Falls
56-268	LP-TN-13	Falls Creek Falls

Schedule of Recreational Demonstration Projects—Con.

OP No.	*RA No.*	*Name*
65-31-1155	LD-VA-5	Swift Creek
56 277	LP-VA-5	Swift Creek
65-31-1156	LD-VA-6	Chopawamsic
56-278	LP-VA-6	Chopawamsic
65-31-1158	LD-VA-7	Shenandoah National Park
56-279	LP-VA-7	Shenandoah National Park
65-31-1516	LD-VA-8	Appalachian National Park
56-280	LP-VA-8	Appalachian National Park
65-31 1157	LD-VA-9	Bull Run
56-281	LP-VA-9	Bull Run
65-31-1159	LD-VA-13	Waysides
56-282	LP-VA-13	Waysides
65-61-1184	LD-AL-11	Oak Mountain
56-96	LP-AL-11	Oak Mountain
65-34-3167	LD-GA-9	Hard Labor Creek
56-120	LP-GA-9	Hard Labor Creek
65-34-3168	LD-GA-11	Alex Stephens Memorial
56-121	LP-GA-11	Alex Stephens Memorial
65-34-3169	LD-GA-12	Pine Mountain
56-122	LP-GA-12	Pine Mountain
65-33-1838	LD-SC-7	Cheraw
56-243	LP-SC 7	Cheraw
65 33-1839	LD-SC-8	Kings Mountain
56-244	LP-SC-8	Kings Mountain
65-33 1840	LD-SC-12	Waysides
56-245	LP SC-12	Waysides
65 73 221	LD-ND-12	Roosevelt Park
56 216	LP-ND-12	Roosevelt Park
65-74-1475	LD-SD-14	Badlands
56-259	LP SD-14	Badlands
65-74-1476	LD-SD-15	Custer Park
56-260	LP-SD-15	Custer Park
65-65 695	LD-OK 9	Lake Murray
56 225	LP-OK-9	Lake Murray
65 03-1801	LD-CF 5	Mendocino Woodlands
56-104	LP-CF-5	Mendocino Woodlands
65 83 245	LD-WY-2	Lake Guernsey
56 297	LP-WY 2	Lake Guernsey
65-94 677	LD-OR 4	Silver Creek
56-299	LP-OR-4	Silver Creek
65-85-932	LD-NM-14	White Sands
56-197	LP-NM-14	White Sands

§ 459s. Lands for certain projects added to certain projects.

From and after June 6, 1942, the lands acquired for the Acadia, French Creek, Shenandoah, and White Sands recreational demonstration projects shall be added to and become a part of Acadia National Park, Hopewell Village National Historic Site, Shenandoah National Park, and White Sands National Monument, in the order named above, subject to all laws, rules, and regulations applicable to the respective areas to which such recreational demonstration projects are added: *Provided*, That within six months after June 6, 1942, the Secretary of the Interior shall file with The National Archives a map of each recreational demonstration project enumerated in this section. (June 6, 1942, ch. 380, § 2, 56 Stat. 327.)

§ 459t. Secretary of the Interior authorized to execute deeds and leases for project lands; inclusion of conditional covenants.

The Secretary of the Interior is authorized to execute on behalf of the United States all necessary deeds and leases to effect the purposes of sections 459r–459t. Every such deed or lease shall contain the express condition that the grantee or lessee shall use the property exclusively for public park, recreational, and conservation purposes, and the further express condition that the United States assumes no obligation for the maintenance or operation of the property after the acceptance of such deed or during the term of such lease, and may contain such other conditions not inconsistent with such express conditions as may be agreed upon by the Secretary and the grantee or lessee: *Provided*, That the title and right to possession of any lands so conveyed or leased, together with the improvements thereon, shall revert to the United States upon a finding by the Secretary, after notice to such grantee or lessee and after an opportunity for a hearing, that the grantee or lessee has not complied with such conditions during a period of more than three years, which finding shall be final and conclusive, and such lands and improvements thereon, upon such reversion to the United States, shall be returned to the jurisdiction of the Department of the Interior and upon determination of the Secretary may be considered as surplus real property to be disposed of in accordance with sections 304a, 304b–304e of Title 40. (June 6, 1942, ch. 380, § 3, 56 Stat. 327.)

RESERVOIR PUBLIC PARKS AND RECREATIONAL FACILITIES (NEW)

§ 460d. Construction and operation of public parks and recreational facilities in reservoir areas; lease of lands; preference for use; water areas for public use; limitations; disposition of receipts.

The Chief of Engineers, under the supervision of the Secretary of War, is authorized to construct, maintain, and operate public park and recreational facilities in reservoir areas under the control of the War Department, and to permit the construction, maintenance, and operation of such facilities. The Secretary of War is authorized to grant leases of lands, including structure or facilities thereon, in reservoir areas for such periods and upon such terms as he may deem reasonable: *Provided*, That preference shall be given to Federal, State, or local governmental agencies, and licenses may be granted without monetary consideration, to such agencies for the use of areas suitable for public park and recreational purposes, when the Secretary of War determines such action to be in the public interest. The water areas of all such reservoirs shall be open to public use generally, without charge, for boating, swimming, bathing, fishing, and other recreational purposes, and ready access to and exit from such water areas along the shores of such reservoirs shall be maintained for general public use, when such use is determined by the Secretary of War not to be contrary to the public interest, all under such rules and regulations as the Secretary of War may deem necessary. No use of any area to which this section applies shall be permitted which is inconsistent with the laws for the protection of fish and game of the State in which such area is situated. All moneys received for leases or privileges shall be deposited in the Treasury of the United States as miscellaneous receipts. (Dec. 22, 1944, ch. 665, § 4, 58 Stat. 889.)

Chapter 2.—THE NATIONAL FORESTS

ESTABLISHMENT AND ADMINISTRATION

Sec.
471e. Same; extension of boundaries of Sequoia National Forest (New).
482i. Plumas National Forest; offer of lands; additions; mining rights (New).
526. Establishment and protection of water rights (New).
527. Use of Forest Service funds for administration of certain lands (New).

ESTABLISHMENT AND ADMINISTRATION

§ 471e. Same; extension of boundaries of Sequoia National Forest.

Subject to existing valid claims, the boundaries of the Sequoia National Forest, California, be, and they are hereby, extended to include the following described lands, which shall hereafter be subject to the laws, rules, and regulations relating to said national forest:

Southwest quarter southwest quarter section 7; section 16 and section 17; east half northeast quarter, southwest quarter northeast quarter, southeast quarter northwest quarter, east half southeast quarter section 18; east half northwest quarter, northwest quarter northwest quarter, northeast quarter section 20; northwest quarter northwest quarter section 21; and tract numbered 48 in the southeast quarter section 28, all in township 21 south, range 31 east, of the Mount Diablo meridian in California. (Dec. 9, 1942, ch. 712, 56 Stat. 1044.)

§ 482h. Coronado National Forest; mining rights.

CROSS REFERENCES

Coronado International Memorial, see section 450y et seq of this title

§ 482i. Plumas National Forest; offer of lands; additions; mining rights.

Within the following-described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of sections 485 and 486 of this title, upon notice as therein provided and upon acceptance of title, shall become parts of the Plumas National Forest; and any of such described areas in Government ownership found by the Secretaries of Agriculture and the Interior to be chiefly valuable for national-forest purposes and not now parts of any national forest may be added to said national forest as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: *Provided,* That any lands received in exchange under the provisions of this section shall be open to mineral locations, mineral development, and patent in accordance with the mining laws of the United States:

Township 18 north, range 7 east, Mount Diablo base and meridian, California: Sections 3, 4, 5, 9, 10, 11, 12, 13, 15, 22, 23, 26, and 27. (June 5, 1942, ch. 334, 56 Stat. 311.)

§ 485. Exchange of lands in national forests; reservations of timber, minerals, or easements.

COLORADO LANDS

Act Dec. 23, 1944, ch 722, 58 Stat. 924, authorized the extension of sections 485 and 486 of this title to include certain lands adjacent to Pike National Forest lying in Colorado, and provided that they should be subject to applicable rules and regulations of said national forest.

MINNESOTA LANDS

Act Dec. 7, 1942, ch 691 56 Stat 1042 authorized the exchange of certain lands owned by Minnesota contiguous to or situated within the exterior boundaries of any National park, National forest, land-use project, or any Federal reservation, and required lands so acquired should become a part of the National park, National forest, land-use project, or other Federal reservation to which they were contiguous or within the exterior boundaries of which they were located, and that they should be subject to the rules and regulations applicable thereto

§ 500. Payment and evaluation of receipts to State for schools and roads.

Twenty-five per centum of all moneys received during any fiscal year from each national forest shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided,* That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein: *Provided further,* That there shall not be paid to any State for any county an amount equal to more than 40 per centum of the total income of such county from all other sources. In sales of logs, ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this section shall be based upon the stumpage value of the timber. (As amended Sept. 21, 1944, ch. 412, title II, § 212, 58 Stat. 737.)

AMENDMENTS

1944—Act Sept 21, 1944, cited to text, amended section by adding last sentence.

CODIFICATION

This section was amended by the Department of Agriculture Organic Act of 1944

SIMILAR PROVISIONS

Provisions similar to this section were contained in Department of Agriculture Appropriation Acts for the following years:

1945—June 28, 1944, ch. 296, § 1, 58 Stat 444
1944—July 12, 1943, ch. 215, § 1, 57 Stat 412
1943—July 22, 1942, ch 516, § 1, 56 Stat. 680
1942—July 1, 1941, ch. 267, § 1, 55 Stat 423

§ 501. Expenditures from receipts for roads and trails; cooperation with State authorities; evaluation of receipts.

Ten per centum of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part. In sales of logs,

ties, poles, posts, cordwood, pulpwood, and other forest products the amounts made available for schools and roads by this section shall be based upon the stumpage value of the timber. (As amended Sept. 21, 1944, ch. 412, title II, § 212, 58 Stat. 737.)

AMENDMENTS

1944—Act Sept. 21, 1944, cited to text, amended section by adding last sentence.

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1942—July 1, 1941, ch. 267, § 1, 55 Stat. 423

§ 501a. Evaluation of receipts for sections 500 and 501.

PRESENT PROVISIONS

Section omitted from Code as its provisions are now covered by sections 500 and 501 of this title.

§ 526. Establishment and protection of water rights.

There are hereby authorized to be appropriated for expenditure by the Forest Service such sums as may be necessary for the investigation and establishment of water rights, including the purchase thereof or of lands or interests in lands or rights-of-way for use and protection of water rights necessary or beneficial in connection with the administration and public use of the national forests. (Sept. 21, 1944, ch 412, title II, § 213, 58 Stat. 737.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

§ 527. Use of Forest Service funds for administration of certain lands.

The Forest Service may expend funds available for national forest protection and management for the administration of lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under sections 471, 499, 505, 521, 564–570 of this title, and lands transferred to the Forest Service for administration. (Sept. 21, 1944, ch. 412, title II, § 211, 58 Stat. 737.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

Chapter 3.—FORESTS; REFORESTATION; MANAGEMENT

Sec.
554b. Medical care for employees engaged in hazardous work (New).
554c Care of employees' graves (New).
559a Reward for information to arrest and conviction for violating laws and regulations (New).
571b. Same; maximum allowance for building improvements (New).
572a Deposits from timber purchasers to defray cost of scaling services (New)
578a. Rental of Forest Service equipment to non-Federal agencies (New).
579a. Operation of aerial fire control (New).
580. Use of Forest Service appropriations for repair, etc of equipment; rental of fire control equipment to non-Federal agencies (New).
580a Sale and distribution of supplies, equipment, and materials to other Government activities and to cooperating State and private agencies; reimbursement (New).

SUSTAINED-YIELD FOREST MANAGEMENT (New)

583. Establishment of sustained-yield units to stabilize forest industries, employment, communities and taxable wealth
583a. Cooperative agreements with private owners; privileges of private owners; recordation of agreements.
583b. Establishment of sustained-yield units to stabilize sale of timber and forest products.
583c Agreements between Secretaries of Agriculture and the Interior, or with other federal agencies having jurisdiction over forest land.
583d Notice; registered mail and publication; costs; contents; request for hearing; time; determination and record available for inspection.
583e. Remedies against private owners; jurisdiction; final orders; definition of owner.
583f. Definition of federally owned or administered forest land
583g Rules and regulations; delegation of powers and duties.
583h Prior acts as affecting or affected by this subchapter.
583i Appropriation.

§ 554b. Medical care for employees engaged in hazardous work.

Appropriations for the Forest Service shall be available for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service. (Sept. 21, 1944, ch. 412, title II, § 202, 58 Stat 736.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 554c. Care of employees' graves.

Appropriations for the Forest Service shall be available within such limitations as may be prescribed therein for the expenses of properly caring for the graves of persons who have lost their lives as a result of fighting fires while employed by the Forest Service. (Sept. 21, 1944, ch. 412, title II, § 206, 58 Stat. 736.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 559a. Reward for information leading to arrest and conviction for violating laws and regulations.

The Secretary of Agriculture may pay rewards from appropriations available for the protection and management of the national forests, under such regulations as he may prescribe, for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property. (Sept. 21, 1944, ch. 412, title II, § 201, 58 Stat. 736.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 565. Cooperation by Secretary of Agriculture with State officials in protection of timbered and forest-producing lands from fire; limitation on amount of expenditures by United States.

If the Secretary of Agriculture shall find that the system and practice of forest-fire prevention and suppression provided by any State substantially promotes the objects described in section 564 of this title, he is hereby authorized and directed, under such conditions as he may determine to be fair and equitable in each State, to cooperate with appropriate officials of each State, and through them with private and other agencies therein, in the protection of timbered and forest-producing lands from fire. In no case other than for preliminary investigation shall the amount expended by the Federal Government in any State during any fiscal year, under this section, exceed the amount expended by the State for the same purpose during the same fiscal year, including the expenditures of forest owners or operators which are required by State law or which are made in pursuance of the forest-protection system of the State under State supervision, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the State forester, the State director of extension, or similar State official having charge of the cooperative work for the State, that State and private expenditures as provided for in this section have been made. In the cooperation extended to the several States due consideration shall be given to the protection of watersheds of navigable streams, but such cooperation may, in the discretion of the Secretary of Agriculture, be extended to any timbered or forest-producing lands or watersheds from which water is secured for domestic use or irrigation within the cooperative States. *Provided,* That for each fiscal year during the existing emergency the Secretary of Agriculture may authorize expenditures not to exceed $1,000,000 from appropriations made pursuant to sections 471, 515, 564, 565, 566, 567, 568, 569, and 570 of this title for preventing and suppressing forest fires on critical areas of national importance without requiring an equal expenditure by the State and private owners. (As amended Sept 21, 1944, ch. 412, title II, § 207, 58 Stat. 736.)

AMENDMENTS

1944—Act Sept. 21, 1944, cited to text, amended section by adding proviso.

CODIFICATION

This section was amended by the Department of Agriculture Organic Act of 1944

§ 566. Expenditure by Secretary of Agriculture for study of effects of tax laws, and so forth, upon forest perpetuation, and so forth; appropriation.

The Secretary of Agriculture shall expend such portions of the appropriations authorized herein as he deems advisable to study the effects of tax laws, methods, and practices upon forest perpetuation, to cooperate with appropriate officials of the various States or other suitable agencies in such investigations and in devising tax laws designed to encourage the conservation and growing of timber, and to investigate and promote practical methods of insuring standing timber on growing forests from losses by fire There is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, not more than $9,000,000 to enable the Secretary of Agriculture to carry out the provisions of this section and sections 564 and 565 of this title: *Provided,* That the appropriation under this authorization shall not exceed $6,300,000 for the fiscal year ending June 30, 1945, $7,300,000 for the fiscal year ending June 30, 1946, and $8,300,000 for the fiscal year ending June 30, 1947. (As amended May 5, 1944, ch. 189, 58 Stat. 216.)

AMENDMENTS

1944—Act May 5, 1944, cited to text, amended section by adding proviso.

§ 567. Cooperation by Secretary of Agriculture with States in procuring, and so forth, forest-tree seeds and plants; limitation on expenditure; appropriation.

CONTRIBUTIONS BY STATES, ETC.

Section 208 of act Sept. 21, 1944, ch. 412, title II, 58 Stat 736 provided. "No part of any appropriation which is available for carrying out the Cooperative Farm Forestry Act (16 U S C 568b) and sections 4 and 5 of the Clarke-McNary Act (16 U. S. C 567, 568) shall be expended in any State or Territory unless the State or Territory, or local subdivision thereof, or individuals, or associations contribute a sum equal to that to be allotted therefrom by the Government or make contributions other than money deemed by the Secretary to be the value equivalent thereof "

APPROPRIATIONS AVAILABLE FOR 3 YEARS

Section 209 of act Sept 21, 1944, ch 412, title II, 58 Stat. 737 provided "Appropriations for carrying out the Cooperative Farm Forestry Act (16 U S. C 568b) and sections 4 and 5 of the Clarke-McNary Act (16 U S C 567-568) and Acts supplementary thereto allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years."

§ 568. Cooperation by Secretary of Agriculture with States in establishing, and so forth, wood lots, shelter belts, windbreaks, and so forth; limitation on expenditure; appropriation.

CROSS REFERENCES

Appropriations available for 3 years, see note set out under section 567 of this title.

Contributions by States, etc., see note set out under section 567 of this title.

§ 568b. Cooperation by Secretary of Agriculture in development of farm forestry in States and Territories.

CROSS REFERENCES

Appropriations available for 3 years, see note set out under section 567 of this title.

Contributions by States, etc., see note set out under section 567 of this title.

§ 571a. Same; maximum allowance on construction costs.

The cost of any building purchased, erected, or as improved, exclusive of the cost of constructing a water-supply or sanitary system and of connecting the same with any such building, and exclusive of the cost of any tower upon which a lookout house may be erected, shall not exceed $10,000, with the exception that any building erected, purchased, or acquired, the cost of which was $10,000 or more, may be improved out of the appropriations made under this Act for the Forest Service by an amount

not to exceed 2 per centum of the cost of such building as certified by the Secretary. (As amended July 1, 1941, ch. 267, § 1, 55 Stat. 421; July 22, 1942, ch. 516, § 1, 56 Stat. 679; July 12, 1943, ch. 215, § 1, 57 Stat. 411; June 28, 1944, ch. 296, § 1, 58 Stat. 442; May 5, 1945, ch. 109, § 1, 59 Stat. 149.)

REFERENCES IN TEXT

Words "this Act" refer to the Department of Agriculture Appropriation Act, 1945, act May 5, 1945, ch. 109, § 1, 59 Stat. 149

AMENDMENTS

1945—Act May 5, 1945, cited to text, amended section by increasing the cost limitation from $7,500 to $10,000

1943—Act July 12, 1943, cited to text, substituted "Secretary" for "Secretary of Agriculture".

§ 571b. Same; maximum allowance for building improvements.

Any building erected, purchased, or acquired, the cost of which was $10,000 or more, may be improved within any fiscal year by an amount not to exceed 2 per centum of the cost of such building as certified by the Secretary. (May 5, 1945, ch. 109, § 1, 59 Stat. 152.)

§ 572a. Deposits from timber purchasers to defray cost of scaling services.

The Forest Service may accept money from timber purchasers for deposit into the Treasury in the trust account, "Forest Service cooperative fund", which moneys are hereby made available for scaling services requested by purchasers in addition to those required by the Forest Service, and for refunds of amounts deposited in excess of the cost of such work. (Sept. 21, 1944, ch. 412, title II, § 210, 58 Stat. 737.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 578. Rental of Forest Service equipment to Federal agencies.

Catchline was changed to read as above.

§ 578a. Rental of Forest Service equipment to non-Federal agencies.

PRESENT PROVISIONS

Section, acts July 1, 1941, ch 267, § 1, 55 Stat. 422; July 22, 1942, ch. 516, § 1, 56 Stat 679; July 12, 1943, ch 215, § 1, 57 Stat 411; June 28, 1944, ch. 296, § 1, 58 Stat 443, was omitted as its provisions are now covered by section 580 of this title.

§ 579. Purchase of improvements in lieu of construction.

Where, in the opinion of the Secretary, direct purchases will be more economical than construction, improvements may be purchased. (As amended July 1, 1941, ch. 267, § 1, 55 Stat. 422; July 22, 1942, ch. 516, § 1, 56 Stat. 680; July 12, 1943, ch. 215, § 1, 57 Stat. 412; June 28, 1944, ch. 296, § 1, 58 Stat. 444; May 5, 1945, ch. 109, § 1, 59 Stat. 150.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, substituted "Secretary" for "Secretary of Agriculture".

§ 579a. Operation of aerial fire control.

The Forest Service may provide for the maintenance and operation of aerial fire control by contract or otherwise, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising. (Sept. 21, 1944, ch. 412, title II, § 205, 58 Stat. 736.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 580. Use of Forest Service appropriations for repair, etc. of equipment; rental of fire control equipment to non-Federal agencies.

Appropriations for the work of the Forest Service available for the operation, repair, maintenance, and replacement of motor and other equipment may be reimbursed for use of such equipment on projects of the Forest Service chargeable to other appropriations, or on work of other Federal agencies, when requested by such agencies, reimbursement to be made from appropriations applicable to the work on which used at rental rates fixed by the Chief Forester based on the actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control, and credited to appropriations currently available at the time adjustment is effected. The Forest Service may also rent equipment for fire-control purposes to State, county, private, or other non-Federal agencies cooperating with the Forest Service in fire control under the terms of written cooperative agreements, the amount collected for such rental to be credited to appropriations currently available at the time payment is received. (Sept. 21, 1944, ch. 412, title II, § 204, 58 Stat 736.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

SIMILAR PROVISIONS

Provisions similar to this were carried in Department of Agriculture Appropriation Acts for the following years:

1945—June 28, 1944, ch. 296, § 1, 58 Stat 443.

1944—July 12, 1943, ch. 215, § 1, 57 Stat. 411.

1943—July 22, 1942, ch. 516, § 1, 56 Stat. 679.

1942—July 1, 1941, ch 267, § 1, 55 Stat. 421.

§ 580a. Sale and distribution of supplies, equipment, and materials to other Government activities and to cooperating State and private agencies; reimbursement.

The Forest Service may sell and distribute supplies, equipment, and materials to other Government activities and to State and private agencies who cooperate with the Forest Service in fire control under terms of written cooperative agreements, the cost of such supplies, equipment, and materials, including the cost of supervision, transportation, warehousing, and handling, to be reimbursed to appropriations current at the time additional supplies, equipment, and materials are procured for warehouse stocks. (Sept. 21, 1944, ch. 412, title II, § 203, 58 Stat. 736.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944

SIMILAR PROVISIONS

Provisions similar to this were carried in the Department of Agriculture Appropriation Acts for the following years:

1945—June 28, 1944, ch. 296, § 1, 58 Stat. 443

1944—July 12, 1943, ch. 215, § 1, 57 Stat. 411.

1943—July 22, 1942, ch. 516, § 1, 56 Stat. 679.
1942—July 1, 1941, ch. 267, § 1, 55 Stat. 421.
1941—June 25, 1940, ch 421, § 1, 54 Stat. 546.
1940—June 30, 1939, ch. 253, § 1, 53 Stat. 955.
1939—June 16, 1938, ch. 464, § 1, 52 Stat. 726.
1938—June 29, 1937, ch 404, § 1, 50 Stat 411.
1937—June 4, 1936, ch. 489, title I, 49 Stat 1436.
1936—May 17, 1935, ch 131, title I, 49 Stat. 261.
1935—Mar. 26, 1934, ch. 89, title I, 48 Stat. 481.
1934—Mar. 3, 1933, ch 203, § 1, 47 Stat. 1447.
1933—July 7, 1932, ch. 443, § 1, 47 Stat. 625.

INVESTIGATIONS, EXPERIMENTS, AND TESTS AFFECTING REFORESTATION AND FOREST PRODUCTS

§ 581h. Present and prospective requirements for forest products; comprehensive survey; cooperation of Secretary of Agriculture with State and other agencies; appropriation.

The Secretary of Agriculture is hereby authorized and directed, under such plans as he may determine to be fair and equitable, to cooperate with appropriate officials of each State of the United States, and either through them or directly with private and other agencies, in making and keeping current a comprehensive survey of the present and prospective requirements for timber and other forest products in the United States, and of timber supplies, including a determination of the present and potential productivity of forest land therein, and of such other facts as may be necessary in the determination of ways and means to balance the timber budget of the United States. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed $750,000 annually to complete the initial survey authorized by this section: *Provided*, That the total appropriation of Federal funds under this section to complete the initial survey shall not exceed $6,500,000. There is additionally authorized to be appropriated not to exceed $250,000 annually to keep the survey current. (As amended May 31, 1944, ch. 217, 58 Stat. 265.)

AMENDMENTS

1944—Act May 31, 1944, cited to text, amended section generally by increasing annual appropriation from "$250,000" to "$750,000" and raising total appropriation from "$3,000,000" to "$6,500,000" to complete the initial survey, and by providing $250,000 annually to keep survey current.

SUSTAINED-YIELD FOREST MANAGEMENT (NEW)

§ 583. Establishment of sustained-yield units to stabilize forest industries, employment, communities and taxable wealth.

In order to promote the stability of forest industries, of employment, of communities, and of taxable forest wealth, through continuous supplies of timber; in order to provide for a continuous and ample supply of forest products; and in order to secure the benefits of forests in maintenance of water supply, regulation of stream flow, prevention of soil erosion, amelioration of climate, and preservation of wildlife, the Secretary of Agriculture and the Secretary of the Interior are severally authorized to establish by formal declaration, when in their respective judgments such action would be in the public interest, cooperative sustained-yield units which shall consist of federally owned or administered forest land under the jurisdiction of the Secretary establishing the unit and, in addition thereto, land which reasonably may be expected to be made the subject of one or more of the cooperative agreements with private landowners authorized by section 583a of this title (Mar. 29, 1944, ch. 146, § 1, 58 Stat. 132.)

§ 583a. Cooperative agreements with private owners; privileges of private owners; recordation of agreements.

The Secretary of Agriculture, with respect to forest land under his jurisdiction, and the Secretary of the Interior, with respect to forest land under his jurisdiction, are severally authorized, for the purposes specified in section 583 of this title, to enter into cooperative agreements with private owners of forest land within a cooperative sustained-yield unit, established pursuant to section 583 of this title, providing for the coordinated management of such private forest land and of federally owned or administered forest lands within the sustained-yield unit involved.

Each cooperative agreement may give the cooperating private landowner the privilege of purchasing without competitive bidding at prices not less than their appraised value, subject to periodic readjustments of stumpage rates and to such other conditions and requirements as the Secretary may prescribe, timber and other forest products from federally owned or administered forest land within the unit, in accordance with the provisions of sustained-yield management plans formulated or approved by the Secretary for the unit; shall limit the time, rate, and method of cutting or otherwise harvesting timber and other forest products from the land of the cooperating private landowner, due consideration being given to the character and condition of the timber, to the relation of the proposed cutting to the sustained-yield plan for the unit, and to the productive capacity of the land; shall prescribe the terms and conditions, but not the price, upon which the cooperating private landowner may sell to any person timber and other forest products from his land, compliance by the purchaser with such conditions to be required by the contract of sale; shall contain such provisions as the Secretary deems necessary to protect the reasonable interest of other owners of forest land within the unit; and shall contain such other provisions as the Secretary believes necessary to carry out the purposes of this subchapter.

Each cooperative agreement shall be placed on record in the county or counties in which the lands of the cooperating private landowner covered thereby are located, and the costs incident to such recordation may be paid out of any funds available for the protection or management of federally owned or administered forest land within the unit. When thus recorded, the agreement shall be binding upon the heirs, successors, and assigns of the owner of such land, and upon purchasers of timber or other forest products from such land, throughout the life

of such cooperative agreement. (Mar. 29, 1944, ch. 146, § 2, 58 Stat. 132.)

§ 583b. Establishment of sustained-yield units to stabilize sale of timber and forest products.

The Secretary of Agriculture and the Secretary of the Interior are further severally authorized, whenever in their respective judgments the maintenance of a stable community or communities is primarily dependent upon the sale of timber or other forest products from federally owned or administered forest land and such maintenance cannot effectively be secured by following the usual procedure in selling such timber or other forest products, to establish by formal declaration for the purpose of maintaining the stability of such community or communities a sustained-yield unit consisting of forest land under the jurisdiction of the Secretary establishing such unit, to determine and define the boundaries of the community or communities for whose benefit such unit is created, and to sell, subject to such conditions and requirements as the Secretary believes necessary, federally owned or administered timber and other forest products from such unit without competitive bidding at prices not less than their appraised values, to responsible purchasers within such community or communities. (Mar. 29, 1944, ch. 146, § 3, 58 Stat. 133.)

§ 583c. Agreements between Secretaries of Agriculture and the Interior, or with other Federal agencies having jurisdiction over forest land.

Each of the said Secretaries is further authorized in his discretion to enter into cooperative agreements with the other Secretary, or with any Federal agency having jurisdiction over federally owned or administered forest land, or with any State or local agency having jurisdiction over publicly owned or administered forest land, providing for the inclusion of such land in any coordinated plan of management otherwise authorized by the provisions of this subchapter when by such a cooperative agreement he may be aided in accomplishing the purposes of this subchapter; but no federally or publicly owned or administered forest land not under the jurisdiction of the Secretary establishing the sustained-yield unit concerned shall be included in any such plan except in pursuance of a cooperative agreement made under this section. (Mar. 29, 1944, ch. 146, § 4, 58 Stat. 133.)

§ 583d. Notice; registered mail and publication; costs; contents; request for hearing; time; determination and record available for inspection.

Before any sustained-yield unit authorized by section 583 or section 583b of this title shall be established, and before any cooperative agreement authorized by section 583a or section 583c of this title shall be entered into, advance notice thereof shall be given by registered mail to each landowner whose land is proposed to be included and by publication in one or more newspapers of general circulation in the vicinity of the place where the timber is located, and the costs incident to such publication may be paid out of any funds available for the protection or management of the federally owned or administered forest land involved. This notice shall state: (1) the location of the proposed unit; (2) the name of each proposed cooperator; (3) the duration of the proposed cooperative agreement or agreements; (4) the location and estimated quantity of timber on the land of each proposed cooperator and on the Federal land involved; (5) the expected rate of cutting of such timber; and (6) the time and place of a public hearing to be held not less than thirty days after the first publication of said notice for the presentation of the advantages and disadvantages of the proposed action to the community or communities affected.

Before any sale agreement made without competition and involving more than $500 in stumpage value of federally owned or administered timber shall be entered into under this subchapter, advance notice thereof shall be given by publication once weekly for four consecutive weeks in one or more newspapers of general circulation in the vicinity of the place where the timber is located, and the costs incident to such publication may be paid out of any funds available for the protection or management of federally owned or administered forest land within the unit concerned. This notice shall state: (1) the quantity and appraised value of the timber; (2) the time and place of a public hearing to be held not less than thirty days after the first publication of said notice if requested by the State or county where the timber is located or by any other person deemed to have a reasonable interest in the proposed sale or in its terms; and (3) the place where any request for a public hearing shall be made. Such requests need be considered only if received at the place designated in the notice not later than fifteen days after the first publication of such notice. If a request for a hearing is received within the time designated, notice of the holding of the hearing shall be given not less than ten days before the time set for such hearing, in the same manner as provided for the original notice.

The determination made by the Secretary having jurisdiction upon the proposals considered at any such hearing, which determination may include the modification of the terms of such proposals, together with the minutes or other record of the hearing, shall be available for public inspection during the life of any coordinated plan of management or agreement entered into in consequence of such determination. (Mar. 29, 1944, ch. 146, § 5, 58 Stat. 133.)

§ 583e. Remedies against private owners; jurisdiction; final orders; definition of owner.

In addition to any other remedy available under existing law, upon failure of any private owner of forest land which is subject to a cooperative agreement entered into pursuant to this subchapter to comply with the terms of such agreement, or upon failure of any purchaser of timber or other forest products from such land to comply with the terms and conditions required by such agreement to be included in the contract of sale, the Attorney General, at the request of the Secretary concerned, is authorized to institute against such owner or such purchaser a proceeding in equity in the proper dis-

trict court of the United States, to require compliance with the terms and conditions of said cooperative agreement; and jurisdiction is hereby conferred upon said district courts to hear and determine such proceedings, to order compliance with the terms and conditions of cooperative agreements entered into pursuant to this subchapter, and to make such temporary and final orders as shall be deemed just in the premises. As used in this section the term "owner" shall include the heirs, successors, and assigns of the landowner entering into the cooperative agreements. (Mar. 29, 1944, ch. 146, § 6, 58 Stat. 134.)

§ 583f. Definition of federally owned or administered forest land.

Whenever used in this subchapter, the term "federally owned or administered forest land" shall be construed to mean forest land in which, or in the natural resources of which, the United States has a legal or equitable interest of any character sufficient to entitle the United States to control the management or disposition of the timber or other forest products thereon, except land heretofore or hereafter reserved or withdrawn for purposes which are inconsistent with the exercise of the authority conferred by this subchapter; and shall include trust or restricted Indian land, whether tribal or allotted, except that such land shall not be included without the consent of the Indians concerned. (Mar. 29, 1944, ch. 146, § 7, 58 Stat. 134.)

§ 583g. Rules and regulations; delegation of powers and duties.

The Secretary of Agriculture and the Secretary of the Interior may severally prescribe such rules and regulations as may be appropriate to carry out the purposes of this subchapter. Each Secretary may delegate any of his powers and duties under this subchapter to other officers or employees of his Department. (Mar. 29, 1944, ch. 146, § 8, 58 Stat. 134.)

DELEGATION OF DUTIES

Title 36, ch. II, § 221.30, 9 F.R. 5442, May 20, 1944, provided as follows: "The Chief of the Forest Service is authorized with respect to forest lands administered by the Forest Service to exercise all of the powers and duties conferred on the Secretary of Agriculture by this subchapter, and to delegate to other officers and employees of the Forest Service such of these powers and duties as he may consider desirable in carrying out the purposes of said subchapter."

§ 583h. Prior acts as affecting or affected by this subchapter.

Nothing contained in this subchapter shall be construed to abrogate or curtail any authority conferred upon the Secretary of Agriculture or the Secretary of the Interior by any Act relating to management of federally owned or administered forest lands, and nothing contained in any such Acts shall be construed to limit or restrict any authority conferred upon the Secretary of Agriculture or the Secretary of the Interior by this subchapter. (Mar. 29, 1944, ch. 146, § 9, 58 Stat. 134.)

§ 583i. Appropriation.

Funds available for the protection or management of federally owned or administered forest land within the unit concerned may also be expended in carrying out the purposes of this subchapter, and there are hereby authorized to be appropriated such additional sums for the purposes of this subchapter as the Congress may from time to time deem necessary, but such additional sums shall not exceed $150,000 for the Department of Agriculture and $50,000 for the Department of the Interior, for any fiscal year. (Mar. 29, 1944, ch. 146, § 10, 58 Stat. 135.)

Chapter 3A.—UNEMPLOYMENT RELIEF THROUGH PERFORMANCE OF USEFUL PUBLIC WORK

CIVILIAN CONSERVATION CORPS

Sec.
584f–1. Annual expenditures per enrollee (New).

CIVILIAN CONSERVATION CORPS

Transfer of former Civilian Conservation Corps camps to the Administrator of Food Production and Distribution by section 1355 (e) of Appendix to Title 50, War.

CROSS REFERENCES

Use of Corps to protect war industries, utilities, and resources subject to forest fire hazards, see section 638 of Appendix to Title 50, War.

§ 584. Establishment of Corps; vocational and educational training; duration of subchapter.

SECTION CONTINUED FOR PURPOSES OF LIQUIDATION

Act July 12, 1943, ch. 221, title II, 57 Stat. 499, provided in part: "For the purposes hereof the provisions of the Act to establish the Civilian Conservation Corps and for other purposes approved June 28, 1937, as amended, shall continue in full force and effect to such extent as may be necessary to facilitate liquidation of such corps, and the Federal Security Administrator shall exercise the authority vested in the Director of such corps by such Act."

LIQUIDATION OF C. C. C.

Acts July 2, 1942, ch. 475, title II, 56 Stat. 569, and July 12, 1943, ch. 221, title II, 57 Stat. 499, appropriated funds to enable the Director of the Civilian Conservation Corps to provide for the liquidation of the Civilian Conservation Corps and the latter provided that "said liquidation shall be completed as quickly as possible but in any event not later than June 30, 1944."

Liquidation of all enrollees and overhead personnel was accomplished by August 15, 1942, pursuant to a directive of Director of C. C. C., except for a skeleton force which was retained to transfer supplies and material to Army, Navy, and Civil Aeronautics Authority.

§§ 584a–584f.

CONTINUATION OF SECTIONS

Sections continued for period of liquidation, see note under section 584 of this title.

§ 584f–1. Annual expenditures per enrollee.

The over-all expenditure per enrollee per year shall not exceed $1,000: *Provided*, That such limit of $1,000 may be exceeded if the average enrollee strength is below two hundred and ten thousand enrollees. (July 1, 1941, ch. 269, title I, § 1, 55 Stat. 473, as amended Aug. 25, 1941, ch. 409, title IV, § 1, 55 Stat. 683.)

AMENDMENTS

1941—Act Aug. 25, 1941, cited to text, added proviso.

CONTINUATION OF SECTION

Section continued for period of liquidation, see note under section 584 of this title.

§§ 584g–584*l*.

CONTINUATION OF SECTIONS

Sections continued for period of liquidation, see note under section 584 of this title.

§ 584m. Expenditures for subsistence, transportation, etc., of enrollees.

CONTINUATION OF SECTION

Section continued for period of liquidation, see note under section 584 of this title.

MEDICAL AND BURIAL EXPENSES

Acts July 3, 1945, ch. 263, title III, 59 Stat. 377; June 28, 1944, ch. 302, title III, 58 Stat. 567; July 12, 1943, ch. 221, title III, 57 Stat. 514, provided in part: "The Employees' Compensation Commission shall furnish medical and hospital services and treatment and burial expenses, including transportation and other expenses incidental to such services, treatment and burial, to such enrollees of the Civilian Conservation Corps who may be certified by the Director of such corps as receiving hospital services and treatment at Government expense on June 30, 1943, and who are not entitled thereto under the Act of September 7, 1916 (sections 751–790, and 793 of Title 5), as amended and extended, and the limitations and authority of the Act of September 7, 1916, as amended, shall apply in providing such services, treatment, and expenses."

§ 584n. Disposal of surplus property.

TRANSFER OF EQUIPMENT

Act Dec 23, 1941, ch 621, 55 Stat. 855, provided for the transfer during the fiscal years 1942 and 1943 of any motor or other equipment of the Civilian Conservation Corps to any department, etc. of the Government when directed by the Bureau of the Budget before July 1, 1943

Acts July 2, 1942, ch 475, title II, 56 Stat 569, and July 12, 1943, ch 221, title II, 57 Stat. 499, authorized the disposition during the fiscal years 1943 and 1944 of camp buildings and housekeeping and camp maintenance equipment no longer needed for Civilian Conservation Corps purposes

CONTINUATION OF SECTION

Section continued for period of liquidation, see note under section 584 of this title

§ 584n–1. Exchange of equipment.

The Director of the Civilian Conservation Corps may authorize the exchange of motor-propelled and horse-drawn vehicles, tractors, road equipment, and boats, and parts, accessories, tires, or equipment thereof, in whole or in part payment for vehicles, tractors, road equipment, or boats, or parts, accessories, tires, or equipment of such vehicles, tractors, road equipment, or boats which the corps has acquired. (As amended July 1, 1941, ch. 269, title II, 55 Stat. 473.)

AMENDMENTS

1941—Act July 1, 1941, cited to text, added words "of the Civilian Conservation Corps" after "Director" and substituted "acquired" for "purchased" at end of section

CONTINUATION OF SECTION

Section continued for period of liquidation, see note under section 584 of this title.

§§ 584o–584q.

CONTINUATION OF SECTIONS

Sections continued for period of liquidation, see note under section 584 of this title.

Chapter 3B.—SOIL CONSERVATION

Sec.

590e–1. Same; limitations on cost of construction, purchase, or improvement of buildings (New)
590i–2 Furnishing photographs, mosaics, and maps required in soil conservation operations of Department of the Interior (New).
590q–1. Sale and distribution of supplies, materials, and equipment to other Government agencies; reimbursement (New)

§ 590a. Prevention of soil erosion; surveys and investigations; preventive measures; cooperation with agencies and persons; acquisition of land.

TRANSFER OF FUNCTIONS

Soil Conservation Service consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of war, see Ex. Ord. No. 9069, set out in note under section 601 of Appendix to Title 50, War.

§ 590e. Soil Conservation Service; establishment; utilization and transfer of existing governmental agencies.

TRANSFER OF FUNCTIONS

Soil Conservation Service consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of war, see Ex Ord. No. 9069, set out in note under section 601 of Appendix to Title 50, War.

§ 590e–1. Same; limitations on cost of construction, purchase, or improvement of buildings.

The cost to the Soil Conservation Service of any building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same with any such building, shall not exceed $2,500 except where buildings are acquired in conjunction with land being purchased for other purposes and except for eight buildings to be constructed at a cost not to exceed $15,000 per building. (June 4, 1936, ch. 489, title I, 49 Stat. 1436; June 29, 1937, ch. 404, § 1, 50 Stat. 410; June 16, 1938, ch. 464, § 1, 52 Stat. 725; June 30, 1939, ch. 253, § 1, 53 Stat. 954; June 25, 1940, ch 421, § 1, 54 Stat. 545; July 1, 1941, ch. 267, § 1, 55 Stat. 421; July 22, 1942, ch. 516, § 1, 56 Stat. 679; July 12, 1943, ch. 215, § 1, 57 Stat. 411; June 28, 1944, ch. 296, § 1, 58 Stat. 451; May 5, 1945, ch. 109, § 1, 59 Stat. 156)

§ 590f. Appropriation authorized.

* * * * *

Appropriations for carrying out sections 590a–590e, 590f-590h, 590i, 590j–590q of this title allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years. (As amended Sept. 21, 1944, ch. 412, title III, § 302 (a), 58 Stat. 738.)

AMENDMENTS

1944—Act Sept. 21, 1944, cited to text, amended section by adding par beginning "Appropriations for carrying".

CODIFICATION

This section was amended by the Department of Agriculture Organic Act of 1944

§ 590g. Additional policies and purposes of chapter.

CROSS REFERENCES

Emergency farm acreage allotment, see note set out under sections 1334, 1344, and 1358 of Title 7, Agriculture.

§ 590h. Payments and grants of aid.

(a) Duration of authority of Secretary of Agriculture.

In order to carry out the purposes specified in section 590g (a) of this title during the period necessary to afford a reasonable opportunity for legislative action by a sufficient number of States to assure

the effectuation of such purposes by State action and in order to promote the more effective accomplishment of such purposes by State action thereafter, the Secretary shall exercise the powers conferred in this section during the period prior to January 1, 1947, except with respect to farming operations commenced in any State after the effective date of a State plan for such State approved pursuant to section 590g of this title. No such powers shall be exercised after December 31, 1946, except with respect to payments or grants in connection with farming operations carried out prior to January 1, 1947.

(b) Payments and grants of aid; local, county, state committees; rules and regulations.

* * * * *

Notwithstanding any other provision of law, in making available conservation materials consisting of seeds, seed inoculants, fertilizers, liming and other soil-conditioning materials, trees, or plants, or in making available soil-conserving or soil-building services, to agricultural producers under this subsection, the Secretary may make payments, in advance of determination of performance by the producers, to persons who fill purchase orders covering approved conservation materials or covering soil-conserving or soil-building services, furnished to producers at not to exceed a fair price fixed in accordance with regulations to be prescribed by the Secretary, or who render services to the Secretary in delivering to producers approved conservation materials, for the carrying out, by the producers, of soil-building or soil-conserving practices approved by the Secretary.

Appropriations are hereby authorized for the purchase in advance of the program year for which the appropriation is made of seeds, fertilizers, lime, trees, or any other farming materials or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary in programs under sections 590a–590e, 590f–590h, 590i, 590j–590q of this title; for the reimbursement of any Federal, State, or local government agency for fertilizers, seeds, lime, trees, or other farming materials, or any soil-terracing services, furnished by such agency; and for the payment of all expenses necessary in making such grants, including all or part of the costs incident to the delivery thereof.

(c) Apportionment of acreage allotments.

(1) * * * *

(2) In the case of wheat, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made. Notwithstanding any other provision of this section, the allotments established, or which would have been established, for any farm acquired in 1940 or thereafter by the United States for national-defense purposes shall be placed in an allotment pool and shall be used only to establish allotments for other farms owned or acquired by the owner of the farm so acquired by the United States. The allotments so made for any farm, including a farm on which wheat has not been planted during any of the three marketing years preceding the marketing year in which the allotment is made, shall compare with the allotments established for other farms in the same area which are similar except for the past acreage of wheat.

* * * * *

(e) Distribution of payments among landlords, tenants, and sharecroppers.

Payments made by the Secretary to farmers under subsection (b) shall be divided among the landlords, tenants, and sharecroppers of any farm, with respect to which such payments are made, in the same proportion that such landlords, tenants, and sharecroppers are entitled to share in the proceeds of the agricultural commodity with respect to which such payments are made, or, effective with respect to the 1942 and subsequent farm programs, in the event of acquisition of title to, or lease of, any farm for use in connection with the national war effort which caused the producers on such farms to lose, prior to the time of harvest, their interests in the crops plants thereon, or the proceeds thereof, payments with respect to such crops, to the extent that full compensation for the loss of payments with respect thereto in connection with such acquisition or lease was not made to such producers, shall be divided among the landlords, tenants, and sharecroppers on such farm in the proportion which it is determined that such producers would have been entitled to share in the proceeds of such crops but for such acquisition or lease: *Provided*, That payments based on soil-building or soil-conserving practices shall be divided in proportion to the extent which such landlords, tenants, and sharecroppers contribute to the carrying out of such practices. Such payments shall be paid by the Secretary directly to the landlords, tenants, or sharecroppers entitled thereto, and shall be computed at rates which will permit the Secretary to set aside out of the funds available for the making of such payments for each year an amount sufficient to permit the increases herein specified to be made within the limits of the funds so available. If with respect to any farm the total payment to any person for any year would be:

(1) Not more than $20, the payment shall be increased by 40 per centum;

(2) More than $20 but not more than $40, the payment shall be increased by $8, plus 20 per centum of the excess over $20;

(3) More than $40 but not more than $60, the payment shall be increased by $12, plus 10 per centum of the excess over $40;

(4) More than $60 but not more than $186, the payment shall be increased by $14; or

(5) More than $186 but less than $200, the payment shall be increased to $200.

In the case of payments of more than $1, the amount of the payment which shall be used to calculate the 40-, 20-, and 10-per-centum increases under clauses (1), (2), and (3) shall not include that part, if any, of the payment which is a fraction of a dollar.

Beginning with the calendar year 1939, no total payment for any year to any person under such subsection (b) shall exceed $10,000. In the case of payments made to any individual, partnership, or estate on account of performance on farms in different States, Territories, or possessions, the $10,000 limitation shall apply to the total of the payments for each State, Territory, or possession, for a year and not to the total of all such payments.

Persons who carry out farming operations as tenants or sharecroppers on cropland owned by the United States Government and who comply with the terms and conditions of the conservation program, formulated pursuant to sections 590g, 590h, 590i, 590j–590q of this title, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers. (As amended June 21, 1941, ch. 217, 55 Stat. 257; Dec. 26, 1941, ch 626, § 1, 55 Stat. 860; Feb. 6, 1942, ch. 44, § 4, 56 Stat. 53; Sept. 29, 1942, ch. 568, 56 Stat. 761; Sept. 21, 1944, ch. 412, title III, § 301, 58 Stat. 737.)

* * * * *

AMENDMENTS

1944—Subsec (b) amended by act Sept. 21, 1944, cited to text, which added par beginning "Appropriations are hereby".

Subsec (e) amended by act Sept 21, 1944, cited to text, which added par. beginning "Persons who carry".

1942—Subsec. (c) (2) was amended by act Feb. 6, 1942, cited to text, which added last two sentences.

Subsec (e), first sentence, was amended by act Sept. 29, 1942, cited to text.

1941—Subsec (a) was amended by act Dec. 26, 1941, cited to text, which substituted "January 1, 1947" for "January 1, 1942" and "December 31, 1946" for "December 31, 1941".

Subsec (b), par. beginning with words "Notwithstanding any other provisions of law" was added by act June 21, 1941, cited to text

CODIFICATION

This section was amended by the Department of Agriculture Organic Act of 1944.

PAYMENTS TO SHARECROPPERS IN 1944

Department of Agriculture Appropriation Act of 1945, act June 28, 1944, ch. 296, § 1, 58 Stat. 450, provided in part: "Notwithstanding any other provision of law, persons who in 1944 carry out farming operations as tenants or sharecroppers on cropland owned by the United States Government and who comply with the terms and conditions of the 1944 agricultural conservation program, formulated pursuant to sections 7 to 17, inclusive, of said Act of February 29, 1936 [sections 590g–590q of this title], shall be entitled to apply for and receive payments for their participation in said program to the same extent as other producers."

Similar provisions for years 1940–1943 were carried in prior appropriation acts as follows:

1943—July 12, 1943, ch. 215, § 1, 57 Stat. 417.

1942—July 22, 1942, ch. 516, § 1, 56 Stat. 692.

1941—July 1, 1941, ch. 267, § 1, 55 Stat. 436, as amended Dec. 22, 1941, ch. 611, 55 Stat. 850.

CROSS REFERENCES

Emergency farm acreage allotment, see note set out under sections 1334, 1344, and 1358 of Title 7, Agriculture.

§ 590i–1. Furnishing photographs, mosaics, and maps required by Soil Conservation Service.

REPEALED—Act July 1, 1941, ch 267, § 1, 55 Stat. 434; act July 22, 1942, ch. 516, § 1, 56 Stat. 691.

TRANSFER OF FUNCTIONS

Soil Conservation Service consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of war, see Ex Ord No. 9069, set out in note under section 601 of Appendix to Title 50, War.

§ 590i–2. Furnishing photographs, mosaics, and maps required in soil conservation operations of Department of the Interior.

Reproductions of such aerial or other photographs, mosaics, and maps as shall be required in connection with the authorized soil and moisture conservation operations of the Department of the Interior may be furnished to cooperating persons or agencies and to Government agencies at the estimated cost of furnishing such reproductions, and to other persons or agencies at such prices (not less than estimated cost of furnishing such reproductions) as the Secretary may determine, the money received from such sales to be deposited in the Treasury to the credit of this appropriation. (June 28, 1941, ch. 259, § 1, 55 Stat. 306; July 2, 1942, ch. 473, § 1, 56 Stat. 508.)

§§ 590*l*, 590m.

TRANSFER OF FUNCTIONS

Federal Crop Insurance Corporation consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of war, see Ex. Ord. No 9069, set out in note under section 601 of Appendix to Title 50, War.

§ 590q–1. Sale and distribution of supplies, materials, and equipment to other Government agencies; reimbursement.

The Soil Conservation Service may sell and distribute supplies, materials, and equipment to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured from the appropriations chargeable with the cost or value of such supplies, materials, or equipment. (Sept. 21, 1944, ch. 412, title III, § 302 (b), 58 Stat. 738)

CODIFICATION

This section was not enacted as a part of the Soil Conservation and Domestic Allotment Act.

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

Chapter 3C.—WATER CONSERVATION

CONSERVATION AND UTILIZATION PROJECTS

Sec.
590z–11. Delegation of powers and duties by Secretary of Interior (New).

CONSERVATION AND UTILIZATION PROJECTS

§ 590y. Authorization and purpose of investigation, construction, and maintenance of projects; title to projects; limitation on costs.

For the purpose of stabilizing water supply and thereby rehabilitating farmers on the land and pro-

viding opportunities for permanent settlement of farm families, the Secretary of the Interior (hereinafter referred to as "the Secretary") is hereby authorized to investigate and, upon compliance with the provisions of this subchapter, to construct water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States, and to operate and maintain each such project in accordance with the provisions of sections 590y to 590z–10 of this title: *Provided*, That the United States shall retain title to the dams, reservoirs, irrigation, and other project works until Congress otherwise provides: *And provided further*, That expenditures from appropriations made directly pursuant to the authority contained in section 590z–10 (1) to meet reimbursable construction costs allocated to irrigation as defined in section 590z–2 (b) shall not exceed $2,000,000 for dams and reservoirs in any one project, and that expenditures from appropriations made directly pursuant to the authority contained in section 590z–10 (1) to meet costs allocated to flood control by the Secretary after consultation with the Chief of Engineers, War Department, shall not exceed $500,000 on any one project. (As amended Mar. 7, 1942, ch. 164, 56 Stat. 142; July 16, 1943, ch. 242, § 1, 57 Stat. 566.)

AMENDMENTS

1943—Act July 16, 1943, cited to text, amended last proviso of section by raising amount of expenditures for dams and reservoirs in any one project from $1,000,000 to $2,000,000

1942—Act Mar. 7, 1942, cited to text, affected last proviso.

§ 590z–1. Prerequisites for construction of project; definition.

(a) * * *

* * * * *

(vii) The part of the estimated cost which can properly be allocated to flood control as recommended by the Secretary after consultation with the Chief of Engineers, War Department.

* * * * *

(b) No actual construction of the physical features of a project shall be undertaken unless and until (1) the Secretary has found that lands, or interests in lands, deemed necessary for the construction and operation of the major features of the projects have been secured, or sufficient progress made in their procurement to indicate the probability that all these lands or interests in lands can be secured, with titles and at prices satisfactory to him; and (2) the Secretary has found (i) that water rights adequate for the purposes of the project have been acquired with titles and at prices satisfactory to him, or that such water rights have been initiated and in his judgment can be perfected in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him; and (ii) that such water rights can be utilized for the purposes of the project in conformity with State law and any applicable interstate agreements and in a manner satisfactory to him

(c) Any part of a project hereunder may be designated as a division of the project by the Secretary if he, after consultation with the Secretary of Agriculture, deems this desirable for orderly and efficient construction or administration. The term "project", as used in subsection (b) of this section and section 590z–2, shall be deemed to mean also "division of a project", designated as provided in this subsection. Any project authorized for construction from appropriations under the head "Water Conservation and Utility Projects" in the Interior Department Appropriation Act, 1940 [c. 119] (53 Stat. 685), hereinafter called the 1940 water conservation appropriation, may be designated by the Secretary, upon agreement with the Secretary of Agriculture, a project under sections 590y to 590z–10 of this title, and shall thereupon be subject to all the provisions and requirements thereof, except those of subsections (a) and (b) of this section. (As amended July 16, 1943, ch. 242, §§ 2–4, 57 Stat. 567.)

AMENDMENTS

1943—Subsec. (a), subpar. (VII) amended by act July 16, 1943, § 2, cited to text by adding words "Secretary after consultation with the" immediately following "as recommended".

Subsec. (b) amended generally by act July 16, 1943, § 3, cited to text.

Subsec. (c) added by act July 16, 1943, § 4, cited to text

§ 590z–2. Repayment contracts; necessity; terms; reimbursable construction costs defined.

* * * * *

(d) For each project, on which construction is commenced or continued under this subsection, appropriations heretofore or hereafter made pursuant to section 590z–10 and the unexpended balance of the 1940 water conservation appropriation, in addition to being available for other authorized objects of expenditure, shall be available for expenditure, by the agency to which available, in lieu of the "services, labor, materials, or other property, including money", authorized to be utilized under section 590z and subsection 590z–3 (b). All expenditures on each such project may be excluded (1) from the project construction costs to the extent the Secretary finds necessary to keep the reimbursable costs within the findings made under subsections 590z–1 (a) (iv, v, vi) and (2) from the costs that but for this subsection would be required to be returned under section 590z–3, to the extent deemed necessary by the Secretary of Agriculture for the successful prosecution of the project; and as to each such project the limitations on expenditures provided in sections 590y and 590z–7 shall be inoperative. Appropriations made pursuant to section 590z–10 shall be available for expenditures for continuation of construction on any project heretofore undertaken under the 1940 water conservation appropriation, and such expenditures and those from the 1940 water conservation appropriation may be excluded from the costs of any such project in determining the amounts required to be reimbursed, to the extent the Secretary and the Secretary of Agriculture jointly determine is necessary to keep reimbursable costs within the ability of the water users to repay. No project may be initiated

for construction or, if heretofore authorized, continued under this subsection unless the Secretary, following consultation with the Secretary of Agriculture, finds that the proposed construction under this subsection is justifiable as an aid in the production of needed agricultural products and the President approves said finding. The utilization of services or labor of prisoners of war under section 590z is authorized, subject to the approval of, and regulations by, the War Department or other Federal agency having control of said prisoners. From and after the date six months after the cessation of hostilities in the present war as determined by proclamation of the President or concurrent resolution of the Congress, this subsection shall no longer be of any force or effect except as to projects on which construction has been initiated or continued under this subsection prior to said date. (As amended July 16, 1943, ch. 242, § 5, 57 Stat. 567.)

REFERENCES IN TEXT

1940 water conservation appropriation, for citation see subsec. (c) of section 590z-1 of this title.

AMENDMENTS

1943—Subsec. (d) was added by act July 16, 1943, cited to text

§ 590z-3. Settlement of projects on agricultural basis; advice to settlers; acquisition and improvement of agricultural lands; utilization of other agencies.

* * * * *

(c) Where the aggregate amount involved does not exceed $300, the provisions of section 5 of Title 41 shall not apply to any purchase or service authorized for the Department of Agriculture under sections 590y to 590z-10 of this title or under the 1940 water conservation appropriation. (As amended July 16, 1943, ch. 242, § 6, 57 Stat. 568.)

REFERENCES IN TEXT

1940 water conservation appropriation, for citation see subsec. (c) of section 590z-1 of this title.

AMENDMENTS

1943—Subsec. (c) was added by act July 16, 1943, cited to text.

§ 590z-9. Powers and duties of Secretaries of Interior and Agriculture; rules and regulations.

CROSS REFERENCES

Delegation of powers and duties of Secretary of Interior, see section 590z-11 of this title.

§ 590z-11. Delegation of powers and duties by Secretary of Interior.

For the purpose of facilitating and simplifying the administration of the Federal reclamation laws (sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 491, and 498 of Title 43 and Acts amendatory thereof or supplementary thereto) and sections 590y—590z-10 of this title, the Secretary of the Interior is hereby authorized to delegate, from time to time and to the extent and under such regulations as he deems proper, his powers and duties under said laws to the Commissioner of Reclamation, an Assistant Commissioner, or the officer in charge of any office, division, district, or project of the Bureau of Reclamation. (Dec. 19, 1941, ch. 595, 55 Stat. 842.)

Chapter 5.—PROTECTION OF FUR SEALS AND OTHER FUR-BEARING ANIMALS

Sec.

631a. Definitions (New).
631b. Pelagic sealing, sealing, or sea otter hunting in certain waters of North Pacific prohibited; use of ports of United States; importing illegally taken skins (New).
631c. Natives permitted to carry on pelagic sealing or sea otter hunting (New).
631d Killing of seals on Pribilof Islands, other islands, and shores of waters under United States jurisdiction; permission to designated Fish and Wildlife Service officers and employees and Alaskan natives; pelagic sealing in emergencies (New).
631e Sale of seal or sea otter skins, deposit of proceeds (New)
631f. Pribilof Islands a special reservation; landing on islands unlawful; penalties (New).
631g Employment of Pribilof Islands natives in killing seals and curing skins (New).
631h Depots for and transportation of provisions from mainland to Pribilof Islands; care of natives (New).
631i. Investigations as to seal life on the Pribilof Islands (New)
631j Persons authorized to enforce provisions of seal fisheries law; powers of arrest, search, and seizure; execution of warrants, forfeiture (New).
631k. Punishment for violation of law; forfeiture (New).
631l. Duties of collectors of customs regarding importation of skins of fur seal and sea otter (New).
631m Seizure of persons or vessels outside of jurisdiction of signatory powers; procedure (New).
631n. Guard or patrol of waters; composition (New).
631o. Receipt and disposal of skins by United States (New)
631p Killing, capturing, etc., certain fur-bearing animals for scientific purposes (New).
631q Secretary's powers and duties, employment of personnel (New).
631r. Termination date (New).

§ 631a. Definitions.

When used in sections 631a–631r of this title—

(a) "Pelagic sealing" means the killing, capturing, or pursuing, or the attempted killing, capturing, or pursuing of fur seals at sea, whether within or without the territorial waters of the United States.

(b) "Sealing" means the killing, capturing, or pursuing, or the attempted killing, capturing, or pursuing, of fur seals in or on any lands or waters subject to the jurisdiction of the United States.

(c) "Sea otter hunting" means the killing, capturing, or pursuing, or the attempted killing, capturing, or pursuing, of sea otters at sea, except in waters subject to the jurisdiction of the United States where other laws are applicable.

(d) "Person" includes individual, association, partnership, and corporation.

(e) "Secretary" means the Secretary of the Interior.

(f) "Fur-seal agreement" means the provisional fur-seal agreement between the United States and Canada effected by an exchange of notes signed at Washington on December 8, 1942, and on December 19, 1942, and any other treaty, convention or other agreement hereafter entered into by the United States for the protection of fur seals.

(g) "North Pacific Ocean" includes the Bering Sea.

(h) "Import" means land on or bring into, or attempt to land on or bring into, any place subject

to the jurisdiction of the United States. (Feb. 26, 1944, ch. 65, § 1, 58 Stat 100.)

REPEALS

Section 18 of act Feb. 26, 1944, cited to text, provided: "All Acts and parts of Acts inconsistent with the provisions of this Act, including but not limited to the following, are hereby repealed. Sections 1956, 1959, 1960, and 1961 of the Revised Statutes of the United States; Act of February 21, 1893 (27 Stat. 472, ch. 150); Act of April 6, 1894 (28 Stat 52); Act of December 29, 1897 (30 Stat 226, ch 3); Act of April 21, 1910 (36 Stat 326, ch 183); Act of August 24, 1912 (37 Stat 499, ch. 373); and joint resolution of June 22, 1916 (39 Stat. 236, ch. 171), all as amended [sections 632–644, 646–653, and 658 of this title]."

§ 631b. Pelagic sealing, sealing, or sea otter hunting in certain waters of North Pacific prohibited; use of ports of United States; importing illegally taken skins.

It shall be unlawful, except as hereinafter provided, for any citizen or national of the United States, or person owing duty of obedience to the laws or treaties of the United States, or any vessel of the United States, or person belonging to or on such vessel, to engage in pelagic sealing or sea otter hunting in or on the waters of the North Pacific Ocean; or for any person or vessel to engage in sealing; or for any person or vessel to use any port or harbor or other place subject to the jurisdiction of the United States for any purpose connected in any way with the operation of pelagic sealing, sea otter hunting, or sealing; or for any person to transport, import, offer for sale, or have in possession at any port, place, or on any vessel subject to the jurisdiction of the United States, raw, dressed, or dyed skins of sea otters taken contrary to the provisions of this section or, where taken pursuant to section 631c of this title, not officially marked and certified as having been so taken, or raw, dressed, or dyed skins of fur seals taken in or on the waters of the North Pacific Ocean or on lands subject to the jurisdiction of the United States, except seal skins which have been taken under the authority of sections 631a–631r of this title or under the authority of the respective parties to any fur-seal agreement and which have been officially marked and certified as having been so taken. (Feb. 26, 1944, ch 65, § 2, 58 Stat. 101.)

§ 631c. Natives permitted to carry on pelagic sealing or sea otter hunting.

Indians, Aleuts, or other aborigines dwelling on the American coasts of the waters of the North Pacific Ocean shall be permitted to carry on pelagic sealing or sea otter hunting without the use of firearms from canoes or undecked boats, propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, and manned by not more than five persons each, in the way heretofore practiced by said Indians, Aleuts, or other aborigines, and shall be permitted to dispose of the skins of fur seals or sea otters so taken as they see fit, but only after such skins have been officially marked and certified as provided in section 631b of this title. The exception made in this section shall not apply to Indians, Aleuts, or other aborigines in the employment of other persons or who shall engage in pelagic sealing or sea otter hunting under contract to deliver the skins to any person. (Feb. 26, 1944, ch. 65, § 3, 58 Stat. 101.)

§ 631d. Killing of seals on Pribilof Islands, other islands, and shores of waters under United States jurisdiction; permission to designated Fish and Wildlife Service officers and employees and Alaskan natives; pelagic sealing in emergencies.

In order to continue the proper utilization of the fur-seal herd of the North Pacific Ocean and to carry out the purposes of sections 631a–631r of this title, the Secretary is authorized to permit sealing on the Pribilof and other islands and on the shores of waters subject to the jurisdiction of the United States, by officers and employees of the Fish and Wildlife Service designated by him and by the natives of the Territory of Alaska, and to adopt suitable regulations governing the same whenever he shall determine that such sealing is necessary or desirable and not inconsistent with preservation of the fur seals of the North Pacific Ocean. The Secretary is also authorized to permit pelagic sealing in the event of emergency circumstances by officers, employees and agents of the United States and by the natives of the Territory of Alaska under such conditions and for such periods as may be agreed upon by consultation between the Government of the United States and the Government of Canada in accordance with the provisions of article II of the Provisional Fur Seal Agreement of 1942. (Feb. 26, 1944, ch. 65, § 4, 58 Stat. 101.)

§ 631e. Sale of seal or sea otter skins; deposit of proceeds.

Subject to the provisions of sections 631c and 631o of this title, all seal or sea-otter skins taken under the authority conferred by sections 631a–631r of this title, or forfeited to the United States, and all sealskins delivered to the United States pursuant to the terms of any fur-seal agreement shall be sold under the direction of the Secretary in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale shall be paid into the Treasury of the United States. (Feb. 26, 1944, ch. 65, § 5, 58 Stat. 101.)

§ 631f. Pribilof Islands a special reservation; landing on islands unlawful; penalties.

The Pribilof Islands, including the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock, in Alaska, are declared a special reservation for Government purposes. It shall be unlawful for any person other than natives of the said islands and officers and employees of the Fish and Wildlife Service to land or remain on any of those islands, except through stress of weather or like unavoidable cause or by the authority of the Secretary, and any person found on any of those islands contrary to the provisions of this section shall be summarily removed and shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding $500 or by imprisonment not exceeding six months, or by both fine and imprisonment. (Feb. 26, 1944, ch. 65, § 6, 58 Stat. 102.)

§ 631g. Employment of Pribilof Islands natives in killing seals and curing skins.

Whenever seals are killed and sealskins taken on any of the Pribilof Islands, the native inhabitants of the islands shall be employed in such killing and in curing the skins taken, and shall receive for their labor fair compensation to be fixed from time to time by the Secretary, who shall have the authority to prescribe the manner in which such compensation shall be paid to the natives or expended or otherwise used on their behalf and for their benefit (Feb. 26, 1944, ch. 65, § 7, 58 Stat. 102.)

§ 631h. Depots for and transportation of provisions from mainland to Pribilof Islands; care of natives.

The Secretary shall have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the islands by the charter of private vessels or by the use of public vessels of the United States which may be under his control or which may be placed at his disposal by the President; and he likewise shall have authority to furnish food, shelter, fuel, clothing, and other necessities of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection. (Feb. 26, 1944, ch. 65, § 8, 58 Stat. 102.)

§ 631i. Investigations as to seal life on the Pribilof Islands.

Under the direction of the Secretary, the Fish and Wildlife Service is authorized to investigate the conditions of seal life upon the rookeries of the Pribilof Islands, and to continue the inquiries relative to the life history and migrations of the seals frequenting the waters of the North Pacific Ocean. (Feb. 26, 1944, ch. 65, § 9, 58 Stat. 102.)

§ 631j. Persons authorized to enforce provisions of seal fisheries law; powers of arrest, search, and seizure; execution of warrants; forfeiture.

Any officer or employee of the Department of the Interior authorized by the Secretary, any naval or other officer designated by the President, any marshal or deputy marshal, any collector or deputy collector of customs, and any other person authorized by law to enforce the provisions of sections 631a–631r of this title shall have power, without warrant, to arrest any person committing a violation of sections 631a–631r of this title or any regulation made pursuant thereto in his presence or view, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; and shall have power, without warrant, to search any vessel within any of the territorial waters of the United States, or any vessel of the United States on the high seas, when he has reasonable cause to believe that such vessel is subject to seizure under this section. Any officer, employee, or other person authorized to enforce the provisions of this Act shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of sections 631a–631r of this title, and shall have power with a search warrant to search any person, vessel, or place at any time. The judges of the courts established under the laws of the United States, and the United States commissioners, may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All fur seals and sea otters, or the skins thereof, killed, captured, transported, imported, offered for sale, or possessed contrary to the provisions of sections 631a–631r of this title or of any regulation made pursuant thereto, and any vessel used or employed contrary to the provisions of sections 631a–631r of this title or of any regulation made pursuant thereto, or which it reasonably appears has been or is about to be used or employed in or in aid of the performance of any act forbidden by the provisions of sections 631a–631r of this title or of any regulation made pursuant thereto, together with its tackle, apparel, furniture, appurtenances, and cargo, may, whenever and wherever lawfully found, be seized by any such officer, employee, or other person. (Feb. 26, 1944, ch. 65, § 10, 58 Stat. 102.)

§ 631k. Punishment for violation of law; forfeiture.

Except where otherwise expressly provided in sections 631a–631r of this title, any person violating any provision of sections 631a–631r of this title or any regulation made pursuant thereto shall be punished for each such offense, upon conviction thereof, by a fine of not less than $200 nor more than $2,000, or by imprisonment for not more than six months, or by both fine and imprisonment. All fur seals or sea otters, or the skins thereof, killed, captured, transported, imported, offered for sale, or possessed contrary to any provision of sections 631a–631r of this title or any regulation made pursuant thereto shall be forfeited to the United States and shall be disposed of pursuant to section 631e of this title. Any vessel used or employed contrary to any provision of sections 631a–631r of this title or of any regulation made pursuant thereto shall, together with its tackle, apparel, furniture, appurtenances, and cargo, be forfeited to the United States and shall be disposed of as directed by the court having jurisdiction. (Feb. 26, 1944, ch. 65, § 11, 58 Stat. 103.)

§ 631*l*. Duties of collectors of customs regarding importation of skins of fur seal and sea otter.

It shall be the duty of all collectors of customs to enforce the provisions of sections 631a–631r of this title with respect to the importation of the skins of fur seal and sea otter. (Feb. 26, 1944, ch. 65, § 12, 58 Stat. 103.)

§ 631m. Seizure of persons or vessels outside of jurisdiction of signatory powers; procedure.

Any person or vessel described in section 631b of this title in any of the waters of the North Pacific Ocean designated in any fur-seal agreement, including in any event the waters north of the thirtieth parallel of north latitude and east of the one hundred and eightieth meridian, violating or being about to violate the prohibitions of sections 631a–631r of this title against pelagic sealing may be seized and detained by the naval or other duly

commissioned officers of any of the parties to such fur-seal agreement other than the United States, except within the territorial jurisdiction of one of the other said parties, on condition, however, that when such person or vessel is so seized and detained by officers of any party other than the United States, such person or vessel shall be delivered as soon as practicable at the nearest point to the place of seizure, with witnesses and proofs necessary to establish the offense so far as they are under the control of such party, to the proper official of the United States, whose courts alone shall have jurisdiction to try the offense and impose penalties for the same. The said officers of any party to any such fur-seal agreement other than the United States shall seize and detain persons and vessels, as in this section specified, only after such party, by appropriate legislation or otherwise, shall have authorized naval or other officers of the United States duly commissioned and instructed by the President to that end to seize, detain, and deliver to the proper officers of such party vessels and persons under the jurisdiction of that government offending against any such fur-seal agreement, or any statute or regulation made by that government to enforce any such fur-seal agreement. Upon the giving of such authority by such party, such naval or other officers of the United States shall have authority to make the seizures, detentions, and deliveries described. The President of the United States shall determine by proclamation when such authority has been given by the other party to any such fur-seal agreement, and his determination shall be conclusive upon the question; such proclamation may be modified, amended, or revoked by proclamation of the President whenever in his judgment it is deemed expedient. (Feb. 26, 1944, ch. 65, § 13, 58 Stat. 103.)

§ 631n. Guard or patrol of waters; composition.

It shall be the duty of the President to cause a guard or patrol to be maintained in the waters frequented by the seal herds and sea otter in the protection of which the United States is especially interested, composed of naval or other public vessels of the United States designated by him for such service. (Feb. 26, 1944, ch. 65, § 14, 58 Stat. 104.)

§ 631o. Receipt and disposal of skins by United States.

The Secretary shall have authority to receive on behalf of the United States any fur sealskins taken by any party to any fur-seal agreement and tendered for delivery by such party in accordance with the terms of such fur-seal agreement, and all skins which are or shall become the property of the United States from any source whatsoever shall be disposed of in accordance with the provisions of section 631e of this title. The Secretary likewise shall have authority to deliver to the authorized agents of any government that is a party to a fur-seal agreement the skins to which such government is entitled under the provisions of such fur-seal agreement, and to do or perform, or cause to be done or performed, any act which the United States is authorized or obliged to do or perform by the provisions of such fur-seal agreement. (Feb. 26, 1944, ch. 65, § 15, 58 Stat. 104.)

§ 631p. Killing, capturing, etc., certain fur-bearing animals for scientific purposes.

Nothing contained in sections 631a-631r of this title shall apply to the killing, capturing, pursuing, transportation, importation, offering for sale, or possession of fur seals or sea otters, or the skins thereof, for scientific purposes under special permit issued therefor by the Secretary. (Feb. 26, 1944, ch. 65, § 16, 58 Stat. 104.)

§ 631q. Secretary's powers and duties; employment of personnel.

The Secretary shall supervise and direct the administration of this Act through the Fish and Wildlife Service and shall make all regulations necessary for the enforcement of sections 631a–631r of this title and any fur-seal agreement. It shall be his duty to provide for the enforcement of all of the provisions of sections 631a–631r of this title and of the regulations issued thereunder, except to the extent otherwise provided for in sections 631a–631r of this title, and to cooperate with other Federal agencies and with the duly authorized officials of the government of any party to any fur-seal agreement in the enforcement of such agreement. Out of such moneys as may be appropriated for such purposes, he shall employ in Washington, District of Columbia, and elsewhere such individuals and means as he may deem necessary for the administration of sections 631a–631r of this title and of any other function imposed upon him by any fur-seal agreement. (Feb. 26, 1944, ch. 65, § 17, 58 Stat 104.)

§ 631r. Termination date.

The provisions of sections 631a–631r of this title which implement the Provisional Fur-Seal Agreement of 1942 concluded between the United States of America and Canada shall remain in effect only for the duration of the present hostilities and twelve months thereafter unless either the Government of the United States of America or the Government of Canada enacts legislation contrary thereto, or until twelve months after either Government shall have notified the other Government of its intention to terminate the agreement. (Feb. 26, 1944, ch. 65, § 19, 58 Stat. 104.)

§§ 632–644. Repealed. Feb. 26, 1944, ch. 65, § 18, 58 Stat. 104.

TERMINATION OF SECTIONS

These sections, act Aug. 24, 1912, ch. 373, §§ 1–13, 37 Stat. 502, relating to fur-bearing seals and fur-bearing animals, and giving effect to the Treaty of July 7, 1911, between United States, Great Britain, Japan, and Russia, were terminated on the authority of section 643a of this title when Japan abrogated the treaty on Oct. 23, 1940, eff. Oct. 23, 1941. Said sections were later specifically repealed by act Feb. 26, 1944, ch. 65, § 18, 58 Stat. 104.

§ 645. Jurisdiction of offenses.

REPEALS

Section 18 of act Feb 26, 1944, ch 65, 58 Stat 104, provided, in addition to the specific repeals incorporated therein, that all acts and parts of acts inconsistent with the provisions of sections 631a–631r of this title, were repealed.

§§ 646–653. Repealed. Feb. 26, 1944, ch. 65, § 18, 58 Stat. 104.

TERMINATION

Termination of section 650, prior to its specific repeal, was done on authority of former section 643a of this title when Japan abrogated the treaty on Oct. 23, 1940, eff. Oct. 23, 1941. For termination of other sections giving effect to said treaty, see note under sections 632–644 of this title.

§ 654. Investigation as to seal life on the Pribilof Islands.

PRESENT PROVISIONS

Provisions of section relating to investigation of seal life of Pribilof Islands have been substantially incorporated in act Feb. 26, 1944, ch 65, § 9, 58 Stat. 102, which is set out as section 631i of this title.

REPEALS

Section 18 of act Feb 26, 1944, ch. 65, 58 Stat 104, provided, in addition to the specific repeals incorporated therein, that all acts and parts of acts inconsistent with the provisions of sections 631a–631r of this title, were repealed.

§ 658. Repealed. Feb. 26, 1944, ch. 65, § 18, 58 Stat. 104.

Chapter 5B.—WILDLIFE RESTORATION

Sec.

669g–1 Payment of funds to and cooperation with the Territories (New).

§ 669c. Apportionment of funds; expenses of Secretary.

SUSPENSION OF EXPENSE LIMITATION

The Interior Department Appropriation Act of 1945, act June 28, 1944, ch. 298, § 1, 58 Stat. 504, provided in part: "The limitation in said Act [sections 669–669j of this title] upon the amount available for administrative expenses is hereby waived to the extent necessary to provide for overtime or additional compensation pursuant to the War Overtime Pay Act of 1943 [sections 1401–1415 of Appendix to Title 50] "

§ 669g–1. Payment of funds to and cooperation with the Territories.

The Secretary of the Interior is authorized to cooperate with the Alaska Game Commission, the Division of Game and Fish of the Board of Commissioners of Agriculture and Forestry of Hawaii, the Commissioner of Agriculture and Commerce of Puerto Rico, and the Governor of the Virgin Islands, in the conduct of wildlife-restoration projects, as defined in section 669a of this title, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to said Territories, Puerto Rico, and the Virgin Islands, out of money available for apportionment under sections 669–669j of this title, such sums as he shall determine, not exceeding $25,000 for Alaska, and $10,000 each for Hawaii, Puerto Rico, and the Virgin Islands, in any one year, which apportionments, when made, shall be deducted before making the apportionments to the States provided for by said sections; but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be available for expenditure in the Territories, Puerto Rico, or the Virgin Islands, as the case may be, in the succeeding year, on any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of sections 715–715d, 715e, 715f–715k, 715l–715r of this title. (Sept. 2, 1937, ch. 899, § 8 (a), as added Aug. 18, 1941, ch. 367, 55 Stat. 632.)

Chapter 6.—GAME AND BIRD PRESERVES; PROTECTION

§ 676. Same; hunting, etc., in; regulation; punishment.

Hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States designated in section 675 of this title shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of sections 675–678 of this title shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1,000, or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court. It is the purpose of this section to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands. (June 5, 1920, ch 247, §§ 2, 3, 41 Stat. 986.)

§ 677. Same; inclosure.

The State of South Dakota is hereby authorized and permitted to erect and maintain a good substantial fence, inclosing in whole or in part Custer State Park Game Sanctuary. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in administering this game sanctuary and the adjoining national forest lands, and may erect and maintain such additional inclosures as may be agreed upon with the Secretary of Agriculture. The right of the State to maintain this fence shall continue so long as Custer State Park Game Sanctuary is also given similar protection by the laws of the State of South Dakota. (June 5, 1920, ch. 247, § 4, 41 Stat. 986.)

§ 682. Game refuge in Ozark National Forest.

The President of the United States is authorized to designate such national forest lands within the Ozark National Forest, within the State of Arkansas, as should, in his discretion, be set aside for the protection of game animals, birds, or fish; and whoever shall hunt, catch, trap, willfully disturb, or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on any lands so set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than $500 or imprisoned not more than six months, or both. (Feb. 28, 1925, ch. 376, 43 Stat. 1091, as amended Aug. 11, 1945, ch. 365, 59 Stat. 531.)

AMENDMENTS

1945—Act Aug 11, 1945, cited to text, amended section by striking out last sentence which read "No lands within

the present limits of the fourth congressional district shall be included in such designations."

§ 683. Areas set aside for protection of game and fish; unlawfully taking game or fish.

The President of the United States is authorized to designate such areas on any lands purchased by the United States under the provisions of sections 513–519 and 521 of this title, as should, in his opinion, be set aside for the protection of game animals, birds, or fish. Whoever shall hunt, catch, trap, willfully disturb or kill any kind of game animal, game or nongame bird, or fish, or take the eggs of any such bird on lands set aside, or in or on the waters thereof, except under such general rules and regulations as the Secretary of Agriculture may from time to time prescribe, shall be fined not more than $500 or imprisoned not more than six months, or both. (Aug. 11, 1916, ch 313, 39 Stat. 476)

§ 685. Same; hunting, trapping, killing, or capturing game unlawful.

Hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of areas in the Wichita National Forest and in the Grand Canyon National Forest provided for in section 684 of this title shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of the Interior and the Secretary of Agriculture, respectively; and any person violating such regulations or the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1,000 or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court (Jan 24, 1905, ch 137, § 2, 33 Stat 614; June 29, 1906, ch 3593, § 2, 34 Stat 607; Reorg. Plan No II, § 4 (f), eff. July 1, 1939, 4 F.R 2731, 53 Stat. 1433.)

CODIFICATION

Words "in the Wichita National Forest and in the Grand Canyon National Forest" were inserted and "Secretary of the Interior and Secretary of Agriculture, respectively" was substituted for "Secretary of Agriculture" because of Reorg Plan No II, cited to text, which transferred the Bureau of Biological Survey from the Department of Agriculture to the Department of the Interior. The Wichita National Forest, which was then administered by that Bureau, was affected by the transfer However, the Grand Canyon National Forest was administered by the Forest Service and was consequently not affected.

§ 688. Sequoia National Game Preserve.

All parts of township 17 south, ranges 31 and 32 east, and township 18 south, range 31 east, Mount Diablo base and meridian, which are north of the hydrographic divide passing through Farewell Gap, and which are not added to and made part of the Sequoia National Park by the provisions of section 45a of this title, are hereby designated as the Sequoia National Game Refuge, and the hunting, trapping, killing, or capturing of birds and game or other wild animals upon the lands of the United States within the limits of the said area shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any persons violating such regulations or the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1,000, or by imprisonment for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court: *Provided*, That it is the purpose of this section to protect from trespass the public lands of the United States and the game animals which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands: *Provided further*, That the lands included in said game refuge shall continue to be parts of the Sequoia National Forest, and nothing contained in this section shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and the rules and regulations applicable thereto so far as may be consistent with the purposes for which said game refuge is established. (July 3, 1926, ch. 744, § 6, 44 Stat. 821.)

§ 689a. Same; other uses of land permitted.

The lands included in said game preserve shall continue to be parts of the national forest and nothing contained in sections 689–689d of this title shall prevent the Secretary of Agriculture from permitting other uses of said lands under and in conformity with the laws and rules and regulations applicable thereto so far as any such use may be consistent with the purposes for which said game preserve is established. (July 3, 1926, ch. 776, § 2, 44 Stat. 889)

§ 689c. Same; rules and regulations; predatory animals.

The Secretary of Agriculture shall execute the provisions of sections 689–689d of this title, and he is hereby authorized to make all needful rules and regulations for the administration of such game preserves in accordance with the purposes of said sections, including regulations for hunting, capturing, or killing predatory animals, such as wolves, coyotes, cougar, and other species destructive to livestock or wildlife within the limits of said game preserve. (July 3, 1926, ch. 776, § 4, 44 Stat. 889.)

§ 689d. Same; acceptance of title to privately owned lands.

Upon the recommendation of the Secretary of Agriculture the Secretary of the Interior is authorized in his discretion to accept, on behalf of the United States, title to any lands in private ownership within the boundaries of the game preserve established hereby, and make exchange therefor under the provisions of section 485 of this title. (July 3, 1926, ch. 776, § 5, 44 Stat. 889.)

§ 693. Game sanctuaries and refuges in Ouachita National Forest.

For the purpose of providing breeding places and for the protection and administration of game animals, birds, and fish, the President of the United States is hereby authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified areas within

the Ouachita National Forest as game sanctuaries and refuges. (June 13, 1933, ch. 63, § 1, 48 Stat. 128.)

§ 693a. Same; rules and regulations; violations; penalties.

The Secretary of Agriculture shall execute the provisions of this section and section 693 of this title, and he is hereby authorized to prescribe all general rules and regulations for the administration of such game sanctuaries and refuges, and violation of such rules and regulations shall be punished by fine of not more than $500 or imprisonment for not more than six months or both. (June 13, 1933, ch. 63, § 2, 48 Stat. 128.)

§ 694. Fish and game sanctuaries in national forests; establishment by President.

For the purpose of providing breeding places for game birds, game animals, and fish on lands and waters in the national forests not chiefly suitable for agriculture, the President of the United States is hereby authorized, upon recommendation of the Secretary of Agriculture and the Secretary of Commerce and with the approval of the State legislatures of the respective States in which said national forests are situated, to establish by public proclamation certain specified and limited areas within said forests as fish and game sanctuaries or refuges which shall be devoted to the increase of game birds, game animals, and fish of all kinds naturally adapted thereto, but it is not intended that the lands included in such fish and game sanctuaries or refuges shall cease to be parts of the national forests wherein they are located, and the establishment of such fish and game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the national forests under and in conformity with the laws and the rules and regulations applicable thereto so far as such uses may be consistent with the purposes for which such fish and game sanctuaries or refuges are authorized to be established. (Mar. 10, 1934, ch. 54, § 1, 48 Stat. 400.)

§ 694b. Same; rules and regulations; jurisdiction of States.

The Secretaries of Agriculture and Commerce shall execute the provisions of this section and sections 694 and 694a of this title, and they are hereby jointly authorized to make all needful rules and regulations for the administration of such fish and game sanctuaries or refuges in accordance with the purpose of sections 694–694b of this title, including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals, such as wolves, coyotes, foxes, pumas, and other species destructive to livestock or wild life or agriculture within the limits of said fish and game sanctuaries or refuges: *Provided*, That the present jurisdiction of the States shall not be altered or changed without the legislative approval of such States. (Mar. 10, 1934, ch. 54, § 3, 48 Stat. 401.)

Chapter 7.—PROTECTION OF MIGRATORY GAME AND INSECTIVOROUS BIRDS

HUNTING STAMP TAX

Sec.
7181. Disposal of surplus stamps (New).

MIGRATORY BIRD TREATY ACT

§ 704. Determination as to when and how migratory birds may be taken, killed, or possessed.

PROC No. 2616, REGULATIONS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME ANIMALS

Proc. No. 2616, Aug 11, 1944, 9 F R. 9873–9878, 58 Stat. 1130 as amended by Proc. No 2619, Aug. 22, 1944, 9 F. R. 10441, 58 Stat. 1148, Proc No 2625, Sept 22, 1944, 9 F. R. 11881, 58 Stat 1156; Proc. No. 2658, Aug. 6, 1945, 10 F. R. 9759, provided:

REGULATION 1—DEFINITIONS OF MIGRATORY BIRDS AND GAME MAMMALS

Migratory birds included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds, and between the United States and United Mexican States for the protection of migratory birds and game mammals, concluded, respectively, August 16, 1916, and February 7, 1936, are as follows.

1 *Game birds.* (a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes

(c) Rallidae, or rails, including coots, gallinules, and sora and other rails.

(d) Limicolae (charadrii), or shorebirds, including avocets, curlews, dowitchers, godwits, knots, oystercatchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) Columbidae, or pigeons, including doves and wild pigeons.

2. *Insectivorous and other nongame birds.* Cuckoos, flickers, and other woodpeckers; nighthawks, or bullbats, chuck-will's-widow, poorwills, and whippoorwills; swifts; hummingbirds; kingbirds, phoebes, and other flycatchers; horned larks; bobolinks, cowbirds, blackbirds, grackles, meadowlarks, and orioles; grosbeaks, finches, sparrows, and buntings; tanagers; martins and other swallows; waxwings; phainopeplas; shrikes; vireos; warblers; pipits; catbirds, mockingbirds, and thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnatcatchers; robins and other thrushes; all other perching birds which feed entirely or chiefly on insects; and auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

Game mammals. Game mammals under the terms of the aforesaid convention between the United States and the United Mexican States include:

Antelope, mountain sheep, deer, bears, peccaries, squirrels, rabbits, and hares.

REGULATION 2—DEFINITION OF TERMS

For the purpose of these regulations, the following terms shall be construed, respectively, to mean and to include—

Secretary. Secretary of the Interior of the United States.

Director. Director, Fish and Wildlife Service, United States Department of the Interior.

Regional Director. Regional Director, Fish and Wildlife Service, United States Department of the Interior.

Person. Individual, club, association, partnership, or corporation, any one or all, as the context requires.

Take. Hunt, kill, or capture, or attempt to hunt, kill, or capture.

Open season. Time during which migratory game birds may be taken.

Transport Ship, carry, export, import, and receive or deliver for shipment, conveyance, carriage, exportation, or importation.

REGULATION 3—MEANS BY WHICH MIGRATORY GAME BIRDS MAY BE TAKEN

Migratory game birds on which open seasons are specified in regulation 4 may be taken during such seasons only with bow and arrow or with a shotgun not larger than No. 10 gage, fired from the shoulder, except as permitted by regulations 7, 8, and 9, but they shall not be

taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined. Such birds may be taken during the open seasons from land or water, with aid of a dog, and from a blind, boat or other floating craft not under tow or sail, except sinkbox (battery), motorboat (excluding a boat having a detached outboard motor), and sailboat. Nothing herein shall permit the taking of migratory game birds from or by means, aid or use of an automobile or aircraft of any kind, the taking of waterfowl by means, aid or use of cattle, horses, mules, or live duck or goose decoys, the concentrating, driving, rallying or stirring up of waterfowl and coot by means or aid of any motorboat, sailboat, or aircraft of any kind, nor exclude the picking up of injured or dead waterfowl by means of a motorboat, sailboat, or other craft

Waterfowl (except for propagating, scientific or other purposes under permit issued pursuant to regulation 8) and mourning doves and white-winged doves are not permitted to be taken by means, aid or use of shelled, shucked, or unshucked corn, or of wheat or other grain, salt or other feed that has been so deposited, distributed, or scattered as to constitute a lure, attraction, or enticement in the hunting of such birds, except properly shocked corn and standing crops of corn, wheat, or other grain or feed, and except grains found scattered solely as a result of agricultural harvesting.

A person over 16 years of age is not permitted to take migratory waterfowl unless at the time of such taking he has on his person an unexpired Federal migratory-bird hunting stamp, validated by his signature written across the face thereof in ink Persons not over 16 years of age are permitted to take migratory waterfowl without such stamp.

REGULATION 4—OPEN SEASONS ON AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Waterfowl (except wood ducks in Massachusetts and North Dakota; snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean; Ross' geese; and swans), coots, rails and gallinules, woodcocks, mourning or turtle doves, white-winged doves, and band-tailed pigeons may be taken each day from one-half hour before sunrise to sunset, except as otherwise provided in this regulation, during the open seasons prescribed herein; and may be taken by the means and in the number permitted by regulations 3 and 5 hereof, and when so taken may be possessed in the numbers permitted by regulation 5 during the period constituting the open season where taken and for an additional period of 90 days next succeeding said open season, except as prohibited by State law.

Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except insofar as may be permitted by the Secretary of the Interior under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

Waterfowl and coot The open seasons on waterfowl and coot (except wood ducks in Massachusetts and North Dakota, and coot in Lake and McHenry Counties in Illinois; geese in Alexander County, Illinois, and in Mississippi, Scott, and Cape Girardeau Counties in Missouri; snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean; Ross' geese; and swans) in the several States, Alaska, and Puerto Rico shall be as follows, both dates inclusive·

Iowa, Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Ohio (except Pymatuning Reservoir and one quarter of a mile distant in any direction from said reservoir), South Dakota, Vermont, and Wisconsin, September 20 to December 8.

Ohio, on the Pymatuning Reservoir in Ashtabula County and one quarter of a mile distant in any direction from said reservoir, October 13 to December 31.

California, in Modoc, Lassen, and Siskiyou Counties, October 13 to December 31; in remainder of State, November 2 to January 20.

Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, Nevada, New Jersey, New York (except certain hereinafter designated portions of Essex, Clinton, and Washington Counties) including Long Island, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Washington, West Virginia, and Wyoming, October 13 to December 31.

New York, in Essex and Clinton Counties east of the tracks of the main line of the Delaware and Hudson Railroad and that part of Washington County east of the aforesaid tracks to and including the village of South Bay and all the waters of South Bay and one mile distant from such water in any direction, September 20 to December 8.

Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, and Virginia, November 2 to January 20.

Texas, on those portions of Lake Texhoma in Cooke and Grayson Counties, October 13 to December 31; in remainder of State, November 2 to January 20

Puerto Rico, December 15 to February 12.

Alaska, in Fur Districts 1 and 3 as defined in the regulations governing the taking of game in Alaska adopted May 15, 1944 (9 F. R. 5270), September 21 to December 9; in the remainder of Alaska, September 1 to November 19.

Provided, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to September 19; and in Connecticut, Massachusetts, New York including Long Island, and Rhode Island, from September 15 to October 12, and thereafter from land or water during the open seasons for other waterfowl in these States.

Geese, in Alexander County, Illinois, and in the counties of Mississippi, Scott, and Cape Girardeau in Missouri, November 24 to December 31 from 12 o'clock noon to 4.30 p. m.

Coot, in Lake and McHenry Counties, Illinois, October 1 to December 31.

Rails and gallinules (except coot). The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31

Louisiana, September 15 to December 15.

Maine and Wisconsin, September 20 to December 8.

Maryland, September 1 to October 31

Massachusetts and New York, including Long Island, October 13 to December 31.

Minnesota, September 16 to November 30.

Mississippi, October 15 to December 30

Puerto Rico, December 15 to February 12.

California, District of Columbia, Hawaii, Idaho, Iowa, Montana, Nevada, Oregon, Tennessee, and Washington, no open season.

Woodcock. The open seasons on woodcock shall be as follows, both dates inclusive:

Arkansas and Oklahoma, December 1 to December 15

Connecticut, Massachusetts, and New Jersey, October 20 to November 3.

Delaware and Maryland, November 15 to November 29.

Georgia, Louisiana, and Mississippi, December 15 to December 29.

Indiana and West Virginia, October 16 to October 30.

Maine, in Aroostook, Penobscot, Piscataquis, Somerset, Franklin, and Oxford Counties, October 1 to October 15, in remainder of State, October 16 to October 30

Michigan, in Upper Peninsula, October 1 to October 15, in remainder of State, October 15 to October 29.

Minnesota, Ohio, Pennsylvania, and Wisconsin, October 10 to October 24.

Missouri, November 10 to November 24.

New Hampshire, in Coos, Carroll, and Grafton Counties, October 1 to October 15; remainder of State, October 16 to October 30.

New York, north and east of the tracks of the branch line of the New York Central Railroad from Oswego to Syracuse, the main line of the New York Central Railroad from Syracuse to Albany, and the main line of the Boston & Albany Railroad from Albany to the Massachusetts State line, October 10 to October 24; west and south of the line above described, October 15 to October 29; and that part of New York known as Long Island, November 1 to November 15, from 1 P. M. until sunset on the opening day in each of these zones, and thereafter in all of the aforesaid zones from 8 A. M. until sunset.

Rhode Island, November 1 to November 15.

Vermont, in Bennington and Windham Counties and those portions of Rutland and Windsor Counties south of U. S. Highway Route 4 from West Haven to White River Junction, October 16 to October 30; in remainder of State, October 1 to October 15.

Virginia, November 20 to December 4.

Mourning, or turtle, dove. The open seasons on mourning, or turtle, dove shall be as follows, both dates inclusive:

Arizona, California, Kansas, Missouri, and Oklahoma, September 1 to October 30.

Alabama, Georgia, and Louisiana, October 1 to October 15 and December 18 to January 31.

Arkansas and Mississippi, September 16 to September 30 and December 18 to January 31.

Colorado, Nevada, and New Mexico, September 1 to October 12.

Delaware and Tennessee, September 16 to November 14.

Florida, in Dade and Monroe Counties, October 1 to October 31; in remainder of State, November 20 to January 18

Idaho and Oregon, September 1 to September 15.

Illinois, September 1 to September 30.

Kentucky, September 1 to October 25.

Maryland, September 1 to October 15.

Minnesota, September 16 to September 30.

North Carolina and South Carolina, September 16 to October 15 and January 2 to January 31.

Pennsylvania, November 1 to November 30.

Texas, in Val Verde, Edwards, Real, Bandera, Kendall, Blanco, Burnet, Williamson, Milan, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all counties north and west thereof, September 1 to October 30, in remainder of State, but not including Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Kinney, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy Counties, October 20 to December 18; in these latter counties, September 13, 16, 18, 20, and 23 from 12 o'clock noon until sunset, and thereafter October 20 to December 13 from one-half hour before sunrise to sunset.

Virginia, September 16 to October 31.

White-winged dove. The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, September 1 to September 15.

Texas, in Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Kinney, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, Willacy, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso Counties, September 13, 16, 18, 20, and 23 from 12 o'clock noon until sunset.

Band-tailed pigeon. The open seasons on band-tailed pigeon shall be as follows, both dates inclusive:

Arizona, Colorado, in the drainage of the North Fork of the Gunnison River in Gunnison and Delta Counties and in La Plata, Montezuma, Dolores, San Miguel, Montrose, Ouray, San Juan, Archuleta, Huerfano, and Las Animas Counties, and in New Mexico and Washington, September 16 to October 15.

California, December 1 to December 30.

Oregon, September 1 to September 30.

(As amended by Proc No. 2625, Sept. 22, 1944, 9 F. R. 10441, 58 Stat. 1156; Proc. No. 2658, Aug. 6, 1945, 10 F. R. 9759, 59 Stat. —.)

REGULATION 5—DAILY BAG AND POSSESSION LIMITS ON CERTAIN MIGRATORY GAME BIRDS

A person may take in any one day during the open seasons prescribed therefor in regulation 4 not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds. When so taken such birds may be possessed in the numbers hereinafter specified, except that no person on the opening day of the season may possess any migratory game birds in excess of the daily limits herein prescribed.

Ducks (except the American and Red-breasted Mergansers). Ten, including in such limit not more than one wood duck. Any person may possess not more than twenty ducks including not more than one wood duck.

American and redbreasted mergansers. Twenty-five singly or in the aggregate. No possession limit.

Geese and brant (except snow geese in Beaverhead, Gallatin, and Madison Counties in Montana, in Idaho, and in States bordering on the Atlantic Ocean, and Ross' goose anywhere) as follows:

In the Pacific Coast States—Four snow and white-fronted geese (singly or in the aggregate) plus two of some other kind or kinds, including brant, may be taken. Eight snow and whitefronted geese (singly or in the aggregate) plus four or some other kind or kinds, including brant, may be possessed.

Elsewhere than in the Pacific Coast States.—Four blue and snow geese (singly or in the aggregate) plus two of some other kind or kinds, including brant, may be taken. Eight blue and snow geese (singly or in the aggregate) plus four of some other kind or kinds, including brant, may be possessed.

Rails and gallinules (except sora and coot). Fifteen in the aggregate of all kinds, and any person may possess not more than fifteen in the aggregate of all kinds.

Coot. Twenty-five, and any person may possess not more than twenty-five.

Sora. Twenty-five, and any person may possess not more than twenty-five.

Woodcock Four, and any person may possess not more than 8.

Mourning or turtle dove and white-winged dove. Ten in the aggregate of both kinds, and any person may possess not more than ten mourning doves or more than ten white-winged doves.

Band-tailed pigeon. Ten, and any person may possess not more than ten.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brant, rails, including coot and gallinules, woodcock, mourning or turtle doves, white-winged doves, and band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States As amended Proc No. 2619, Aug. 22, 1944, 9 F. R. 10441, 58 Stat. 1148; Proc. No. 2658, Aug. 6, 1945, 10 F R 9759, 59 Stat. —.

REGULATION 6—SHIPMENT, TRANSPORTATION, AND POSSESSION OF CERTAIN MIGRATORY GAME BIRDS

Migratory game birds of a species on which open seasons are prescribed by regulation 4, legally taken, and parts thereof, may be transported in or out of Alaska, Puerto Rico, or the State where taken, during the respective open seasons therein. Such birds when legally taken in and exported from Canada or Mexico, and if from Mexico when accompanied by a Mexican export permit, may be transported into the United States during the open seasons where killed.

Not more than the number of such birds permitted by regulation 5 to be taken by one person in one day, except American and redbreasted mergansers, or in two days in the case of woodcock, and ducks (except wood ducks), nor more than four geese, including brant, but not including blue, snow, or whitefronted geese, and in addition not more than eight singly or in the aggregate of blue, snow, or whitefronted geese where such are permitted to be taken, shall be transported by any one person in 1 calendar week out of Alaska, Puerto Rico, or

the State where taken or from Canada or Mexico into the United States.

Any such birds or parts thereof in transit during the open season may continue in transit for such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver them to their destination, and may be possessed in any State, Alaska, Puerto Rico, or the District of Columbia, during the period constituting the open season where taken, and for an additional 90 days next succeeding said open season. Any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof.

Nothing contained herein shall be construed as permitting transportation of such birds, or parts thereof, from, to, or through any State, Alaska, Puerto Rico, or the District of Columbia, or to or through Canada or Mexico contrary to the laws of the place in which taken or from, to, or through which transported, nor shall any such birds be imported from Canada or Mexico contrary to the laws of the place in which taken or from, to, or through which transported

Migratory game birds imported from countries other than Canada and Mexico Migratory game birds of a species on which open seasons are prescribed by regulation 4, legally taken in and exported from a foreign country (other than Canada and Mexico, for which provision is hereinbefore made) may be transported by any one person in 1 calendar week in numbers not exceeding those permitted by regulation 5 to be taken by one person in 1 day, except American and redbreasted mergansers, or in 2 days in the case of woodcocks, ducks (except wood ducks), but not more than 4 geese, including brant, but not including blue, snow, or whitefronted geese, and in addition not more than eight singly or in the aggregate of blue, snow, or whitefronted geese, to any State, Alaska, or Puerto Rico during the open season prescribed by said regulation 4 for such State, Alaska, or Puerto Rico on that species, and to the District of Columbia during the open season so prescribed for Maryland, and may be possessed in such State, Alaska, or Puerto Rico, or the District of Columbia for an additional 90 days immediately succeeding such open season, if transportation and possession of such birds are not prohibited by such State, Alaska, or Puerto Rico and if transported in packages marked as hereinbefore provided. As amended Proc. No. 2658, Aug. 6, 1945, 10 F. R 9759, 59 Stat. —.

REGULATION 7—TAKING OF CERTAIN MIGRATORY NONGAME BIRDS BY ESKIMOS AND INDIANS IN ALASKA

In Alaska, Eskimos and Indians may take, in any manner and at any time, and may possess and transport, auks, auklets, guillemots, murres, and puffins and their eggs and skins for use of themselves and their immediate families for food and clothing

REGULATION 8—PROPAGATING, SCIENTIFIC, AND OTHER PERMITS

1. Any person without a permit may possess and transport for his own use, legally acquired live migratory waterfowl and the plumage and skins of legally taken migratory game birds, and such person may possess, dispose of, and transport for the making of fishing flies, bed pillows, and mattresses, and for similar commercial uses, but not for millinery nor ornamental use, feathers of wild ducks and wild geese legally killed or seized and condemned by Federal or State game authorities.

2. Permits for the taking, acquisition, and possession of live migratory birds and their eggs for propagating purposes, for the taking, acquisition and possession of migratory birds and their eggs, nests, or parts for scientific and other limited purposes, for the disposition and transportation of such birds, eggs, nests, parts, and their increase, and for the mounting or other preparation by a taxidermist of such birds, eggs or nests, may be issued under the direction of the Secretary, upon such terms and conditions, including the keeping of records and the making of reports, as he may deem are necessary for the protection of the species and consistent with the general purposes of these regulations.

3. Without obtaining a permit as otherwise required in Section 2 of this regulation, public museums, zoological parks and societies, and public scientific and educational institutions may acquire, possess, purchase, dispose of and transport migratory birds and their eggs, nests or parts. State or municipal game farms or city parks also may acquire, possess, dispose of, and transport live migratory waterfowl without a permit.

4. Applications for permits shall be in such form as may be prescribed by the Secretary, and shall be addressed to the Director of Fish and Wildlife Service, Chicago 54, Illinois.

5 Every package in which migratory birds or parts, nests or eggs thereof, are shipped wholly within a State or Territory or the District of Columbia, or in which such birds or parts or eggs thereof are transported by any means whatever from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to a foreign country, shall be plainly and clearly marked, labeled, or tagged on the outside thereof to show the name and address of the consignor and consignee, the contents of the package, the number of the permit under authority of which it is shipped or transported, and the purpose for which the birds or parts, nests or eggs are being shipped or transported.

REGULATION 9—PERMITS TO KILL MIGRATORY BIRDS INJURIOUS TO AGRICULTURE OR OTHER INTERESTS

Agriculture or other injury. When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any extensive area, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times, hours, and by what methods and means Upon such determination an appropriate order will be made by the Secretary.

Whenever, by reason of a rapid decrease in the distribution and abundance of any species of migratory game birds during any open season specified in these regulations, the shortening of such season or the reduction of the daily bag and possession limits will operate to insure a continuing and normal supply of such species, then, in that event the applicable season or the daily bag and possession limits of such species shall be shortened or reduced to the extent determined necessary to insure such continuing and normal supply. Whenever, by reason of the destruction of valuable agricultural crops through the overabundance of any species of migratory game birds during either an open or closed season specified in these regulations, the lengthening of an open season or the increase of the daily bag and possession limits or a change in the manner, method or hours of such taking will operate to reduce the destruction of valuable agricultural crops, then, in such event the applicable season or daily bag and possession limits may be increased or the manner, method or hours of taking changed for such fixed period or time to the extent necessary to conserve such valuable agricultural crops. In no event shall any season be lengthened to provide an open season of more than 3½ months.

The facts as to the decrease in distribution and abundance of any species of migratory game birds requiring a shortening of seasons or reductions of daily bag and possession limits, or as to the destruction of valuable agricultural crops requiring the lengthening of seasons or other remedial action, shall be determined by the Secretary and in accordance therewith he shall issue applicable orders which shall become effective when published in the FEDERAL REGISTER

Specific injury. Upon receipt by the Director, or the Regional Director in the region where the injury occurs, of information from the owner, tenant, or sharecropper that migratory birds are injuring his crops or other interests on the land on which he resides, together with a statement of the location of the land, the nature of

the crops or other interests being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made, and if it is determined from such investigation that the injury complained of is substantial and can be abated only by killing the birds, or some of them, permits to kill the birds may be issued by the Director or by the Regional Director, if authorized by the Director, in which permits will be specified the time during which, the means and methods by which, and the person or persons by whom the birds may be killed, and the disposition to be made of the birds so killed, and such other restrictions as may be deemed necessary and appropriate in the circumstances of the particular case

Every person exercising any privilege granted in a permit issued by the Director or Regional Director shall keep an accurate record of all migratory birds killed by him and whenever requested by the Director or by the Regional Director shall submit promptly, on a form provided by the Fish and Wildlife Service for the purpose, a report correctly stating the species and the number of each species of migratory birds killed by him, and in any event shall submit such report to the Regional Director on or before January 10 of each year. Failure to submit a report as required by this regulation will be sufficient cause for revocation of the permit or withdrawal of any privilege accorded any person failing to make the report

REGULATION 10—STATE LAWS FOR THE PROTECTION OF MIGRATORY BIRDS

Nothing in these regulations or in any permit issued thereunder shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds, or parts, nests, or eggs thereof contrary to the laws and regulations of any State or Territory or the District of Columbia, made for the purpose of giving further protection to migratory birds, their nests, and eggs, when such laws and regulations are not inconsistent with the conventions between the United States and any other country for the protection of migratory birds or with the Migratory Bird Treaty Act and do not extend the open seasons for such birds beyond the dates prescribed by these regulations

REGULATION 11—TRANSPORTATION OF GAME MAMMALS TO AND FROM MEXICO

Game mammals or parts or products thereof, taken in and transported from a State, Territory, or the District of Columbia, may be transported to Mexico, if the importation thereof is not prohibited by law or regulation of that country, upon presentation to the collector of customs at the port of exit of the certificate of an official, warden, or other officer of the game department of such State, Territory, or District, that such game mammals, or parts or products thereof, which must be listed in the certificate, were taken or acquired, and are being transported in compliance with the laws and regulations of such State, Territory, or District.

Live game mammals authorized by a special permit issued by the Secretary of the Interior, pursuant to section 241 of the Penal Code, the administration of which section was in part transferred to said Secretary on July 1, 1939, pursuant to the Reorganization Act of 1939 (53 Stat 561), to be imported, and the dead bodies of game mammals, or parts, or products thereof, proceeding from Mexico, if accompanied by a Mexican export permit, may be transported into the United States, but their possession in any State or Territory or the District of Columbia will be subject to the laws of such State, Territory, or District.

The Migratory Bird Treaty Act regulations approved August 11, 1939 (54 Stat. 2615), and all amendments thereof are hereby revoked, but all permits heretofore made or issued pursuant to said act and now in force authorizing the killing or other disposition of certain species of migratory birds when injurious to crops and other property and interests and the taking, possession, sale, purchase, exchange, or transportation of migratory birds and their nests and eggs for scientific purposes, and migratory waterfowl and their eggs for propagating purposes, are hereby continued and extended in full force and effect as permits adopted and approved or made or issued hereunder

PRIOR PROVISIONS

Prior regulations were contained in Proc No. 2345, Aug 11, 1939, 4 F R 3621, 54 Stat 2615; as amended by Proc No 2367, Sept 28, 1939, 4 F R 4107, 54 Stat. 2661; Proc. No 2420, Aug. 9, 1940, 5 F.R. 2813, 54 Stat. 2728; Proc. No 2501, Aug. 16, 1941, 6 F.R 4233, 55 Stat. 1661; Proc. No 2518, Oct. 16, 1941, 6 F.R 5303, 55 Stat. 1692, Proc. No 2562, July 14, 1942, 7 F R 5471, 56 Stat 1965, Proc. 2589, July 16, 1943, 8 F.R 9897, 57 Stat 743; Proc No. 2596, Oct. 8, 1943, 8 F.R. 13965, 57 Stat. 753.

HUNTING STAMP TAX

§ 718i. Disposal of surplus stamps.

Hereafter all migratory bird hunting stamps provided for in sections 718–718h of this title not sold at the end of the fiscal year for which issued shall be turned over to the philatelic agency and therein placed on sale until disposed of or until the Congress otherwise provides: *Provided,* That such stamps shall be usable as migratory bird hunting stamps only during the fiscal year for which issued. (June 28, 1941, ch. 259, § 1, 55 Stat. 356.)

Chapter 8.—UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

§ 721. Upper Mississippi River Wild Life and Fish Refuge; citation; person defined.

ADDITIONAL LANDS

Act June 13, 1944, ch. 243, 58 Stat 274, provided for the acquisition of certain tracts of land situated in Wabasha County, Minnesota.

Chapter 9.—FISH AND WILDLIFE SERVICE

Sec

752 Exchange of equipment by Service as part payment for other equipment (New)

753 Cooperative work (New)

754. Commutation of rations for officers and crews of vessels of the Service (New).

§ 741. Commissioner of Fisheries.

EX ORD NO 9634 ESTABLISHMENT OF FISHERY CONSERVATION ZONES

Ex. Ord No. 9634, Sept. 28, 1945, 10 F. R 12305, provided in part:

By virtue of and pursuant to the authority vested in me as President of the United States, it is hereby ordered that the Secretary of State and the Secretary of the Interior shall from time to time jointly recommend the establishment by Executive orders of fishery conservation zones in areas of the high seas contiguous to the coasts of the United States, pursuant to the proclamation entitled "Policy of the United States With Respect to Coastal Fisheries in Certain Areas of the High Seas" [Proc. No. 2668, Sept. 28, 1945, 10 F. R 12304], this day signed by me, and said Secretaries shall in each case recommend provisions to be incorporated in such orders relating to the administration, regulation and control of the fishery resources of and fishing activities in such zones, pursuant to authority of law heretofore or hereafter provided

§ 744. Investigations; fish propagation; annual statement of expenditures; investigations of damages by predacious fishes; executive assistance.

SURVEY OF MARINE AND FRESH-WATER RESOURCES

Act May 11, 1944, ch 195, 58 Stat. 220, provided for a comprehensive survey of all the marine, fresh-water, and other aquatic resources of the United States, its Territories, and possessions; and for submission of a report on survey, together with recommendations, to Congress not later than

January 1, 1945. It also appropriated $20,000 to carry out the purpose of the act

§ 752. Exchange of equipment by Service as part payment for other equipment.

The Fish and Wildlife Service may exchange motor-propelled and horse-drawn vehicles, tractors, road equipment, boats, aircraft, typewriters, computing or duplicating machines, or parts, accessories, tires, or equipment thereof, in part payment for vehicles, tractors, road equipment, boats, aircraft, typewriters, computing or duplicating machines, or parts, accessories, tires, or equipment thereof (June 28, 1941, ch. 259, § 1, 55 Stat. 357; July 2, 1942, ch. 473, § 1, 56 Stat. 557.)

§ 753. Cooperative work.

Cooperative work conducted by the Fish and Wildlife Service shall be subject to the provisions of sections 563 and 564 of Title 5. (June 28, 1941, ch. 259, § 1, 55 Stat. 357; July 2, 1942, ch. 473, § 1, 56 Stat. 557.)

§ 754. Commutation of rations for officers and crews of vessels of the Service.

Commutation of rations (not to exceed $1 per man per day) may be paid to officers and crews of vessels of the Fish and Wildlife Service under regulations prescribed by the Secretary of the Interior, and money accruing from commutation of rations on board vessels may be paid on proper vouchers to the persons having charge of the mess of such vessels, and section 75a of Title 5, shall not be construed to require deductions from the salaries of officers and crews of vessels of the Fish and Wildlife Service for quarters and rations furnished on vessels of said Service. (June 28, 1941, ch 259, § 1, 55 Stat. 357; July 2, 1942, ch. 473, § 1, 56 Stat. 557.)

Chapter 12.—FEDERAL POWER ACT

SUBCHAPTER III -- LICENSEES AND PUBLIC UTILITIES, PROCEDURAL AND ADMINISTRATIVE PROVISIONS

Sec
825s Sale of electric power from reservoir projects, rate schedules, preference in sale, construction of transmission lines; disposition of moneys (New).

SUBCHAPTER I—REGULATION OF THE DEVELOPMENT OF WATER POWER AND RESOURCES

§ 818. Public lands included in project; reservation of lands from entry.

Any lands of the United States included in any proposed project under the provisions of this chapter shall from the date of filing of application therefor be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the commission or by Congress. Notice that such application has been made, together with the date of filing thereof and a description of the lands of the United States affected thereby, shall be filed in the local land office for the district in which such lands are located. Whenever the commission shall determine that the value of any lands of the United States so applied for, or heretofore or hereafter reserved or classified as power sites, will not be injured or destroyed for the purposes of power development by location, entry, or selection under the public-land laws, the Secretary of the Interior, upon notice of such determination, shall declare such lands open to location, entry, or selection, for such purpose or purposes and under such restrictions as the Commission may determine, subject to and with a reservation of the right of the United States or its permittees or licensees to enter upon, occupy, and use any part or all of said lands necessary, in the judgment of the Commission, for the purposes of sections 791–823 of this title, which right shall be expressly reserved in every patent issued for such lands; and no claim or right to compensation shall accrue from the occupation or use of any of said lands for said purposes. The United States or any licensee for any such lands hereunder may enter thereupon for the purposes of sections 791–823 of this title, upon payment of any damages to crops, buildings, or other improvements caused thereby to the owner thereof, or upon giving a good and sufficient bond to the United States for the use and benefit of the owner to secure the payment of such damages as may be determined and fixed in an action brought upon the bond in a court of competent jurisdiction, said bond to be in the form prescribed by the Commission: *Provided*, That locations, entries, selections, or filings heretofore made for lands reserved as water-power sites, or in connection with water-power development, or electrical transmission may proceed to approval or patent under and subject to the limitations and conditions in this section contained. (June 10, 1920, ch. 285, § 24, 41 Stat 1075; Aug. 26, 1935, ch. 687, title II, § 211, 49 Stat 846.)

§ 824a. Interconnection and coordination of facilities; emergencies; transmission to foreign countries.

CODIFICATION

At end of subsec (d), words "under this chapter" should read "hereunder".

SUBCHAPTER III.—LICENSEES AND PUBLIC UTILITIES; PROCEDURAL AND ADMINISTRATIVE PROVISIONS

§ 825s. Sale of electric power from reservoir projects; rate schedules; preference in sale; construction of transmission lines; disposition of moneys.

Electric power and energy generated at reservoir projects under the control of the War Department and in the opinion of the Secretary of War not required in the operation of such projects shall be delivered to the Secretary of the Interior, who shall transmit and dispose of such power and energy in such manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles, the rate schedules to become effective upon confirmation and approval by the Federal Power Commission. Rate schedules shall be drawn having regard to the recovery (upon the basis of the application of such rate schedules to the capacity of the electric facilities of the projects) of the cost of producing and transmitting such electric energy, including the amortization of the capital investment allocated to power over a reasonable period of years. Preference in the

sale of such power and energy shall be given to public bodies and cooperatives. The Secretary of the Interior is authorized, from funds to be appropriated by the Congress, to construct or acquire, by purchase or other agreement, only such transmission lines and related facilities as may be necessary in order to make the power and energy generated at said projects available in wholesale quantities for sale on fair and reasonable terms and conditions to facilities owned by the Federal Government, public bodies, cooperatives, and privately owned companies. All moneys received from such sales shall be deposited in the Treasury of the United States as miscellaneous receipts. (Dec. 22, 1944, ch. 665, § 5, 58 Stat. 890.)

CODIFICATION

Section was not enacted as a part of the Federal Power Act

Chapter 12A.—TENNESSEE VALLEY AUTHORITY ACT

Sec

831c–1. Bridges endangered or damaged by dams, etc; compensation of and contracts with owner for protection, replacement, etc. (New).

§ 831. "Tennessee Valley Authority" created.

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

§ 831c. Corporate powers generally; eminent domain; construction of dams, transmission lines, etc.

* * * * *

(k) Shall have power in the name of the United States—

(a) to convey by deed, lease, or otherwise, any real property in the possession of or under the control of the Corporation to any person or persons, for the purpose of recreation or use as a summer residence, or for the operation on such premises of pleasure resorts for boating, fishing, bathing, or any similar purpose;

(b) to convey by deed, lease, or otherwise, the possession and control of any such real property to any corporation, partnership, person, or persons for the purpose of erecting thereon docks and buildings for shipping purposes or the manufacture or storage thereon of products for the purpose of trading or shipping in transportation: *Provided,* That no transfer authorized herein in (b) shall be made without the approval of Congress: *And provided further,* That said corporation, without further action of Congress, shall have power to convey by deed, lease, or otherwise, to the Ingalls Shipbuilding Corporation, a tract or tracts of land at or near Decatur, Alabama, and to the Commercial Barge Lines, Inc., a tract or tracts of land at or near Guntersville, Alabama.

(c) to transfer any part of the possession and control of the real estate now in possession of and under the control of said Corporation to any other department, agency, or instrumentality of the United States: *Provided, however,* That no land shall be conveyed, leased, or transferred, upon which there is located any permanent dam, hydroelectric power plant, or munitions plant heretofore or hereafter built by or for the United States or for the Authority, except that this prohibition shall not apply to the transfer of Nitrate Plant Numbered 1, at Muscle Shoals, Alabama, or to Waco Quarry: *And provided further,* That no transfer authorized herein in (a) or (c), except leases for terms of less than twenty years, shall be made without the approval of the President of the United States, if the property to be conveyed exceeds $500 in value; and

(d) to convey by warranty deed, or otherwise, lands, easements, and rights-of-way to States, counties, municipalities, school districts, railroad companies, telephone, telegraph, water, and power companies, where any such conveyance is necessary in order to replace any such lands, easements, or rights-of-way to be flooded or destroyed as the result of the construction of any dam or reservoir now under construction by the Corporation, or subsequently authorized by Congress, and easements and rights-of-way upon which are located transmission or distribution lines. The Corporation shall also have power to convey or lease Nitrate Plant Numbered 1, at Muscle Shoals, Alabama, and Waco Quarry, with the approval of the War Department and the President. (As amended July 18, 1941, ch. 309, 55 Stat. 599.)

* * * * *

AMENDMENTS

1941—Subsec (k) as added by act Aug. 31, 1935, cited to text, was stricken and new subsec. (k) inserted in lieu thereof by act July 18, 1941, cited to text.

§ 831c–1. Bridges endangered or damaged by dams, etc.; compensation of and contracts with owner for protection, replacement, etc.

Whenever, as the result of the construction of any dam, reservoir, or other improvement under the provisions of this chapter, or amendments thereto, any bridge, trestle, or other highway or railroad structure located over, upon, or across the Tennessee River or any of its navigable tributaries, including approaches, fenders, and appurtenances thereto, is endangered or otherwise adversely affected and damaged, including any interference with or impairment of its use, to the extent that protection, alteration, reconstruction, relocation, or replacement is necessary or proper to preserve its safety or utility or to meet the requirements of navigation or flood control, or both, the owner or owners of such bridge, trestle, or structure shall be compensated by the Tennessee Valley Authority in the sum of the reasonable actual cost of such protection, alteration, reconstruction, relocation, or replacement: *Provided,* That in arriving at the amount of such compensation the bridge owner shall be charged with a sum which shall equal the net value to the owner of any direct and special benefits accruing to the owner from any improvement or addition or betterment of the altered, reconstructed, relocated, or replaced bridge, trestle, or structure. The Tennessee Valley Authority is empowered to contract with such owner with respect to any such protection, alteration, reconstruction, relocation, or replacement, the payment of the cost thereof and its proper division, which contract may provide either for money compensation or for the performance of all or any part of the work by the Tennessee

Valley Authority: *Provided further*, That the payments herein provided for shall be paid out of the earnings of the Authority.

In the event of a failure to agree upon the terms and conditions of any such contract, or upon any default in the performance of any contract entered into pursuant to this section, the bridge owner or the Tennessee Valley Authority shall have the right to bring suit to enforce its rights or for a declaration of its rights under this section, or under any such contract, in the district court of the United States for the district in which the property in question is located. In any such proceeding the court shall apportion the total cost of the work between the Tennessee Valley Authority and the owner in accord with the provisions contained in this section. Any judgment, award, or decree rendered against the Tennessee Valley Authority under this section may be satisfied out of appropriations available for the major project which requires the protection, alteration, reconstruction, relocation, or replacement. *Provided*, That, prior to such alteration, reconstruction, or relocation of said bridges, the location and plans shall be submitted to and approved by the Chief of Engineers and by the Secretary of War in accordance with existing laws. (Nov. 21, 1941, ch 480, 55 Stat. 773.)

CODIFICATION

Section is not a part of the Tennessee Valley Authority Act.

§ 831h. Annual financial statements; purchases and contracts; audit; accounts.

* * * * *

(b) * * *

The Comptroller General of the United States shall audit the transactions of the Corporation at such times as he shall determine, but not less frequently than once each governmental fiscal year, with personnel of his selection. In such connection he and his representatives shall have free and open access to all papers, books, records, files, accounts, plants, warehouses, offices, and all other things, property, and places belonging to or under the control of or used or employed by the Corporation, and shall be afforded full facilities for counting all cash and verifying transactions with and balances in depositaries He shall make report of each such audit in quadruplicate, one copy for the President of the United States, one for the chairman of the Board, one for public inspection at the principal office of the Corporation, and the other to be retained by him for the uses of the Congress: *Provided*, That such report shall not be made until the Corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors therein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with his report. The expenses for each such audit shall be paid from any appropriation or appropriations for the General Accounting Office, and such part of such expenses as may be allocated to the cost of generating, transmitting, and distributing electric energy shall be reimbursed promptly by the Corporation as billed by the Comptroller General. The Comptroller General shall make special report to the President of the United States and to the Congress of any transaction or condition found by him to be in conflict with the powers or duties entrusted to the Corporation by law. Nothing in this chapter shall be construed to relieve the Treasurer or other accountable officers or employees of the Corporation from compliance with the provisions of existing law requiring the rendition of accounts for adjustment and settlement pursuant to section 71 of Title 31, as amended by section 305 of the Budget and Accounting Act, 1921 (42 Stat. 24), and accounts for all receipts and disbursements by or for the Corporation shall be rendered accordingly: *Provided*, That, subject only to the provisions of this chapter, the Corporation is authorized to make such expenditures and to enter into such contracts, agreements, and arrangements, upon such terms and conditions and in such manner as it may deem necessary, including the final settlement of all claims and litigation by or against the Corporation; and, notwithstanding the provisions of any other law governing the expenditure of public funds, the General Accounting Office, in the settlement of the accounts of the Treasurer or other accountable officer or employee of the Corporation, shall not disallow credit for, nor withhold funds because of, any expenditure which the Board shall determine to have been necessary to carry out the provisions of said chapter.

The Corporation shall determine its own system of administrative accounts and the forms and contents of its contracts and other business documents except as otherwise provided in this chapter. (As amended Nov. 21, 1941, ch. 485, 55 Stat. 775.)

REFERENCES IN TEXT

Words "this chapter" where first appearing in last sentence of second paragraph of subsec (b) read "this Act" in act Nov 21, 1941, cited to text, probably referring to act May 18, 1933, also cited, which constitutes this chapter

AMENDMENTS

1941—Subsec. (b) was amended by act Nov 21, 1941, cited to text, which added last paragraph and last sentence of next-to-last paragraph.

§ 831q. Eminent domain; contracts for relocation of railroads, highways, industrial plants, etc.

In order to enable and empower the Secretary of War, the Secretary of the Interior, or the board to carry out the authority conferred in this chapter, in the most economical and efficient manner, he or it is hereby authorized and empowered in the exercise of the powers of national defense in aid of navigation, and in the control of the flood waters of the Tennessee and Mississippi Rivers, constituting channels of interstate commerce, to exercise the right of eminent domain for all purposes of this chapter, and to condemn all lands, easements, rights of way, and other area necessary in order to obtain a site for said Cove Creek Dam, and the flowage rights for the reservoir of water above said dam, and to negotiate and conclude contracts with States, counties, municipalities, and all State agencies and with railroads, railroad corporations, common carriers, and all pub-

lic utility commissions and any other person, firm, or corporation, for the relocation of railroad tracks, highways, highway bridges, mills, ferries, electric-light plants, and any and all other properties, enterprises, and projects whose removal may be necessary in order to carry out the provisions of this chapter. When said Cove Creek Dam, transmission line, and power house shall have been completed, the possession, use, and control thereof shall be intrusted to the Corporation for use and operation in connection with the general Tennessee Valley project, and to promote flood control and navigation in the Tennessee River. (May 18, 1933, ch. 32, § 18, 48 Stat. 67.)

COMPLETION OF DAM

The site for the Cove Creek Dam has been obtained and the dam completed.

Chapter 12B.—BONNEVILLE PROJECT

§ 832a. General administrative provisions—(a) Appointment of Administrator; compensation; powers and duties.

The electric energy generated in the operation of the said Bonneville project shall be disposed of by the said administrator as hereinafter in this chapter provided. The administrator shall be appointed by the Secretary of the Interior; shall be responsible to said Secretary of the Interior; shall receive a salary at the rate of $10,000 per year; and shall maintain his principal office at a place selected by him in the vicinity of the Bonneville project.

The administrator shall, as provided in this chapter, make all arrangements for the sale and disposition of electric energy generated at Bonneville project not required for the operation of the dam and locks at such project and the navigation facilities employed in connection therewith. He shall act in consultation with an advisory board composed of a representative designated by the Secretary of War, a representative designated by the Secretary of the Interior, a representative designated by the Federal Power Commission, and a representative designated by the Secretary of Agriculture The form of administration herein established for the Bonneville project is intended to be provisional pending the establishment of a permanent administration for Bonneville and other projects in the Columbia River Basin The Secretary of War shall install and maintain additional machinery, equipment, and facilities for the generation of electric energy at the Bonneville project when in the judgment of the administrator such additional generating facilities are desirable to meet actual or potential market requirements for such electric energy. The Secretary of War shall schedule the operations of the several electrical generating units and appurtenant equipment of the Bonneville project in accordance with the requirements of the administrator. The Secretary of War shall provide and maintain for the use of the administrator at said Bonneville project adequate station space and equipment, including such switches, switchboards, instruments, and dispatching facilities as may be required by the administrator for proper reception, handling, and dispatching of the electric energy produced at the said project, together with transformers and other equipment required by the administrator for the transmission of such energy from that place at suitable voltage to the markets which the administrator desires to serve.

The office of the Administrator of the Bonneville project is constituted an office in the Department of the Interior and shall be under the jurisdiction and control of the Secretary of the Interior. All functions vested in the Administrator of the Bonneville project under this chapter may be exercised by the Secretary of the Interior and, subject to his supervision and direction, by the Administrator and other personnel of the project.

* * * * *

(f) Contracts.

Subject only to the provisions of this chapter, the Administrator is authorized to enter into such contracts, agreements, and arrangements, including the amendment, modification, adjustment, or cancelation thereof and the compromise or final settlement of any claim arising thereunder, and to make such expenditures, upon such terms and conditions and in such manner as he may deem necessary. (As amended Oct. 23, 1945, ch. 433, §§ 1, 5, 59 Stat 546, 547)

AMENDMENTS

1945—Subsec (a) amended by act Oct 23, 1945, cited to text, which deleted the third and fourth sentences "The Secretary of the Interior * * * successor is appointed."

Subsec (f) amended by act Oct 23, 1945, cited to text, which omitted ", in the name of the United States, to negotiate and" preceding "enter" and inserted "to" in lieu thereof, omitted "as he shall find necessary or appropriate to carry out the purposes of this chapter" following "and arrangements" and inserted in lieu thereof ", including the amendment, * * * as he may deem necessary"

§ 832d. Contracts for sale of electricity—(a) Authorization of administrator; contents of contracts.

Subject to the provisions of this chapter and to such rate schedules as the Federal Power Commission may approve, as provided in this chapter, the administrator shall negotiate and enter into contracts for the sale at wholesale of electric energy, either for resale or direct consumption, to public bodies and cooperatives and to private agencies and persons and for the disposition of electric energy to Federal agencies. Contracts for the sale of electric energy to any private person or agency other than a privately owned public utility engaged in selling electric energy to the general public, shall contain a provision forbidding such private purchaser to resell any of such electric energy so purchased to any private utility or agency engaged in the sale of electric energy to the general public, and requiring the immediate canceling of such contract of sale in the event of violation of such provision. Contracts entered into under this subsection shall be binding in accordance with the terms thereof and shall be effective for such period or periods, including renewals or extensions, as may be provided therein, not exceeding in the aggregate twenty years from the respective dates of the making of such contracts. Contracts entered into under this subsection shall contain (1) such provisions as the administrator and purchaser agree upon for the equitable adjustment of rates at appropriate intervals, not less frequently than once in every five years, and (2) in the case of

a contract with any purchaser engaged in the business of selling electric energy to the general public, the contract shall provide that the administrator may cancel such contract upon five years' notice in writing if in the judgment of the administrator any part of the electric energy purchased under such contract is likely to be needed to satisfy the requirements of the said public bodies or cooperatives referred to in this chapter, and that such cancelation may be with respect to all or any part of the electric energy so purchased under said contract to the end that the preferential rights and priorities accorded public bodies and cooperatives under this chapter shall at all times be preserved. Contracts entered into with any utility engaged in the sale of electric energy to the general public shall contain such terms and conditions, including among other things stipulations concerning resale and resale rates by any such utility, as the administrator may deem necessary, desirable or appropriate to effectuate the purposes of this chapter and to insure that resale by such utility to the ultimate consumer shall be at rates which are reasonable and nondiscriminatory. Such contracts shall also require such utility to keep on file in the office of the administrator a schedule of all its rates and charges to the public for electric energy and such alterations and changes therein as may be put into effect by such utility. (As amended Oct. 23, 1945, ch 433, § 2, 59 Stat. 546.)

* * * * *

AMENDMENTS

1945—Subsec. (a) amended by act Oct. 23, 1945, cited to text, which inserted "and for the disposition of electrical energy to Federal agencies" immediately preceding the period in the first sentence.

§ 832e. Rate schedules.

Schedules of rates and charges for electric energy produced at the Bonneville project and sold to purchasers as in this chapter provided shall be prepared by the administrator and become effective upon confirmation and approval thereof by the Federal Power Commission; and such rates and charges shall also be applicable to dispositions of electric energy to Federal agencies. Subject to confirmation and approval by the Federal Power Commission, such rate schedules may be modified from time to time by the administrator, and shall be fixed and established with a view to encouraging the widest possible diversified use of electric energy. The said rate schedules may provide for uniform rates or rates uniform throughout prescribed transmission areas in order to extend the benefits of an integrated transmission system and encourage the equitable distribution of the electric energy developed at the Bonneville project. (As amended Oct 23, 1945, ch. 433, § 3, 59 Stat. 546.)

AMENDMENTS

1945—Act Oct. 23, 1945, cited to text, amended the first sentence by striking the period, inserting a semicolon, and adding all text following.

§ 832h. Miscellaneous administrative provisions—(a) Accounts; audit; procedures, etc., prescribed.

The administrator, subject to the requirements of sections 791a–825r of this title, shall keep complete and accurate accounts of operations, including all funds expended and received in connection with transmission and sale of electric energy generated at the Bonneville project, and in the maintenance of such accounts, appropriate obligations shall be established for annual and sick leave of absence as earned. The Administrator shall, after the close of each fiscal year, obtain an independent commercial-type audit of such accounts. The forms, systems, and procedures prescribed by the Comptroller General for the Administrator's appropriation and fund accounting shall be in accordance with the requirements of said sections with respect to accounts of electric operations of public utilities and the regulations of the Federal Power Commission pursuant thereto. (As amended Oct. 23, 1945, ch. 433, § 4, 59 Stat. 547.)

* * * * *

AMENDMENTS

1945—Subsec (a) amended by act Oct 23, 1945, cited to text, which inserted a comma in lieu of period following "project" and added all text following.

§ 832i. Employment of personnel—(a) Appointment of Assistant Administrator, chief engineer, and general counsel; compensation; duties.

The Secretary of the Interior shall appoint, without regard to the civil-service laws, an Assistant Administrator, chief engineer, and general counsel and shall fix the compensation of each in accordance with sections 661–663, 664–673, and 674 of Title 5. The Assistant Administrator shall perform the duties and exercise the powers of the Administrator, in the event of the absence or sickness of the Administrator until such absence or sickness shall cease and in the event of a vacancy in the office of Administrator until a successor is appointed.

(b) Officers and employees; compensation.

The Administrator, the Secretary of War, and the Federal Power Commission, respectively, are authorized to appoint, subject to the civil-service laws, such officers and employees as may be necessary to carry out the purposes of this chapter, the appointment of whom is not otherwise provided for, and to fix their compensation in accordance with sections 661–663, 664–673, and 674 of Title 5. The Administrator may employ laborers, mechanics, and workmen in connection with construction work or the operation and maintenance of electrical facilities (hereinafter called "laborers, mechanics, and workmen"), subject to the civil-service laws, and fix their compensation without regard to sections 661–663, 664–673, and 674 of Title 5, and any other laws, rules, or regulations relating to the payment of employees of the United States except sections 691, 693, 698, 707, 709, 710–715, 716–725, 727–731, 733, 736b, and 736c of Title 5, to the extent that it otherwise is applicable. The Administrator is further authorized to employ physicians, under agreement and without regard to civil-service laws or regulations, to make physical examinations of employees or prospective employees who are or may become laborers, mechanics, and workmen. The Administrator, the Secretary of War, and the Federal Power Commission, respec-

tively, are also authorized to appoint, without regard to the civil-service laws, such experts as may be necessary for carrying out the functions entrusted to them under this chapter and to fix the compensation of each of such experts without regard to sections 661–663, 664–673, and 674 of Title 5, but at not to exceed $7,500 per annum.

(c) Voluntary and uncompensated services; utilization of personnel and equipment of other governmental agencies.

The Administrator may accept and utilize such voluntary and uncompensated services and with the consent of the agency concerned may utilize such officers, employees, or equipment of any agency of the Federal, State, or local governments which he finds helpful in carrying out the purposes of this chapter; in connection with the utilization of such services, reasonable payments may be allowed for necessary travel and other expenses (As amended Oct 23, 1945, ch. 433, § 5, 59 Stat. 547)

AMENDMENTS

1945—Act Oct. 23, 1945, cited to text, amended section generally by adding subsec. (a) to provide for the appointment of an Assistant Administrator, chief engineer, and general counsel, by making former text of section subsec. (b) and amending it generally, and by adding subsec. (c) providing for acceptance of voluntary and uncompensated services

§ 832k. Authority of Administrator—(a) Settlement, compromise, and payment of claims; limitations; conclusiveness of settlements; restoration of damage.

The Administrator is authorized to determine, settle, compromise, and pay claims and demands against the United States which are not in excess of $1,000 and are presented to the Administrator in writing within one year from the date of accrual thereof, for any losses, injuries, or damages to persons or property, or for the death of persons, resulting from acts or omissions of employees acting within the scope of their employment pursuant to this chapter. The Administrator is also authorized to determine, compromise, and settle any claims and demands of the United States for any losses, injuries, or damages to property under the Administrator's control, against other persons or public or private corporations. The Administrator's determination, compromise, settlement, or payment of any of the claims referred to in this subsection shall be final and conclusive upon all officers of the Government, notwithstanding the provisions of any other Act to the contrary. When claims presented to the Administrator under this subsection arise, in whole or in part, out of any damage done to private property, the Administrator may repair all or any part of such damage in lieu of making such payments.

(b) Instigation of legal proceedings; representation; supervision by Attorney General; settlement of suits.

The Administrator may, in the name of the United States, bring such suits at law or in equity as in his judgment may be necessary to carry out the purposes of this chapter; and he shall be represented in the prosecution and defense of all litigation, including condemnation proceedings, affecting the status or operation of the Bonneville project by his attorneys: *Provided, however,* That such attorneys shall supply the Attorney General with copies of the pleadings in all such cases and that the handling of litigation which, in the Attorney General's opinion, involves interpretation of the Constitution of the United States or which involves appearance in any United States circuit court of appeals or the United States Supreme Court shall be subject to the Attorney General's direction or supervision. The Administrator may compromise and make final settlement of such litigation and pay the amount due under any compromise or judgment. Complaints in condemnation proceedings permitted by subsections (c) and (d) of section 832a of this title shall be signed, verified, and filed by the Administrator. (As amended Oct. 23, 1945, ch. 433, § 6, 59 Stat. 547.)

AMENDMENTS

1945—Act Oct 23, 1945, cited to text, amended section generally by adding subsec (a) giving authorization to the Administrator to settle claims, and by making former text of section subsec. (b) and amending it generally.

Chapter 12D.—GRAND COULEE DAM PROJECT

Sec.

835c–1 Taxation and assessments, applicability of state laws (New)
835c–2 Appropriations; establishment of Columbia Basin Land Development Account (New).
835c–3. Consent of State of Washington; effect of constitutional limitations (New).
835c–4 General powers of Secretary of the Interior; delegation to authorized representatives (New).
835c–5 Consent of Government to sale of school and public lands of the State of Washington (New).

§ 835. Project authorized; laws applicable.

In addition to the primary purposes for which the Grand Coulee Dam project (hereafter to be known as the Columbia Basin project and herein called the "project") was authorized under the provisions of the Act of August 30, 1935 [section 2, chapter 831] (49 Stat. 1028), the project is hereby authorized and reauthorized as a project subject to section 16d of Title 41, and sections 375a, 387–389, 485–485k of Title 43; and the provisions of such Act and such sections together with the provisions of sections 835 to 835c–5 of this title shall govern the repayment of expenditures and the construction, operation, and maintenance of the works constructed as a part of the project. (As amended Mar. 10, 1943, ch. 14, § 1, 57 Stat. 14.)

AMENDMENTS

1943—Act Mar. 10, 1943, cited to text, amended section in its entirety.

SEPARABILITY CLAUSE; SHORT TITLE

Sections 10 and 11 of act Mar. 10, 1943, cited to text, provided:

"Sec. 10. If any provision of this Act [sections 835 to 835c–5 of this title] or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act [such sections] and the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby

"Sec. 11. This Act [sections 835 to 835c–5 of this title] may be cited as 'The Columbia Basin Project Act'."

§ 835a. Division of lands.

(a) Use of project appropriations for irrigation features; appraisals and reappraisals of lands; contracts with subdivisions of state.

No part of the funds heretofore or hereafter appropriated or allotted for project construction or for the reclamation of land within the project shall be expended in the construction of any irrigation features of the project, exclusive of Grand Coulee Dam and appurtenant works now under construction and of the pumping plant and equalizing reservoir and dams, until the requirements of the following subdivisions (i) and (ii) of this subsection (a) have been met:

(i) All lands within the project shall have been impartially appraised by the Secretary of the Interior (hereinafter called the "Secretary") and evaluated at the date of appraisal without reference to or increment on account of the construction of the project. Reappraisals may be made at any time by the Secretary, and will be made upon the request of the landowner concerned accompanied by an advance to the United States of $15 for each quarter section or fraction thereof involved, on account of expense thereof. In such reappraisals the Secretary shall take into account, in addition to the value found in the first appraisal, improvements made after said appraisal, such irrigation construction charges on the land as have been paid, and other items of value that are proper, other than increments on account of the construction of the project. The term "appraised value" as used in sections 835 to 835c–5 of this title shall mean appraised values determined as provided in this subsection.

(ii) Contracts shall have been made with irrigation, reclamation, or conservancy districts organized under State law embracing the lands within the project providing for payment thereby of that part of the cost of construction of the project determined by the Secretary to be the part thereof to be repaid by irrigation. Each such contract shall conform to the requirements of sections 835 to 835c–5 of this title, shall require repayment within the maximum period permitted under sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 491, and 498 of Title 43, and Acts amendatory thereof or supplementary thereto (hereinafter called the Federal reclamation laws), and provide that payments shall be enforceable by all means and remedies provided in said laws.

(b) Irrigation blocks; farm units, size, publication of plats, boundaries as determining right to water; temporary delivery to excess lands; definition of owners, community property.

(i) The lands within the project shall be developed in irrigation blocks, as that term is defined in section 16d of Title 41, and sections 375a, 387–389, 485–485k of Title 43. The Secretary shall segregate the lands in each irrigation block into farm units of sufficient acreage for the support of an average-sized family at a suitable living level, having in mind the character of soil, topography, location with respect to the irrigation system, and such other relevant factors as, in his judgment, enter into the determination of the area and boundaries thereof; and shall establish the units as hereafter provided. No farm unit shall contain more than one hundred and sixty or less than ten acres of irrigable land, except that any nominal quarter section comprising more than one hundred and sixty acres of irrigable land may be included in one farm unit, and except that lands owned by the United States may be established into units of lesser size for part-time farming purposes.

(ii) Prior to the initial delivery of water to an irrigation block, the Secretary shall prepare a plat of all the farm units in the irrigation block and shall publish a notice of the intention to establish such farm unit plat in six weekly issues of a newspaper of general circulation in the county or counties in which any part of the irrigation block is located. From the date of first publication, a copy of the plat shall be available in the county auditor's office of each of said counties for public inspection during the business hours of the office. Any interested landowner shall have the right to file written objections to the plat with the county auditor of the county in which his lands are situated before the close of the period of publication. After expiration of the period of publication the Secretary shall consider and determine all such objections, draw the plat in final form and file it for record in said county auditors' offices. With the consent of the owners of all farm units affected, the Secretary may revise the plat or any part thereof from time to time, and place the revisions of record with the original plat.

(iii) Water shall not be delivered from, through, or by means of the project works to or for lands not conforming in area and boundaries to the farm units covering the lands involved, nor to or for more than one farm unit held by any one landowner, except that as to lands held by the one having equitable or legal title on May 27, 1937, or the heir or devisee of such owner, delivery may be made to or for a total irrigable area not exceeding the maximum provided in this section. The limitations of this subdivison shall not apply to lands owned by the United States or any agency or instrumentality thereof, corporate or otherwise.

(iv) Lands within the project in excess of one farm unit held by any one landowner shall, except as otherwise provided in sections 835 to 835c–5 of this title, be deemed excess land: *Provided*, That if excess land is acquired by foreclosure or other process of law, by conveyance in satisfaction of mortgages, by inheritance or by devise, water therefor may be furnished temporarily for a period not exceeding five years from the effective date of such acquisition, delivery of water thereafter ceasing until the transfer thereof to a landowner duly qualified to secure water therefor.

(v) As used in sections 835 to 835c–5 of this title, the terms "owner", "landowner", and "any one landowner" denote any person, corporation, joint-stock association, or family; the term "family" denotes a group consisting of either or both husband and wife, together with their children under eighteen years of age, or all of such children if both parents are dead; the term "their children" includes the

issue and lawfully adopted children of either or both husband and wife; and the term "lands within the project" denotes those lands within the boundaries of the existing Columbia Basin irrigation districts, or revisions thereof approved by the Secretary, which the Secretary determines may be supplied water from, through, or by means of the project works and are required to be included to provide for sound development and operation of the project. Lands shall be deemed to be held by a family, if held as separate property of husband or wife, or constitute a part or all of their community property, or if they are the property of any or all of their children under eighteen years of age.

(c) Execution of recordable contract as condition precedent to receiving water; form of contract; provisions as covenants running with the land.

As a condition precedent to receiving water from the project and in consideration thereof, each landowner shall be required to execute, within six months from the date of the execution of the contract between the United States and the district within which the land is located, a recordable contract covering all his lands within that district, agreeing as to such lands for and on behalf of himself, his heirs, successors, and assigns to the provisions set forth in this subsection (c): *Provided,* That any landowner, having failed to execute such a contract within this period, may be permitted to execute such contract within one year after the date of judicial confirmation of the validity of the contract between the United States and the district but only in accordance with such rules and regulations as may be prescribed under section 835c–4 of this title concerning this privilege.

Each such recordable contract shall provide—

(i) That the landowner will conform his lands by purchase, sale, or exchange at the appraisal values to the area and boundaries of the pertinent farm unit or units shown on the plats filed under subsection (b) of this section and will dispose of excess land then or thereafter owned by him at its appraised value; that the Secretary is hereby given an irrevocable power of attorney to sell in behalf of the landowner any such excess land at said appraised value; and that the United States is thereby given, without further consideration, an option to buy any such excess land at said appraised value: *Provided,* That sales under such power or such option, unless otherwise provided in writing by said owner, shall be only for cash and only such that surrender of possession by the owner of any area of excess lands then operated as a single unit for dry farming or grazing may be effected substantially at one time.

(ii) That in the period from the date of execution thereof and to a date five years from the time water becomes available for the lands covered thereby, no conveyance of or contract to convey a freehold estate in such lands, whether excess or nonexcess lands, shall be made for a consideration exceeding its appraised value, and in connection with any conveyance of, or contract to convey, such an estate within such period the grantor or vendor or the grantee or vendee or any lien holder thereof shall, within thirty days from the date of such conveyance or contract, file in the office of the county auditor in the county or counties in which the land is located an affidavit describing the conveyance or contract and the consideration therefor.

(iii) That in the event that within such period such a conveyance of, or contract to convey, is made without filing within said thirty days the affidavit required in (ii) of this subsection, or is made for a consideration in excess of the appraised value, the Secretary, at any time within two years of the day on which there is filed for recording in the official county records the contract or deed involved, whichever is filed earliest in the event both the contract and deed are filed in a given transaction, may cancel the right of such estate to receive water from, through, or by means of the project works by a written notice of cancelation: *Provided,* That said power to cancel as to any given parcel of land may be waived by the Secretary at any time within said two-year period by a written notice of waiver: *And provided further,* That after any such cancelation a project water right for the estate involved may be acquired only on terms and conditions satisfactory to the Secretary.

(iv) That should any freehold estate in land covered thereby be conveyed or contracted to be conveyed within the period defined in (ii) of this subsection, the transaction, and any mortgage or other lien covering any deferred consideration thereunder, shall be subject to all the provisions of section 835b (b) of this title hereof.

Any or all of the provisions of this subsection required to be included in the recordable contracts may be made convenants running with the land when said recordable contracts expressly so provide.

(d) Contracts to incorporate provisions of this section.

Each contract made pursuant to subsection (a) (ii) of this section shall provide that no water will be delivered from, through, or by means of the project works except in accordance with the provisions and limitations of this section.

(e) District contracts; provisions for assessment of lands not covered by recordable contracts and for withdrawal of lands from district.

Each district contract may include provisions—

(i) Requiring that all lands within the district not covered by recordable contracts provided for under subsection (c) or otherwise not eligible to receive water shall be subject to assessment in the same manner and to the same extent as like lands eligible to receive water, subject to such provisions as the Secretary may prescribe for postponement in payment of all or part of such assessments but not beyond the expiration of the period during which the price limit under subsection (c) of this section applies.

(ii) That, without compliance with other provisions of State law for the exclusion of lands, lands may be withdrawn from the district by filing a written notice of withdrawal with the district board on or before such date fixed by such board between a

date ten days after the official notice of the election on the contract between the United States and the district and the date of such election. The date limiting the time of such filing shall be announced in the official notice of the proposed election, and lands for which such notice is filed shall be deemed excluded from the district for all purposes as of the time of such filing. Thereafter lands so withdrawn and excluded so long as they remain in private ownership shall not be entitled to receive water from, through, or by means of the project works.

(f) Filing in county auditor's office of instruments, etc., affecting title as legal notice to public.

Any instrument, action, determination, rule, or regulation of the Secretary or his duly authorized representatives under the authority of this section which is or may be determinative of the title to lands or interest in lands in private ownership within the project shall be effective as to any given parcel of land, as against purchasers for value without actual notice, only from the time of the filing for record in the office of the county auditor of the county or counties in which the lands affected are located of a copy thereof authenticated in the manner authorized by law. Such filing shall impart legal notice to the public of the matters and things set out therein. (As amended Mar. 10, 1943, ch. 14, § 2, 57 Stat. 14.)

AMENDMENTS

1943—Act Mar. 10, 1943, cited to text, amended section in its entirety.

§ 835b. Consideration for conveyance of lands.

(a) Fraudulent misrepresentation.

Fraudulent misrepresentation as to the true consideration involved in the conveyance of, or contract to convey, any freehold estate in land covered by a recordable contract made under section 835a (c) of this title, in the affidavit required by that subsection shall constitute a misdemeanor punishable by a fine not exceeding $500 or by imprisonment not exceeding six months, or by both such fine and imprisonment.

(b) Consideration in excess of appraised value of land.

Should any freehold estate in lands subject to the recordable contract made under section 835a (c) of this title be conveyed or contracted to be conveyed, after the date of execution of such recordable contract and within five years from the time water becomes available for such lands, at a consideration in excess of the appraised value of said estate, the transaction, and any mortgage or other lien covering any deferred consideration thereunder, shall be invalid and unenforceable by the vendor or grantor, his successors or assigns as to that part of the consideration in excess of the appraised value of the estate involved. In the case of any such transaction involving deferred payments, said invalid portion of the consideration shall be deducted first from the deferred payments in the inverse order of their due dates.

The vendee or grantee in any such transaction, at any time within two years from the date of any such conveyance or contract and on filing a correct affidavit as required in section 835a (c) (ii) of this title, may recover from the vendor or grantor, or the successors or assigns thereof, an amount equal to the payments made in excess of the appraised value.

In connection with any judgment or decree hereunder in favor of a vendee or grantee, said vendee or grantee shall have the right to recover court costs and reasonable attorneys' fees. (As amended Mar. 10, 1943, ch. 14, § 3, 57 Stat. 18.)

AMENDMENTS

1943—Act Mar. 10, 1943, cited to text, amended section in its entirety.

§ 835c. Duties of the Secretary of the Interior.

(a) Administer, sell, and exchange lands, disseminate information, etc.

For the purposes of assisting in the permanent settlement of farm families, protecting project land, facilitating project development, and preventing speculation in project lands, the Secretary is authorized to administer public lands of the United States in the project area and lands acquired under this section; to sell, exchange, or lease such lands; to establish town sites on such lands; to dedicate portions of such lands for public purposes in keeping with sound project development; to acquire in the name of the United States, at prices satisfactory to him, such lands or interest in lands, within or adjacent to the project area, as he deems appropriate for the protection, development, or improvement of the project; to accept donations of real and personal property for the purposes of sections 835 to 835c–5 of this title; and to disseminate information by appropriate means and methods. Any moneys realized on account of donations for purposes of sections 835 to 835c–5 of this title shall be covered into the Treasury as trust funds.

(b) Determine terms of contracts.

Contracts, exchanges, and leases made under this section, shall be on terms that, in the Secretary's judgment, are in keeping with sound project development. In addition, land sale contracts shall be on a basis that, in the Secretary's judgment, provides for the return in a reasonable period of years of not less than the appraised value of the land and improvements thereon.

Qualifications of applicants for the purchase of land for irrigation farming shall be prescribed as provided in section 433 of Title 43, notwithstanding any other provisions of law. (As amended Mar. 10, 1943, ch. 14, § 4, 57 Stat. 18.)

AMENDMENTS

1943—Act Mar 10, 1943, cited to text, amended in its entirety.

§ 835c–1. Taxation and assessments; applicability of state laws.

(a) The Secretary may enter into agreements to pay annual sums in lieu of taxes to any State or political subdivision thereof with respect to any real property situated therein after it is acquired pursuant to the authority of sections 835 to 835c–5 of this title and before execution by the United States of a contract of sale covering it, out of funds derived from the leasing of such lands. The amount so

paid for any year upon any such property shall not exceed the taxes that would be paid to the State or subdivision as the case may be upon such property if it were not exempt from taxation thereby.

(b) Any public lands within the project and any lands or interests in lands acquired by the United States under sections 835 to 835c–5 of this title, beginning at such date or dates and subject to such provisions and limitations as may be fixed or provided by regulations made under section 835c–4 of this title, shall be (i) subject to the provisions of the laws of the State of Washington relating to the organization, government, and regulation of irrigation, reclamation, and conservancy districts, and (ii) subject to legal assessment or taxation by any such district, and to liens for such assessments and taxes and to all proceedings for the enforcement thereof, in the same manner and to the same extent as privately owned lands of like character. The United States does not assume any obligation for amounts so assessed or taxed; and any proceedings to enforce them shall be subject to any title then remaining in the United States, to any prior lien reserved to the United States for unpaid installments under land sale contracts made under sections 835 to 835c–5 of this title, and to any lien for any other charges, accrued or unaccrued, under and by virtue of such contracts or any contract between the United States and the district in which the land is located. Regulations to carry out this subsection shall be effective when filed for record in the manner provided in section 835a (f) of this title.

(c) In addition to taxation or assessment under subsection (b) of this section upon execution by the United States of a contract of sale of any lands within the project, the lands under contract may be taxed by the State or political subdivision thereof in the same manner and to the same extent as privately owned lands of a like character. All taxes legally so assessed may be enforced in the same manner and under the same proceeding whereby said taxes are enforced against privately owned lands, subject to the limitations in favor of the United States that govern the enforcement of district assessments or taxes as provided in subsection (b) of said section. If lands under any such contract shall at any time revert to the United States before transfer of title under the contract by reason of default thereunder, all liens or tax titles resulting from taxes levied pursuant to the authority of this subsection upon such lands shall be thereupon extinguished; and the levying of any such tax by such State or political subdivision shall be deemed to be an agreement on its part, in the event of such reversion, to execute and record a formal release of such lien or tax title (May 27, 1937, ch. 269, § 5, as added Mar. 10, 1943, ch. 14, § 5, 57 Stat. 19.)

AMENDMENTS

1943—Act Mar 10, 1943, amended in its entirety act May 27, 1937, both cited to text

§ 835c–2. Appropriations; establishment of Columbia Basin Land Development Account.

There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such moneys as may be necessary to carry out the provisions of sections 835 to 835c–5 of this title, to be reimbursable to the extent required by such sections. All revenues received in carrying out the provisions of section 835c of this title shall be covered into the General Treasury as miscellaneous receipts. Amounts equal to appropriated funds requisitioned by the Secretary and made available for disbursement on the books of the Treasurer of the United States shall be debited in a special account in the Treasury, to be known as the Columbia Basin Land Development Account. Amounts equal to revenues covered into the General Treasury as miscellaneous receipts shall be credited in said special account. After such credits equal the amount of the debits with interest thereon at the rate of 3 per centum per annum from the respective dates of the debits, additional credits in said special account shall be made by the Secretary, in the manner determined by him, the basis of corresponding credits to the construction cost obligations of the district or districts entering into contracts under section 835a of this title. (May 27, 1937, ch. 269, § 6, as added Mar. 10, 1943, ch. 14, § 6, 57 Stat. 19.)

AMENDMENTS

1943—Act Mar 10, 1943, amended in its entirety act May 27, 1937, both cited to text

§ 835c–3. Consent of State of Washington; effect of constitutional limitations.

No water shall be delivered for irrigation within the project until the State of Washington, by appropriate legislation, shall have adopted, authorized, ratified, and consented to all the provisions of sections 835 to 835c–5 of this title insofar as such provisions or any of them, in whole or in part, may come within the scope of State jurisdiction or authority or be applicable to State lands.

Legislation otherwise conforming to the standards above stated in this section will meet the requirements of the section even though, by reason of limitations in the State constitution, the contracts required under section 835a (c) of this title cannot be executed pursuant to such legislation as to the State's school and other public lands As to such lands, the provisions and requirements of section 835a (c) of this title shall remain effective, but if these constitutional limitations have not been removed at least six months prior to the expiration of the time provided for the execution of the contracts the time is hereby extended for a period ending six months after the removal of the limitations. (May 27, 1937, ch. 269, § 7, as added Mar. 10, 1943, ch. 14, § 7, 57 Stat. 20.)

AMENDMENTS

1943—Act Mar 10, 1943, amended in its entirety act May 27, 1937, both cited to text

§ 835c–4. General powers of Secretary of the Interior; delegation to authorized representatives.

The Secretary is authorized to perform such acts, to make such rules and regulations, and to include in the contracts hereinbefore provided for such provisions as he deems proper for carrying out the provisions of sections 835 to 835c–5 of this title; and in

connection with sales or exchanges under such sections, he is authorized to effect conveyances without regard to the law governing the patenting of public lands. Wherever in sections 835 to 835c–5 of this title functions, powers, or duties are conferred upon the Secretary, said functions, powers, or duties may be performed, exercised, or discharged by his duly authorized representatives. (May 27, 1937, ch. 269, § 8, as added Mar. 10, 1943, ch. 14, § 8, 57 Stat. 20.)

AMENDMENTS

1943—Act Mar. 10, 1943, amended in its entirety act May 27, 1937, both cited to text.

§ 835c–5. Consent of Government to sale of school and public lands of the State of Washington.

The consent of the United States is hereby given to the sale of school lands and any other public lands of the State of Washington comprising a part of the lands within the project at prices not to exceed their appraised values, determined as provided in section 835a (a) of this title. (May 27, 1937, ch. 269, § 9, as added Mar. 10, 1943, ch. 14, § 9, 57 Stat. 20.)

AMENDMENTS

1943—Act Mar 10, 1943, amended in its entirety act May 27, 1937, both cited to text

§ 835d. Acquisition of Indian lands, Spokane and Colville Reservations.

In aid of the construction, operation and maintenance of the Columbia Basin project (formerly the Grand Coulee Dam project), authorized by the Act of August 30, 1935 (49 Stat. 1028), sections 375a, 388, 389, 485–485k of Title 43, and section 16d of Title 41, and sections 835–835e, and 835i of this title, there is hereby granted to the United States, subject to the provisions of this section and sections 835e–835h of this title, (a) all the right, title, and interest of the Indians in and to the tribal and allotted lands within the Spokane and Colville Reservations, including sites of agency and school buildings and related structures and unsold lands in the Klaxta town site, as may be designated therefor by the Secretary of the Interior from time to time: *Provided*, That no lands shall be taken for reservoir purposes above the elevation of one thousand three hundred and ten feet above sea level as shown by General Land Office surveys, except in Klaxta town site and except where in the judgment of the Secretary of the Interior, special circumstances concerning the reservoir or its operation and maintenance require the taking of land above that elevation; and (b) such other interests in or to any such lands and property within these reservations as may be required and as may be designated by the Secretary of the Interior from time to time for the construction of pipe lines, highways, railroads, telegraph, telephone, and electric-transmission lines in connection with the project, or for the relocation or reconstruction of such facilities made necessary by the construction of the project.

The Secretary of the Interior, in lieu of reserving rights of hunting, fishing, and boating to the Indians in the areas granted under this section and sections 835e–835h of this title, shall set aside approximately one-quarter of the entire reservoir area for the paramount use of the Indians of the Spokane and Colville Reservations for hunting, fishing, and boating purposes, which rights shall be subject only to such reasonable regulations as the Secretary may prescribe for the protection and conservation of fish and wildlife: *Provided*, That the exercise of the Indians' rights shall not interfere with project operations. The Secretary shall also, where necessary, grant to the Indians reasonable rights of access to such area or areas across any project lands. (As amended Mar. 10, 1943, ch. 14, § 1, 57 Stat. 14; Dec. 16, 1944, ch. 602, 58 Stat. 813.)

REFERENCES IN TEXT

Act of August 30, 1935 (49 Stat. 1028), referred to in the text is act Aug. 30, 1935, ch. 831, 49 Stat. 1028, and is classified to section 250a of Title 28, and sections 27a, 29a, 540, 546a, 558a, 570 of Title 33.

AMENDMENTS

1944—Act Dec 16, 1944, cited to text, amended section by adding "sections 375a, 388, 389, 485–485k, of Title 43, and section 16d of Title 41" following "Act of August 30, 1935 (49 Stat. 1028),", in first paragraph

1943—Act Mar. 10, 1943, cited to text, changed name of project from "Grand Coulee Dam" to "Columbia Basin".

§ 835e. Same; payment.

As lands or interests in lands are designated from time to time under sections 835d–835h of this title, the Secretary of the Interior shall determine the amount of money to be paid to the Indians as just and equitable compensation therefor. As to the tribal lands, the amounts so determined shall be transferred in the Treasury of the United States from the funds now or hereafter made available for the construction of the Columbia Basin project to the credit of the appropriate tribe pursuant to the provisions of section 155 of Title 25. The amounts due individual landowners or their heirs or devisees shall be paid from funds now or hereafter made available for the construction of said project to the superintendent of the Colville Indian Agency or such other officer as shall be designated by the Secretary of the Interior for credit on the books of said agency to the accounts of the individuals concerned. (As amended Mar. 10, 1943, ch. 14, § 1, 57 Stat. 14.)

AMENDMENTS

1943—Act Mar 10, 1943, cited to text, changed name of project from "Grand Coulee Dam" to "Columbia Basin".

§ 835i. Contracts with State of Washington for maintenance and operation of fish hatcheries.

In connection with fish hatcheries built or to be built as a part of the fish-protection program required on the Columbia Basin Dam project, the Secretary of the Interior is authorized to contract with the State of Washington for the maintenance and operation of any of them at the expense of said State. (As amended Mar. 10, 1943, ch. 14, § 1, 57 Stat. 14.)

AMENDMENTS

1943—Act Mar. 10, 1943, cited to text, changed name of project from "Grand Coulee Dam" to "Columbia Basin".

§ 8. Authors or proprietors, entitled; aliens.

* * * * * *

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require: *Provided, however,* That all works made the subject of copyright by the laws of the United States first produced or published abroad after August 1, 1914, and before the date of the President's proclamation of peace, of which the authors or proprietors are citizens or subjects of any foreign State or nation granting similar protection for works by citizens of the United States, the existence of which shall be determined by a copyright proclamation issued by the President of the United States, shall be entitled to the protection conferred by the copyright laws of the United States from and after the accomplishment, before the expiration of fifteen months after the date of the President's proclamation of peace, of the conditions and formalities prescribed with respect to such works by the copyright laws of the United States: *Provided further,* That nothing herein contained shall be construed to deprive any person of any right which he may have acquired by the republication of such foreign work in the United States prior to March 4, 1909. *Provided,* That whenever the President shall find that the authors, copyright owners, or proprietors of works first produced or published abroad and subject to copyright or to renewal of copyright under the laws of the United States, including works subject to ad interim copyright, are or may have been temporarily unable to comply with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States, because of the disruption or suspension of facilities essential for such compliance, he may by proclamation grant such extension of time as he may deem appropriate for the fulfillment of such conditions or formalities by authors, copyright owners, or proprietors who are citizens of the United States or who are nationals of countries which accord substantially equal treatment in this respect to authors, copyright owners, or proprietors who are citizens of the United States: *Provided further,* That no liability shall attach under this title for lawful uses made or acts done prior to the effective date of such proclamation in connection with such works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

The President may at any time terminate any proclamation authorized herein or any part thereof or suspend or extend its operation for such period or periods of time as in his judgment the interests of the United States may require. (As amended Sept. 25, 1941, ch. 421, 55 Stat. 732.)

AMENDMENTS

1941—Act Sept. 25, 1941, cited to text, substituted ": *Provided,*" for period at end of fifth paragraph and added the last two paragraphs

PROC No 2608. COPYRIGHT EXTENSION TO UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (INCLUDING CERTAIN BRITISH TERRITORIES) AND PALESTINE

Proc No 2608, Mar. 14, 1944, 9 F R 2839, 58 Stat. —, provided:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid act of September 25, 1941 [section 8 of this title] do declare and proclaim:

That with respect to (1) works subject to copyright under the laws of the United States of America, including works eligible to ad interim copyright, which were first produced or published outside of the United States of America on or after September 3, 1939, by British nationals of the United Kingdom of Great Britain and Northern Ireland and of the British territories to which the aforesaid Order in Council applies, or by citizens of Palestine (excluding Trans-Jordan); and (2) works of the same authors or copyright proprietors which were entitled to renewal of copyright under the laws of the United States of America on or after September 3, 1939, there existed and continues to exist such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States of America as to bring such works within the terms of the aforesaid act of September 25, 1941; and that accordingly the time within which compliance with such conditions and formalities may take place is hereby extended with respect to such works until the day on which the President of the United States of America shall, in accordance with that act, terminate or suspend the present declaration and proclamation.

It shall be understood that the term of copyright in any case is not and cannot be altered or affected by this proclamation, and that, as provided by the aforesaid act of September 25, 1941, no liability shall attach under the Copyright Act for lawful uses made or acts done prior to the effective date of this proclamation in connection with the above-described works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully undertaken prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed

DONE at the City of Washington this tenth day of March, in the year of our Lord one thousand nine hundred forty-four, and of the Independence of the United States of America the one hundred and sixty-eighth. [SEAL]

TITLE 18.—CRIMINAL CODE AND CRIMINAL PROCEDURE

Part 1.—CRIMES

Chapter 2.—OFFENSES AGAINST NEUTRALITY

§ 28. (Criminal Code, section 16.) Bonds from armed vessels on clearing.

CROSS REFERENCES

Section inapplicable to certain armed American vessels, see note under former section 446 of Title 22, Foreign Relations and Intercourse.

Chapter 3.—OFFENSES AGAINST ELECTIVE FRANCHISE AND CIVIL RIGHTS OF CITIZENS

PERNICIOUS POLITICAL ACTIVITIES

Sec.

61u. Activities of employees of educational and research institutions, etc. (New).

61v. Political activity affecting members of armed forces; exceptions (New).

61w. Same; limitation on censorship of political literature, arguments, or other matter (New).

61x. Same; penalties (New).

PUBLICATION AND DISTRIBUTION OF ELECTION CAMPAIGN PUBLICITY (New)

62. Publicity material to contain name of person responsible for publication and distribution.

62a. Penalties.

62b Definition of "election" and "candidate".

PERNICIOUS POLITICAL ACTIVITIES

§ 61h. Executive employees; use of official authority; political activity; penalties.

(a) It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, except a part-time officer or part-time employee without compensation or with nominal compensation serving in connection with the existing war effort, other than in any capacity relating to the procurement or manufacture of war material shall take any active part in political management or in political campaigns. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. For the purposes of this section the term "officer" or "employee" shall not be construed to include (1) the President and Vice President of the United States; (2) persons whose compensation is paid from the appropriation for the office of the President; (3) heads and assistant heads of executive departments; (4) officers who are appointed by the President, by and with the advice and consent of the Senate, and who determine policies to be pursued by the United States in its relations with foreign powers or in the Nation-wide administration of Federal Laws. (As amended Mar. 27, 1942, 3 p. m., E. S. T., ch. 199, title VIII, § 701, 56 Stat. 181.)

* * * * *

AMENDMENTS

1942—Act Mar. 27, 1942, cited to text, affected second sentence of subsec. (a).

EXPIRATION OF ACT MARCH 27, 1942

Expiration of wartime amendments by act Mar. 27, 1942, cited to text, and restoration of prior provisions, see section 645 of Appendix to Title 50, War.

§ 61u. Activities of employees of educational and research institutions, etc.

Nothing in sections 61a, 61h (a) or 61h (b), or 61*l* of this title shall be deemed to prohibit or to make unlawful the doing of any act by any officer or employee of any educational or research institution, establishment, agency, or system which is supported in whole or in part by any State or political subdivision thereof, or by the District of Columbia or by any Territory or Territorial possession of the United States; or by any recognized religious, philanthropic, or cultural organization. (Aug. 2, 1939, ch. 410, § 21, added Oct. 24, 1942, ch. 620, 56 Stat. 986.)

§ 61v. Political activity affecting members of armed forces; exceptions.

It shall be unlawful for any officer of, or person employed in, the executive branch of the Federal Government, or any agency or department thereof, including the Army and Navy, to deliver or cause to be delivered to persons in the armed forces of the United States any general communication, Government magazine, Government newspaper, motion-picture film, or other literature or material, or to make, or cause to be made, any broadcast to the armed forces of the United States, paid for in whole or in part with Government funds, or sponsored by the Government, or any agency or department thereof, including the Army and Navy, which when considered in its entirety contains political propaganda obviously designed to affect the result of any election for President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, or obviously calculated to create bias for or against a particular candidate in any such election, except as hereinafter provided:

(1) The word "sponsored" as used herein shall not be deemed to include sales at or through post exchanges, ship's service stores, or ship's stores of the armed forces, or purchases by company funds, welfare funds, or other similar nonappropriated funds of the armed forces.

(2) Nothing herein shall prohibit the rebroadcast over Government-controlled radio stations of any political address, but equal time must if requested be given for such purposes to representatives of each political party which has a candidate for President

in at least six States in the current Presidential election.

(3) Nothing herein shall prevent the Army or Navy, or personnel thereof, from selling, distributing, presenting, or making available to members of the armed forces—

(a) books, magazines, or newspapers of general circulation in the United States and also, in an overseas command, those of general circulation therein; or motion-picture films, radio broadcasts, radio rebroadcasts, plays, or entertainment material as generally presented to the public in the United States; or written material for use in educational programs of the armed forces similar to written material generally provided for use in civilian educational programs by recognized educational institutions in the United States: *Provided*, That the selection of such books, magazines, and newspapers, when the selection is necessarily limited by difficulties of transportation or other exigencies of war, shall be made in some impartial manner prescribed by the Secretary of War and the Secretary of the Navy for their respective services, such as a preference expressed by members of the armed forces, or the recommendation of expert committees, or otherwise;

(b) impartial and nonpartisan coverage or presentation of news or information of public events and affairs and persons in public life, through the media of servicemen's publications and motion pictures, radio programs, news services, and educational and orientation courses originated by the Army or Navy: *Provided*, That if in any issue or presentation space or time is allotted to editorials or columns supporting a political party which has a candidate for President in at least six States in the current Presidential election, an equal amount of space or time shall be allotted in the same issue or presentation to similar matter concerning each such other political party.

(4) Nothing in this section shall prevent the sending of any letter, communication, magazine, newspaper, or other literature by any individual, corporation (other than a Government-owned or Government-controlled corporation), or political committee to any member of the armed forces, addressed personally to such member of the armed forces, and paid for by him, or by the individual, corporation, or committee sending the same. (Aug. 2, 1939, ch. 410, § 22, as added Apr. 1, 1944, ch. 150, 58 Stat. 148, amended Aug. 21, 1944, ch. 404, § 1, 58 Stat. 727.)

AMENDMENTS

1944—Act Aug. 21, 1944, cited to text, which amended section generally, inserted definition of "sponsored", and clarified Congressional intent regarding prohibitions against propaganda.

EXPIRATION DATE

Section 2 of act Aug. 21, 1944, cited to text, added a new section 25 to act Aug. 2, 1939, cited to text, which provided that this section and section 61w of this title would terminate at the expiration of six months following termination of the present war.

§ 61w. Same; limitation on censorship of political literature, arguments, or other matter.

It shall be unlawful for any censor or other member of the executive branch of the United States Government to remove from any letter or communication addressed to an individual member of the armed forces political literature or political arguments or other matter sent to such individual member of the armed forces by any individual, corporation, or political committee, unless such literature or other matter contains information which may be of value to the enemy in their prosecution of the war. (Aug. 2, 1939, ch. 410, § 23, as added Apr. 1, 1944, ch. 150, 58 Stat. 149.)

EXPIRATION DATE

Section 2 of act Aug. 21, 1944, ch 404, 58 Stat. 728, added a new section 25 to Act Aug 2, 1939, cited to text, which provided that this section and section 61v of this title would terminate at the expiration of six months following termination of the present war.

§ 61x. Same; penalties.

Any person who violates the provisions of sections 61v or 61w of this title either within or outside of the United States shall upon conviction thereof be fined not more than $1,000 or imprisoned for not more than one year, or both. (Aug. 2, 1939, ch. 410, § 24, as added Apr. 1, 1944, ch. 150, 58 Stat. 149.)

PUBLICATION AND DISTRIBUTION OF ELECTION CAMPAIGN PUBLICITY

§ 62. Publicity material to contain name of person responsible for publication and distribution.

No person, association, organization, committee, or corporation shall publish or distribute, or cause to be published or distributed, any printed, multigraphed, photographed, typewritten, or written pamphlet, circular, card, dodger, poster, advertisement, or any other statement, relating to or concerning any candidate for election as President or Vice President of the United States, or as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, unless such pamphlet, circular, card, dodger, poster, advertisement, or statement contains the name or names of the person or persons, association, committee, or corporation responsible for the publication or distribution of the same, and if an association, committee, or corporation is responsible for the publication or distribution of the same, there shall be attached the names of the officers of such association, committee, or corporation. (Dec. 23, 1944, ch. 706, § 1, 58 Stat. 914.)

§ 62a. Penalties.

Any person who willfully violates the provisions of section 62 of this title, or aids and abets in a violation thereof, shall, upon conviction, be fined not more than $1,000, or imprisoned for not more than one year, or both. (Dec. 23, 1944, ch. 706, § 2, 58 Stat. 915.)

§ 62b. Definition of "election" and "candidate."

When used in sections 62–62b of this title, the term "election" shall include a general or special election, and shall also include a primary election or convention of a political party. The term "candidate" means any person who has publicly declared his intention to seek election to any of the offices named in section 62 of this title or who has caused or permitted his intention to do so to be publicly declared. (Dec. 23, 1944, ch. 706, § 3, 58 Stat. 915.)

Chapter 4.—OFFENSES AGAINST OPERATIONS OF GOVERNMENT

Sec.
97a. Unlawfully entering, remaining, leaving, or committing acts in military areas or zones (New).
97b. Unlawfully procuring escape of prisoners of war and interned enemy aliens (New).

§ 87. (Criminal Code, section 36.) Embezzling arms and stores.

Whoever shall steal, embezzle, or knowingly apply to his own use, or unlawfully sell, convey, or dispose of any ordnance, arms, ammunition, clothing, subsistence, stores, money, or other property furnished or to be used for the military or naval service, shall be punished as prescribed in section 82 of this title. (As amended Nov. 22, 1943, ch. 302, 57 Stat. 591.)

AMENDMENTS

1943—Act Nov. 22, 1943, cited to text, amended section by omitting words "sections 80 and 82 to 86 of this title" and substituting in lieu "section 82 of this title".

§ 97a. Unlawfully entering, remaining, leaving, or committing acts in military areas or zones.

Whoever shall enter, remain in, leave, or commit any act in any military area or military zone prescribed, under the authority of an Executive order of the President, by the Secretary of War, or by any military commander designated by the Secretary of War, contrary to the restrictions applicable to any such area or zone or contrary to the order of the Secretary of War or any such military commander, shall, if it appears that he knew or should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be guilty of a misdemeanor and upon conviction shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than one year, or both, for each offense. (Mar. 21, 1942, ch. 191, 56 Stat. 173.)

§ 97b. Unlawfully procuring escape of prisoners of war and interned enemy aliens.

Whoever procures the escape of any prisoner of war held by the United States or any of its allies, or the escape of any person apprehended or interned as an enemy alien by the United States or any of its allies, or advises, connives at, aids, or assists in such escape, or aids, relieves, transports, harbors, conceals, shelters, protects, holds correspondence with, gives intelligence to, or otherwise assists any such prisoner of war or enemy alien, after his escape from custody, knowing him to be such prisoner of war or enemy alien, or attempts to commit or conspires to commit any of the above acts, shall be fined not more than $10,000, or imprisoned for not more than ten years, or both. The provisions of this section shall be in addition to and not in substitution for any other provision of law. (Apr. 30, 1945, ch. 103, 59 Stat. 101.)

§ 106. (Criminal Code, section 52.) Setting fire to timber or other inflammable material on public, etc., lands.

Whoever shall willfully and without authority so to do set on fire or cause to be set on fire any timber, underbrush, or grass or other inflammable material upon the public domain or upon any lands owned or leased by or under the partial, concurrent, or exclusive jurisdiction of the United States which are included in a park, forest, monument, historical park, military park, battlefield site, parkway, recreational area, seashore, lake shore, cemetery, recreational demonstration project, wildlife refuge, grazing district, or stock driveway, or upon any land title to which was revested in the United States under the Act of June 9, 1916 (ch. 137, 39 Stat. 218), or upon any land reconveyed to the United States under the Act of February 26, 1919 (ch. 47, 40 Stat. 1179), or upon any lands owned by the United States and under the jurisdiction of the Forest Service or the Bureau of Animal Industry or administered under sections 1010–1012 of Title 7, or upon any lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under sections 480, 500, 513–519, 521, 552, and 563 of Title 16, or sections 1010–1012 of Title 7, or under statutory authority for addition to a park or wildlife refuge or upon any Indian reservation or lands belonging to or occupied by any tribe or group of Indians under authority of the United States, or upon any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee without the consent of the United States, unless an allottee sets or causes to be set any fire in the reasonable exercise of his proprietary rights in the allotment, shall be fined not less than $5,000 or imprisoned not more than five years, or both. (As amended Nov. 15, 1941, ch. 472, § 1, 55 Stat. 763.)

§ 107. (Criminal Code, section 53.) Failure to extinguish fires built on public, etc., lands.

Whoever shall build a fire or cause a fire to be built in or near any forest, timber, or other inflammable material upon any lands owned, controlled or leased by, or under the partial, concurrent, or exclusive jurisdiction of the United States, including lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted under sections 480, 500, 513–519, 521, 552, and 563 of Title 16, or under sections 1010–1012 of Title 7, or under statutory authority for addition to a park or wildlife refuge, any Indian reservation, or lands belonging to or occupied by any tribe or group of Indians under the authority of the United States, or any Indian allotment while the title to the same shall be held in trust by the United States, or while the same shall remain inalienable by the allottee without the consent of the United States, shall, before leaving said fire, totally extinguish the same; and whoever shall neglect and omit totally to extinguish said fire or whoever shall permit or suffer said fire to burn or spread beyond his control or whoever shall leave or suffer said fire to burn unattended in such places, shall be fined not more than $500 or imprisoned not more than six months without hard labor, or both. (As amended Nov. 15, 1941, ch. 472, § 2, 55 Stat. 764.)

§ 118. (Criminal Code, section 62.) Molesting Animal Industry employees; using deadly weapon.

TRANSFER OF FUNCTIONS

Bureau of Animal Industry consolidated with certain other agencies into Agricultural Research Administra-

Chapter 9.—OFFENSES AGAINST FOREIGN AND INTERSTATE COMMERCE

Sec.
419a. Definitions respecting cattle thefts (New).
419b Transportation of stolen cattle in interstate or foreign commerce (New).
419c Same, penalties for receiving, etc. (New).
419d. Same; jurisdiction of offense (New).
420f Unlawful transportation of dentures made in derogation of State or Territorial laws regulating the practice of dentistry (New).
420g. Same; definitions (New).
420h. Same; penalties (New).

§ 391. (Criminal Code, section 241.) Importing injurious birds and animals; permits for foreign wild animals; specimens for museums.

TRANSFER OF FUNCTIONS

Functions of Secretary of Agriculture administered through the Bureau of Biological Survey relating to conservation of wildlife, game, and migratory birds were transferred to Secretary of Interior by Reorg. Plan No II, § 4 (f), effective July 1, 1939, set out in note under section 133t of Title 5, Executive Departments and Government Officers and Employees See also sections 401–404 of said plan for provisions relating to transfer of functions, records, property, personnel, and funds.

§ 393a. Arrests and execution of search warrants; forfeiture of animals or birds unlawfully possessed.

TRANSFER OF FUNCTIONS

Functions of Secretary of Agriculture administered through the Bureau of Biological Survey relating to conservation of wildlife, game, and migratory birds were transferred to Secretary of Interior by Reorg Plan No II, cited to text, set out in note under section 133t of Title 5, Executive Departments and Government Officers and Employees. See also sections 401–404 of said plan for provisions relating to transfer of functions, records, property, personnel, and funds.

§ 396a. Transportation or importation of convict-made goods; prohibition; penalty; exceptions.

Whoever shall knowingly transport or knowingly cause to be transported in interstate commerce, in any manner or by any means whatsoever, or aid or assist, knowingly, in obtaining transportation for or in transporting any goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation) or in any penal or reformatory institution, from one State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, shall be punished by a fine of not more than $1,000 or by imprisonment of not more than one year, or both: *Provided*, That nothing herein shall apply to commodities manufactured in Federal or District of Columbia penal and correctional institutions for use by the Federal Government or the District of Columbia Government or to commodities manufactured in any State penal or correctional institution for use by any other State, or States, or political subdivisions thereof; to parts for the repair of farm machinery; or to agricultural commodities: *Provided further*, That this section shall go into effect one year after its approval by the President. (As amended July 9, 1941, ch. 283, 55 Stat. 581.)

AMENDMENTS

1941—Words "or the District of Columbia Government" were inserted after "Federal Government" in first proviso by act July 9, 1941, cited to text.

§ 396d. Same; penalties for violation.

Any person violating any provision of sections 396b and 396c of this title shall for each offense, upon conviction thereof, be punished by a fine of not more than $1,000, and such goods, wares, and merchandise shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law. (July 24, 1935, ch. 412, § 3, 49 Stat. 495.)

§ 396e. Same; jurisdiction of violations.

Any violation of sections 396b and 396c of this title shall be prosecuted in any court having jurisdiction of crime within the district in which said violation was committed, or from, or into which any such goods, wares, or merchandise may have been carried or transported, or in any Territory, Puerto Rico, Virgin Islands, or the District of Columbia, contrary to the provisions of said sections. (July 24, 1935, ch. 412, § 4, 49 Stat 495.)

§ 408. Motor vehicles and aircraft; transportation, etc., of stolen vehicles and aircraft.

This section may be cited as the National Motor Vehicle Theft Act. The term "motor vehicle" when used in this section shall include an automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle not designed for running on rails and the term "aircraft" means any contrivance now known or invented after September 24, 1945, used, or designed for navigation of or for flight in the air; the term "interstate or foreign commerce" shall include transportation from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia. Whoever shall transport or cause to be transported in interstate or foreign commerce a motor vehicle or aircraft, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000, or by imprisonment of not more than five years, or both. Whoever shall receive, conceal, store, barter, sell, or dispose of any motor vehicle or aircraft, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000, or by imprisonment of not more than five years, or both. Any person violating this section may be punished in any district in or through which such motor vehicle or aircraft has been transported or removed by such offender. (As amended Sept. 24, 1945, ch. 383, §§ 1, 2, 59 Stat. 536.)

AMENDMENTS

1945—Act Sept. 24, 1945, cited to text, amended section by inserting "and the term * * * flight in air" following "running on rails" in second sentence, and by inserting "or aircraft" following "motor vehicle" wherever appearing in the third, fourth, and fifth sentences.

AMENDMENT OF TITLE OF ACT

Section 3 of act Sept. 24, 1945, cited to text, amended title of act Oct 29, 1919, cited to text, by inserting "or aircraft" following "motor vehicles"

§ 412. Embezzlement, etc., by officers of carriers; jurisdiction; double jeopardy.

CROSS REFERENCES

Applicability of this section to the insurance business, see sections 1011–1015 of Title 15, Commerce and Trade.

§ 413. National Stolen Property Act; citation.

REPEAL

Section 6 of act Aug 18, 1941, ch 366, 55 Stat 632, provided nothing contained in sections 419a–419d should be construed to repeal, modify, or amend any part of sections 413–419 of this title

§ 419a. Definitions respecting cattle thefts.

When used in sections 419a–419d of this title—

(a) The term "cattle" shall mean one or more bulls, steers, oxen, cows, heifers, or calves, or the carcass or carcasses of one or more bulls, steers, oxen, cows, heifers, or calves.

(b) The term "interstate or foreign commerce" shall include transportation from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia. (Aug. 18, 1941, ch. 366, § 2, 55 Stat. 631)

NATIONAL CATTLE THEFT ACT

Section 1 of act Aug 18, 1941, cited to text, designated sections 419a–419d of this title and section 6 of said act, set out as note hereunder, as the "National Cattle Theft Act "

REPEAL OF "NATIONAL STOLEN PROPERTY ACT"

Section 6 of act Aug 18, 1941, cited to text, provided "SEC 6. Nothing herein shall be construed to repeal, modify, or amend any part of the National Stolen Property Act (sections 413–419 of this title) "

§ 419b. Transportation of stolen cattle in interstate or foreign commerce.

Whoever shall transport or cause to be transported in interstate or foreign commerce any cattle, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both. (Aug. 18, 1941, ch. 366, § 3, 55 Stat. 631.)

CROSS REFERENCES

National Cattle Theft Act, see note under section 419a of this title.

§ 419c. Same; penalties for receiving, etc.

Whoever shall receive, conceal, store, barter, buy, sell, or dispose of any cattle, moving in or constituting a part of interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than five years, or both. (Aug. 18, 1941, ch. 366, § 4, 55 Stat. 632.)

CROSS REFERENCES

National Cattle Theft Act, see note under section 419a of this title.

§ 419d. Same; jurisdiction of offense.

Any person violating section 419b of this title may be prosecuted in any district from, into, or through which such cattle has or have been transported or removed. (Aug. 18, 1941, ch. 366, § 5, 55 Stat. 632.)

CROSS REFERENCES

National Cattle Theft Act, see note under section 419a of this title.

§ 420f. Unlawful transportation of dentures made in derogation of State or Territorial laws regulating the practice of dentistry.

It shall be unlawful, in the course of the conduct of a business of constructing or supplying dentures from casts or impressions sent through the mails or in interstate commerce, to use the mails or any instrumentality of interstate commerce for the purpose of sending or bringing into any State or Territory the laws of which prohibit—

(1) the taking of impressions or casts of the human mouth or teeth by a person not licensed under the laws of such State or Territory to practice dentistry;

(2) the construction or supply of dentures by a person other than, or without the authorization or prescription of, a person licensed under the laws of such State or Territory to practice dentistry; or,

(3) the construction or supply of dentures from impressions or casts made by a person not licensed under the laws of such State or Territory to practice dentistry,

any denture constructed from any cast or impression made by any person other than, or without the authorization or prescription of, a person licensed under the laws of the State or Territory into which such denture is sent or brought to practice dentistry. (Dec. 24, 1942, ch. 823, § 1, 56 Stat. 1087.)

§ 420g. Same; definitions.

As used in section 420f of this title, the term—

(1) "Denture" means a set of artificial teeth, or any prosthetic dental appliance;

(2) "Territory" means any Territory or possession of the United States, including the District of Columbia and the Canal Zone.

(3) "Interstate commerce" means (1) commerce between any State or Territory and any place outside thereof, and (2) commerce within the District of Columbia or within any other Territory not organized with a legislative body. (Dec. 24, 1942, ch. 823, § 2, 56 Stat 1087.)

§ 420h. Same; penalties.

Any violation of any provision of sections 420f–420h of this title shall be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. (Dec. 24, 1942, ch. 823, § 3, 56 Stat. 1087.)

Chapter 10.—SLAVE TRADE AND PEONAGE

§§ 429–442. Transferred.

TRANSFER OF SECTIONS

Sections 429–442, from R. S. §§ 5551–5561, 5563, 5564, 5567, and act Mar. 4, 1909, ch. 321, §§ 254–267, 35 Stat. 1140, 1141, relating to forfeitures and seizures of vessels engaged in peonage and slave trade, have been transferred to sections 1351–1364, respectively, of Title 46, Shipping.

Chapter 11.—OFFENSES WITHIN ADMIRALTY, MARITIME, AND TERRITORIAL JURISDICTION OF UNITED STATES

Sec.
472 Stowing away on private or government-owned aircraft, penalty (New).
473. Same; definition (New).
474. Same, effect on immigration laws (New).

§ 469. Stowing away on vessels; penalty.

Any person, without the consent of the owner, charterer, or master of any vessel and with intent to obtain, without paying therefor, transportation on such vessel to any place, within or without the United States, who shall board, enter, or secrete himself aboard such vessel, and shall be thereon at the time of departure of said vessel from a port, harbor, wharf, or other place within the jurisdiction of the United States, including the Canal Zone, or who, with such intent, having boarded, entered, or secreted himself aboard such vessel in any place within or without the jurisdiction of the United States, shall remain aboard any such vessel after such vessel has left such place and who shall be thereon at any place within the jurisdiction of the United States, including the Canal Zone, shall be guilty of a misdemeanor and shall be liable to a fine not exceeding $500 or imprisonment for a period not exceeding one year, or both, in the discretion of the court. (As amended Apr. 4, 1944, ch. 162, 58 Stat. 188.)

AMENDMENTS

1944—Act Apr 4, 1944, cited to text, amended section by inserting "having such intent" following "Zone, or who," omitting "found" preceding "thereon at any place", and "at or before the time of the arrival of such vessel" following "who shall be thereon".

§ 472. Stowing away on private or government-owned aircraft; penalty.

Any person who, without the consent of the owner, charterer, or person in command of any aircraft and with intent to obtain a ride or transportation in such aircraft in flight, shall board or be within such aircraft scheduled to fly or flying between any State, Territory, or possession, or the District of Columbia, the Canal Zone, or any place occupied by, or under the jurisdiction of, the armed forces of the United States and any place outside thereof; or between points within the same State, Territory, or possession, the District of Columbia, the Canal Zone, or any place occupied by, or under the jurisdiction of, any of the armed forces of the United States, but through the air space over any place outside thereof; or wholly within the air space over any Territory, possession, the District of Columbia, the Canal Zone, or any place occupied by, or under the jurisdiction of, the armed forces of the United States shall be fined not more than $1,000 or imprisoned not more than one year, or both.

Any person who, without the consent of the United States its duly authorized officer or agent or the person in command of any aircraft owned or operated by the United States and with intent to obtain a ride or transportation in such aircraft in flight, shall board or be within such aircraft scheduled to fly or in flight shall be fined not more than $1,000 or imprisoned not more than one year, or both. (Mar. 4, 1944, ch. 82, §§ 1, 2, 58 Stat. 111.)

CROSS REFERENCES

Exclusion of stowaways under immigration laws, see section 136(*l*) of Title 8, Aliens and Nationality.

§ 473. Same; definition.

The word "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air. (Mar. 4, 1944, ch. 82, § 3, 58 Stat. 111.)

CROSS REFERENCES

Exclusion of stowaways under immigration laws, see section 136(*l*) of Title 8, Aliens and Nationality.

§ 474. Same; effect on immigration laws.

Nothing contained in sections 472–474 of this title shall modify, restrict, alter, or change any law of the United States enacted for the purpose of preventing any person from entering the United States in violation of the laws of the United States or for the purpose of securing the deportation from the United States of any person who, under the laws of the United States, shall be subject to deportation. (Mar. 4, 1944, ch 82, § 4, 58 Stat. 111.)

CROSS REFERENCES

Exclusion of stowaways under immigration laws, see section 136 (*l*) of Title 8, Aliens and Nationality

Chapter 12.—PIRACY AND OTHER OFFENSES UPON SEAS

Sec.
503. Carrying or possessing on board certain vessels explosives or dangerous weapons (New).
504. Same; exceptions (New).

§ 502. Injuring vessels engaged in foreign commerce.

CROSS REFERENCES

Seizure of foreign vessels during national emergency, see section 1271 et seq. of Appendix to Title 50, War.

§ 503. Carrying or possessing on board certain vessels explosives or dangerous weapons.

Any person who brings, carries, or has in his possession any dangerous weapon, instrument, or device, or any dynamite, nitroglycerine, or other explosive article or compound on board of any vessel registered, enrolled, or licensed under the laws of the United States, or any vessel purchased, requisitioned, chartered, or taken over by the United States pursuant to the provisions of sections 1271–1275 of Appendix to Title 50, without previously obtaining the permission of the owner or the master of such vessel, or any person who brings, carries, or has in his possession any such weapon or explosive on board of any vessel in the possession and under the control of the United States or which has been seized and forfeited by the United States or upon which a guard has been placed by the United States pursuant to the provisions of sections 191–194 of Title 50, without previously obtaining the permission of the captain of the port in which such vessel is located, shall, upon conviction, be imprisoned not more than one year or fined not more than $1,000, or both. (Dec. 31, 1941, ch. 642, § 1, 55 Stat. 876.)

APPLICATION TO SECTION 170 OF TITLE 46

Section 3 of act Dec. 31, 1941, ch. 642, cited to text, provided: "Nothing in this Act (sections 503, 504 of this title)

shall be construed to alter, amend, or repeal any provision of section 4472 of the Revised Statutes of the United States, as amended (section 170 of Title 46)."

§ 504. Same; exceptions.

The provisions of sections 503, 504 of this title shall not apply to the personnel of the armed forces of the United States or to officers or employees of the United States or of a State or of a political subdivision thereof, while acting in the performance of their duties, who are authorized by law or by rules or regulations to own or possess any such weapon or explosive. (Dec. 31, 1941, ch. 642, § 2, 55 Stat. 876.)

CROSS REFERENCES

Application to section 170 of Title 46, see note under section 503

Chapter 13.—CERTAIN OFFENSES IN TERRITORIES, DISTRICT, OR INSULAR POSSESSION

Sec

518a Prostitution near military and naval establishments unlawful; powers of authorities (New).

§ 518a. Prostitution near military and naval establishments unlawful; powers of authorities.

Until May 15, 1946, or the date of the termination of hostilities in the present war, or on such earlier date as may be specified in a concurrent resolution of the two Houses of Congress for that purpose. As used in this section the term "date of the termination of hostilities in the present war" means the date proclaimed by the President as the date of such termination or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier, it shall be unlawful, within such reasonable distance of any military or naval camp, station, fort, post, yard, base, cantonment, training or mobilization place as the Secretaries of War and/or Navy shall determine to be needful to the efficiency, health, and welfare of the Army and/or Navy, and shall designate and publish in general orders or bulletins, to engage in prostitution or to aid or abet prostitution or to procure or solicit for the purposes of prostitution, or to keep or set up a house of ill fame, brothel, or bawdy house, or to receive any person for purposes of lewdness, assignation, or prostitution into any vehicle, conveyance, place, structure, or building, or to permit any person to remain for the purpose of lewdness, assignation, or prostitution in any vehicle, conveyance, place, structure, or building or to lease, or rent, or contract to lease or rent any vehicle, conveyance, place, structure, or building, or part thereof, knowing or with good reason to know that it is intended to be used for any of the purposes herein prohibited; and any person, corporation, partnership, or association violating the provisions of this section shall, unless otherwise punishable under the Articles of War or the Articles for the Government of the Navy, be deemed guilty of a misdemeanor and be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or by both such fine and imprisonment, and any person subject to military or naval law violating this section shall be punished as provided by the Articles of War or the Articles for the Government of the Navy, and the Secretaries of War and of the Navy and the Federal Security Administrator are each hereby authorized and directed to take such steps as they deem necessary to suppress and prevent the violation thereof, and to accept the cooperation of the authorities of States and their counties, districts, and other political subdivisions in carrying out the purposes of this section: *Provided*, That nothing in this section shall be construed as conferring on the personnel of the War or Navy Department or the Federal Security Agency any authority to make criminal investigations, searches, seizures, or arrests of civilians charged with violations of this section (July 11, 1941, ch. 287, 55 Stat. 583, as amended May 15, 1945, ch. 126, 59 Stat 168)

AMENDMENTS

1945—Act May 15, 1945, cited to text, amended section by deleting "May 15, 1945," and inserting in lieu thereof "May 15, 1946 * * * whichever is the earlier,".

CROSS REFERENCES

Articles for the Government of the Navy, see section 1200 et seq of Title 34, Navy

Articles of War, see section 1471 et seq. of Title 10, Army

§ 521. (Criminal Code, section 321.) Same; "pugilistic encounter" defined; applicable to Alaska and Hawaii.

By the terms "pugilistic encounter", as used in section 520 of this title, is meant any voluntary fight by blows by means of fists or otherwise, whether with or without gloves, between two or more men, for money or for a prize of any character, or for any other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered, or to see which any admission fee is directly or indirectly charged. Nothing in this section or in section 520 of this title shall be held to prohibit any pugilistic encounter in the Territory of Hawaii or the Territory of Alaska, in conformity with the laws of the respective Territories, if (1) the contestants use gloves not less than five ounces each in weight, (2) such encounter is not held on Sunday and does not consist of more than ten rounds of a duration of more than three minutes each with an interval of one minute between each round and the succeeding round, and (3) each contestant is over eighteen years of age and, one hour prior to such encounter, has been examined by a licensed physician, who shall certify in writing to the referee of such encounter that such contestant is physically fit to engage therein. In the case of championship bouts, the limitation on the number of rounds shall be fifteen in lieu of ten. (As amended Dec. 22, 1941, ch. 618, 55 Stat. 853.)

AMENDMENTS

1941—Act Dec 22, 1941, cited to text, added last sentence to section.

Part 2.—CRIMINAL PROCEDURE

Chapter 16.—LIMITATIONS

Sec.

590a. Suspension of limitations on offenses involving the defrauding of the United States (New).

§ 582. Offenses not capital.

CROSS REFERENCES

Antitrust law violations, suspension of limitation periods, see note under section 16 of Title 15, Commerce and Trade.

§ 584. Crimes under revenue or slave trade laws.

No person shall be prosecuted, tried, or punished for any crime arising under the revenue laws, or the slave trade laws of the United States, unless the indictment is found or the information is instituted within five years next after the committing of such crime. (R. S. § 1046; July 5, 1884, ch. 225, § 2, 23 Stat. 122.)

REPEAL

Section 1 of act July 5, 1884, cited to text, established new limitations with respect to the internal revenue laws and section 2 thereof repealed all laws or parts of laws inconsistent therewith.

§ 590a. Suspension of limitations on offenses involving the defrauding of the United States.

The running of any existing statute of limitations applicable to any offense against the laws of the United States (1) involving defrauding or attempts to defraud the United States or any agency thereof whether by conspiracy or not, and in any manner, or (2) committed in connection with the negotiation, procurement, award, performance, payment for, interim financing, cancelation or other termination or settlement, of any contract, subcontract, or purchase order which is connected with or related to the prosecution of the present war, or with any disposition of termination inventory by any war contractor or Government agency, or (3) committed in connection with the care and handling and disposal of property under sections 1611–1646 of Appendix to Title 50, shall be suspended until three years after the termination of hostilities in the present war as proclaimed by the President or by a concurrent resolution of the two Houses of Congress. This section shall apply to acts, offenses, or transactions where the existing statute of limitations has not yet fully run, but it shall not apply to acts, offenses, or transactions which are already barred by provisions of existing law. (Aug. 24, 1942, ch. 555, § 1, 56 Stat 747, as amended July 1, 1944, ch. 358, § 19 (b), 58 Stat. 667; Oct. 3, 1944, ch. 479, § 28, 58 Stat. 781.)

AMENDMENTS

1944—Act Oct. 3, 1944, cited to text, amended section by the addition of clause (3).

Act July 1, 1944, cited to text, amended first sentence of section generally.

EFFECTIVE DATE

Section 24 (a) of act July 1, 1944, cited to text, provided in part that said Act should become effective twenty days after the date of its enactment.

Section 2 of act Aug. 24, 1942, cited to text, provided that this section should be in force and effect from and after date of its passage, which was Aug. 24, 1942.

Chapter 17.—ARREST, BAIL, AND COMMITMENT

§ 591. Arrest and removal for trial.

CROSS REFERENCES

Extradition to and from the Canal Zone, see section 1330–1 of Title 48, Territories and Insular Possessions.

Chapter 19.—FINES, PENALTIES, AND FORFEITURES*

§ 641. Discharge of indigent convicts.

AMENDMENTS

1940—Act May 24, 1935, ch. 142, 49 Stat. 289, amended section by adding a sentence which provided that the District Court of the Territory of Alaska should be deemed a United States court and that the commissioners appointed by the judges of such court should be deemed United States court commissioners Amendment of section in full by act June 29, 1940, cited to text, failed to include provisions on that subject or to refer to the 1935 amendment.

§ 647. Use of confiscated motor vehicles.

The Secretary of the Treasury may authorize the use by narcotic agents of motor vehicles confiscated under the provisions of section 157 of Title 27 and sections 781–788 of Title 49 and to [1] pay the cost of acquisition, maintenance, repair, and operation thereof. (As amended May 31, 1941, ch. 156, title I, § 1, 55 Stat. 220; Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat. 158; June 30, 1943, ch. 179, title I, 57 Stat. 258.)

[1] So in original. The word "to," probably should be omitted.

REFERENCES IN TEXT

Section 157 of Title 27, to which reference is made in this section, now appears as section 3116 of Title 26, Internal Revenue Code

Chapter 21.—APPEALS

§ 681. Appeals; conviction of crime punishable by death.

CROSS REFERENCES

Appeals in capital cases, see section 225 of Title 28, Judicial Code and Judiciary, on authority of Stephan v. United States, June 1, 1943, 63 S. Ct. 1135.

§ 682. Same; on behalf of the United States; rules of practice and procedure.

An appeal may be taken by and on behalf of the United States from the district courts direct to the Supreme Court of the United States in all criminal cases in the following instances, to wit:

From a decision or judgment quashing, setting aside, or sustaining a demurrer or plea in abatement to any indictment or information, or any count thereof, where such decision or judgment is based upon the invalidity or construction of the statute upon which the indictment or information is founded.

From a decision arresting a judgment of conviction for insufficiency of the indictment or information, where such decision is based upon the invalidity or construction of the statute upon which the indictment or information is founded.

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

An appeal may be taken by and on behalf of the United States from the district courts to a circuit court of appeals or the United States Court of Appeals for the District of Columbia, as the case may be, in all criminal cases, in the following instances, to wit:

From a decision or judgment quashing, setting aside, or sustaining a demurrer or plea in abatement to any indictment or information, or any count

thereof except where a direct appeal to the Supreme Court of the United States is provided by this section.

From a decision arresting a judgment of conviction except where a direct appeal to the Supreme Court of the United States is provided by this section.

The appeal in all such cases shall be taken within thirty days after the decision or judgment has been rendered and shall be diligently prosecuted.

Pending the prosecution and determination of the appeal in the foregoing instances, the defendant shall be admitted to bail on his own recognizance: *Provided*, That if an appeal shall be taken pursuant to this section to the Supreme Court of the United States which, in the opinion of that Court, should have been taken to a circuit court of appeals, or the United States Court of Appeals for the District of Columbia, the Supreme Court of the United States shall remand the cause to the circuit court of appeals or the United States Court of Appeals for the District of Columbia, as the case may be, which shall then have jurisdiction to hear and determine the same as if the appeal had been taken to that court in the first instance; and if an appeal shall be taken pursuant to this section to any circuit court of appeals or to the United States Court of Appeals for the District of Columbia, which, in the opinion of such court, should have been taken directly to the Supreme Court of the United States, such court shall certify the case to the Supreme Court of the United States, which shall thereupon have jurisdiction to hear and determine the cause to the same extent as if an appeal had been taken directly to that Court.

Rules of practice and procedure with respect to appeals authorized by this section shall be prescribed by the Supreme Court of the United States in accordance with the provisions of section 687 of this title. (As amended May 9, 1942, ch. 295, § 1, 56 Stat. 271.)

AMENDMENTS

1942—Act May 9, 1942, cited to text, amended section generally

Chapter 21A.—RULES OF CRIMINAL PROCEDURE

Sec

689 Proceedings to punish for criminal contempt of court; application to sections 687 and 688 (New).

§§ 687, 688.

CROSS REFERENCES

Extension to proceedings to punish for criminal contempt of court, see section 689 of this title

§ 689. Proceedings to punish for criminal contempt of court; application to sections 687 and 688.

The provisions of sections 687 and 688 of this title are hereby extended to proceedings to punish for criminal contempt of court. (Nov. 21, 1941, ch. 492, 55 Stat. 779.)

RULES OF CRIMINAL PROCEDURE AFTER PLEA OF GUILTY, VERDICT OR FINDING OF GUILT

RULE 5.—SUPERSEDEAS

An appeal from a judgment of conviction stays the execution of the judgment, unless the defendant pending his appeal shall elect to enter upon the service of his sentence. The trial court or the circuit court of appeals may stay the execution of any sentence to pay a fine or fine and costs upon such terms as it may deem proper. It may require the defendant pending the appeal to pay to the clerk in escrow the whole or any part of such fine and costs, to submit to an examination as to his assets, or to give a supersedeas bond, and it may likewise make any appropriate order to restrain the defendant from dissipating his assets and thereby preventing the collection of such fine. (As amended Oct. 21, 1940.)

RULE 11.—WRITS OF CERTIORARI

Petition to the Supreme Court of the United States for writ of certiorari to review a judgment of the appellate court shall be made within thirty (30) days after the entry of the judgment of that court, except that in cases in which the judgment of conviction has been entered in a District Court of Alaska, Hawaii, Puerto Rico, Canal Zone, or Virgin Islands, the petition shall also be deemed in time if the container in which it is mailed, addressed to the Supreme Court of the United States is postmarked within the thirty (30) days provided by this Rule. Such petition shall be made as prescribed in Rules 38 and 39 of the Rules of the Supreme Court of the United States. (As amended Feb. 11, 1943.)

RULE 13.—(DEFINITIONS; COMPUTATION OF TIME)

CHANGE OF NAME

Act June 1, 1934, ch 426, 48 Stat 926, changed the name of the Court of Appeals of the District of Columbia to United States Court of Appeals for the District of Columbia

Part 3.—PRISONERS AND THEIR TREATMENT

Chapter 22.—GENERAL PROVISIONS

§ 726-1. Same; compensation of probation officers.

The salary of no probation officer shall be less than $1,800 per annum nor more than $3,600 per annum. (As amended June 28, 1941, ch. 258, title IV, 55 Stat. 300; July 2, 1942, ch. 472, title IV, 56 Stat. 503; June 28, 1943, ch. 173, title II, § 201, 57 Stat. 242.)

AMENDMENTS

1941—Act June 28, 1941, cited to text, substituted "$3,600" for "$3,200"

APPROPRIATIONS

The Judiciary Appropriation Act of 1944, act June 28, 1943, ch 173, title II, § 201, 57 Stat 242 and prior similar acts in making the appropriation for the probation system provided for the minimum and maximum salary of probation officers This language was not continued in the Judiciary Appropriation Acts of 1945 and 1946.

§ 726a. Same; transportation expenses of probation officers.

United States probation officers may be allowed, in lieu of actual expenses of transportation, not to exceed 4 cents per mile for the use of their own automobiles for transportation when traveling on official business within the city limits of their official station. (June 28, 1941, ch. 258, title IV, 55 Stat. 302; July 2, 1942, ch. 472, title IV, 56 Stat. 503; June 28, 1943, ch. 173, title II, § 201, 57 Stat. 243; June 26, 1944, ch. 277, title II, § 201, 58 Stat. 357; May 21, 1945, ch. 129, title IV, 59 Stat. 199.)

AMENDMENTS

1941—Act June 28, 1941, cited to text, increased the per mile rate from "3" cents to "4" cents.

Chapter 23.—UNITED STATES PRISONS IN GENERAL

Sec.

746a. Transportation and subsistence for discharged prisoner to place of arrest or residence (New)
746b. Transportation and subsistence for prisoners on probation (New).

§ 744i. Federal Prison Industries; creation.

CROSS REFERENCES

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

§ 746a. Transportation and subsistence for discharged prisoner to place of arrest or residence.

On the release from custody of any person who has been arrested on a charge of violating any law of the United States or of the Territory of Alaska, and who has not been convicted of such charge, other than a person admitted to bail, the court having jurisdiction of the trial of the case, including cases where arrests have been made and no indictment returned, in its discretion may direct the United States marshal for the district wherein he is released, pursuant to regulations that may be promulgated by the Attorney General, to furnish the person so released with transportation and subsistence to the place of his arrest or, at his election, to the place of his bona fide residence if the cost of transportation and subsistence to such place of residence is not greater than to the place of arrest. (July 3, 1926, ch. 795, § 2, as added June 21, 1941, ch. 212, 55 Stat. 254.)

§ 746b. Transportation and subsistence for prisoners on probation.

When a court of the United States places a defendant on probation, the court may direct the United States marshal to furnish the defendant with transportation to the place to which the defendant is required to proceed under the terms of his probation and, in addition, may also direct the marshal to furnish the defendant with an amount of money, not to exceed $20, for subsistence expense to his destination. In such event, such expenses shall be paid by the marshal. (July 3, 1926, ch. 795, § 3, as added June 21, 1941, ch. 212, 55 Stat. 254.)

§ 753f. Commitment of persons by any court of the United States and the juvenile court of the District of Columbia; place of confinement; transfers.

All persons convicted of an offense against the United States shall be committed, for such terms of imprisonment as the court may direct, to the custody of the Attorney General of the United States or his authorized representative, who shall designate the places of confinement where the sentences of all such persons shall be served: *Provided*, That any sentence of imprisonment for an offense punishable by imprisonment for a term of one year or less shall not be served in a penitentiary except with the defendant's consent. The Attorney General may designate any available, suitable, and appropriate institutions, whether maintained by the Federal Government or otherwise, or whether within or without the judicial district in which the person was convicted. The Attorney General is also authorized to order the transfer of any person held under authority of any United States statute from one institution to another if in his judgment it shall be for the well-being of the prisoner or relieve overcrowded or unhealthful conditions in the institution where such prisoner is confined or for other reasons. The authority conferred upon the Attorney General by this section shall extend to persons committed to the National Training School for Boys, by the juvenile court of the District of Columbia, as well as to those committed by any court of the United States. (As amended June 14, 1941, ch. 204, 55 Stat. 252; Oct. 21, 1941, ch. 453, 55 Stat. 743.)

AMENDMENTS

1941—Act June 14, 1941, cited to text, omitted words "and to such types of institutions" following "imprisonment" in first sentence, added proviso thereto, and inserted words "the person was" before "convicted" in second sentence.

Act Oct. 21, 1941, cited to text, added last sentence.

TITLE 19.—CUSTOMS DUTIES

Chapter 1.—COLLECTION DISTRICTS, PORTS, AND OFFICERS

CROSS REFERENCES

Free importation of articles for members of the armed forces of other United Nations, etc., see sections 791–795 of Appendix to Title 50, War.

§ 2. Rearrangement and limitation of districts; changing locations.

CUSTOMS DISTRICTS AND PORTS

PART 1—CUSTOMS DISTRICTS AND PORTS[1]

FILED MAY 27, 1943

The first-named port in each district in capital letters is the headquarters port, and the asterisk preceding the name of a port indicates that marine documents may be issued at such port.

District No	Name of district	Area of district	Ports of entry
31	Alaska	The Territory of Alaska	*JUNEAU. Craig (E. O. 3321, Sept. 1, 1920) *Eagle. *Fairbanks (E. O 8064, Mar. 9, 1939, 4 F. R. 1191) *Hyder (E O 3808, Mar. 28, 1923) *Ketchikan. Petersburg (E. O 4132, Jan 24, 1925). *Sitka (E. O. 4517, Oct. 2, 1926) *Skagway. *Wrangell.
26	Arizona	The State of Arizona	NOGALES (including territory described in E. O. 9382, Oct 1, 1943, 8 F R 13083). Douglas (including territory described in E. O 9382, Oct 1, 1943, 8 F. R. 13083). Naco San Luis (E. O 5322, Apr 9, 1930). Sasabe (E. O. 5608, Apr. 22, 1931) Sonoyta (E. O. 8624, Dec. 31, 1940; 6 F. R. 13).
9	Buffalo	The counties of Niagara, Erie, Cattaraugus, and Chautauqua in the State of New York	*BUFFALO (including Lackawanna, Tonawanda, North Tonawanda, and east bank of Niagara River between Buffalo and Tonawanda) (E. O. 7767, Dec. 11, 1937, 2 F. R. 2773). Niagara Falls (including Lewiston) (E. O. 5320, Apr. 7, 1930).
39	Chicago (E. O. 8225, Aug 24, 1939, 4 F. R 3721, E. O. 9297, Feb. 1, 1943, 8 F R 1479).	The State of Illinois lying north of 39° north latitude, that part of the State of Indiana north of 41° north latitude, and the States of Iowa and Nebraska	*CHICAGO, ILL *Peoria, Ill Omaha, Neb. (E. O. 9531, Mar. 16, 1945; 10 F R. 2951)
47	Colorado	The States of Colorado and Wyoming	DENVER
6	Connecticut	The State of Connecticut	*BRIDGEPORT. *Hartford *New Haven. *New London.
34	Dakota	The States of North and South Dakota and the county of Kittson in the State of Minnesota.	*PEMBINA, N. DAK. Ambrose, N. Dak. (E. O. 5835, Apr. 13, 1932) Antler, N Dak. Carbury, N Dak. (E O 5137, June 17, 1929). Crosby, N Dak. Dunseith, N Dak (E O. 7632, June 15, 1937, 2 F R. 1042). Fortuna, N Dak (E. O. 7632, June 15, 1937, 2 F. R. 1042) Hannah, N Dak. Hansboro, N. Dak Maida, N Dak. (E. O. 7632, June 15, 1937, 2 F. R 1042). Neche, N. Dak. Noonan, N. Dak. (E. O. 7632, June 15, 1937, 2 F. R. 1042) Northgate, N. Dak. Noyes, Minn. (E. O. 5835, Apr. 13, 1932) Portal, N. Dak. Sarles, N. Dak. Sherwood, N Dak. St. John, N. Dak. (E. O. 5835, Apr. 13, 1932). Walhalla, N. Dak. Westhope, N. Dak. (E. O. 4236, June 1, 1925).
36	Duluth and Superior	The State of Minnesota, except the county of Kittson, lying north of 46° north latitude, the State of Wisconsin lying north of said latitude, and the island of Isle Royale in the State of Michigan.	*DULUTH, MINN., and SUPERIOR, WIS. (including West Superior). Ashland, Wis Baudette, Minn. (E O 4422, Apr. 19, 1926). International Falls, Minn. Pigeon River Bridge, Minn. (E. O. 7632, June 15, 1937; 2 F. R. 1042). Pine Creek, Minn. (E. O. 7632, June 15, 1937, 2 F. R. 1042) Ranier, Minn. Roseau, Minn (E. O. 7632, June 15, 1937; 2 F. R. 1042) Warroad, Minn.

[1 Part 1 refers to Code of Federal Regulations, Title 19, Customs Duties, Chap. I, Bureau of Customs.]

CUSTOMS DISTRICTS AND PORTS—Continued

District No	Name of district	Area of district	Ports of entry
24	El Paso (E. O. 2702, Sept. 7, 1917).	The State of New Mexico and that part of the State of Texas lying west of the Pecos River	EL PASO, TEX. (E. O. 2702, Sept. 7, 1917) Columbus, N. Mex. Fabens, Tex. (E. O. 4869, May 1, 1928) Presidio, Tex. (E. O. 2702, Sept. 7, 1917). Ysleta, Tex (E. O. 7632, June 15, 1937, 2 F. R. 1042)
18	Florida	The State of Florida, the north bank of the St. Marys River, and the city of St. Marys, Ga	*TAMPA (including Port Tampa). *Apalachicola Bocagrande. Carrabelle (E. O. 7508, Dec. 11, 1936; 1 F. R. 2149). Fernandina (including St. Marys, Ga.). *Jacksonville. *Key West. *Miami. Panama City (E. O. 3919, Nov. 1, 1923). *Pensacola. Port Everglades (E. O. 5770, Dec. 31, 1931). Port St. Joe (E O. 7818, Feb. 17, 1938, 3 F. R 503). *St. Augustine. St. Petersburg (E. O. 7928, July 14, 1938, 3 F. R. 1749) West Palm Beach (E O 4324, Oct. 15, 1925).
22	Galveston (E. O. 2702, Sept. 7, 1917; E. O 8288, Nov. 22, 1939, 4 F. R. 4691).	That part of the State of Texas lying east of 97° west longitude, except the territory embraced in district 21 (Sabine). Also those portions of the counties of Dallas, Aransas, and Refugio lying west of 97° west longitude and the counties of Tarrant, San Patricio, and Nueces, State of Texas.	*GALVESTON (including Port Bolivar and Texas City). *Corpus Christi (E O. 8288, Nov. 22, 1939, 4 F R 4691) Dallas. Freeport (E. O. 7632, June 15, 1937; 2 F. R. 1042) *Houston.
17	Georgia	The State of Georgia, except the north shore of the St. Marys River and the city of St. Marys, Ga.	*SAVANNAH (including territory described in E. O 8367, Mar. 5, 1940; 5 F. R. 985) Atlanta. *Brunswick.
32	Hawaii	The Territory of Hawaii	*HONOLULU. Hilo Kahului. Port Allen (E O. 4385, Feb. 25, 1926).
40	Indiana	The State of Indiana lying south of 41° north latitude.	INDIANAPOLIS *Evansville. Lawrenceburg (including Greendale) (E. O. 6634, Mar. 7, 1934).
42	Kentucky	The State of Kentucky	*LOUISVILLE.
28	Laredo (E O. 8288, Nov. 22, 1939, 4 F. R. 4691).	That part of the State of Texas lying west of 97° west longitude and east of the Pecos River except the territory included in district 22 (Galveston).	LAREDO. Brownsville Del Rio. Eagle Pass. Hidalgo. Rio Grande City. Roma San Antonio.
27	Los Angeles (E. O. 3220, Feb. 2, 1920, E O. 3779, Jan. 26, 1923, E. O. 4543, Nov. 13, 1926).	That part of the State of California lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, except the counties of San Diego and Imperial	*LOS ANGELES (including San Pedro, Wilmington, and Long Beach) (E. O. 4343, Nov. 16, 1925). *Port San Luis.
1	Maine and New Hampshire (E. O 4709, Aug 19, 1927).	The State of Maine and the State of New Hampshire, except the county of Coos	*PORTLAND, MAINE (including territory described in E O 9297, Feb 1, 1943, 8 F R 1479) *Bangor, Maine (including Brewer, Maine) (E. O. 9297, Feb 1, 1943, 8 F R 1479) *Bar Harbor, Maine (including Mt. Desert Island, the city of Ellsworth, and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, and Winter Harbor) (E O 4572, Jan. 27, 1927). *Bath, Maine (including Booth Bay and Wiscasset) (E. O 4356, Dec. 15, 1925). *Belfast, Maine (including Searsport) (E. O. 6754, June 28, 1934). Bridgewater, Maine (E. O 8079, Apr. 4, 1939; 4 F. R 1475). *Calais, Maine (including townships of Calais, Robbinston, and Baring) (E. O 6284, Sept 13, 1933) *Eastport, Maine (including Lubec and Cutler) (E. O. 4296, Aug 26, 1925). Fort Fairfield, Maine. Fort Kent, Maine. Holeb-Jackman, Maine (E O. 3609, Jan. 9, 1922; E. O. 4550, Dec. 8, 1926). Houlton, Maine (E. O 4156, Feb. 14, 1925) *Jonesport, Maine (including the towns (townships) of Beals, Jonesboro, Roque Bluffs, and Machiasport) (E O. 4296, Aug. 26, 1925, E. O 8695, Feb. 25, 1941) Limestone, Maine. Madawaska, Maine. *Portsmouth, N. H. (including Kittery, Maine) *Rockland, Maine. Van Buren, Maine. Vanceboro, Maine.
13	Maryland (E. O. 3234, Feb. 27, 1920).	The State of Maryland and the District of Columbia	*BALTIMORE, MD. (including Sparrows Point (E. O. 8238, Sept 6, 1939, 4 F. R 3835) *Annapolis, Md. *Cambridge, Md. (E. O 3888, Aug. 13, 1923). *Crisfield, Md *Washington, D. C

CUSTOMS DISTRICTS AND PORTS—Continued

District No.	Name of district	Area of district	Ports of entry
1	Massachusetts	The State of Massachusetts	*BOSTON (including Cambridge, Chelsea, Medford, Everett, Quincy, Somerville, Braintree, Weymouth and Hingham, and waters adjacent thereto) (E O 3847 May 16, 1923; E. O. 5096, Apr 19, 1929) *Fall River. *Gloucester. Lawrence (E. O. 5444, Sept. 16, 1930) *New Bedford. Plymouth. *Provincetown. *Salem (including Beverly, Marblehead, Lynn, and Peabody) (E. O. 9207, July 29, 1942, 7 F R 5931). Springfield Worcester.
38	Michigan	The State of Michigan except the island of Isle Royale and the city of Menominee, Mich	*DETROIT (including territory described in E. O. 9073, Feb. 25, 1942; 7 F. R. 1588). Bay City. Cheboygan. *Muskegon (E. O. 8315, Dec. 22, 1939 4 F R 4941) *Port Huron. Saginaw *Sault Ste. Marie.
35	Minnesota	The State of Minnesota lying south of 46° north latitude.	South Haven (E. O. 7632, June 15, 1937; 2 F. R. 1042) *MINNEAPOLIS (E. O. 4295, Aug. 26, 1935). St. Paul (E. O. 4295, Aug. 26, 1935, E. O. 7564, Feb. 27, 1937, 2 F. R. 462).
19	Mobile	The State of Alabama and that part of the State of Mississippi lying south of 31° north latitude.	*MOBILE, ALA. Birmingham, Ala. *Gulfport, Miss. Pascagoula, Miss.
33	Montana and Idaho	The States of Montana and Idaho	*GREAT FALLS, MONT. Del Bonita, Mont. (E. O. 7947, Aug. 9, 1938; 3 F. R. 1965) Eastport, Idaho Morgan, Mont (E. O 7632, June 15, 1937; 2 F. R. 1042) Opheim, Mont. (E. O. 7632, June 15, 1937; 2 F. R. 1042) Piegan, Mont. (E. O. 7632, June 15, 1937; 2 F. R. 1042) Porthill, Idaho Raymond, Mont. (E. O. 7632, June 15, 1937; 2 F R. 1042) Roosville, Mont. (E. O. 7632, June 15, 1937, 2 F R. 1042) Scobey, Mont. (E. O. 7632, June 15, 1937; 2 F. R. 1042) Sweetgrass, Mont. Turner, Mont. (E. O. 7632, June 15, 1937, 2 F. R 1042) Whitetail, Mont (E O 7632, June 15, 1937, 2 F. R. 1042) Whitlash, Mont. (E. O. 7632, June 15, 1937; 2 F R. 1042).
20	New Orleans	The State of Louisiana except the parishes of Cameron and Calcasieu, and that part of the State of Mississippi lying north of 31° north latitude	*NEW ORLEANS, LA. (including territory described in E O. 5130, May 29, 1929). *Baton Rouge, La. (E O. 5993, Jan. 13, 1933)
10	New York	That part of the State of New York not expressly included in the districts of Buffalo, Rochester, and St Lawrence, and also the counties of Sussex, Passaic, Hudson, Bergen, Essex, Union, Middlesex, and Monmouth in the State of New Jersey.	*NEW YORK, N. Y. (including territory described in E O 4205, Apr. 15, 1925). *Albany, N. Y. *Newark, N. J. *Perth Amboy, N. J.
15	North Carolina	The State of North Carolina	*WILMINGTON (including townships of Northwest, Wilmington, and Cape Fear) (E. O 7761, Dec 3, 1937 2 F. R. 2679). *Beaufort. Durham (E. O. 4876, May 3, 1928, including territory described in E. O. 9433, Apr. 8, 1944; 9 F. R 3761). *Elizabeth City. Morehead City (E O. 7482, Oct. 30, 1936, 1 F. R. 1703). Reidsville (E. O. 5159, July 18, 1929; including territory described in E. O. 9433, Apr. 8, 1944; 9 F R. 3761) Winston-Salem (E. O 2366, Apr 24 1916
4	Ohio	The State of Ohio, and the county of Erie in the State of Pennsylvania.	*CLEVELAND, OHIO. Akron, Ohio (E O 4597, Feb. 25 1927) Ashtabula, Ohio *Cincinnati, Ohio Columbus, Ohio Conneaut, Ohio Dayton, Ohio *Erie, Pa *Sandusky, Ohio. *Toledo, Ohio.
29	Oregon (E. O. 2307, Feb. 7, 1916).	The State of Oregon and that part of the State of Washington which embraces the waters of the Columbia River and the north bank of the said river west of 119° west longitude	*PORTLAND, OREG. (including territory described in E. O 3390, Jan. 24, 1921; E. O 5193, Sept. 14, 1929). *Astoria, Oreg. (E. O. 5193, Sept. 14, 1929) Longview, Wash. (E. O. 4956, Aug 31, 1928, E. O 5193, Sept. 14 1929). *Coos Bay, Oreg. (E. O. 4094, Oct. 28, 1924; E. O. 5193, Sept. 14, 1929; E. O. 5445, Sept 16, 1930; E. O. 9533, Mar. 24, 1945; 10 F. R. 3173). Newport, Oreg.
11	Philadelphia	That part of the State of Pennsylvania lying east of 79° west longitude, the State of Delaware, and that part of the State of New Jersey not included in district 10 (New York).	*PHILADELPHIA, PA. (including Camden and Gloucester City, N J., and territory described in E. O. 7840 Mar 15, 1938; 3 F. R. 687). Chester, Pa. (E O. 7706, Sept 11, 1937, 2 F. R. 1848) Lewes, Del. *Wilmington, Del. (E. O 4496, Aug 12, 1926).
12	Pittsburgh	The State of West Virginia and that part of the State of Pennsylvania lying west of 79° west longitude, except the county of Erie.	*PITTSBURGH, PA.

CUSTOMS DISTRICTS AND PORTS—Continued

District No.	Name of district	Area of district	Ports of entry
49	Puerto Rico	The Territory of Puerto Rico	*SAN JUAN Aguadilla. Arecibo. Arroyo. Fajardo. Guanica Guayanilla (E. O. 9162, May 13, 1942; 7 F. R. 3569) Humacao. Jobos (E. O. 9162, May 13, 1942; 7 F. R 3569) Mayaguez. Ponce.
5	Rhode Island	The State of Rhode Island	*PROVIDENCE *Newport.
8	Rochester (E. O. 5455, Oct. 1, 1930)	The counties of Oswego, Oneida, Onondaga, Cayuga, Seneca, Wayne, Broome, Tompkins, Chenango, Madison, Cortland, Hamilton, Schuyler, Chemung, Herkimer, Monroe, Ontario, Livingston, Yates, Steuben, Orleans, Genesee, Wyoming, Allegany, and Tioga in the State of New York.	*ROCHESTER. *Oswego. Sodus Point. Syracuse. Utica.
21	Sabine (E O 5392, July 9, 1930)	That part of the State of Texas from Sabine Pass north along State line to north boundary line of Shelby County; west to Neches River; down western shore of said river to north boundary of Jefferson County, westerly along said boundary to east boundary of Liberty County; south to Gulf, also the parishes of Cameron and Calcasieu in the State of Louisiana.	*PORT ARTHUR, TEX. *Beaumont, Tex. (E O 4502, Sept. 1, 1926). *Lake Charles, La (E O 5475, Nov. 3, 1930). Orange, Tex (E O 7495, Nov 14, 1936, 1 F. R 1867) Sabine, Tex
25	San Diego (E O 3779, Jan. 26, 1923; E. O. 5350, May 22, 1930)	The counties of San Diego and Imperial in the State of California	*SAN DIEGO. Andrade (E O 4780, Dec 13, 1927) Calexico San Ysidro (E O 4518, Oct 2, 1926). Tecate (E O 4780, Dec 13, 1927).
28	San Francisco (E O 4543, Nov 13, 1926, E. O. 8324, Jan. 22, 1940; 5 F. R. 271)	That part of the State of California lying north of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, and the States of Utah and Nevada.	*SAN FRANCISCO-OAKLAND, CALIF (including all points on San Francisco Bay) *Eureka, Calif. Note Collector of Customs located at San Francisco.
16	South Carolina	The State of South Carolina	*CHARLESTON (including territory described in E O 8335, Jan 31, 1940, 5 F R. 429) *Georgetown
7	St. Lawrence	The counties of Clinton, Essex, Franklin, St. Lawrence, Jefferson, and Lewis in the State of New York.	*OGDENSBURG Alexandria Bay Cape Vincent Champlain Chateaugay Clayton Fort Covington Malone Mooers Morristown Roosevelttown (E. O. 6545, Jan 2, 1934) *Rouses Point. Waddington.
45	St. Louis (E. O 3879, June 27, 1923)	The States of Missouri, Kansas, and Oklahoma, and that part of the State of Illinois lying south of 39° north latitude.	*ST LOUIS, MO. (including East St Louis, Ill.) *Kansas City, Mo (including Kansas City, Kans., and North Kansas City, Mo.) (E O. 8528, Aug 27, 1940) St Joseph, Mo
43	Tennessee (E. O. 3879, June 27, 1923)	The States of Tennessee and Arkansas	*MEMPHIS, TENN *Chattanooga, Tenn *Nashville, Tenn
2	Vermont (E. O 4709, Aug 19, 1927)	The State of Vermont and the county of Coos in the State of New Hampshire	ST ALBANS, VT. (including townships of St. Albans and Swanton) (E. O. 3925, Nov. 13, 1923; E O 7632 June 15, 1937, 2 F R 1042) Alburg, Vt. Beecher Falls, Vt *Burlington, Vt Derby Line, Vt. Highgate Springs, Vt. (including township of Highgate) (E O 7632, June 15, 1937, 2 F R. 1042) Island Pond, Vt Newport, Vt. North Troy, Vt Richford, Vt.
14	Virginia (E. O. 3234, Feb. 27, 1920).	The State of Virginia	*NORFOLK and *NEWPORT NEWS (including the waters and shores of Hampton Roads) *Alexandria *Cape Charles City Petersburg. *Reedville. Richmond.
30	Washington (E. O. 2307, Feb 7, 1916).	The State of Washington except that part which embraces the waters of the Columbia River and the north bank of the said river west of 119° west longitude	*SEATTLE *Aberdeen. Anacortes. *Bellingham. Blaine (E. O. 5835, Apr. 13, 1932) Danville. Everett. Ferry. Friday Harbor (including territory described in E. O 9382, Oct. 8, 1943; 8 F. R 13083) Laurier. Lynden (E. O 7632, June 15, 1937, 2 F. R. 1042). Metaline Falls (E. O 7632, June 15, 1937, 2 F R. 1042) Nighthawk Northport. Olympia (E. O. 4780, Dec. 13, 1927) Oroville (E. O. 5206, Oct. 11, 1929).

CUSTOMS DISTRICTS AND PORTS—Continued

District No.	Name of district	Area of district	Ports of entry
30 Con.	Washington (E O 2307, Feb 7, 1916)	The State of Washington except that part which embraces the waters of the Columbia River and the north bank of the said river west of 119° west longitude.	*Port Angeles Port Townsend. South Bend Spokane Sumas *Tacoma
37	Wisconsin	The State of Wisconsin lying south of 46° north latitude, and the city of Menominee, Mich.	MILWAUKEE. Green Bay. Manitowoc. Marinette (including Menominee, Mich.) Racine. Sheboygan.

AMENDMENTS

Ex. Ord. No. 9382, eff. Oct. 1, 1943, 8 F. R. 13083, provided as follows:

1. The designation of the town of Westby, Montana, as a customs port of entry in Customs Collection District Number 33 (Montana and Idaho), is revoked.

2. The limits of the customs port of entry of Nogales, Arizona, in Customs Collection District Number 26 (Arizona), are extended to include the following territory: Beginning at the northeast corner of the intersection of First Street and Bayze Avenue, City of Nogales, thence northerly in a line parallel with the east side of Bayze Avenue a distance of 1500 feet; thence at right angles in an easterly direction a distance of 1300 feet; thence at right angles in a southerly direction a distance of 1500 feet to the city limits of Nogales; thence westerly along the city limits a distance of 1300 feet to the place of beginning

3. The limits of the customs port of entry of Douglas, Arizona, in Customs Collection District Number 26 (Arizona), are extended to include the following territory: Beginning at the southwest corner of the city limits of Douglas, Arizona, thence westerly in a line parallel with the international boundary a distance of 4000 feet; thence at right angles in a northerly direction a distance of 7000 feet to a point on the west side of the road leading to the Phelps-Dodge Copper Smelter where said road intersects U. S Highway Number 80; thence easterly along the south side of U S Highway Number 80 to the city limits of Douglas; thence along the city limits to the place of beginning.

Ex Ord No 9433, Apr. 8, 1944, 9 F. R. 3761, provided:

1 The limits of the customs port of entry of Durham, North Carolina, in Customs Collection District Number 15 (North Carolina), are extended to include the following territory: Beginning at the intersection of the eastern corporate limits of Durham and U. S Highway No. 70, thence southeasterly along the south side of that highway a distance of .2 mile to Ellis Road; thence southerly along the west side of Ellis Road a distance of 1.1 miles to Cook Road, thence westerly along the north side of Cook Road a distance of 6 mile to Alston Avenue; thence northwesterly along the east side of Alston Avenue a distance of 1.2 miles to the corporate limits of Durham; thence along the corporate limits to the place of beginning.

2. The limits of the customs port of entry of Reidsville, North Carolina, in Customs Collection District Number 15 (North Carolina), are extended to include a strip of land ¾ mile in width beginning at the intersection of the northern corporate limits of Reidsville and U. S. Highway No. 29, and extending along the east side of such highway in a northeasterly direction a distance of 2 miles.

3. The limits of the customs port of entry of Friday Harbor, Washington, in Customs Collection District Number 30 (Washington), are extended to include all points on the body of water known as Roche Harbor, San Juan Island, State of Washington.

Ex. Ord. No. 9504, Nov. 27, 1944, 9 F. R. 14119, provided:

By virtue of the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 609, 623 (19 U. S. C. 2), it is ordered that the designation of Dunkirk, New York, as a customs port of entry in Customs Collection District Number 9 (Buffalo), be, and it is hereby, revoked, effective at the close of business December 31, 1944.

Ex Ord. No. 9531, Mar 16, 1945, 10 F. R. 2951, provided:

1. Customs Collection District Number 46 (Omaha), is abolished.

2. The designation of Omaha, Nebraska, as a customs port of entry in Customs Collection District Number 46 (Omaha), is revoked.

3. The limits of Customs Collection District Number 39 (Chicago), are extended to include the territory embracing the State of Nebraska and the municipality of Council Bluffs, Iowa.

4. The city of Omaha, Nebraska, is designated as a customs port of entry in Customs Collection District Number 39 (Chicago), and Executive Order No. 9297, dated February 1, 1943, extending the limits of the port of entry of Omaha to include certain adjoining and adjacent areas, shall remain in force and effect.

5. The limits of Customs Collection District Number 47 (Colorado), are extended to include the territory embracing the State of Wyoming.

This order shall become effective April 1, 1945.

Ex Ord. No. 9533, Mar. 24, 1945, 10 F. R. 3173, provided:

1. The name of the customs port of entry of Marshfield, Oregon, in Customs Collection District Number 29 (Oregon), is changed to Coos Bay, Oregon

2 Executive Order No 5193, dated September 14, 1929, and Executive Order No. 5445, dated September 16, 1930, extending the limits of the customs port of Marshfield to include the municipality of North Bend, Oregon, and all points on Coos Bay in the State of Oregon, shall continue in force and effect, the name of the port "Coos Bay" being substituted for the name "Marshfield" in such orders.

3. This order shall become effective April 1, 1945.

AIRPORTS OF ENTRY

Location:	*Name*
Albany, N. Y.	Municipal Field.
Brownsville, Tex.	Rio Grande Valley International Airport.
Buffalo, N. Y.	Municipal Airport.
Burlington, Vt.	Burlington Municipal Airport.
Caribou, Maine	Caribou Municipal Airport.
Cleveland, Ohio	Cleveland Municipal Airport.
Detroit, Mich.	Detroit Municipal Airport.
Detroit, Mich.	Ford Airport.
Detroit, Mich.	Wayne County Airport.
Douglas, Ariz.	Douglas Airport.
Duluth, Minn.	Duluth Municipal Airport.
Duluth, Minn.	Duluth Boat Club Seaplane Base.
Eagle Pass, Tex.	Eagle Pass Airport.
El Paso, Tex.	Municipal Airport.
Fairbanks, Alaska	Weeks Municipal Airfield.
Juneau, Alaska	Juneau Airport.
Ketchikan, Alaska	Ketchikan Airport.
Key West, Fla.	Meacham Field.
Miami, Fla.	Pan-American Field (or 36th Street).
Miami, Fla.	Dinner Key Seaplane Base.
Nogales, Ariz.	Nogales Municipal Airport.
Ogdensburg, N. Y.	Ogdensburg Harbor.
Pembina, N Dak.	Fort Pembina Airport.
Portal, N. Dak.	Portal Airport.
Port Townsend, Wash.	Port Townsend Airport.

Location:	*Name*
Put in Bay, Ohio	Put in Bay Airport.
Rochester, N. Y.	Rochester Municipal Airport.
Rouses Point, N. Y.	Rouses Point Seaplane Base.
San Diego, Calif.	San Diego Municipal Airport (Lindbergh Field).
San Juan, P. R.	Isla Grande Airport.
Seattle, Wash.	Boeing Municipal Air Field.
Seattle, Wash.	Lake Union.
Skagway, Alaska	Skagway Municipal Airport.
Swanton, Vt.	Missisquoi Airport.
West Palm Beach, Fla.	Roosevelt Flying Service Base (Currie Common Park).
Wrangell, Alaska	Wrangell Seaplane Base.

AMENDMENTS

Brownsville, Texas, airport was renamed Rio Grande Valley International Airport on Jan. 10, 1946, by 11 F. R. 554.

Laredo, Texas, was revoked as an airport of entry on Oct. 26, 1943, by 8 F. R 14535.

§ 5. Collectors, etc.; term of office.

OFFICE OF SAN FRANCISCO COMPTROLLER ABOLISHED

Act June 30, 1943, ch 179, title I, 57 Stat 256, provided in part as follows: "The office of comptroller of customs at San Francisco, California, is hereby abolished. The duties imposed by law and regulations upon the said comptroller of customs, his assistants and deputies, are hereby transferred to, imposed upon, and continued in positions now established in the Customs Service by or pursuant to law, as the Secretary of the Treasury by appropriate regulations shall specify; and he is further authorized to designate the title by which such positions shall be officially known hereafter. The Secretary of the Treasury, in performing the duties imposed upon him by this paragraph, shall administer the same in such manner that the transfer of duties provided hereby will not result in the establishment of any new positions in the Customs Service: *Provided further,* That no interior port of entry shall be closed"

§§ 6a–6d.

CROSS REFERENCES

Classification Act of 1923, extension to employees in Customs Service, see section 681 of Title 5, Executive Departments and Government Officers and Employees Note particularly subsec (d) (viii) of that section

Increase in basic compensation rates, see section 942 of Title 5, Executive Departments and Government Officers and Employees

§ 64. Laws imposing fines applicable to persons acting under customs laws.

All Acts and parts of Acts imposing fines, penalties, or other punishment for offenses committed by an internal revenue officer or other officer of the Department of the Treasury of the United States, or under any bureau thereof, shall apply to all persons whomsoever, employed, appointed, or acting under the authority of any customs law, or any revenue provision of any law of the United States, when such persons are designated or acting as officers or deputies, or persons having the custody or disposition of any public money. (Feb. 8, 1875, ch. 36, § 23, 18 Stat. 312.)

§ 66. Rules and forms prescribed by Secretary.

The Secretary of the Treasury shall prescribe forms of entries, oaths, bonds, and other papers, and rules and regulations not inconsistent with law, to be used in carrying out the provisions of law relating to raising revenue from imports, or to duties on imports, or to warehousing, and shall give such directions to collectors and prescribe such rules and forms to be observed by them as may be necessary for the proper execution of the law. (R. S. § 251.)

Chapter 2.—THE TARIFF COMMISSION

§§ 91–107. United States Tariff Commission.

CODIFICATION

Subject matter of section 105 now appears in section 1335 of this title.

Chapter 3.—THE TARIFF AND RELATED PROVISIONS

SUBTITLE III.—SPECIAL PROVISIONS

THE PHILIPPINE ISLANDS, CUBA, AND CANAL ZONE

§ 123a. Duties and taxes on foreign vessels coming from Philippines; payment into treasury of Islands.

All duties and taxes collected in the United States upon foreign vessels coming from the Philippine Archipelago shall not be covered into the general fund of the Treasury of the United States, but shall be held as a separate fund and paid into the treasury of the Philippine Islands, to be used and expended for the Government and benefit of said Islands. (Mar. 8, 1902, ch. 140, § 4, 32 Stat. 54.)

PAYMENT OF DUTY

§ 198. Certified checks; receivable for all public dues; lien for payment of.

It shall be lawful for collecting officers to receive certified checks drawn on National and State banks and trust companies, during such time and under such regulations as the Secretary of the Treasury may prescribe, in payment for duties on imports, and all public dues, including special customs deposits. No person, however, who may be indebted to the United States on account of duties on imports who shall have tendered a certified check or checks as provisional payment for such duties or taxes, in accordance with the terms of this section, shall be released from the obligation to make ultimate payment thereof until such certified check so received has been duly paid; and if any such check so received is not duly paid by the bank on which it is drawn and so certifying the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of such bank; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank. (Mar. 2, 1911, ch. 191, § 1, 36 Stat. 965; Mar. 3, 1913, ch. 119, 37 Stat. 733.)

SUBTITLE IV.—CUSTOMS ADMINISTRATION

ADMINISTRATIVE PROVISIONS

PART 2.—REPORT, ENTRY, AND UNLADING OF VESSELS AND VEHICLES

§§ 257, 258.

SUSPENSION OF SECTIONS; TERMINATION DATE; REFUND APPLICATIONS

Act Dec. 17, 1943, ch. 345, 57 Stat. 601, provided as follows: "That the application of the provisions of sections 3114

and 3115 of the Revised Statutes, as amended (U. S. C., 1940 edition, title 19, secs. 257 and 258 (sections 257 and 258 of this title)), is hereby suspended.

"SEC. 2. This Act shall remain in force until two years after the date of the enactment of this Act, or until the day following the date of the cessation of hostilities in the present war (as defined in section 780 (e) of the Internal Revenue Code (section 780 of Title 26)), whichever shall first occur, and shall apply to all duties which have accrued on repairs made, or equipment purchased, on or after December 8, 1941: *Provided*, That no claim for a refund of duty pursuant to this Act shall be allowed unless a written application for such refund is filed by the party in interest within six months from the date of the enactment of this Act with the collector of customs at the port where entry was made or the Bureau of Customs: *Provided further*, That nothing in this Act shall be construed to require any Federal department or agency to obtain a refund of duty pursuant to this Act."

§§ 261, 267.

CROSS REFERENCES

War Overtime Pay Act of 1943, construction with, see section 1406 of Appendix to Title 50, War.

§ 288. Enrolled or licensed vessels.

Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, as if from or to foreign ports; but such vessel shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the Secretary of Commerce may prescribe, notwithstanding any other provisions of law: *Provided*, That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seamen by mutual consent, or engage any seamen to replace those discharged by mutual consent, or transact any other business save that of taking on bunker fuel. (As amended Sept. 25, 1941, ch. 423, 55 Stat. 733.)

AMENDMENTS

1941—Act Sept. 25, 1941, cited to text, added exception and proviso at end of section.

Chapter 4.—TARIFF ACT OF 1930

SUBTITLE III.—SPECIAL PROVISIONS

PART III—PROMOTION OF FOREIGN TRADE

Sec.

1355. Importation of coffee under Inter-American Coffee Agreement; prohibition against violating Agreement (New).

1356. Same; quotas for non-participating countries; rules and regulations (New)

SUBTITLE IV.—ADMINISTRATIVE PROVISIONS

PART II.—REPORT, ENTRY, AND UNLADING OF VESSELS AND VEHICLES

1451a. Same; extra compensation payable by United States; refunds; appropriation (New).

SUBTITLE I.—DUTIABLE LIST

§ 1001. Articles dutiable, and rates; schedules.

SCHEDULE 3.—METALS AND MANUFACTURES OF

Par. 301.

SUSPENSION OF DUTY ON SCRAP METALS DURING NATIONAL EMERGENCY

Act Mar. 13, 1942, ch. 180, 56 Stat. 171, provided: "That no duties or import taxes shall be levied, collected, or payable under the Tariff Act of 1930, as amended, or under section 3425 of the Internal Revenue Code, with respect to scrap iron, scrap steel, as defined in paragraph 301 of the Tariff Act of 1930 (U. S. C., Title 19, sec. 1001, par. 301), relaying and rerolling rails, or nonferrous-metal scrap entered for consumption or withdrawn from warehouse for consumption during the period beginning with the day following the date of enactment of this Act and ending with the termination of the unlimited national emergency proclaimed by the President on May 27, 1941 [Proc No. 2487, set out in note at beginning of Appendix to Title 50, War]."

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS

Par. 722.

TEMPORARY SUSPENSION OF DUTY

Res Dec 22, 1943, ch. 375, §§ 1, 2, 57 Stat. 607, as amended by act Mar. 29, 1944, ch. 144, 58 Stat. 131, provided for a temporary suspension of duty on wheat, oats, barley, flax, flaxseed, cottonseed, and corn until June 20, 1944.

Par. 758.

SUSPENSION DURING NATIONAL EMERGENCY; EFFECTIVE DATE

Act Dec. 20, 1944, ch. 609, 58 Stat. 817, provided: "That no duty shall be levied, collected, or payable under the Tariff Act of 1930, as amended, with respect to coconuts or coconut meat provided for in paragraph 758 of that Act [this paragraph], entered, or withdrawn from warehouse, for consumption, during the period beginning with the day following the date of enactment of this Act and ending with the termination of the unlimited national emergency proclaimed by the President on May 27, 1941."

SCHEDULE 15.—SUNDRIES

* * * * *

PAR. 1529. (a) Laces, lace fabrics, and lace articles, made by hand or on a lace, net, knitting, or braiding machine, and all fabrics and articles made on a lace or net machine, all the foregoing, plain or figured; lace window curtains, veils, veilings, flouncings, allovers, neck rufflings, flutings, quillings, ruchings, tuckings, insertings, galloons, edging, trimmings, fringes, gimps, and ornaments; braids, loom woven and ornamented in the process of weaving, or made by hand, or on a lace knitting, or braiding machine; and fabrics and articles embroidered (whether or not the embroidery is on a scalloped edge), tamboured, appliquéd, ornamented with beads, bugles, or spangles, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including one row of straight hemstitching adjoining the hem; all the foregoing, and fabrics and articles wholly or in part thereof, finished or unfinished (except materials and articles provided for in paragraph 915, 920, 1006, 1022, 1111, 1116 (a), 1504, 1505, 1513, 1518, 1523, or 1530 (e), or in Subtitle II (free list), or in subparagraph (b) of this paragraph), by whatever name known, and to whatever use applied, and whether or not named, described, or provided for elsewhere in

this chapter, when composed wholly or in chief value of filaments, yarns, threads, tinsel wire, lame, bullions, metal threads, beads, bugles, spangles, or rayon or other synthetic textile, 90 per centum ad valorem. Hose and half-hose wholly or in chief value of cotton or of wool shall not be dutiable at the above rate by reason of being embroidered, if the embroidery is such as is commonly known as clocking and does not exceed one inch in width or six inches in length, exclusive of the fork, but shall be subject to a duty of 75 per centum ad valorem. (As amended May 14, 1942, ch. 313, 56 Stat. 283, eff. May 15, 1942.)

* * * * *

AMENDMENTS

1942—Act May 14, 1942, cited to text, amended subpar. (a) generally, eff. May 15, 1942.

CROSS REFERENCES

Suspension of duty on scrap metals during National Emergency, see note under paragraph 301 of section 1001 of this title

SUBTITLE II.—FREE LIST

§ 1201. Free list.

* * * * *

Par. 1772.

(1) Paper which is in rolls not less than fifteen inches in width shall be deemed to be standard newsprint paper insofar as width of rolls is concerned; and

(2) Paper which weighs not less than thirty pounds (with a 5 per centum manufacturing tolerance permitted) per ream of 500 sheets twenty-four by thirty-six inches shall be deemed to be standard newsprint paper insofar as minimum weight is concerned. (As amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title V, § 507 (a), 58 Stat. 73.)

* * * * *

AMENDMENTS

1944 — Act Feb. 25, 1944, cited to text, amended par, generally.

EFFECTIVE AND TERMINATION DATES

Amendment of this par. by act Feb. 25, 1944, § 507(a) cited to text, was made effective by section 507(b) thereof, which provided as follows: "The provisions of subsection (a) shall apply with respect to paper entered, or withdrawn from warehouse, for consumption, after the date of the enactment of this Act and while United States newspaper publishers are limited by law or by governmental order or regulation as to the amount of paper they may use in the publication of their newspapers."

CROSS REFERENCES

Free entry for gifts from members of armed forces on duty abroad, see section 846 of Appendix to Title 50, War.

SUBTITLE III.—SPECIAL PROVISIONS

PART I.—MISCELLANEOUS

§ 1309. Supplies for certain vessels and aircraft—(a) Exemption from customs duties and internal-revenue tax.

Articles of foreign or domestic manufacture or production may, under such regulations as the Secretary of the Treasury may prescribe, be withdrawn from bonded warehouses, bonded manufacturing warehouses, or continuous customs custody elsewhere than in a bonded warehouse free of duty or internal-revenue tax, or from any internal revenue bonded warehouse, from any brewery, or from any winery premises or bonded premises for the storage of wine, free of internal revenue tax for supplies (not including equipment) of vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports, or for supplies (not including equipment) of vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions, or for supplies (not including equipment) of aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions, or for supplies (including equipment), maintenance, or repair of aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign aircraft is permitted. (As amended July 22, 1941, ch. 314, § 3, 55 Stat. 602.)

* * * * *

AMENDMENTS

1941—Subsec. (a) was amended by act July 22, 1941, cited to text, which inserted after the words "internal revenue tax" the words "or from any internal revenue bonded warehouse, * * * free of internal revenue tax"

§ 1313. Drawback and refunds.

EXTENSION OF TIME FOR USE OF SUGAR

The Secretary of the Treasury was authorized to extend to three years the time prescribed in subsec (b) of this section "within which sugar must be used in the manufacture or production of articles, in any case in which the time prescribed in such subsection has not expired," by Proc. No 2566, Aug. 7, 1942, 7 F. R. 6157.

§ 1318. Emergencies.

FREE IMPORTATION FOR RED CROSS GOODS

Proc. No 2553, signed April 27, 1942, 7 F. R. 3143, provided for free importation by the American National Red Cross of food, clothing, medical and other supplies for duration of war.

CROSS REFERENCES

Suspension of duty on scrap metals during National Emergency, see note under paragraph 301 of section 1001 of this title.

PART III.—PROMOTION OF FOREIGN TRADE

§ 1351. Foreign-trade agreements.

(a) Authority of President; modification of duties; altering import restrictions.

* * * * *

(2) To proclaim such modifications of existing duties and other import restrictions, or such additional import restrictions, or such continuance, and for such minimum periods, of existing customs or excise treatment of any article covered by foreign-trade agreements, as are required or appropriate to carry out any foreign-trade agreement that the President has entered into hereunder. No proclamation shall be made increasing or decreasing by more than 50 per centum any rate of duty, however established, existing on January 1, 1945 (even though temporarily suspended by Act of Congress), or transferring any article between the dutiable and free lists. The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries,

whether imported directly, or indirectly: *Provided,* That the President may suspend the application to articles the growth, produce, or manufacture of any country because of its discriminatory treatment of American commerce or because of other acts or policies which in his opinion tend to defeat the purposes set forth in this section; and the proclaimed duties and other import restrictions shall be in effect from and after such time as is specified in the proclamation. The President may at any time terminate any such proclamation in whole or in part.

(b) Cuba; preferential customs treatment.

Nothing in this section shall be construed to prevent the application, with respect to rates of duty established under this section pursuant to agreements with countries other than Cuba, of the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic of Cuba on December 11, 1902, or to preclude giving effect to an exclusive agreement with Cuba concluded under this section, modifying the existing preferential customs treatment of any article the growth, produce, or manufacture of Cuba: *Provided,* That the duties on such an article shall in no case be increased or decreased by more than 50 per centum of the duties, however established, existing on January 1, 1945 (even though temporarily suspended by Act of Congress).

* * * * *

(d) Rate basis for additional increases or decreases; restoration of terminated treaties forbidden.

(1) When any rate of duty has been increased or decreased for the duration of war or an emergency, by agreement or otherwise, any further increase or decrease shall be computed upon the basis of the post-war or post-emergency rate carried in such agreement or otherwise.

(2) Where under a foreign trade agreement the United States has reserved the unqualified right to withdraw or modify, after the termination of war or an emergency, a rate on a specific commodity, the rate on such commodity to be considered as "existing on January 1, 1945" for the purpose of this section shall be the rate which would have existed if the agreement had not been entered into.

(3) No proclamation shall be made pursuant to this section for the purpose of carrying out any foreign trade agreement the proclamation with respect to which has been terminated in whole by the President prior to July 5, 1945. (As amended June 7, 1943, ch. 118, § 2, 57 Stat. 125; July 5, 1945, ch. 269, §§ 2, 3, 59 Stat. 410.)

AMENDMENTS

1945—Subsec. (a) (2) amended by act July 5, 1945, cited to text, which omitted "existing" following "per centum any", and inserted ", however established * * * Act of Congress)," following "rate of duty" in second sentence.

Subsec. (b) amended by act July 5, 1945, cited to text, which omitted "payable" following "That the duties", and substituted "however established * * * Act of Congress)." for "now payable thereon" in the proviso.

Subsec. (d) added by act July 5, 1945, cited to text.

1943—Subsec. (a) (2) amended by act June 7, 1943, cited to text, which inserted matter within parentheses in proviso.

Trade Agreements

[Supplemented to July 31, 1945]

Country	Date signed	Effective date	Stat. at Large	
			Vol.	Page
Argentina	Oct 14, 1941	Nov 15, 1941	56	1685
Belgium (and Luxemburg)	Feb. 27, 1935	May 1, 1935	49	3680
Brazil	Feb. 2, 1935	Jan 1, 1936	49	3808
Canada	Nov. 17, 1938	June 17, 1939	53	2348
Supplementary agreement relating to fox furs	Dec 13 1940	Dec. 20, 1940	55	1319
Colombia	Sept 13, 1935	May 20, 1936	49	3875
Costa Rica	Nov. 28, 1936	Aug 2, 1937	50	1582
Cuba	Aug. 24, 1934	Sept 3, 1934	49	3559
First supplementary agreement	Dec 18, 1939	Dec. 23, 1939	54	1997
Second supplementary agreement	Dec 23, 1941	Jan 5, 1942	55	1449
Czechoslovakia	Mar. 7, 1938	Apr 16, 1938	53	2293
Ecuador	Aug. 6, 1938	Oct. 23, 1938	53	1951
El Salvador	Feb 19, 1937	May 31, 1937	50	1564
Finland	May 18, 1936	Nov. 2, 1936	50	1436
France	May 6, 1936	June 15, 1936	53	2236
Guatemala	Apr. 24, 1936	June 15, 1936	49	3989
Haiti	Mar. 28, 1935	June 3, 1935	49	3737
Honduras	Dec 18, 1935	Mar. 2, 1936	49	3851
Iceland	Aug. 27, 1943	Nov. 19, 1943	57	1075
Iran	Apr 8, 1943	June 28, 1944	58	1322
Mexico	Dec 23, 1942	Jan 30, 1943	57	833
Netherlands	Dec. 20, 1935	Feb. 1, 1936	50	1504
Nicaragua	Mar. 11, 1936	Oct 1, 1936	50	1413
Peru	May 7, 1942	July 29, 1942	56	1509
Sweden	May 25, 1935	Aug 5, 1935	49	3755
Switzerland	Jan 9, 1936	Feb. 15, 1936	49	3917
Turkey	Apr 1, 1939	May 5, 1939	54	1870
United Kingdom	Nov 17, 1938	Jan. 1, 1939	54	1897
Uruguay	July 21, 1942	Jan. 1, 1943	56	1624
Venezuela	Nov 6, 1939	Dec 16, 1939	54	2375

Argentina—The agreement cited above became effective provisionally on and after November 15, 1941.

Canada—The principal agreement cited above superseded an agreement signed November 15, 1935, effective January 1, 1936, 49 Stat 3960. Article IX of said principal agreement cited above applied provisionally on and after November 26, 1938; Articles I, VI, and VII thereof applied provisionally on and after January 1, 1939 The supplementary agreement cited above superseded a similar agreement signed December 30, 1939, effective January 1, 1940, 54 Stat. 2413 Said supplementary agreement cited above became effective provisionally December 20, 1940

Czechoslovakia—This agreement has been inoperative since April 22, 1939, by Proc. No. 2326, Mar. 23, 1939, 53 Stat. 2530.

France—The agreement cited above became effective provisionally on June 15, 1936, the date above shown.

Netherlands—Articles I to XVI, inclusive, of the agreement cited above, applied reciprocally on and after February 1, 1936.

Nicaragua—The duty concessions and certain other provisions of this agreement ceased to be in force and effect as of Mar 10, 1938, by Proc Ex. Agreement Series No. 120, Feb 8, 1938, 52 Stat. 1487.

Switzerland—Articles I to XVII, inclusive, of the agreement cited above, applied reciprocally February 15, 1936. The duty concession on handkerchiefs, in said agreement, was terminated in part by proclamation of November 28, 1940, effective January 1, 1941, 54 Stat 2461.

Turkey—The agreement cited above became effective provisionally on May 5, 1939.

United Kingdom—The agreement cited above became effective provisionally, with exception of Article XI and Schedule III, on and after January 1, 1939.

Venezuela—The agreement cited above became effective provisionally December 16, 1939.

§ 1352. Equalization of costs of production; classification; flour in bonded warehouses; termination of agreements; termination of authority of President.

* * * * *

(c) The authority of the President to enter into foreign trade agreements under section 1351 of this

title shall terminate on the expiration of three years from June 12, 1945. (As amended Apr. 12, 1940, ch. 96, 54 Stat. 107; June 7, 1943, ch. 118, § 1, 57 Stat. 125; July 5, 1945, ch. 269, § 1, 59 Stat. 410.)

AMENDMENTS

1945—Subsec. (c) was amended by act July 5, 1945, cited to text, which extended the President's authority from 1945 to 1948.

1943—Subsec. (c) was affected by acts Apr. 12, 1940, and June 7, 1943, cited to text, act April 12, 1940, extended period of President's authority from 1937 to 1940. Act June 7, 1943, reduced the period from three to two years and extended it from 1940 to 1943.

§ 1354. Notice of intention to negotiate agreement; opportunity to be heard; President to seek information and advice.

Before any foreign trade agreement is concluded with any foreign government or instrumentality thereof under the provisions of Part III of this title, reasonable public notice of the intention to negotiate an agreement with such government or instrumentality shall be given in order that any interested person may have an opportunity to present his views to the President, or to such agency as the President may designate, under such rules and regulations as the President may prescribe; and before concluding such agreement the President shall seek information and advice with respect thereto from the United States Tariff Commission, the Departments of State, War, Navy, Agriculture, and Commerce and from such other sources as he may deem appropriate. (As amended July 5, 1945, ch. 269, § 4, 59 Stat. 411.)

AMENDMENTS

1945—Act July 5, 1945, cited to text, amended section by inserting "War, Navy," following "Departments of State,".

§ 1355. Importation of coffee under Inter-American Coffee Agreement; prohibition against violating Agreement.

On and after the entry into force of the Inter-American Coffee Agreement, as proclaimed by the President, and during the continuation in force of the obligations of the United States thereunder, no coffee imported from any foreign country may be entered for consumption except as provided in the said agreement. (Apr. 11, 1941, ch. 59, § 1, 55 Stat. 133.)

ENTRY INTO FORCE OF AGREEMENT

The President, in the unnumbered proclamation of April 15, 1941, 55 Stat. 1144, did thereby "proclaim that the said Inter-American Coffee Agreement, signed on November 28, 1940, will enter into force on April 16, 1941, in respect of the obligations of the United States of America thereunder, including the limitation of entries for consumption of coffee from any foreign country or countries to the quotas therein provided for."

POLICY CLAUSES

Res. Apr. 11, 1941, cited to text, contained the following "whereas" clauses preceding the resolving clause:

"Whereas an Inter-American Coffee Agreement was signed at Washington on November 28, 1940, by representatives of the Governments of the United States of America, Brazil, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Peru, and Venezuela; and

"Whereas the said agreement contemplates the cooperation of the Government of the United States in a joint effort to promote the orderly marketing of coffee in international trade, with a view to assuring equitable terms for both producers and consumers by adjusting supply to demand."

CODIFICATION

Section is not a part of the Tariff Act of 1930.

§ 1356. Same; quotas for non-participating countries; rules and regulations.

The President is authorized to make such allocations of the quota provided in the agreement for countries not participating in the said agreement as he finds necessary or appropriate in order to afford any such country or countries an opportunity to supply a fair share of the quota, whether or not required by any international obligation of the United States, or in order to make available the types of coffee usually consumed in the United States. The President is also authorized to make such rules and regulations as he finds necessary or appropriate to carry out the provisions of this section and section 1355 of this title and of the said agreement, and with respect to any provision of such regulations for any act or performance by an importer of coffee, compliance therewith shall be a condition to the entry for consumption of the coffee in respect of which the act or performance is required. (Apr. 1, 1941, ch. 59, § 2, 55 Stat. 134.)

CODIFICATION

Section is not a part of the Tariff Act of 1930

SUBTITLE IV.—ADMINISTRATIVE PROVISIONS

PART II.—REPORT, ENTRY, AND UNLADING OF VESSELS AND VEHICLES

§ 1450. Unlading on Sundays, holidays, or at night.

CROSS REFERENCES

War Overtime Pay Act of 1943, construction with, see section 1406 of Appendix to Title 50, War.

§ 1451. Same; extra compensation.

Before any such special license to unlade shall be granted, the master, owner, or agent, of such vessel or vehicle shall be required to give a bond in the penal sum to be fixed by the collector conditioned to indemnify the United States for any loss or liability which might occur or be occasioned by reason of the granting of such special license and to pay the compensation and expenses of the customs officers and employees assigned to duty in connection with such unlading at night or on Sunday or a holiday, in accordance with the provisions of sections 261 and 267 of this title. In lieu of such bond the owner, or agent, of any vessel or vehicle or line of vessels or vehicles may execute a bond in a penal sum to be fixed by the Secretary of the Treasury to cover and include the issuance of special licenses for the unlading of vessels or vehicles belonging to such line for a period of one year from the date thereof. Upon a request made by the owner, master, or person in charge of a vessel or vehicle, or by or on behalf of a common carrier or by or on behalf of the owner or consignee of any merchandise or baggage, for overtime services of customs officers or employees at night or on a Sunday or holiday, the collector shall assign sufficient customs officers or employees if available to perform any such services which may lawfully be performed by them during regular hours of business, but only

if the person requesting such services gives a bond in a penal sum to be fixed by the collector, conditioned to pay the compensation and expenses of such customs officers and employees, who shall be entitled to rates of compensation fixed on the same basis and payable in the same manner and upon the same terms and conditions as in the case of customs officers and employees assigned to duty in connection with lading or unlading at night or on Sunday or a holiday. Nothing in this section shall be construed to impair the existing authority of the Treasury Department to assign customs officers or employees to regular tours of duty at nights or on Sundays or holidays when such assignments are in the public interest: *Provided*, That the provisions of this section, sections 1450 and 1452 of this title, and the provisions of section 267 of this title insofar as such section 267 of this title requires payment of compensation by the master, owner, agent, or consignee of a vessel or conveyance, shall not apply to the owner, operator, or agent of a highway vehicle, bridge, tunnel, or ferry, between the United States and Canada or between the United States and Mexico, nor to the lading or unlading of merchandise, baggage, or persons arriving in or departing from the United States by motor vehicle, trolley car, on foot, or by other means of highway travel upon, over, or through any highway, bridge, tunnel, or ferry. At ports of entry and customs stations where any merchandise, baggage, or persons shall arrive in or depart from the United States by motor vehicle, trolley car, on foot, or by other means of highway travel upon, over, or through any highway, bridge, tunnel, or ferry, between the United States and Canada or between the United States and Mexico, the collector, under such regulations as the Secretary of the Treasury may prescribe, shall assign customs officers and employees to duty at such times during the twenty-four hours of each day, including Sundays and holidays, as the Secretary of the Treasury in his discretion may determine to be necessary to facilitate the inspection and passage of such merchandise, baggage, or persons. Officers and employees assigned to such duty at night or on Sunday or a holiday shall be paid compensation in accordance with existing law as interpreted by the United States Supreme Court in the case of the United States v. Howard C. Myers (320 U. S. 561); but all compensation payable to such customs officers and employees shall be paid by the United States without requiring any license, bond, obligation, financial undertaking, or payment in connection therewith on the part of any owner, operator, or agent of any such highway vehicle, bridge, tunnel, or ferry, or other person. As used in this section, the term "ferry" shall mean a passenger service operated with the use of vessels which arrive in the United States on regular schedules at intervals of at least once each hour during any period in which customs service is to be furnished without reimbursement as above provided. (As amended June 3, 1944, ch. 233, § 1, 58 Stat. 269.)

AMENDMENTS

1944—Act June 3, 1944, cited to text, amended section by inserting proviso.

SURVEY AND REPORT BY CIVIL SERVICE COMMISSION

Section 3 of act June 3, 1944, cited to text, provided that the United States Civil Service Commission make an investigation concerning the differences in pay of custom officers and employees performing inspectional work and other federal employees performing comparable work, and report their finding recommendations to Congress within 90 days from June 3, 1944.

CROSS REFERENCES

War Overtime Pay Act of 1943, construction with, see section 1406 of Appendix to Title 50, War

§ 1451a. Same; extra compensation payable by United States; refunds; appropriation.

Notwithstanding any provision of law to the contrary, the extra compensation of customs officers and employees heretofore assigned to the performance of inspectional services in connection with traffic over highways or toll bridges, through toll tunnels, or on ferries within the definition of the term "ferry" in section 1451 of this title on Sundays or holidays prior to June 3, 1944, which is payable on the basis prescribed by the said section 267 of this title, shall be payable by the United States without reimbursement by the applicants for such services or any other person. Any reimbursement of compensation made payable without reimbursement by this section which has accrued and been collected since January 6, 1941, shall be refunded. The necessary moneys to carry out the provisions of this section and section 1451 of this title are hereby authorized to be appropriated from the general fund of the Treasury. (June 3, 1944, ch. 233, § 2, 58 Stat. 270.)

§ 1452. Lading on Sundays, holidays, or at night.

CROSS REFERENCES

War Overtime Pay Act of 1943, construction with, see section 1406 of Appendix to Title 50, War.

PART III.—ASCERTAINMENT, COLLECTION, AND RECOVERY OF DUTIES

§ 1490. General orders.

INAPPLICABILITY OF SECTION

Provisions of section were made inapplicable to personal and household effects brought into the United States under Government orders, until day following proclamation of peace by the President, by section 802 of Appendix to Title 50, War.

§ 1491. Unclaimed merchandise.

INAPPLICABILITY OF SECTION

Provisions of section were made inapplicable to personal and household effects brought into the United States under Government orders, until day following proclamation of peace by the President, by section 802 of Appendix to Title 50, War.

EXTENSION OF ONE-YEAR PERIOD

Proc. No. 2599, Nov. 6, 1943, 8 F R. 15359, provided for extension of one-year period prescribed in this section for one year and for additional one-year periods when any such period should expire during the continuation of the present emergency if the Foreign Economic Administration certifies to the Commissioner of Customs that such additional extension will not impede the war effort.

§ 1520. Refunds and errors.

* * * * *

(b) The necessary moneys to make such refunds are hereby authorized to be appropriated annually from the general fund of the Treasury. (As amended June 25, 1938, 5 p. m. E. S. T., ch. 679, § 18, 52 Stat. 1086.)

* * * * *

PART IV.—TRANSPORTATION IN BOND AND WAREHOUSING OF MERCHANDISE

AVAILABILITY OF TRANSPORTATION AND STORAGE FACILITIES FOR MILITARY PURPOSES

Act Sept. 29, 1942, ch. 567, 56 Stat. 761, provided as follows: "(Sec. 1) Upon determination by the Secretary of War or any officer or civilian official of the War Department designated by him that any specified transportation or storage facilities are needed for military purposes, the War Department is hereby authorized to transport or cause to be transported from such transportation or storage facilities at any port of entry or elsewhere to other facilities at the same port of entry or elsewhere any entered or unentered merchandise being transported in bond or otherwise in customs custody. The War Department thereafter may store or retransfer and store such merchandise, and, when military necessity permits, shall return such merchandise to the port to which it was being transported in bond or at which it was held in customs custody immediately prior to its removal pursuant to this Act or, subject to the approval of the collector of customs concerned, to such other place as may be designated by the owner or consignee of the merchandise provided the expense of transportation to such designated place does not exceed the expense of transportation to the port to which it would otherwise be transported.

"SEC. 2. The War Department shall issue to the collectors of customs concerned an appropriate receipt for each lot of merchandise removed pursuant to this Act and shall be responsible for the safekeeping and the preservation of the identification of the merchandise until it is returned to the collector of customs to whom such receipt was issued, which collector shall issue a receipt to the War Department for the merchandise delivered. The collector of customs shall be absolved from all liability with respect to the merchandise between the time it is removed pursuant to this Act by the War Department and the time that Department delivers it to him.

"SEC. 3. The rights or privileges conferred by the customs laws or regulations shall be continued in full force and effect except so far as inconsistent with the provisions of this Act. The time prescribed for the performance of any act in the customs laws or regulations shall be suspended during the time the War Department is responsible for the safekeeping of the merchandise and rights or privileges dependent upon continuous customs custody shall not be defeated by the provisions of this Act.

"SEC. 4. This Act shall be effective on and after the date of its enactment and until the expiration of six months after the termination of the unlimited national emergency proclaimed by the President on May 27, 1941."

§ 1551. Bonding of carriers.

Under such regulations and subject to such terms and conditions as the Secretary of the Treasury shall prescribe, any common carrier of merchandise owning or operating a railroad, steamship, or other transportation line or route for the transportation of merchandise in the United States, or any freight forwarder, as defined in section 1002 (5) of this title, upon application, may, in the discretion of the Secretary, be designated as a carrier of bonded merchandise for the final release of which from customs custody a permit has not been issued. (As amended Dec. 28, 1945, ch. 605, 59 Stat. —.)

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section by striking "Any common carrier * * * of the Treasury, may" preceding "be designated" and inserting in lieu thereof "Under such regulations * * * of the Secretary,".

§§ 1557, 1559.

EXTENSION OF THREE-YEAR PERIOD

Proc No. 2599, Nov. 6, 1943, 8 F.R. 15359, provided for extension of three-year period prescribed in this section for one year and for additional one-year periods when any such period should expire during the continuation of the present emergency if the Foreign Economic Administration certifies to the Commissioner of Customs that such additional extension will not impede the war effort.

PART V.—ENFORCEMENT PROVISIONS

§ 1584. Falsity or lack of manifest; penalties.

* * * * *

If any of such merchandise so found consists of heroin, morphine, cocaine, or isonipecaine, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $50 for each ounce thereof so found. If any of such merchandise so found consists of smoking opium, opium prepared for smoking, or marihuana, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $25 for each ounce thereof so found. If any of such merchandise so found consists of crude opium, the master of such vessel or person in charge of such vehicle or the owner of such vessel or vehicle shall be liable to a penalty of $10 for each ounce thereof so found. Such penalties shall, notwithstanding the proviso in section 1594 of this title (relating to the immunity of vessels or vehicles used as common carriers), constitute a lien upon such vessel which may be enforced by a libel in rem; except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalties and the vessel shall not be held subject to the lien, if it appears to the satisfaction of the court that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel knew, and could not, by the exercise of the highest degree of care and diligence, have known, that such narcotic drugs were on board. Clearance of any such vessel may be withheld until such penalties are paid or until a bond, satisfactory to the collector, is given for the payment thereof. The provisions of this paragraph shall not prevent the forfeiture of any such vessel or vehicle under any other provision of law. The words "isonipecaine" and "marihuana" as used in this paragraph shall have the same meaning as defined in sections 3228 (e) and 3238 (b), respectively, of Title 26. (As amended July 1, 1944, ch. 377, § 10, 58 Stat. 722.)

* * * * *

AMENDMENTS

1944—Par. (2) amended by act July 1, 1944, cited to text, which deleted "or" preceding "cocaine," and inserting "or isonipecaine" following "cocaine" in first sentence, struck "or" preceding "or opium prepared" and

inserted a comma in lieu thereof, inserted "or Marihuana" following "prepared for smoking" in second sentence, and added last sentence.

§ 1613. Disposition of proceeds of forfeited property.

* * * * *

(2) For the satisfaction of liens for freight, charges, and contributions in general average, notice of which has been filed with the collector according to law; and

(3) The residue shall be deposited with the Treasurer of the United States as a customs or navigation fine. (As amended June 25, 1938, 5 p. m. E. S. T., ch. 679, § 29, 52 Stat. 1089.)

AMENDMENTS

1938—Act June 25, 1938, cited to text, inserted "and" at end of subd. (2), deleted former subd. (3), and redesignated former subd (4) as subd (3). For effective date of said act, see section 1653a, post

TITLE 20.—EDUCATION

Chapter 3.—SMITHSONIAN INSTITUTION (AND NATIONAL MUSEUM)

NATIONAL GALLERY OF ART

Sec.

74a. Same; permanent loan of funds by Board of Trustees to Treasury; semiannual interest payments to Board (New).

NATIONAL GALLERY OF ART

§ 74a. Same; permanent loan of funds by Board of Trustees to Treasury; semiannual interest payments to Board.

The Secretary of the Treasury is hereby authorized and directed to receive into the Treasury from time to time as a permanent loan by the Board of Trustees of the National Gallery of Art to the United States sums in cash of not to exceed $5,000,000 in the aggregate, and to pay interest on the principal amount of such loan at the rate of 4 per centum per annum, payable semiannually. Such interest is hereby permanently appropriated for payment to the Board of Trustees of the National Gallery of Art. (Apr. 10, 1943, ch. 46, 57 Stat. 62.)

CODIFICATION

This section was not enacted as part of act Mar 24, 1937, ch. 50, 50 Stat 51, constituting this subchapter.

Chapter 6.—AMERICAN PRINTING HOUSE FOR THE BLIND

§ 101. Permanent trust fund; annual appropriation.

The sum of $250,000, set apart as a perpetual trust fund for the purpose of aiding the education of the blind in the United States, through the American Printing House for the Blind, shall be credited on the books of the Treasury Department as a perpetual trust fund for that purpose, to be held by the Secretary of the Treasury; and the sum of $10,000, being equivalent to 4 per centum on the principal of said trust fund, is appropriated, out of any moneys in the Treasury not otherwise appropriated, and such appropriation shall be deemed a permanent annual appropriation and shall be expended in the manner and for the purposes authorized by sections 101, 102, and 104 of this title. In addition to the permanent appropriation of $10,000, made in this section, there is authorized to be appropriated annually to the American Printing House for the Blind the sum of $115,000, which sum shall be expended in accordance with the requirements of sections 101, 102, and 104 of this title. (Mar. 3, 1879, ch. 186, §§ 1, 2, 20 Stat. 468; June 25, 1906, ch. 3536, 34 Stat. 460; Aug. 4, 1919, ch. 31, 41 Stat. 272; Feb. 8, 1927, ch. 76, 44 Stat. 1060; Aug. 23, 1937, ch. 736, 50 Stat. 744.)

Chapter 6A.—VENDING STANDS FOR BLIND IN FEDERAL BUILDINGS

§ 107. Operation of vending stand authorized.

CROSS REFERENCES

Seeing-eye dogs for blind veterans, see section 251 of Title 38, Pensions, Bonuses, and Veterans' Relief.

Chapter 12.—FOREIGN STUDENTS

§ 221. Instruction of citizens from American republics.

The President is authorized, in his discretion and under such regulations as he may prescribe by Executive order, to permit citizens of the American republics to receive instruction, with or without charge therefor, at professional educational institutions and schools maintained and administered by the Government of the United States or by departments or agencies thereof: *Provided*, That such citizens shall agree to comply with all regulations for the government of the institutions and schools at which they may be under instruction and to exert every effort to accomplish successfully the courses of instruction prescribed: *And provided further*, That the regulations prescribed by the President under the authority of this section shall contain provisions limiting the admission of citizens of the American republics to primary schools maintained and administered by the Government of the United States so that there will under no circumstances be any curtailment of the admission of citizens of the United States eligible to receive instruction therein and not more than one citizen of any American republic shall receive instruction at the same time in the United States Military Academy. (As amended July 14, 1941, ch. 292, 55 Stat. 589.)

AMENDMENTS

1941—Prior to amendment by act July 14, 1941, section contained an additional provision that not more than one citizen of any American republic should receive instruction at the same time in the Naval Academy. Present provisions on this subject are set out in section 1036-1 of Title 34, Navy

TITLE 21—FOOD AND DRUGS

Chapter 2.—TEAS

§ 46a. Deposit of fee before examination of tea.

On and after July 1, 1940, no tea, or merchandise described as tea, shall be examined for importation into the United States, or released by the Collector, under sections 41–50 of this title unless the importer or consignee of such tea or merchandise, prior to such examination, has paid for deposit into the Treasury of the United States as miscellaneous receipts, a fee of 3.5 cents for each hundred weight or fraction thereof of such tea and merchandise. (As amended July 1, 1941, ch. 269, title II, 55 Stat. 478.)

AMENDMENTS

1941—Act July 1, 1941, cited to text, reenacted section without change.

Chapter 4.—ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

Sec.

114a. Control and eradication of diseases; cooperation of States and farmers' associations; purchase and destruction of diseased animals; definition of State (New).

EXAMINATION OF ANIMALS, MEAT, AND MEAT PRODUCTS USED IN INTERSTATE OR FOREIGN COMMERCE

§ 71. Inspection of meat and meat food products; examination of cattle before slaughtering; diseased animals slaughtered separately and carcasses examined.

INTRASTATE INSPECTION

Act June 10, 1942, ch. 403, §§ 1-4, 56 Stat. 351, provided as follows:

"That upon application for Federal inspection by any slaughtering, meat-canning, salting, packing, rendering, or similar establishment which is not subject to the provisions of law, as amended, known as the Meat Inspection Act (sections 71–93 of this title), which follow the subheading 'For Meat Inspection' under the heading 'Bureau of Animal Industry' in the Act entitled 'An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight', approved March 4, 1907, the Secretary of Agriculture is authorized to cause to be made the same or similar examinations and inspections and cause such other action to be taken in respect of the soundness, healthfulness, wholesomeness, and fitness for human food of meat and meat food products as would be made or taken if meat and meat food products from such establishment were to be used, transported, or sold in interstate or foreign commerce.

"SEC. 2. (a) The Secretary of Agriculture is authorized and directed, insofar as may be practicable, to carry out the provisions of this Act through the existing officers, employees, and facilities through which he carries out the provisions of the Meat Inspection Act, as amended (sections 71–93 of this title).

"(b) The Secretary of Agriculture is authorized to prescribe such regulations as may be necessary in order to carry out the provisions of this Act.

"(c) The Secretary of Agriculture is authorized to employ persons without regard to the Civil Service Act, as amended (sections 632, 633, 635, 637, 638, 640, 642 of Title 5, sections 608–612 of Title 18, and section 42 of Title 40), and subsection 6 of section 6 of the Classification Act of 1923, as amended (section 666 of Title 5), provided that any persons so employed shall be regarded as holding war-service appointments, under Executive Order 9063 (7 F. R. 1075).

"SEC. 3. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1943, and each fiscal year thereafter, such amounts as may be necessary to carry out the provisions of this Act.

"SEC. 4. This Act shall cease to be in effect six months after the termination of the present war"

PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

§ 114a. Control and eradication of diseases; cooperation of States and farmers' associations; purchase and destruction of diseased animals; definition of State.

The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions thereof, farmers' associations, and similar organizations, and individuals, is authorized to control and eradicate tuberculosis and paratuberculosis of animals, avian tuberculosis, Bang's disease of cattle, southern cattle ticks, hog cholera and related swine diseases, scabies in sheep and cattle, dourine in horses, and contagious or infectious diseases of animals (such as foot-and-mouth disease, rinderpest, and contagious pleuropneumonia) which in the opinion of the Secretary constitute an emergency and threaten the livestock industry of the country, including the purchase and destruction of diseased or exposed animals (including poultry), or the destruction of such animals and the payment of indemnities therefor, in accordance with such regulations as the Secretary may prescribe. As used in this section, the term "State" includes the District of Columbia and the Territories and possessions of the United States. (May 29, 1884, ch. 60, § 11, as added Sept. 21, 1944, ch. 412, title I, § 101 (a), 58 Stat. 734.)

CODIFICATION

This section was enacted by the Department of Agriculture Organic Act of 1944.

APPROPRIATIONS

Section 101 (g) of act Sept. 21, 1944, cited to text, provided that Congress may appropriate such funds as are necessary to accomplish the purpose of this section.

§ 129. Payment for animals purchased; computation of value, and amount paid.

In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, which, in the opinion of the Secretary, threatens the livestock industry of

the country, he may expend in the city of Washington or elsewhere any unexpended balances of appropriations heretofore made for this purpose, not to exceed $305,000, in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and, except in case of an extraordinary emergency, to be determined by the Secretary, the payment by the United States Government for any animals shall not exceed one-half of any such appraisements. (As amended July 1, 1941, ch. 267, § 1, 55 Stat. 418; July 22, 1942, ch. 516, § 1, 56 Stat 676; July 12, 1943, ch. 215, § 1, 57 Stat. 403; June 28, 1944, ch. 296, § 1, 58 Stat. 434; May 5, 1945, ch. 109, § 1, 59 Stat. 144.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, substituted "Secretary" for "Secretary of Agriculture".

Chapter 6.—NARCOTIC DRUGS

IMPORTATION OR EXPORTATION

Sec.

184a. Presence of narcotic drugs on board United States vessels on foreign voyage (New)

DOMESTIC CONTROL OF PRODUCTION AND DISTRIBUTION OF THE OPIUM POPPY (New)

188. Declaration of policy
188a Definitions.
188b. Unlawful production of opium poppy by unlicensed persons.
188c. Unlawful purchase, manufacture, sale, etc., of opium poppy or its products by unlicensed persons.
188d. Unlawful transportation of opium poppy or its products.
188e. Licenses:
(a) Applications.
(b) Qualifications of producers of opium poppy
(c) Qualifications of manufacturers of opium poppy or opium poppy products
(d) Limit as to numbers, localities, and areas
(e) Revocation or refusal to renew.
188f. Unlawful sale, distribution, etc of opium poppy seed
188g. Seizure and forfeiture of opium poppies illegally possessed; disposition.
188h. Application of other laws; limitation of crude opium imports.
188i. Distribution of opium or opium products by the Federal Government; officers or employees of Treasury Department excepted from prohibitions
188j. Enforcement of provisions by Secretary of the Treasury; assistance from federal agencies.
188k. Territorial application.
188l. Penalties for violations.
188m. Pleading, presumptions, and burden of proof.
188n Separability.

IMPORTATION OR EXPORTATION

§ 171. Narcotic drugs; definitions.

* * * * *

(a) The term "narcotic drug" means opium, coca leaves, cocaine, isonipecaine, or any salt, derivative, or preparation of opium, coca leaves, cocaine, or isonipecaine; and the word "isonipecaine" as used herein shall mean any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated. (As amended July 1, 1944, ch. 377, § 8, 58 Stat. 721.)

* * * * *

AMENDMENTS

1944—Subsec. (a) amended generally by act July 1, 1944, cited to text, to include definition of "isonipecaine".

§ 184a. Presence of narcotic drugs on board United States vessels on foreign voyage.

(a) Whoever brings on board, or has in his possession or control on board, any vessel of the United States, while engaged on a foreign voyage, any narcotic drug not constituting a part of the cargo entered in the manifest or part of the ship stores, shall be fined not more than $5,000 or be imprisoned for not more than five years, or both.

(b) As used in subsection (a) "narcotic drug" means any narcotic drug as now or hereafter defined by sections 171–185 of this title, or any substance in respect of which a tax is imposed pursuant to chapter 23 of Title 26, as amended, or pursuant to any regulations thereunder. (July 11, 1941, ch. 289, § 1, 55 Stat. 584.)

CODIFICATION

This section is not a part of the Narcotic Drugs Import and Export Act

EFFECTIVE DATE

Section 2 of act July 11, 1941, cited to text, provided as follows: "SEC 2. This Act shall take effect thirty days after the date of its enactment."

DOMESTIC CONTROL OF PRODUCTION AND DISTRIBUTION OF THE OPIUM POPPY (New)

§ 188. Declaration of policy.

It is the purpose of sections 188–188n of this title (1) to discharge more effectively the obligations of the United States under the International Opium Convention of 1912, and the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs of 1931; (2) to promote the public health and the general welfare; (3) to regulate interstate and foreign commerce in opium poppies; and (4) to safeguard the revenue derived from taxation of opium and opium products. (Dec. 11, 1942, ch. 720, § 1, 56 Stat. 1045.)

EFFECTIVE DATE

Section 16 of act Dec. 11, 1942, cited to text, provided as follows: "This Act shall take effect on the sixtieth day after its enactment."

SHORT TITLE

Section 17 of act Dec. 11, 1942, cited to text, provided as follows: "The Act may be cited as the 'Opium Poppy Control Act of 1942'."

§ 188a. Definitions.

For the purpose of sections 188–188n of this title—

(a) The term "person" includes a partnership, company, association, or corporation, as well as a natural person or persons.

(b) The terms "produce" or "production" include the planting, cultivation, growth, harvesting, and any other activity which facilitates the growth of the opium poppy.

(c) The term "opium poppy" includes the plant Papaver somniferum, any other plant which is the source of opium or opium products, and any part of any such plant.

(d) The term "opium" includes the inspissated juice of the opium poppy, in crude or refined form.

(e) The term "opium products" includes opium and all substances obtainable from opium or the opium poppy, except the seed thereof. (Dec. 11, 1942, ch. 720, § 2, 56 Stat. 1045.)

EFFECTIVE DATE

See note under section 188 of this title.

§ 188b. Unlawful production of opium poppy by unlicensed persons.

It shall be unlawful for any person who is not the holder of a license authorizing him to produce the opium poppy, duly issued to him by the Secretary of the Treasury in accordance with the provisions of sections 188–188n of this title, to produce or attempt to produce the opium poppy, or to permit the production of the opium poppy in or upon any place owned, occupied, used, or controlled by him. (Dec 11, 1942, ch. 720, § 3, 56 Stat. 1045.)

EFFECTIVE DATE

See note under section 188 of this title.

§ 188c. Unlawful purchase, manufacture, sale, etc., of opium poppy or its products by unlicensed persons.

(a) Except as otherwise provided in section 188f of this title: (1) it shall be unlawful for any person who is not the holder of a license authorizing him to produce the opium poppy or to manufacture opium or opium products, duly issued to him by the Secretary of the Treasury in accordance with the provisions of sections 188–188n of this title, to purchase or in any other manner obtain the opium poppy; and (2) it shall be unlawful for any person to sell, transfer, convey any interest in, or give away the opium poppy to any person not so licensed.

(b) It shall be unlawful for any person who is not the holder of a license authorizing him to manufacture opium or opium products, duly issued to him by the Secretary of the Treasury in accordance with the provisions of sections 188–188n of this title, to manufacture, compound, or extract opium or opium products from the opium poppy. (Dec. 11, 1942, ch. 720, § 4, 56 Stat. 1045.)

EFFECTIVE DATE

See note under section 188 of this title.

§ 188d. Unlawful transportation of opium poppy or its products.

It shall be unlawful for any person who is not the holder of a license authorizing him to produce the opium poppy or to manufacture opium or opium products, duly issued to him by the Secretary of the Treasury in accordance with the provisions of sections 188–188n of this title, to send, ship, carry, transport, or deliver any opium poppies within any State, Territory, the District of Columbia, the Canal Zone, or insular possession of the United States, or from any State, Territory, the District of Columbia, the Canal Zone, or insular possession of the United States, into any other State, Territory, the District of Columbia, the Canal Zone, or insular possession of the United States: *Provided*, That nothing contained in this section shall apply to any common carrier engaged in transporting opium poppies pursuant to an agreement with a person duly licensed under the provisions of sections 188–188n of this title as a producer of the opium poppy, or as a manufacturer of opium or opium products, or to any employee of any person so licensed while acting within the scope of his employment. (Dec. 11, 1942, ch. 720, § 5, 56 Stat. 1046.)

EFFECTIVE DATE

See note under section 188 of this title.

§ 188e. Licenses—(a) Applications.

Any person who desires to procure a license to produce the opium poppy, or to manufacture opium or opium products, shall make application therefor in such manner and form as the Secretary of the Treasury shall by rules and regulations prescribe.

(b) Qualifications of producers of opium poppy.

A license to produce the opium poppy shall be issued only to a person who, in the opinion of the Secretary of the Treasury, is determined to be a person (1) of good moral character; (2) of suitable financial standing and farming experience; (3) who owns or controls suitable farm land to be used as a production area, in such locality, as will, in the judgment of the Secretary of the Treasury, render reasonably probable the efficient and diligent performance of the operations of producing the opium poppy in appropriate number and quality; and (4) who complies with such additional requirements as the Secretary of the Treasury shall deem and prescribe as reasonably necessary for the controlled production and distribution of the opium poppy. Each such license shall be nontransferable and shall be valid only to the extent of the production area and maximum weight of opium poppy yield specified in the license, shall state the locality of the production area, and shall be effective for a period of one year from the date of issue and may be renewed, in the discretion of the Secretary of the Treasury, for a like period.

(c) Qualifications of manufacturers of opium poppy or opium poppy products.

A license to manufacture opium or opium products shall be issued only to a person who, in the opinion of the Secretary of the Treasury, is determined to be a person (1) of good moral character; (2) who possesses a method and facilities, deemed satisfactory to the Secretary of the Treasury, for the efficient and economical extraction of opium or opium products; (3) who has such experience in manufacturing and marketing other medicinal drugs as to render

reasonably probable the orderly and lawful distribution of opium or opium products of suitable quality to supply medical and scientific needs; and (4) who complies with such additional requirements as the Secretary of the Treasury shall deem and prescribe as reasonably necessary for the controlled production, manufacture, and distribution of the opium poppy, opium, or opium products. Such license shall be nontransferable, shall state the maximum quantity of opium poppies purchasable or obtainable thereunder, and shall be effective for a period of one year from the date of issue and may be renewed, in the discretion of the Secretary of the Treasury, for a like period.

(d) Limit as to numbers, localities, and areas.

All licenses issued under sections 188–188n of this title shall be limited to such number, localities, and areas as the Secretary of the Treasury shall determine to be appropriate to supply the medical and scientific needs of the United States for opium or opium products, with due regard to provision for reasonable reserves: *Provided, however,* That nothing contained in sections 188–188n of this title shall be construed as requiring the Secretary of the Treasury to issue or renew any license or licenses under the provisions of said sections.

(e) Revocation or refusal to renew.

The Secretary of the Treasury may revoke or refuse to renew any license issued under sections 188–188n of this title, if, after due notice and opportunity for hearing, he finds such action to be in the public interest, or finds that the licensee has failed to maintain the requisite qualifications. (Dec. 11, 1942, ch. 720, § 6, 56 Stat. 1046.)

EFFECTIVE DATE

See note under section 188 of this title.

§ 188f. Unlawful sale, distribution, etc., of opium poppy seed.

It shall be unlawful for any person to sell, transfer, convey any interest in, or give away, except to a person duly licensed under sections 188–188n of this title, or for any unlicensed person to purchase or otherwise obtain, opium poppy seed for the purpose of opium poppy production: *Provided,* That the seed obtained from opium poppies produced by licensed producers may be sold or transferred by such producers to unlicensed persons, and may thereafter be resold or transferred, for ultimate consumption as a spice seed or for the manufacture of oil. (Dec. 11, 1942, ch. 720, § 7, 56 Stat. 1047.)

EFFECTIVE DATE

See note under section 188 of this title.

§ 188g. Seizure and forfeiture of opium poppies illegally possessed; disposition.

(a) Any opium poppies which have been produced or otherwise obtained heretofore, and which may be produced or otherwise obtained hereafter in violation of any of the provisions of sections 188–188n of this title shall be seized by and forfeited to the United States.

(b) The failure, upon demand by the Secretary of the Treasury, or his duly authorized agent, of the person in occupancy or control of land or premises upon which opium poppies are being produced or stored to produce an appropriate license, or proof that he is the holder thereof, shall constitute authority for the seizure and forfeiture of such opium poppies.

(c) The Secretary of the Treasury, or his duly authorized agent, shall have authority to enter upon any land (but not a dwelling house, unless pursuant to a search warrant issued according to law) where opium poppies are being produced or stored, for the purposes of enforcing the provisions of sections 188–188n of this title.

(d) Any opium poppies, the owner or owners of which are unknown, seized by or coming into the possession of the United States in the enforcement of sections 188–188n of this title shall be forfeited to the United States.

(e) The Secretary of the Treasury is hereby directed to destroy any opium poppies seized by and forfeited to the United States under this section, or to deliver for medical or scientific purposes such opium poppies to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulations as may be prescribed by the Secretary of the Treasury. (Dec. 11, 1942, ch. 720, § 8, 56 Stat. 1047.)

EFFECTIVE DATE

See note under section 188 of this title.

§ 188h. Application of other laws; limitation of crude opium imports.

(a) Nothing in sections 188–188n of this title shall be construed to repeal any provisions of the Internal Revenue Code, except that the provisions of subchapter A of chapter 23, and part V of subchapter A of chapter 27 of the Internal Revenue Code shall not apply to the production, sale, or transfer of opium poppies, when such opium poppies are lawfully produced, sold, or transferred by persons duly licensed under sections 188–188n of this title in conformity with the provisions thereof and the regulations issued pursuant thereto.

(b) Nothing in sections 188–188n of this title shall be construed to repeal any provision of sections 171–185 of this title, as amended: *Provided,* That the Secretary of the Treasury is hereby authorized to limit further or to prohibit entirely the importation or bringing in of crude opium, to the extent that he shall find the medical and scientific needs of the United States for opium or opium products are being, or can be, supplied by opium poppies produced in accordance with sections 188–188n of this title. (Dec. 11, 1942, ch. 720, § 9, 56 Stat. 1047.)

REFERENCES IN TEXT

Subchapter A of chapter 23, and part V of subchapter A of chapter 27 of the Internal Revenue Code, referred to in text, comprise 26 U S. C. §§ 2550–2565, and 26 U S. C §§ 3220–3228, respectively.

EFFECTIVE DATE

See note under section 188 of this title.

§ 188i. Distribution of opium or opium products by the Federal Government; officers or employees of Treasury Department excepted from prohibitions.

(a) It shall be the duty of the Secretary of the Treasury, whenever in his opinion the medical and scientific needs of the Nation will not be met by importation or licensed production, to provide for the acquisition of opium poppy seed, for the production of the opium poppy, for the manufacture of opium or opium products, and for the use, sale, giving away, or other proper distribution of opium poppy seed, opium poppies, opium, or opium products by the United States Government either directly or through and with the approval of the head of any agency of the Government, including any Government-owned or controlled corporation.

(b) None of the prohibitions contained in sections 188–188n of this title shall apply to any officer or employee of the United States Treasury Department, who in the performance of his official duties and within the scope of his authority engages in any of the businesses or activities herein described, nor to any other officer or employee of the United States Government, who in the performance of his official duties, within the scope of his authority and with the approval of the Secretary of the Treasury, engages in any of the businesses or activities herein described. (Dec. 11, 1942, ch. 720, § 10, 56 Stat. 1048.)

EFFECTIVE DATE

See note under section 188 of this title.

§ 188j. Enforcement of provisions by Secretary of the Treasury; assistance from federal agencies.

(a) It shall be the duty of the Secretary of the Treasury to enforce the provisions of sections 188–188n of this title, and he is hereby authorized to make, prescribe, and publish all necessary rules and regulations for carrying out the provisions hereof, and to confer or impose any of the rights, privileges, powers, and duties conferred or imposed upon him by sections 188–188n of this title upon such officers or employees of the Treasury Department as he shall designate or appoint.

(b) It shall be the duty of the other departments, bureaus, and independent establishments, and particularly the Bureau of Plant Industry in the Department of Agriculture, when requested by the Secretary of the Treasury, to furnish such assistance, including technical advice, as will aid in carrying out the purposes of sections 188–188n of this title. (Dec. 11, 1942, ch. 720, § 11, 56 Stat. 1048.)

EFFECTIVE DATE

See note under section 188 of this title.

§ 188k. Territorial application.

The provisions of sections 188–188n of this title shall apply to the several States, the District of Columbia, the Territory of Alaska, the Territory of Hawaii, the Canal Zone, Puerto Rico, and the other insular possessions of the United States. (Dec. 11, 1942, ch. 720, § 12, 56 Stat. 1048.)

EFFECTIVE DATE

See note under section 188 of this title.

§ 188l. Penalties for violations.

(a) Any person who violates any provision of sections 188–188n of this title shall be guilty of a felony and upon conviction thereof, be fined not more than $2,000, or imprisoned not more than five years, or both, in the discretion of the court.

(b) Any person who willfully makes, aids, or assists in the making of, or procures, counsels, or advises in the preparation or presentation of, a false or fraudulent statement in any application for a license under the provisions of sections 188–188n of this title shall (whether or not such false or fraudulent statement is made by or with the knowledge or consent of the person authorized to present the application) be guilty of a misdemeanor, and, upon conviction thereof, be fined not more than $2,000 or imprisoned for not more than one year, or both. (Dec. 11, 1942, ch. 720, § 13, 56 Stat. 1048.)

EFFECTIVE DATE

See note under section 188 of this title.

§ 188m. Pleading, presumptions, and burden of proof.

It shall not be necessary to negative any exemptions set forth in sections 188–188n of this title in any complaint, information, indictment, or other writ or proceeding laid or brought under sections 188–188n of this title and the burden of proof of any such exemption shall be upon the defendant. In the absence of the production of an appropriate license by the defendant, he shall be presumed not to have been duly licensed in accordance with sections 188–188n of this title and the burden of proof shall be on the defendant to rebut such presumption. (Dec. 11, 1942, ch. 720, § 14, 56 Stat. 1048.)

EFFECTIVE DATE

See note under section 188 of this title.

§ 188n. Separability.

If any provision of sections 188–188n of this title, or the application of such provision to any circumstance, shall be held invalid, the validity of the remainder of said sections and the applicability of such provision to other persons or circumstances shall not be affected thereby. (Dec. 11, 1942, ch. 720, § 15, 56 Stat. 1049.)

MISCELLANEOUS

§ 196. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section is now covered by section 242 of Title 42, The Public Health and Welfare.

§ 200. Additional punishment for second offenses.

A person who, after having been convicted of selling, importing, or exporting, or conspiring to sell, import, or export, opium, coca leaves, cocaine, isonipecaine, or any salt, derivative, or preparation of opium, coca leaves, cocaine, or isonipecaine, again sells, imports, or exports, or conspires to sell, import, or export, any of the said narcotic drugs, in violation of the laws of the United States, shall, upon conviction of such second offense, be fined not more than $5,000 or imprisoned in a Federal penitentiary for not more than ten years, or both, in the discre-

tion of the court, whenever the fact of such previous conviction is established in the manner prescribed in section 200b of this title. The word "isonipecaine" as used in this section shall mean any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated. (As amended July 1, 1944, ch. 377, § 9, 58 Stat. 722.)

AMENDMENTS

1944—Act July 1, 1944, cited to text, amended section by inserting "isonipecaine" following "conspiring to sell, import, or export, opium, coca leaves, cocaine", deleting "or" from phrase "preparation of opium, coca leaves, or cocaine", inserting immediately following such phrase ", or isonipecaine", and adding last sentence.

§ 200a. Same; third and subsequent offenses.

A person who, after having been two times convicted of selling, importing, or exporting, or conspiring to sell, import, or export, opium, coca leaves, cocaine, isonipecaine, or any salt, derivative, or preparation of opium, coca leaves, cocaine, or isonipecaine, again sells, imports, or exports or conspires to sell, import, or export, any of the said narcotic drugs, in violation of the laws of the United States, shall, upon conviction of such third offense, or any offense subsequent thereto, be fined not more than $10,000 or imprisoned in a Federal penitentiary for not more than twenty years, or both, in the discretion of the court, whenever the fact of such previous convictions is established in the manner prescribed in section 200b of this title. The word "isonipecaine" as used in this section shall mean any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated. (As amended July 1, 1944, ch. 377, § 9, 58 Stat. 722.)

AMENDMENTS

1944—Act July 1, 1944, cited to text, amended section by inserting "isonipecaine" following "conspiring to sell, import, or export, opium, coca leaves, cocaine", deleting "or" from phrase "preparation of opium, coca leaves, or cocaine", inserting immediately following such phrase ", or isonipecaine", and adding last sentence.

Chapter 8.—NARCOTIC FARMS

§§ 221–237. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 221, act Jan 19, 1929, ch 82, § 1, 45 Stat. 1085, which defined "habit forming narcotic drug, narcotic", and "addict", is now covered by section 201 of Title 42, The Public Health and Welfare.

Section 222, act Jan. 19, 1929, ch. 82, § 2, 45 Stat. 1085, which provided for narcotic farms, is now covered by section 257 of Title 42, The Public Health and Welfare.

Section 222a, act June 23, 1936, ch. 725, § 1, 49 Stat. 1840, provided name for the narcotic farm at Lexington, Ky.

Section 222b, act Mar. 28, 1938, ch. 55, § 1, 52 Stat. 134, provided name for narcotic farm at Fort Worth, Texas.

Section 223, act Jan. 19, 1929, ch. 82, § 3, 45 Stat. 1085, provided for an annual estimate of expenses of maintenance of narcotic farms.

Section 224, act Jan. 19, 1929, ch. 82, § 4, 45 Stat. 1086, provided for construction of buildings for two of the narcotic farms.

Section 225, act Jan 19, 1929, ch. 82, § 5, 45 Stat. 1086, provided for the control and management of narcotic farms.

Section 226, act Jan. 19, 1929, ch 82, § 6, 45 Stat 1086, which provided for the care and treatment of addicts, is now covered by section 257 of Title 42, The Public Health and Welfare.

Section 227, act Jan. 19, 1929, ch. 82, § 7, 45 Stat. 1086, which provided for the transfer to and from farms of addicts who are prisoners, is now covered by section 259 of Title 42, The Public Health and Welfare.

Section 228, act Jan. 19, 1929, ch. 82, § 8, 45 Stat. 1087, which provided that it was the duty of prosecuting officers to report convicted persons believed to be addicts, is now covered by section 259 of Title 42, The Public Health and Welfare.

Section 229, act Jan. 19, 1929, ch. 82, § 9, 45 Stat. 1087, which provided for the employment of addicts, is now covered by section 342 of Title 42, The Public Health and Welfare.

Section 230, act Jan. 19, 1929, ch. 82, § 10, 45 Stat. 1087, which provided for the parole of inmates, is now covered by section 259 of Title 42, The Public Health and Welfare.

Section 231, act Jan. 19, 1929, ch 82, § 11, 45 Stat. 1087, which provided for the discharge of addicts, is now covered by section 259 of Title 42, The Public Health and Welfare.

Section 232, act Jan. 19, 1929, ch 82, § 12, 45 Stat 1088, which provided for the admission of voluntary patients, is now covered by section 260 of Title 42, The Public Health and Welfare

Section 233, act Jan. 19, 1929, ch 82, § 13, 45 Stat. 1088, which provided for the furnishing of gratuities and transportation to discharged convicts, is now covered by section 259 of Title 42, The Public Health and Welfare.

Section 234, act Jan 19, 1929, ch. 82, § 14, 45 Stat. 1089, which provided penalties for the introduction of narcotic drugs into a narcotic farm, is now covered by section 261 of Title 42, The Public Health and Welfare.

Section 235, act Jan. 19, 1929, ch. 82, § 15, 45 Stat 1089, which provided penalties for the escape of inmates, is now covered by section 261 of Title 42, The Public Health and Welfare.

Section 236, act Jan. 19, 1929, ch. 82, § 16, 45 Stat. 1089, which provided penalties for the procuring of escape by inmates, is now covered by section 261 of Title 42, The Public Health and Welfare.

Section 237, act Jan. 19, 1929, ch. 82, § 17, 45 Stat 1089, provided for the deportation of alien inmates who are entitled to a discharge from narcotic farms.

Chapter 9.—FEDERAL FOOD, DRUG, AND COSMETIC ACT

SUBCHAPTER II—DEFINITIONS

Sec.
321c. Same; nonfat dry milk solids or defatted milk solids; milk (New).

SUBCHAPTER V.—DRUGS AND DEVICES

356. Certification of drugs containing insulin (New)
357. Certification of drugs containing penicillin (New).
(a) Regulations prescribed by Administrator; release prior to certification.
(b) Provisions of regulations
(c) Exemption of drugs not involving safety and efficacy of use.
(d) Exemption of drugs stored, processed, and labeled at plants other than manufacturer, used in manufacture of other drugs or used for investigational purposes
(e) Determination of compliance with sections 351 (b) and 352 (g) of this title.
(f) Filing of petitions; contents; notice; answer; public hearing; orders.

SUBCHAPTER II.—DEFINITIONS

§ 321c. Same; nonfat dry milk solids or defatted milk solids; milk.

For the purposes of this chapter, nonfat dry milk solids or defatted milk solids is the product resulting

from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 5 per centum by weight of moisture. The fat content is not over 1½ per centum by weight unless otherwise indicated.

The term "milk", when used herein, means sweet milk of cows. (Mar. 2, 1944, ch. 77, 58 Stat. 108.)

CODIFICATION

This section was not enacted as a part of the Federal Food, Drug, and Cosmetic Act, this chapter, but was made applicable thereto.

SUBCHAPTER III.—PROHIBITED ACTS AND PENALTIES

§ 331. Prohibited acts.

* * * * *

(i) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of section 344, 346 (b), 354, 356, 357, or 364. (As amended Dec 22, 1941, ch. 613, § 1, 55 Stat. 851; July 6, 1945, ch 281, § 1, 59 Stat. 463.)

* * * * *

AMENDMENTS

1945—Subsec (i) amended by act July 6, 1945, cited to text, which inserted "357" following "356"

1941—Subsec (i) was amended by act Dec 22, 1941, cited to text, which inserted reference to section 356

SUBCHAPTER V.—DRUGS AND DEVICES

§ 352. Misbranded drugs and devices.

* * * * *

(k) Insulin not properly certified.

If it is, or purports to be, or is represented as a drug composed wholly or partly of insulin, unless (1) it is from a batch with respect to which a certificate or release has been issued pursuant to section 356, and (2) such certificate or release is in effect with respect to such drug.

(l) Penicillin improperly certified.

If it is, or purports to be, or is represented as a drug composed wholly or partly of any kind of penicillin or any derivative thereof, unless (1) it is from a batch with respect to which a certificate or release has been issued pursuant to section 357 of this title, and (2) such certificate or release is in effect with respect to such drug: *Provided,* That this subsection shall not apply to any drug or class of drugs exempted by regulations promulgated under section 357 (c) or (d) of this title. (As amended Dec. 22, 1941, ch 613, § 2, 55 Stat. 851; July 6, 1945, ch. 281, § 2, 59 Stat. 463.)

AMENDMENTS

1945—Subsec. (*l*) added by act July 6, 1945, cited to text.

1941—Subsec (k) was added by act Dec. 22, 1941, cited to text.

§ 356. Certification of drugs containing insulin.

(a) The Federal Security Administrator, pursuant to regulations promulgated by him, shall provide for the certification of batches of drugs composed wholly or partly of insulin. A batch of any such drug shall be certified if such drug has such characteristics of identity and such batch has such characteristics of strength, quality, and purity, as the Administrator prescribes in such regulations as necessary to adequately insure safety and efficacy of use, but shall not otherwise be certified. Prior to the effective date of such regulations the Administrator, in lieu of certification, shall issue a release for any batch which, in his judgment, may be released without risk as to the safety and efficacy of its use. Such release shall prescribe the date of its expiration and other conditions under which it shall cease to be effective as to such batch and as to portions thereof.

(b) Regulations providing for such certification shall contain such provisions as are necessary to carry out the purposes of this section, including provisions prescribing (1) standards of identity and of strength, quality, and purity; (2) tests and methods of assay to determine compliance with such standards; (3) effective periods for certificates, and other conditions under which they shall cease to be effective as to certified batches and as to portions thereof; (4) administration and procedure; and (5) such fees, specified in such regulations, as are necessary to provide, equip, and maintain an adequate certification service. Such regulations shall prescribe no standard of identity or of strength, quality, or purity for any drug different from the standard of identity, strength, quality, or purity set forth for such drug in an official compendium.

(c) Such regulations, insofar as they prescribe tests or methods of assay to determine strength, quality, or purity of any drug, different from the tests or methods of assay set forth for such drug in an official compendium, shall be prescribed, after notice and opportunity for revision of such compendium, in the manner provided in the second sentence of section 351 (b). The provisions of subsections (e), (f), and (g) of section 371 shall be applicable to such portion of any regulation as prescribes any such different test or method, but shall not be applicable to any other portion of any such regulation. (June 25, 1938, ch. 675, § 506, as added Dec. 22, 1941, ch. 613, § 3, 55 Stat. 851.)

REGULATIONS

Section 4 of act Dec. 22, 1941, cited to text, provided as follows: "Regulations initially prescribed under * * * (Title 21, § 356) shall be promulgated and made effective within forty-five days after the date of enactment of this Act."

§ 357. Certification of drugs containing penicillin—(a) Regulations prescribed by Administrator; release prior to certification.

The Federal Security Administrator, pursuant to regulations promulgated by him, shall provide for the certification of batches of drugs composed wholly or partly of any kind of penicillin or any derivative thereof. A batch of any such drug shall be certified if such drug has such characteristics of identity and such batch has such characteristics of strength, quality, and purity, as the Administrator prescribes in such regulations as necessary to adequately insure safety and efficacy of use, but shall not otherwise be certified. Prior to the effective date of such regula-

tions the Administrator, in lieu of certification, shall issue a release for any batch which, in his judgment, may be released without risk as to the safety and efficacy of its use. Such release shall prescribe the date of its expiration and other conditions under which it shall cease to be effective as to such batch and as to portions thereof.

(b) Provisions of regulations.

Regulations providing for such certifications shall contain such provisions as are necessary to carry out the purposes of this section, including provisions prescribing (1) standards of identity and of strength, quality, and purity; (2) tests and methods of assay to determine compliance with such standards; (3) effective periods for certificates, and other conditions under which they shall cease to be effective as to certified batches and as to portions thereof; (4) administration and procedure; and (5) such fees, specified in such regulations, as are necessary to provide, equip, and maintain an adequate certification service. Such regulations shall prescribe only such tests and methods of assay as will provide for certification or rejection within the shortest time consistent with the purposes of this section.

(c) Exemption of drugs not involving safety and efficacy of use.

Whenever in the judgment of the Administrator, the requirements of this section and of section 352 (*l*) of this title with respect to any drug or class of drugs are not necessary to insure safety and efficacy of use, the Administrator shall promulgate regulations exempting such drug or class of drugs from such requirements.

(d) Exemption of drugs stored, processed, and labeled at plants other than manufacturer, used in manufacture of other drugs or used for investigational purposes.

The Administrator shall promulgate regulations exempting from any requirement of this section and of section 352 (*l*) of this title, (1) drugs which are to be stored, processed, labeled, or repacked at establishments other than those where manufactured, on condition that such drugs comply with all such requirements upon removal from such establishments; (2) drugs which conform to applicable standards of identity, strength, quality, and purity prescribed by these regulations and are intended for use in manufacturing other drugs; and (3) drugs which are intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and efficacy of drugs.

(e) Determination of compliance with sections 351 (b) and 352 (g) of this title.

No drug which is subject to this section shall be deemed to be subject to any provision of section 355 of this title. Compliance of any drug subject to section 352 (*l*) of this title or this section with sections 351 (b) and 352 (g) of this title shall be determined by the application of the standards of strength, quality, and purity, the tests and methods of assay, and the requirements of packaging and labeling, respectively, prescribed by regulations promulgated under this section.

(f) Filing of petitions; contents; notice; answer; public hearing; orders.

Any interested person may file with the Administrator a petition proposing the issuance, amendment, or repeal of any regulation contemplated by this section. The petition shall set forth the proposal in general terms and shall state reasonable grounds therefor. The Administrator shall give public notice of the proposal and an opportunity for all interested persons to present their views thereon, orally or in writing, and as soon as practicable thereafter shall make public his action upon such proposal. At any time prior to the thirtieth day after such action is made public any interested person may file objections to such action, specifying with particularity the changes desired, stating reasonable grounds therefor, and requesting a public hearing upon such objections. The Administrator shall thereupon, after due notice, hold such public hearing. As soon as practicable after completion of the hearing, the Administrator shall by order make public his action on such objections. The Administrator shall base his order only on substantial evidence of record at the hearing and shall set forth as part of the order detailed findings of fact on which the order is based. The order shall be subject to the provisions of section 371 (f) and (g) of this title. (June 25, 1938, ch. 675, § 505, as added July 6, 1945, ch. 281, § 3, 59 Stat. 463.)

CODIFICATION

Section added as part of the Federal Food, Drug, and Cosmetic Act of 1938

SUBCHAPTER VII.—GENERAL ADMINISTRATIVE PROVISIONS

§ 372a. Examination of sea food on request of packer; marking food with results; fees; penalties.

The Federal Security Administrator, upon application of any packer of any sea food for shipment or sale within the jurisdiction of this chapter, may, at his discretion, designate inspectors to examine and inspect such food and the production, packing, and labeling thereof. If on such examination and inspection compliance is found with the provisions of this chapter and regulations promulgated thereunder, the applicant shall be authorized or required to mark the food as provided by regulation to show such compliance. Services under this section shall be rendered only upon payment by the applicant of fees fixed by regulation in such amounts as may be necessary to provide, equip, and maintain an adequate and efficient inspection service. Receipts from such fees shall be covered into the Treasury and shall be available to the Federal Security Administrator for expenditures incurred in carrying out the purposes of this section, including expenditures for salaries of additional inspectors when necessary to supplement the number of inspectors for whose salaries Congress has appropriated. The Administrator is hereby authorized to promulgate regulations governing the sanitary and other conditions under which the service herein provided shall be granted and maintained, and for otherwise carrying out the purposes of this section. Any person who

forges, counterfeits, simulates, or falsely represents, or without proper authority uses any mark, stamp, tag, label, or other identification devices authorized or required by the provisions of this section or regulations thereunder, shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not less than $1,000 nor more than $5,000, or both such imprisonment and fine. (June 30, 1906, ch. 3915, § 10A, as added June 22, 1934, ch. 712, 48 Stat. 1204, amended Aug. 27, 1935, ch. 739, 49 Stat. 871; June 25, 1938, ch. 675, § 902 (a), 52 Stat. 1059, Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F. R. 2422, 54 Stat. 1237; renumbered § 702A of act June 25, 1938, ch. 675, 52 Stat. 1059 by act July 12, 1943, ch. 221, title II, § 1, 57 Stat. 500.)

CODIFICATION

This section, which formerly was not a provision of the Federal Food, Drug, and Cosmetic Act, originally was section 14a of this title Act June 25, 1938, cited to the text, provided that the section should remain in force and effect and be applicable to the provisions of this chapter. See section 392 (a), post. Act July 12, 1943, cited to text, renumbered this section as 702A of the Federal Food, Drug, and Cosmetic Act.

TITLE 22.—FOREIGN RELATIONS AND INTERCOURSE

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Chapter 1.—DIPLOMATIC AND CONSULAR SERVICE GENERALLY

ORGANIZATION OF FOREIGN SERVICE OF UNITED STATES

Sec.
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DIPLOMATIC OFFICERS GENERALLY

41. Ambassador or minister unable to serve because of emergent conditions abroad, appointment as Foreign Service officer, compensation (New).

GENERAL PROVISIONS COMMON TO DIPLOMATIC AND TO CONSULAR OFFICERS

136. Temporary assignment of American citizens in Foreign Service to Department of State during national emergency (New).

ORGANIZATION OF FOREIGN SERVICE OF UNITED STATES

§ 1a. Congressional declaration of purpose.

It is the purpose of the Congress to enable the Department of State, pursuant to its responsibilities under the Constitution and statutes of the United States, more effectively to carry out its prescribed and traditional responsibilities in the foreign field; to strengthen the Foreign Service permitting fullest utilization of available personnel and facilities of other departments and agencies and coordination of activities abroad of the United States under a Foreign Service for the United States unified under the guidance of the Department of State. (May 3, 1945, ch. 105, § 1, 59 Stat. 102)

§ 3. Grading, classification, and compensation; details for inspection purposes; transfer of ambassadors and ministers; assignment for special duty in Foreign Service certain Department of State personnel.

(a) The officers in the Foreign Service of the United States shall hereafter be graded and classified as follows, with the salaries of each class herein affixed thereto, except as increases in salaries are authorized in sections 3a and 23i of this title:

Ambassadors and Ministers, as now or hereafter provided; Foreign Service officers as follows: Class I, $9,000 to $10,000; class II, $8,000 to $8,900; class III, $7,000 to $7,900; class IV, $6,000 to $6,900; class V, $5,000 to $5,900; class VI, $4,500 to $4,900; class VII, $4,000 to $4,400; class VIII, $3,500 to $3,900; unclassified, $2,500 to $3,400: *Provided, however,* That as many Foreign Service officers above class VI as may be required for purposes of inspection may be detailed by the Secretary of State for that purpose.

* * * * *

(c) The Secretary of State is authorized to assign for special duty as officers of the Foreign Service for nonconsecutive periods of not more than four years, qualified persons holding positions in the Department of State, and, at his request, qualified persons holding positions in any other department or agency of the United States who have rendered not less than five years of Government service, and persons so assigned shall be eligible during the periods of such assignment to receive the allowances authorized by the provisions of section 12 of this title. Persons assigned under the authority of this section shall be eligible to receive all benefits provided by civil-service law and regulation in the same manner and subject to the same conditions as though they were serving in their regular civil-service positions and upon termination of their assignment shall be reinstated in the respective department or agency from which loaned. The salaries and allowances of such persons shall notwithstanding the provisions of any other law, be paid throughout the periods of such assignments from the appropriations provided for the Department of State. (As amended May 3, 1945, ch. 105, §§ 4, 5, 59 Stat. 102.)

AMENDMENTS

1945—Subsec (a) amended by act May 3, 1945, cited to text, which omitted ", but not exceeding in number for each class a proportion of the total number of officers in the service represented in the following percentage limitations", in first par., and omitted the percentage limitations preceding each grade in the second par

Subsec (c) added by act May 3, 1945, cited to text.

§ 7. Reports and recommendations for promotions and appointments.

The Secretary of State is directed to report from time to time to the President, along with his recommendations, the names of those Foreign Service officers who by reason of efficient service have demonstrated special capacity for promotion to the grade of minister or ambassador and the names of those Foreign Service officers and clerks and officers and employees in the Department of State who by reason of efficient service, an accurate record of which shall be kept in the Department of State, have demonstrated special efficiency, and also the names of persons found upon taking the prescribed examination to have fitness for appointment to the Service, and any Foreign Service officers who may hereafter be promoted to a higher class within the classification prescribed in section 3 of this title, shall have the status and receive the compensation attaching to such higher class from the date stated in his commission as the effective date of his promotion to such higher class. (As amended May 3, 1945, ch. 105, § 6, 59 Stat. 103.)

AMENDMENTS

1945—Act May 3, 1945, cited to text, amended section by inserting "or ambassador" following "grade of minister", and omitting "officers and" preceding "employees in the Department of State".

§ 11. Bonds of officers of the Foreign Service.

Every secretary, consul general, consul, vice consul, or Foreign Service officer and, if required, any other officer or employee of the Foreign Service or of the Department of State before he enters upon the duties of his office shall give to the United States a bond in such form and in such penal sum as the Secretary of State shall prescribe, with such sureties as the Secretary of State shall approve, conditioned without division of penalty for the true and faithful performance of his duties, including (but not by way of limitation) certifying vouchers for payment, accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property that shall come to his hands or to the hands of any other person to his use as such officer or employee under any law now or hereafter enacted and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such officer or employee, and such bond shall be construed to be conditioned for the true and faithful performance of all official duties of whatever character now or hereafter lawfully imposed upon him, or by him assumed incident to his employment as an officer or employee of the Government: *Provided,* That notwithstanding any other provisions of law, upon approval of any bond given pursuant to sections 1, 2–7, 9, 11–23*l* of this title, sections 152, 152a, 154, 297 of title 5, section 577 of title 10, section 334 of title 28, and section 72 of title 31, the principal shall not be required to give another separate bond conditioned for the true and faithful performance of only a part of the duties for which the bond given pursuant to said sections is conditioned: *Provided further,* That the operation of no existing bond of a Foreign Service officer or vice consul shall in any way be impaired by the provisions of sections 1–23, 23f–23*l* of this title: *Provided further,* That the bond of a Foreign Service officer shall be construed to be conditioned for the true and faithful performance of all acts of such officer incident to his office regardless of whether commissioned as diplomatic, consular, or Foreign Service officer. The bonds mentioned in this section shall be deposited with the Secretary of the Treasury: *Provided further,* That nothing contained in this section shall be deemed to obviate the necessity of furnishing any bond which may be required pursuant to the provisions of sections 821–823, 827–833 of title 5. (As amended May 3, 1945, ch. 105, § 7, 59 Stat. 103.)

AMENDMENTS

1945—Act May 5, 1945, cited to text, which amended section generally also added the first proviso.

§ 12. Living, representation, and post allowances; approval of expenditures; report to Congress.

Under such regulations as the President may prescribe and within the limitations of such appropriations as may be made therefor, which appropriations are authorized, ambassadors, ministers, diplomatic, consular and Foreign Service officers may be granted allowances for living quarters, heat, light, fuel, gas, and electricity; for representation; and also post allowances wherever the cost of living may be proportionately so high that in the opinion of the Secretary of State such allowances are necessary to enable such diplomatic, consular, and Foreign Service officers to carry on their work efficiently: *Provided,* That all such allowances shall be accounted for to the Secretary of State in such manner and under such rules and regulations as the President may prescribe and the authorization and approval of such expenditures by the Secretary of State as complying with such rules and regulations shall be binding upon all officers of the Government: *Provided further,* That the Secretary of State shall report all such expenditures annually to the Congress with the Budget estimates of the Department of State. (As amended May 3, 1945, ch. 105, § 8, 59 Stat. 104.)

AMENDMENTS

1945—Act May 3, 1945, cited to text, amended section by inserting "for living quarters, heat, light, fuel, gas, and electricity;" preceding "for representation,".

§ 15. Assignment for duty in Department of State; limitation on reassignment.

Any Foreign Service officer may be assigned for duty in the Department of State or in any department or agency of the Government in the discretion of the Secretary of State without loss of class or salary, such assignment to be for a period of not more than three years unless the public interest demands further service, when such assignment may be extended for a period not to exceed one year, upon completion of which four-year assignment and reassignment to the field, he may not again be assigned for duty in the Department of State or in any other department or agency of the Government until the expiration of at least three years of field duty. (As amended May 3, 1945, ch. 105, § 9, 59 Stat. 104.)

AMENDMENTS

1945—Act May 3, 1945, cited to text, amended section by inserting "or in any department or agency of the Government in the discretion of the Secretary of State" following "Department of State" and adding "upon the completion * * * of field duty"

§ 16. Special details; salary and expenses.

Any ambassador or minister, or any Foreign Service officer of whatever class, detailed for duty in connection with trade conferences, or international gatherings, congresses, or conferences, or for other special duty not at his post or the Department of State, except temporarily for purposes of consultation, shall be paid his salary and expenses of travel and subsistence at the rates prescribed by law. (As amended May 3, 1945, ch. 105, § 9, 59 Stat. 104.)

AMENDMENTS

1945—Act May 3, 1945, cited to text, reenacted section without change.

§ 17. Ordering personnel to United States on statutory leave; traveling expenses; duties while on leave.

The Secretary of State is authorized, whenever he deems it to be in the public interest, to order to the

United States on his statutory leave of absence any Foreign Service officer or American employee who has performed three years or more of continuous service abroad: *Provided,* That the expenses of transportation and subsistence of such officers and employees and their immediate families, in traveling from their posts to their homes in the United States and return, shall be paid under the same rules and regulations applicable in the case of officers and employees going to and returning from their posts under orders of the Secretary of State when not on leave: *And provided further,* That while in the United States the services of such officers and employees shall be available for trade conference work or for such duties in the Department of State as the Secretary of State may prescribe, but the time of such work or duties shall not be counted as leave. (As amended Mar. 17, 1941, ch. 20, 55 Stat. 44.)

§ 21. Retirement and disability system; establishment; rules and regulations.

* * * * *

(d) Age and period of service for retirement.

When any Foreign Service officer has reached the age of sixty-five years and rendered at least fifteen years of service he shall be retired on an annuity computed as prescribed in paragraph (e) of this section: *Provided,* That any Foreign Service officer who has reached the age of fifty years and rendered at least thirty years of service may, in the discretion of the Secretary of State, be retired on an annuity computed as prescribed under paragraph (e) of this section; or if any Foreign Service officer has reached the age of fifty years and has rendered at least fifteen but less than thirty years of actual service, exclusive of extra service credit as provided in paragraph (k) of this section, he may, at the instance of the Secretary of State, be retired on an annuity based on such actual period of service: *And provided further,* That the President may in his discretion retain any Foreign Service officer on active duty for such period prior to his reaching seventy years of age as he may deem for the interests of the United States.

* * * * *

(As amended July 3, 1926, ch. 798, § 1, 44 Stat. 902; Feb. 23, 1931, ch. 276, § 26, 46 Stat 1211; Apr. 24, 1939, ch. 84, § 3, 53 Stat. 584; July 19, 1939, ch. 330, 53 Stat. 1067; Aug. 5, 1939, ch. 441, 53 Stat. 1208; Apr. 20, 1940, ch. 118, § 1, 54 Stat. 143; Oct. 14, 1940, ch. 859, § 4, 54 Stat. 1118; May 13, 1941, ch. 115, § 1, 55 Stat. 189, eff. Aug. 1, 1941.)

AMENDMENTS

1941—Par (d) amended by act May 13, 1941, eff. Aug 1, 1941, cited to text

§ 23a. Administrative, fiscal, and clerical personnel of Foreign Service; grades and classification; compensation.

The administrative, fiscal, and clerical personnel of the Foreign Service of the United States of America shall be graded and classified as follows, and shall receive, within the limitation of such appropriations as the Congress may make, the basic compensation specified, and shall, within the salary range indicated, be entitled to administrative promotions in compensation which shall be made in accordance with the laws prescribing promotion of civil-service personnel as respects the administrative groups and under such rules and regulations as the Secretary of State may prescribe for senior and junior clerks:

Administrative officers: Class I, $4,600 to $5,600; class II, $3,800 to $4,600; class III, $3,500 to $4,100.

Administrative assistants: Class I, $3,200 to $3,800; class II, $2,900, to $3,500; class III, $2,600 to $3,200.

Clerks: Class I, senior clerks, $2,300 to $2,900; class II, junior clerks, all clerks whose compensation as fixed by the Secretary of State is less than $2,300 per annum (As amended May 3, 1945, ch. 105, § 2, 59 Stat. 102.)

AMENDMENTS

1945—Act May 3, 1945, cited to text, amended section generally by adding ", and shall, within * * * and junior clerks" in first par., adding second and third pars., and by changing grades, classification, and compensation of senior and junior clerks in fourth par

§ 23c. Allowances at all posts to meet excessive costs of living.

The Secretary of State is authorized to grant at all posts, allowances for living quarters, heat, light, fuel, gas, and electricity, and at posts where in his judgment it is required by the public interests for the purpose of meeting the unusual or excessive costs of living ascertained by him to exist, to grant post allowances to clerks assigned there and also to other employees of the Foreign Service of the United States who are American citizens, within such appropriations as Congress may make for said purpose: *Provided,* That all such allowances shall be accounted for to the Secretary of State in such manner and under such rules and regulations as the President may prescribe, and the authorization and approval of such expenditures by the Secretary of State as complying with such rules and regulations shall be binding upon all officers of the Government: *Provided, however,* That all such allowances and the reasons therefor shall be reported to the Congress with the annual budget. (As amended May 3, 1945, ch. 105, § 3, 59 Stat. 102.)

AMENDMENTS

1945—Act May 3, 1945, cited to text, amended section by inserting "to grant at * * * and at posts" following "is authorized," by substituting "post allowances" for "compensation" following "to exist, to grant" by omitting "in addition to the basic rates specified in section 23a of this title," following "clerks assigned there", by omitting "in addition to the basic rates of their salaries as fixed by the Secretary of State" following "who are American citizens", and by inserting first proviso.

§ 23f. Board of Foreign Service Personnel for Foreign Service; establishment; duties, recommendation of promotions; compensation.

There shall be in the Department of State a Board of Foreign Service Personnel for the Foreign Service, whose duty it shall be to recommend promotions in the Foreign Service and to furnish the Secretary of State with lists of Foreign Service officers who have demonstrated special capacity for promotion to the grade of Minister or Ambassador. The Board shall be composed of not more than three Assistant Secretaries of State, one of whom shall be the Assistant

Secretary of State having supervision over the Division of Foreign Service Personnel and who shall be Chairman, an officer of the Department of Commerce designated by the Secretary of Commerce and acceptable to the Secretary of State, and an officer of the Department of Agriculture designated by the Secretary of Agriculture and acceptable to the Secretary of State. The officer of the Department of Commerce shall sit as a member of the Board only when nominations and assignments of commercial attachés, the selection or assignment of Foreign Service officers for specialized training in commercial work or other matters of interest to the Department of Commerce are under consideration; the officer of the Department of Agriculture shall sit as a member of the Board only when nominations and assignments of agricultural attachés, the selection or assignment of Foreign Service officers for specialized training in agricultural work or other matters of interest to the Department of Agriculture are under consideration. The Chief of the Division of Foreign Service Personnel of the Department of State and one other member of that Division may attend the meetings of the Board and one of them shall act as secretary but they shall not be entitled to vote at its proceedings. (As amended May 3, 1945, ch. 105, § 10, 59 Stat. 105.)

AMENDMENTS

1945—Act May 3, 1945, cited to text, amended section by inserting "or Ambassador" following "of Minister" in first sentence, by adding ", an officer of * * * Secretary of State" in second sentence, by adding third sentence, and by inserting "of the Department of State" following "Service Personnel" in fourth sentence.

§ 23g. Assignment as Chief of Division of Foreign Service Personnel; authority; assignment as Director of the Office of the Foreign Service.

No Foreign Service officer below class I shall be assigned as Chief of the Division of Foreign Service Personnel, nor shall such officer be given any authority except of a purely advisory character over promotions, demotions, transfers, or separations from the service of Foreign Service officers. The Director of the Office of the Foreign Service shall be assigned from among officers of the Foreign Service, but no Foreign Service officer below class I shall be so assigned. (As amended May 3, 1945, ch. 105, § 10, 59 Stat. 105.)

AMENDMENTS

1945—Act May 3, 1945, cited to text, amended section generally.

§ 24. Restriction against transaction of business by Foreign Service officers and employees.

Section 38 of this title, restricting the transaction of business by diplomatic officers, shall apply, with the exception of consular agents, to all officers and employees of the Foreign Service. (May 3, 1945, ch. 105, § 12, 59 Stat. 105.)

DIPLOMATIC OFFICERS GENERALLY

§ 32a. Salary of minister to Liberia.

Section, act Jan. 21, 1931, ch. 42, 46 Stat. 1040, which related to salary of envoy extraordinary and minister plenipotentiary to Liberia, has been omitted from the Code.

Salaries of ambassadors, ministers, etc., see section 32 of this title.

§ 41. Ambassador or minister unable to serve because of emergent conditions abroad; appointment as Foreign Service officer; compensation.

During the continuance of the present war and for six months after its termination, any ambassador or minister whose salary as such is payable from the appropriation "Salaries, Ambassadors and Ministers" and who, prior to appointment as ambassador or minister was legally appointed and served as a diplomatic or consular officer or as a Foreign Service officer, and who, on account of emergent conditions abroad, is unable properly to serve the United States at his regular post of duty, or, on account of such emergent conditions abroad, it shall be or has been found necessary in the public interest to terminate his appointment as ambassador or minister at such post, may be appointed or assigned to serve in any capacity in which a Foreign Service officer is authorized by law to serve, and, notwithstanding the provisions of any other law, the payment from such appropriation for the fiscal year 1945 of the salary of such officer, while serving under such assignment, is hereby authorized: *Provided,* That no person, while serving under such emergency appointment or assignment, shall receive compensation in excess of $9,000 per annum while serving in the continental United States or in excess of $10,000 per annum while serving elsewhere. (Apr. 1, 1941, ch. 32, title I, § 1, 55 Stat. 71; July 2, 1942, ch. 472, title I, 56 Stat. 470; July 1, 1943, ch. 182, title I, § 1, 57 Stat. 273; June 28, 1944, ch. 294, title I, § 1, 58 Stat. 397; May 21, 1945, ch. 129, title I, 59 Stat. 171.)

AMENDMENTS

1944—Act June 28, 1944, cited to text, amended section by extending it to the fiscal year 1945

1943—Act July 1, 1943, cited to text, substituted "During the continuance of the present war and for six months after its termination" for "During the period of the existing state of emergency proclaimed by the President on September 8, 1939" and changed date "1943" to be "1944."

CROSS REFERENCES

Proclamation of emergency, see Proc No 2352, Sept. 8, 1939, 4 F R 3851, 54 Stat. 2643, set out in note preceding chapter 1 of Title 50, War.

POWERS, DUTIES, AND LIABILITIES OF CONSULAR OFFICERS GENERALLY

§§ 106–108. Repealed. May 3, 1945, c. 105, § 11, 59 Stat. 105.

GENERAL PROVISIONS COMMON TO DIPLOMATIC AND TO CONSULAR OFFICERS

§ 130a. Expenses of bringing home remains of personnel dying abroad.

Preparation and transportation of the remains of those officers and employees of the Foreign Service (including their families), who have died or may die abroad or in transit during the period of the employment of such officers and employees, to their former homes in this country or to a place not more distant for interment, and for the ordinary expenses of such interment. (As amended June 28, 1941, ch. 258, title I, 55 Stat. 268; July 2, 1942, ch. 472, title I, 56 Stat.

471; July 1, 1943, ch. 182, title I, § 1, 57 Stat. 273; June 28, 1944, ch. 294, title I, § 1, 58 Stat. 398; May 21, 1945, ch. 129, title I, 59 Stat. 172.)

AMENDMENTS

1945—Act May 21, 1945, cited to text, amended section by inserting "(including their families)", and by substituting "during the period of employment of such officers and employees" for "while in the discharge of their official duties".

1942—Act of July 2, 1942, cited to text, amended section by omitting words "expenses of the" preceding "preparation and transportation," and by omitting "Diplomatic, Consular, and Foreign Service officers, and other employees of the Foreign Service, including Foreign Service inspectors," and inserting in lieu "those officers of the Foreign Service."

§ 130b. Expenses of transporting personnel, families and effects to and from posts; emergency conditions.

Payment shall be made for the traveling expenses of Diplomatic, Consular, and Foreign Service officers, and other employees of the Foreign Service, including Foreign Service inspectors, and under such regulations as the Secretary of State may prescribe, of their families and expenses of transportation of effects, in going to and returning from their posts, and in removing the family and effects of any such officer or employee from any foreign post, and thereafter transporting such family and effects to his post of assignment, to whatever extent may be determined necessary by the Secretary of State by reason of emergency conditions in any country that in his opinion may endanger the life of such officer or employee or any member of his family, including automobiles as authorized by sections 73c and 823a of Title 5, section 824 of Title 10, and section 898 of Title 34, and storage of effects while such officers or employees are absent from their permanent posts of duty, including also expenses in connection with leaves of absence. (As amended June 28, 1941, ch. 258, title I, 55 Stat. 267; July 2, 1942, ch. 472, title I, 56 Stat 470; July 1, 1943, ch. 182, title I, § 1, 57 Stat. 273; June 28, 1944, ch. 294, title I, § 1, 58 Stat. 398; May 21, 1945, ch. 129, title I, 59 Stat. 171.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, omitted words "including travel by airplane when specifically authorized by the Secretary of State" following "traveling expenses".

§ 136. Temporary assignment of American citizens in Foreign Service to Department of State during national emergency.

During the continuance of the present war and for six months after its termination, American citizens holding positions in the Foreign Service of the United States and who on account of emergent conditions abroad are unable properly to serve the United States at their regular posts of duty may be assigned to the Department of State to perform temporary services in that Department or to be detailed for temporary services of comparable importance, difficulty, responsibility, and value in any other department or agency of the United States, in cases where there is found to be a need of services for the performance of which such persons have the requisite qualifications. (June 28, 1941, ch. 258, title I, 55 Stat. 270; July 2, 1942, ch. 472, title I, 56 Stat. 474; July 1, 1943, ch. 182, title I, § 1, 57 Stat. 277; June 28, 1944, ch. 294, title I, § 1, 58 Stat. 401; May 21, 1945, ch. 129, title I, 59 Stat. 175.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, substituted "During the continuance of the present war and for six months after its termination" for "During the period of the existing state of emergency proclaimed by the President on September 8, 1939."

Chapter 4.—PASSPORTS

Sec.

226a. Permit as guarantee of admission to the United States (New).
226b Revocation of proclamation, rule, etc., as bar to prosecution (New).
228. Refusal of visas of aliens whose admission might endanger public safety; reference to Secretary of State (New).
229. Same; rules and regulations (New).

§ 223. War-time restrictions; generally.

When the United States is at war or during the existence of the national emergency proclaimed by the President on May 27, 1941, or as to aliens whenever there exists a state of war between, or among, two or more states, and the President shall find that the interests of the United States require that restrictions and prohibitions in addition to those provided otherwise than by sections 223–226b of this title be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

* * * * *

(As amended June 21, 1941, ch. 210, § 1, 55 Stat. 252.)

PROCLAMATION OF NATIONAL EMERGENCY

Proc. No. 2487, Unlimited National Emergency, see note preceding section 1, Title 50, War.

AMENDMENTS

1941—Act June 21, 1941, cited to text, amended first paragraph.

§ 225. Penalty for violation of war-time restrictions.

Any person who shall willfully violate any of the provisions of sections 223–226b of this title, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than $5,000, or, if a natural person, imprisoned for not more than five years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle, vessel or aircraft, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States. (As amended June 21, 1941, ch. 210, § 2, 55 Stat. 253.)

AMENDMENTS

1941—Act June 21, 1941, cited to text, reduced the fine from $10,000 to $5,000 and the term from twenty years to five years, and inserted "aircraft."

§ 226. "United States" and "person" as used in wartime restriction defined.

The term "United States" as used in sections 223–226b of this title includes the Canal Zone, the Commonwealth of the Philippines, and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used in sections 223, 224, and 225 of this title shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic. (As amended June 21, 1941, ch. 210, § 2a, 55 Stat. 253.)

AMENDMENTS

1941—Act June 21, 1941, cited to text, inserted "Commonwealth of the Philippines" in the first paragraph.

§ 226a. Permit as guarantee of admission to the United States.

Nothing in sections 223–226b of this title shall be construed to entitle an alien to whom a permit to enter the United States has been issued to enter the United States, if, upon arrival in the United States, he is found to be inadmissible to the United States under sections 223–226b of this title or any law relating to the entry of aliens into the United States. (May 22, 1918, ch. 81, § 5, as added June 21, 1941, ch. 210, § 3, 55 Stat. 253.)

§ 226b. Revocation of proclamation, rule, etc., as bar to prosecution.

The revocation of any proclamation, rule, regulation, or order issued in pursuance of sections 223–226b of this title, shall not prevent prosecution for any offense committed or the imposition of any penalties or forfeitures, liability for which was incurred under sections 223–226b of this title prior to the revocation of such proclamation, rule, regulation, or order. (May 22, 1918, ch. 81, § 6, as added June 21, 1941, ch. 210, § 3, 55 Stat. 253.)

§ 228. Refusal of visas to aliens whose admission might endanger public safety; reference to Secretary of State.

Whenever any American diplomatic or consular officer knows or has reason to believe that any alien seeks to enter the United States for the purpose of engaging in activities which will endanger the public safety of the United States, he shall refuse to issue to such alien any immigration visa, passport visa, transit certificate, or other document entitling such alien to present himself for admission into the United States; but in any case in which a diplomatic or consular officer denies a visa or other travel document under the provisions of this section, he shall promptly refer the case to the Secretary of State for such further action as the Secretary may deem appropriate. (June 20, 1941, ch. 209, § 1, 55 Stat. 252.)

§ 229. Same; rules and regulations.

The President is hereby authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of section 228 of this title. (June 20, 1941, ch. 209, § 2, 55 Stat. 252.)

Chapter 7.—INTERNATIONAL BUREAUS, CONGRESSES, ETC.

Sec.
269d. Inter American Statistical Institute; appropriation (New)
277f. Valley Gravity Canal and Storage Project (New)
279. United States membership in the United Nations Food and Agriculture Organization (New).
279a. Appropriations for payment of United States expenses in Organization (New).
279b. Integration of International Institute of Agriculture with Organization (New).
279c. Congressional authority necessary for acceptance of new obligations in Organization (New).
279d. Limitation on power of Conference to impose new obligations on United States (New).

INTERNATIONAL MONETARY FUND AND BANK FOR RECONSTRUCTION AND REHABILITATION (NEW)

286. Acceptance of membership by United States in International Monetary Fund
286a. Appointment of governors, executive directors, and alternates; term of office; salary.
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288d. Privileges, exemptions, and immunities of officer, employees, and their families; waiver.
288e. Notification to and acceptance by Secretary of State of personnel; deportation of undesirables; extent of diplomatic status.
288f. Applicability of reciprocity laws.

§ 269a. Central Bureau of the International Map of the World on the Millionth Scale; appropriation.

SUBSEQUENT ANNUAL APPROPRIATION ACTS

Apr. 18, 1930, ch. 184, title I, 46 Stat. 173; Feb 23, 1931, ch. 280, title I, 46 Stat. 1309; July 1, 1932, ch 361, title I, 47 Stat. 486; Mar. 1, 1933, ch. 144, title I, 47 Stat. 1376; Apr. 7, 1934, ch. 104, title I, 48 Stat 534; Mar 22, 1935, ch. 39, title I, 49 Stat. 73, May 15, 1936, ch. 405, title I, 49 Stat. 1316, June 16, 1937, ch. 359, title I, 50 Stat 267; Apr. 27, 1938, ch. 180, title I, 52 Stat. 254; June 29, 1939, ch 248, title I, 53 Stat. 892; July 2, 1942, ch. 472, title I, 56 Stat. 475; July 1, 1943, ch 182, title I, 57 Stat. 278; June 28, 1944, ch. 294, title I, 58 Stat. 402; May 21, 1945, ch. 129, title I, 59 Stat. 175. Earlier appropriation acts for the State Department also carried an annual appropriation in the sum of $30 for the International Map.

§ 269b. American International Institute for the Protection of Childhood; appropriation.

SUBSEQUENT ANNUAL APPROPRIATION ACTS

Jan. 25, 1929, ch 102, title I, 45 Stat. 1106, Apr 18, 1930, ch 184, title I, 46 Stat. 173; Feb 23, 1931, ch 280, title I, 46 Stat. 1309, July 1, 1932, ch 361, title I, 47 Stat 485, Mar. 1, 1933, ch. 144, title I, 47 Stat. 1376, Apr. 7, 1934, ch 104, title I, 48 Stat 534; Mar. 22, 1935, ch 39, title I, 49 Stat 73; May 15, 1936, ch 405, title I, 49 Stat 1315; June 16, 1937, ch 359, title I, 50 Stat 267, Apr 27, 1938, ch. 180, title I, 52 Stat 254; June 29, 1939, ch 248, title I, 53 Stat. 892; May 14, 1940, ch. 189, title I, 54 Stat. 188; June 28, 1941, ch 258, title I, 55 Stat. 272, July 2, 1942, ch. 472, title I, 56 Stat 475; July 1, 1943, ch 182, title I, 57 Stat. 278, June 28, 1944, ch 294, title I, 58 Stat 402; May 21, 1945, ch. 129, title I, 59 Stat. 175.

§ 269d. Inter American Statistical Institute; appropriation.

To enable the United States to become an adhering member of the Inter American Statistical Institute, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be required for expenditure under the direction of the Secretary of State, for the payment of the share of the United States toward the support of the Institute: *Provided*, That (1) the membership dues of the United States payable for any fiscal year shall not be paid unless, during the preceding fiscal year, at least eight other American nations shall have been in good standing as adhering members, and unless at least eight of such other adhering members for the last preceding year for which such members were respectively obligated to pay dues shall have paid dues which aggregated at least $10,000, and (2) the total cost to the United States for any fiscal year, for adhering membership, shall not exceed $35,000. (Jan. 27, 1942, ch. 122, 56 Stat. 20, as amended July 2, 1945, ch. 218, 59 Stat. 311.)

AMENDMENTS

1945—Act July 2, 1945, cited to text, amended section by striking out the two provisos and inserting in lieu thereof the single proviso.

§ 274. International Council of Scientific Unions and Associated Unions; annual appropriation for membership.

SUBSEQUENT ANNUAL APPROPRIATION ACTS

May 15, 1936, ch. 405, title I, 49 Stat. 1309; June 16, 1937, ch 359, title I, 50 Stat. 268; Apr 27, 1938, ch. 180, title I, 52 Stat 254; June 29, 1939, ch. 248, title I, 53 Stat. 892; May 14, 1940, ch. 189, title I, 54 Stat. 188; June 28, 1941, ch. 258, title I, 55 Stat 272, July 2, 1942, ch. 472, title I, 56 Stat 475; July 1, 1943, ch. 182, title I, 57 Stat. 278; June 28, 1944, ch 294, title I, 58 Stat. 402; May 21, 1945, ch. 129, title I, 59 Stat. 175.

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LATER SIMILAR PROVISIONS

Subsequent annual appropriation acts: June 28, 1941, ch 258, title I, 55 Stat 271; July 2, 1942, ch. 472, title I, 56 Stat 474; July 1, 1943, ch 182, title I, § 1, 57 Stat 277, June 28, 1944, ch 294, title I, § 1, 58 Stat. 402; May 21, 1945, ch 129, title I, 59 Stat 175

§ 277. International Boundary Commission, United States and Mexico; study of boundary waters.

SUBSEQUENT ANNUAL APPROPRIATION ACTS

May 28, 1924, ch 204, title I, 43 Stat 205; Feb 27, 1925, ch. 364, title I, 43 Stat 1014; Apr 29, 1926, ch 195, title I, 44 Stat 330, Feb 24, 1927, ch. 187, title I, 44 Stat. 1179, Feb 15, 1928, ch 57, title I, 45 Stat 64, Jan 25, 1929, ch 102, title I, 45 Stat 1094; Apr 18, 1930, ch 184, title I, 46 Stat 173; Feb. 23, 1931, ch 280, title I, 46 Stat. 1309, July 1, 1932, ch 361, title I, 47 Stat 480; Mar. 1, 1933, ch 144, title I, 47 Stat. 1376; Apr. 7, 1934, ch 104, title I, 48 Stat 534, Mar 22, 1935, ch 39, title I, 49 Stat 74, May 15, 1936, ch. 405, title I, 49 Stat 1317, June 16, 1937, ch 359, title I, 50 Stat 268, Apr 27, 1938, ch 180, title I, 52 Stat. 255; June 29, 1939, ch 248, title I, 53 Stat 893, May 14, 1940, ch. 189, title I, 54 Stat 189; June 28, 1941, ch 258, title I, 55 Stat. 273; July 2, 1942, ch 472, title I, 56 Stat 475; July 1, 1943, ch 182, title I, 57 Stat. 278; June 28, 1944, ch. 294, title I, 58 Stat. 403; May 21, 1945, ch. 129, title I, 59 Stat. 175.

CROSS REFERENCES

Settlement of American claims against Mexican government, see section 661 et seq. of this title.

§ 277f. Valley Gravity Canal and Storage Project.

The Secretary of State, with the approval of the President, shall designate the features of the Valley Gravity Canal and Storage Project which he deems international in character, and shall direct such changes in the general project plan as he deems advisable with respect to such features; and the features so designated shall be built, after consultation with the Bureau of Reclamation as to general design, by the American section of the International Boundary Commission, United States and Mexico, and shall be operated and maintained by said Commission insofar as their operation and maintenance in such manner is, in the opinion of the Secretary of State, necessary because of their international character. The construction, operation, and maintenance of such project shall be pursuant to the Federal reclamation laws, except as hereinbefore provided and except that—

(1) In addition to the nonreimbursable allocation to flood control or navigation which may be made by the Secretary of the Interior under section 485h (b) of Title 43, the President, after consultation with the Secretary of State and the Secretary of the Interior, shall allocate such part of the total estimated cost of the project as he deems proper to the protection of American interests from drought

hazards resulting from the uncontrolled and unregulated flow of the international portion of the Rio Grande below Old Fort Quitman, Texas. Provisions of law applicable with respect to allocations to flood control under section 485h (b) of Title 43, shall, insofar as they are not inconsistent with the foregoing provisions, be applicable in like manner with respect to any allocation made under this subparagraph; and

(2) All revenues received by the United States in connection with the construction, operation, and maintenance of such projects shall be covered into the Treasury as miscellaneous receipts. (June 28, 1941, ch. 259, § 1, 55 Stat. 338.)

§ 278. Gorgas Memorial Laboratory; location; contributions by Latin-American Governments; administration.

SUBSEQUENT ANNUAL APPROPRIATION ACTS

Jan 25, 1929, ch. 102, title I, 45 Stat. 1094; Apr. 18, 1930, ch. 184, title I, 46 Stat. 173; Feb. 23, 1931, ch. 280, title I, 46 Stat. 1309; July 1, 1932, ch 361, title I, 47 Stat. 485; Mar. 1, 1933, ch. 144, title I, 47 Stat. 1376; Apr. 7, 1934, ch 104, title I, 48 Stat. 534; Mar. 22, 1935, ch. 39, title I, 49 Stat. 73, May 15, 1936, ch. 405, title I, 49 Stat. 1315; June 16, 1937, ch 359, title I, 50 Stat. 267; Apr. 27, 1938, ch. 180, title I, 52 Stat. 253; June 29, 1939, ch. 248, title I, 53 Stat. 891; May 14, 1940, ch. 189, title I, 54 Stat. 187; June 28, 1941, ch. 258, title I, 55 Stat. 271; July 2, 1942, ch. 472, title I, 56 Stat. 474, July 1, 1943, ch. 182, title I, 57 Stat. 278, June 28, 1944, ch 294, title I, 58 Stat. 402, May 21, 1945, ch. 129, title I, 59 Stat 175.

§ 278b. Time of report to Congress.

REPEATED.—Act June 28, 1941, ch. 258, title I, 55 Stat. 271; act July 2, 1942, ch. 472, title I, 56 Stat. 474; act July 1, 1943, ch. 182, title I, § 1, 57 Stat. 277; act June 28, 1944, ch. 294, title I, § 1, 58 Stat. 402.

§ 279. United States membership in the United Nations Food and Agriculture Organization.

The President is authorized to accept membership for the United States in the Food and Agriculture Organization of the United Nations (hereinafter referred to as the "Organization") the Constitution of which is set forth in appendix I of the First Report to the Governments of the United Nations by the Interim Commission on Food and Agriculture, dated August 1, 1944. (July 31, 1945, ch. 342, § 1, 59 Stat. 529.)

CROSS REFERENCES

Bretton Woods Agreement Act, see section 286–286k of this title.

§ 279a. Appropriations for payment of United States expenses in Organization.

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum not exceeding $625,000 during the first fiscal year of the Organization and sums not exceeding $1,250,000 annually thereafter as may be required for expenditure under the direction of the Secretary of State, for the payment by the United States of its proportionate share in the expenses of the Organization. (July 31, 1945, ch. 342, § 2, 59 Stat. 529.)

§ 279b. Integration of International Institute of Agriculture with Organization.

In adopting sections 279–279d of this title, it is the sense of the Congress that the Government of the United States should use its best efforts to bring about, as soon as practicable, the integration of the functions and the resources of the International Institute of Agriculture with those of the Organization, in a legal and orderly manner, to effect one united institution in such form as to provide an adequate research, informational, and statistical service for the industry of agriculture. (July 31, 1945, ch. 342, § 3, 59 Stat. 530.)

§ 279c. Congressional authority necessary for acceptance of new obligations in Organization.

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States accept any amendment under paragraph 1 of article XX of the Constitution of the Organization involving any new obligation for the United States. (July 31, 1945, ch. 342, § 4, 59 Stat. 530.)

§ 279d. Limitation on power of Conference to impose new obligations on United States.

In adopting sections 279–279d of this title the Congress does so with the understanding that paragraph 2 of article XIII does not authorize the Conference of the Organization to so modify the provisions of its Constitution as to involve any new obligation for the United States. (July 31, 1945, ch. 342, § 5, 59 Stat. 530.)

INTERNATIONAL MONETARY FUND AND BANK FOR RECONSTRUCTION AND REHABILITATION (NEW)

§ 286. Acceptance of membership by United States in International Monetary Fund.

The President is authorized to accept membership for the United States in the International Monetary Fund (hereinafter referred to as the "Fund"), and in the International Bank for Reconstruction and Development (hereinafter referred to as the "Bank"), provided for by the Articles of Agreement of the Fund and the Articles of Agreement of the Bank as set forth in the Final Act of the United Nations Monetary and Financial Conference dated July 22, 1944, and deposited in the archives of the Department of State. (July 31, 1945, ch. 339, § 2, 59 Stat. 512.)

SHORT TITLE

Section 1 of act July 31, 1945, cited to text, provided: "This Act [this subchapter] may be cited as the 'Bretton Woods Agreements Act'."

CROSS REFERENCES

Increase in lending authority of the Export-Import Bank of Washington, see sections 713d–713l of Title 15, Commerce and Trade.

United States membership in the United Nations Food and Agriculture Organization, see sections 279–279d of this title.

§ 286a. Appointment of governors, executive directors, and alternates; term of office; salary.

(a) The President, by and with the advice and consent of the Senate, shall appoint a governor of the Fund who shall also serve as a governor of the Bank, and an executive director of the Fund and an executive director of the Bank. The executive directors so appointed shall also serve as provisional executive directors of the Fund and the Bank for

the purposes of the respective Articles of Agreement. The term of office for the governor of the Fund and of the Bank shall be five years. The term of office for the executive directors shall be two years, but the executive directors shall remain in office until their successors have been appointed.

(b) The President, by and with the advice and consent of the Senate, shall appoint an alternate for the governor of the Fund who shall also serve as alternate for the governor of the Bank. The President, by and with the advice and consent of the Senate, shall appoint an alternate for each of the executive directors. The alternate for each executive director shall be appointed from among individuals recommended to the President by the executive director. The terms of office for alternates for the governor and the executive directors shall be the same as the terms specified in subsection (a) for the governor and executive directors.

(c) No person shall be entitled to receive any salary or other compensation from the United States for services as a governor, executive director, or alternate. (July 31, 1945, ch. 339, § 3, 59 Stat. 512.)

§ 286b. National Advisory Council on International Monetary and Financial Problems; composition; duties; reports by Council; reports to Council.

(a) In order to coordinate the policies and operations of the representatives of the United States on the Fund and the Bank and of all agencies of the Government which make or participate in making foreign loans or which engage in foreign financial, exchange or monetary transactions, there is established the National Advisory Council on International Monetary and Financial Problems (hereinafter referred to as the "Council"), consisting of the Secretary of the Treasury, as Chairman, the Secretary of State, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of Trustees of the Export-Import Bank of Washington.

(b) (1) The Council, after consultation with the representatives of the United States on the Fund and the Bank, shall recommend to the President general policy directives for the guidance of the representatives of the United States on the Fund and the Bank.

(2) The Council shall advise and consult with the President and the representatives of the United States on the Fund and the Bank on major problems arising in the administration of the Fund and the Bank.

(3) The Council shall coordinate, by consultation or otherwise, so far as is practicable, the policies and operations of the representatives of the United States on the Fund and the Bank, the Export-Import Bank of Washington and all other agencies of the Government to the extent that they make or participate in the making of foreign loans or engage in foreign financial, exchange or monetary transactions.

(4) Whenever, under the Articles of Agreement of the Fund or the Articles of Agreement of the Bank, the approval, consent or agreement of the United States is required before an act may be done by the respective institutions, the decision as to whether such approval, consent, or agreement, shall be given or refused shall (to the extent such decision is not prohibited by section 286c of this title) be made by the Council, under the general direction of the President. No governor, executive director, or alternate representing the United States shall vote in favor of any waiver of condition under article V, section 4, or in favor of any declaration of the United States dollar as a scarce currency under article VII, section 3, of the Articles of Agreement of the Fund, without prior approval of the Council.

(5) The Council from time to time, but not less frequently than every six months, shall transmit to the President and to the Congress a report with respect to the participation of the United States in the Fund and the Bank.

(6) The Council shall also transmit to the President and to the Congress special reports on the operations and policies of the Fund and the Bank, as provided in this paragraph. The first report shall be made not later than two years after the establishment of the Fund and the Bank, and a report shall be made every two years after the making of the first report. Each such report shall cover and include: The extent to which the Fund and the Bank have achieved the purposes for which they were established; the extent to which the operations and policies of the Fund and the Bank have adhered to, or departed from, the general policy directives formulated by the Council, and the Council's recommendations in connection therewith; the extent to which the operations and policies of the Fund and the Bank have been coordinated, and the Council's recommendations in connection therewith; recommendations on whether the resources of the Fund and the Bank should be increased or decreased; recommendations as to how the Fund and the Bank may be made more effective; recommendations on any other necessary or desirable changes in the Articles of Agreement of the Fund and of the Bank or in this subchapter; and an over-all appraisal of the extent to which the operations and policies of the Fund and the Bank have served, and in the future may be expected to serve, the interests of the United States and the world in promoting sound international economic cooperation and furthering world security.

(7) The Council shall make such reports and recommendations to the President as he may from time to time request, or as the Council may consider necessary to more effectively or efficiently accomplish the purposes of this subchapter or the purposes for which the Council is created.

(c) The representatives of the United States on the Fund and the Bank, and the Export-Import Bank of Washington (and all other agencies of the Government to the extent that they make or participate in the making of foreign loans or engage in foreign financial, exchange or monetary transactions) shall keep the Council fully informed of their activities and shall provide the Council with such further information or data in their possession as the Council may deem necessary to the appropri-

ate discharge of its responsibilities under this subchapter. (July 31, 1945, ch. 339, § 4, 59 Stat. 512.)

§ 286c. Congressional authorization needed for certain actions.

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States (a) request or consent to any change in the quota of the United States under article III, section 2, of the Articles of Agreement of the Fund; (b) propose or agree to any change in the par value of the United States dollar under article IV, section 5, or article XX, section 4, of the Articles of Agreement of the Fund, or approve any general change in par values under article IV, section 7; (c) subscribe to additional shares of stock under article II, section 3, of the Articles of Agreement of the Bank; (d) accept any amendment under article XVII of the Articles of Agreement of the Fund or article VIII of the Articles of Agreement of the Bank; (e) make any loan to the Fund or the Bank. Unless Congress by law authorizes such action, no governor or alternate appointed to represent the United States shall vote for an increase of capital stock of the Bank under article II, section 2, of the Articles of Agreement of the Bank. (July 31, 1945, ch. 339, § 5, 59 Stat. 514.)

§ 286d. Federal Reserve banks as depositories.

Any Federal Reserve bank which is requested to do so by the Fund or the Bank shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks. (July 31, 1945, ch. 339, § 6, 59 Stat. 514.)

§ 286e. Payment of subscriptions to Fund and Bank by United States; issuance of special notes; income covered into Treasury.

The Secretary of the Treasury is authorized to pay the balance of $950,000,000 of the subscription of the United States to the Fund not provided for in section 822a of Title 31 and to pay the subscription of the United States to the Bank from time to time when payments are required to be made to the Bank. For the purpose of making these payments, the Secretary of the Treasury is authorized to use as a public-debt transaction not to exceed $4,125,000,000 of the proceeds of any securities issued after July 31, 1945, under sections 745, 747, 752–754b, 757, 757b, 757c, 758, 760, 764–766, 769, 771, 773, 774 (2) and 801 of Title 31, and the purposes for which securities may be issued under said sections are extended to include such purpose. Payment under this subsection of the subscription of the United States to the Fund or the Bank and repayments thereof shall be treated as public-debt transactions of the United States.

For the purpose of keeping to a minimum the cost to the United States of participation in the Fund and the Bank, the Secretary of the Treasury, after paying the subscription of the United States to the Fund, and any part of the subscription of the United States to the Bank required to be made under article II, section 7 (i), of the Articles of Agreement of the Bank, is authorized and directed to issue special notes of the United States from time to time at par and to deliver such notes to the Fund and the Bank in exchange for dollars to the extent permitted by the respective Articles of Agreement. The special notes provided for in this subsection shall be issued under the authority and subject to the provisions of sections 745, 747, 752–754b, 757, 757b, 757c, 758, 760, 764–766, 769, 771, 773, 774 (2) and 801 of Title 31, and the purposes for which securities may be issued under said sections are extended to include the purposes for which special notes are authorized and directed to be issued under this subsection, but such notes shall bear no interest, shall be nonnegotiable, and shall be payable on demand of the Fund or the Bank, as the case may be. The face amount of special notes issued to the Fund under the authority of this subsection and outstanding at any one time shall not exceed in the aggregate the amount of the subscription of the United States actually paid to the Fund, and the face amount of such notes issued to the Bank and outstanding at any one time shall not exceed in the aggregate the amount of the subscription of the United States actually paid to the Bank under article II, section 7 (i), of the Articles of Agreement of the Bank.

Any payment made to the United States by the Fund or the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt. (July 31, 1945, ch. 339, § 7 (b–d), 59 Stat. 514.)

CODIFICATION

Section is based on subsec. (b)–(d) of section 7 of act July 31, 1945, cited to text. Subsec (a) of said section was an amendment of section 822a of Title 31 and as such has been incorporated in that section.

§ 286f. Obtaining and furnishing information to the Fund; penalty for refusal; penalty for unlawful disclosures; definition of person.

(a) Whenever a request is made by the Fund to the United States as a member to furnish data under article VIII, section 5, of the Articles of Agreement of the Fund, the President may, through any agency he may designate, require any person to furnish such information as the President may determine to be essential to comply with such request. In making such determination the President shall seek to collect the information only in such detail as is necessary to comply with the request of the Fund. No information so acquired shall be furnished to the Fund in such detail that the affairs of any person are disclosed.

(b) In the event any person refuses to furnish such information when requested to do so, the President, through any designated governmental agency, may by subpoena require such person to appear and testify or to appear and produce records and other documents, or both. In case of contumacy by, or refusal to obey a subpoena served upon any such person, the district court for any district in which such person is found or resides or transacts business, upon application by the President or any governmental agency designated by him, shall have jurisdiction to issue an order requiring such person to appear and give testimony or appear and produce records and documents, or both; and any failure to obey such

order of the court may be punished by such court as a contempt thereof.

(c) It shall be unlawful for any officer or employee of the Government, or for any advisor or consultant to the Government, to disclose, otherwise than in the course of official duty, any information obtained under this section, or to use any such information for his personal benefit. Whoever violates any of the provisions of this subsection shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than five years, or both.

(d) The term "person" as used in this section means an individual, partnership, corporation or association. (July 31, 1945, ch. 339, § 8, 59 Stat. 515.)

§ 286g. Jurisdiction and venue of actions.

For the purpose of any action which may be brought within the United States or its Territories or possessions by or against the Fund or the Bank in accordance with the Articles of Agreement of the Fund or the Articles of Agreement of the Bank, the Fund or the Bank, as the case may be, shall be deemed to be an inhabitant of the Federal judicial district in which its principal office in the United States is located, and any such action at law or in equity to which either the Fund or the Bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of any such action. When either the Fund or the Bank is a defendant in any such action, it may, at any time before the trial thereof, remove such action from a State court into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law. (July 31, 1945, ch. 339, § 10, 59 Stat. 516.)

§ 286h. Status, privileges, and immunities of the United States.

The provisions of article IX, sections 2 to 9, both inclusive, and the first sentence of article VIII, section 2 (b), of the Articles of Agreement of the Fund, and the provisions of article VI, section 5 (i), and article VII, sections 2 to 9, both inclusive, of the Articles of Agreement of the Bank, shall have full force and effect in the United States and its Territories and possessions upon acceptance of membership by the United States in, and the establishment of, the Fund and the Bank, respectively. (July 31, 1945, ch. 339, § 11, 59 Stat. 516.)

§ 286i. Stabilization loans by Bank; amendment to Articles of Agreement.

The governor and executive director of the Bank appointed by the United States are directed to obtain promptly an official interpretation by the Bank as to its authority to make or guarantee loans for programs of economic reconstruction and the reconstruction of monetary systems, including long-term stabilization loans. If the Bank does not interpret its powers to include the making or guaranteeing of such loans, the governor of the Bank representing the United States is directed to propose promptly and support an amendment to the Articles of Agreement for the purpose of explicitly authorizing the Bank, after consultation with the Fund, to make or guarantee such loans. The President is authorized and directed to accept an amendment to that effect on behalf of the United States. (July 31, 1945, ch. 339, § 12, 59 Stat. 516.)

§ 286j. Stabilization operations by the Fund; amendment to Articles of Agreement.

(a) The governor and executive director of the Fund appointed by the United States are directed to obtain promptly an official interpretation by the Fund as to whether its authority to use its resources extends beyond current monetary stabilization operations to afford temporary assistance to members in connection with seasonal, cyclical, and emergency fluctuations in the balance of payments of any member for current transactions, and whether it has authority to use its resources to provide facilities for relief, reconstruction, or armaments, or to meet a large or sustained outflow of capital on the part of any member.

(b) If the interpretation by the Fund answers in the affirmative any of the questions stated in subsection (a), the governor of the Fund representing the United States is directed to propose promptly and support an amendment to the Articles of Agreement for the purpose of expressly negativing such interpretation. The President is authorized and directed to accept an amendment to that effect on behalf of the United States. (July 31, 1945, ch. 339, § 13, 59 Stat. 517.)

§ 286k. Further promotion of international economic relations.

In the realization that additional measures of international economic cooperation are necessary to facilitate the expansion and balanced growth of international trade and render most effective the operations of the Fund and the Bank, it is declared to be the policy of the United States to seek to bring about further agreement and cooperation among nations and international bodies, as soon as possible, on ways and means which will best reduce obstacles to and restrictions upon international trade, eliminate unfair trade practices, promote mutually advantageous commercial relations, and otherwise facilitate the expansion and balanced growth of international trade and promote the stability of international economic relations. In considering the policies of the United States in foreign lending and the policies of the Fund and the Bank, particularly in conducting exchange transactions, the Council and the United States representatives on the Fund and the Bank shall give careful consideration to the progress which has been made in achieving such agreement and cooperation. (July 31, 1945, ch. 339, § 14, 59 Stat. 517.)

PARTICIPATION IN UNITED NATIONS ORGANIZATION (NEW)

§ 287. Representation in United Nations Organization—(a) Appointment of principal representative; rank and status; compensation; tenure; duties.

The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States at the seat of the United Nations who shall have the rank and status of envoy extraor-

dinary and ambassador plenipotentiary, shall receive annual compensation of $20,000, and shall hold office at the pleasure of the President. Such representative shall represent the United States in the Security Council of the United Nations and shall perform such other functions in connection with the participation of the United States in the United Nations as the President may from time to time direct.

(b) Appointment of deputy representative; rank and status; compensation; tenure; duties.

The President, by and with the advice and consent of the Senate, shall appoint a deputy representative of the United States to the Security Council who shall have the rank and status of envoy extraordinary and minister plenipotentiary, shall receive annual compensation of $12,000, and shall hold office at the pleasure of the President. Such deputy representative shall represent the United States in the Security Council of the United Nations in the event of the absence or disability of the representative.

(c) Appointment of additional and alternative representatives; number; compensation; tenure.

The President, by and with the advice and consent of the Senate, shall designate from time to time to attend a specified session or specified sessions of the General Assembly of the United Nations not to exceed five representatives of the United States and such number of alternates as he may determine consistent with the rules of procedure of the General Assembly. One of the representatives shall be designated as the senior representative. Such representatives and alternates shall each be entitled to receive compensation at the rate of $12,000 per annum for such period as the President may specify, except that no member of the Senate or House of Representatives or officer of the United States who is designated under this subsection as a representative of the United States or as an alternate to attend any specified session or specified sessions of the General Assembly shall be entitled to receive such compensation.

(d) Additional appointees; compensation; conditions governing certain appointments.

The President may also appoint from time to time such other persons as he may deem necessary to represent the United States in the organs and agencies of the United Nations at such salaries, not to exceed $12,000 each per annum, as he shall determine, but the representative of the United States in the Economic and Social Council and in the Trusteeship Council of the United Nations shall be appointed only by and with the advice and consent of the Senate, except that the President may, without the advice and consent of the Senate, designate any officer of the United States to act, without additional compensation, as the representative of the United States in either such Council (A) at any specified meeting thereof in the absence or disability of the regular representative, or (B) in connection with a specified subject matter at any specified meeting of either such Council in lieu of the regular representative. The advice and consent of the Senate shall also be required for the appointment by the President of the representative of the United States in any commission that may be formed by the United Nations with respect to atomic energy or in any other commission of the United Nations to which the United States is entitled to appoint a representative.

(e) Representation by President or Secretary of State.

Nothing contained in this section shall preclude the President or the Secretary of State, at the direction of the President, from representing the United States at any meeting or session of any organ or agency of the United Nations. (Dec. 20, 1945, ch. 583, § 2, 59 Stat. 619.)

SHORT TITLE

Congress in enacting this legislation provided by section 1 of act Dec. 20, 1945, cited to text, that this act [sections 287–287e of this title] should be popularly known as the "United Nations Participation Act of 1945".

§ 287a. Action by representatives in accordance with Presidential instructions; voting.

The representatives provided for in section 287 of this title, when representing the United States in the respective organs and agencies of the United Nations, shall, at all times, act in accordance with the instructions of the President transmitted by the Secretary of State unless other means of transmission is directed by the President, and such representatives shall, in accordance with such instructions, cast any and all votes under the Charter of the United Nations. (Dec. 20, 1945, ch. 583, § 3, 59 Stat. 620.)

§ 287b. Reports to Congress by President.

The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress of the activities of the United Nations and of the participation of the United States therein. He shall make special current reports on decisions of the Security Council to take enforcement measures under the provisions of the Charter of the United Nations, and on the participation therein under his instructions, of the representative of the United States. (Dec. 20, 1945, ch. 583, § 4, 59 Stat. 620.)

§ 287c. Enforcement of economic and communication sanctions; penalties.

(a) Notwithstanding the provisions of any other law, whenever the United States is called upon by the Security Council to apply measures which said Council has decided, pursuant to article 41 of said Charter, are to be employed to give effect to its decisions under said Charter, the President may, to the extent necessary to apply such measures, through any agency which he may designate, and under such orders, rules, and regulations as may be prescribed by him, investigate, regulate, or prohibit, in whole or in part, economic relations or rail, sea, air, postal, telegraphic, radio, and other means of communication between any foreign country or any national thereof or any person therein and the United States or any person subject to the jurisdiction thereof, or involving any property subject to the jurisdiction of the United States.

(b) Any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to paragraph (a) of this section shall, upon conviction, be find [1] not more than $10,000 or, if a natural person, be imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation or evasion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle, concerned in such violation shall be forfeited to the United States. (Dec. 20, 1945, ch. 583, § 5, 59 Stat. 620.)

[1] So in original. Probably should be "fined".

REFERENCES IN TEXT

"Article 41 of said Charter", referred to in text is an article of the United Nations Charter and is set out on page 2.83 of the 1945 U S Code Congressional Service.

§ 287d. Use of armed forces; limitations.

The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general location, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements the armed forces, facilities, or assistance provided for therein: *Provided,* That nothing contained in this section shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements. (Dec. 20, 1945, ch. 583, § 6, 59 Stat. 621.)

REFERENCES IN TEXT

"Article 43 of said Charter" and "article 42 of said Charter" referred to in text are articles of the United Nations Charter and are set out on page 2 83 of the 1945 U S Code Congressional Service

§ 287e. Appropriations; payment of expenses.

There is authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the United Nations as apportioned by the General Assembly in accordance with article 17 of the Charter, and for all necessary salaries and expenses of the representatives provided for in section 287 of this title, and of their appropriate staffs, including personal services in the District of Columbia and elsewhere, without regard to the civil-service and classification laws; travel expenses without regard to the Standardized Government Travel Regulations, as amended, sections 821–823, 827–831, and 833 of Title 5, and section 73b of Title 5, and, under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of United States representatives and other personnel in going to and returning from their post of duty; allowances for living quarters, including heat, fuel, and light, as authorized by section 118a of Title 5; cost of living allowance under such rules and regulations as the Secretary of State may prescribe; communication services; stenographic reporting, translating, and other services, by contract, if deemed necessary, without regard to section 5 of Title 41; local transportation; equipment; transportation of things; rent of offices; printing and binding; official entertainment; stationery; purchase of newspapers, periodicals, books, and documents; and such other expenses as may be authorized by the Secretary of State. (Dec. 20, 1945, ch. 583, § 7, 59 Stat 621)

PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATIONS (NEW)

§ 288. Definition of "international organization"; authority of President.

For the purposes of sections 288–288f of this title, sections 203 and 215 of Title 8, sections 116, 1426, 1607, 1621, 3466, 3469, 3475, and 3797 of Title 26, and section 409 of Title 42, the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities provided in said sections. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in said sections (including the amendments made by said sections) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities provided in said sections or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of said sections. (Dec. 29, 1945, ch. 652, title I, § 1, 59 Stat. —.)

SHORT TITLE

Congress in enacting sections 288–288f of this title, sections 203 and 215 of Title 8, sections 116, 1607, 1621, 3466, 3469, 3475, and 3797 of Title 26, and section 409 of Title 42, provided by section 10 of act Dec. 29, 1945, cited to text, that the popular name should be the "International Organizations Immunities Act".

§ 288a. Privileges, exemptions, and immunities of international organizations.

International organizations shall enjoy the status, immunities, exemptions, and privileges set forth in this section, as follows:

(a) International organizations shall, to the extent consistent with the instrument creating them, possess the capacity—

(i) to contract;

(ii) to acquire and dispose of real and personal property;

(iii) to institute legal proceedings.

(b) International organizations, their property and their assets, wherever located, and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by foreign governments, except to the extent that such organizations may expressly waive their immunity for the purpose of any proceedings or by the terms of any contract

(c) Property and assets of international organizations, wherever located and by whomsoever held, shall be immune from search, unless such immunity be expressly waived, and from confiscation. The archives of international organizations shall be inviolable.

(d) Insofar as concerns customs duties and internal-revenue taxes imposed upon or by reason of importation, and the procedures in connection therewith; the registration of foreign agents; and the treatment of official communications, the privileges, exemptions, and immunities to which international organizations shall be entitled shall be those accorded under similar circumstances to foreign governments. (Dec. 29, 1945, ch. 652, title I, § 2, 59 Stat. —.)

§ 288b. Baggage and effects of officers and employees exempted from customs duties and internal revenue taxes.

Pursuant to regulations prescribed by the Commissioner of Customs with the approval of the Secretary of the Treasury, the baggage and effects of alien officers and employees of international organizations, or of aliens designated by foreign governments to serve as their representatives in or to such organizations, or of the families, suites, and servants of such officers, employees, or representatives shall be admitted (when imported in connection with the arrival of the owner) free of customs duties and free of internal-revenue taxes imposed upon or by reason of importation. (Dec 29. 1945, ch. 652, title I, § 3, 59 Stat. —)

§ 288c. Exemption from property taxes.

International organizations shall be exempt from all property taxes imposed by, or under the authority of, any Act of Congress, including such Acts as are applicable solely to the District of Columbia or the Territories. (Dec. 29, 1945, ch. 652, title I, § 6, 59 Stat. —.)

§ 288d. Privileges, exemptions, and immunities of officers, employees, and their families; waiver.

(a) Persons designated by foreign governments to serve as their representatives in or to international organizations and the officers and employees of such organizations, and members of the immediate families of such representatives, officers, and employees residing with them, other than nationals of the United States, shall, insofar as concerns laws regulating entry into and departure from the United States, alien registration and fingerprinting, and the registration of foreign agents, be entitled to the same privileges, exemptions, and immunities as are accorded under similar circumstances to officers and employees, respectively, of foreign governments, and members of their families.

(b) Representatives of foreign governments in or to international organizations and officers and employees of such organizations shall be immune from suit and legal process relating to acts performed by them in their official capacity and falling within their functions as such representatives, officers, or employees except insofar as such immunity may be waived by the foreign government or international organization concerned. (Dec. 29, 1945, ch. 652, title I, § 7 (a, b), 59 Stat. —.)

§ 288e. Notification to and acceptance by Secretary of State of personnel; deportation of undesirables; extent of diplomatic status.

(a) No person shall be entitled to the benefits of sections 288–288f of this title, sections 203 and 215 of Title 8, sections 116, 1426, 1607, 1621, 3466, 3469, 3475, and 3797 of Title 26, and section 409 of Title 42 unless he (1) shall have been duly notified to and accepted by the Secretary of State as a representative, officer, or employee; or (2) shall have been designated by the Secretary of State, prior to formal notification and acceptance, as a prospective representative, officer, or employee; or (3) is a member of the family or suite, or servant, of one of the foregoing accepted or designated representatives, officers, or employees.

(b) Should the Secretary of State determine that the continued presence in the United States of any person entitled to the benefits of said sections is not desirable, he shall so inform the foreign government or international organization concerned, as the case may be, and after such person shall have had a reasonable length of time, to be determined by the Secretary of State, to depart from the United States, he shall cease to be entitled to such benefits.

(c) No person shall, by reason of the provisions of said sections, be considered as receiving diplomatic status or as receiving any of the privileges incident thereto other than such as are specifically set forth herein. (Dec. 29, 1945, ch. 652, title I, § 8, 59 Stat. —.)

§ 288f. Applicability of reciprocity laws.

The privileges, exemptions, and immunities of international organizations and of their officers and employees, and members of their families, suites, and servants, provided for in sections 288–288f of this title, sections 203 and 215 of Title 8, sections 116, 1426, 1607, 1621, 3466, 3469, 3475, and 3797 of Title 26, and section 409 of Title 42, shall be granted notwithstanding the fact that the similar privileges, exemptions, and immunities granted to a foreign

government, its officers, or employees, may be conditioned upon the existence of reciprocity by that foreign government: *Provided,* That nothing contained in said sections shall be construed as precluding the Secretary of State from withdrawing the privileges, exemptions, and immunities provided in said sections from persons who are nationals of any foreign country on the ground that such country is failing to accord corresponding privileges, exemptions, and immunities to citizens of the United States. (Dec. 29, 1945, ch. 652, title I, § 9, 59 Stat. —.)

Chapter 8.—FOREIGN SERVICE BUILDINGS

Sec.
300 Sale of buildings and grounds; disposition of proceeds, report to Congress (New).

§ 300. Sale of buildings and grounds; disposition of proceeds; report to Congress.

The Secretary of State, when he finds it to be in the interest of the Government, with the concurrence of the Foreign Service Buildings Commission, is authorized to sell buildings and grounds acquired for the use of diplomatic and consular establishments in foreign countries, and notwithstanding the provisions of any other law, the proceeds of such sales may be applied toward the purchase and construction, furnishing, and preservation of other properties, or held in the Foreign Service building fund, as in the judgment of the Commission may best serve the Government's interest: *Provided, however,* That the Secretary of State shall report all such transactions annually to the Congress with the Budget estimates of the Department of State. (May 7, 1926, ch. 250, § 9, as added Apr. 19, 1945, ch 78, 59 Stat. 53.)

Chapter 9.—FOREIGN WARS, WAR MATERIALS, AND NEUTRALITY

SUBCHAPTER I—WAR MATERIALS

Sec
411 Lease, loan, etc., of war materials in interest of United States defense, definitions (New).
412 Same, procurement for and transfer of defense articles to other countries; repairs, etc; limitation on amount; termination of powers, naval convoys; combat area navigation (New).
412a Same; lease of merchant vessels for duration of war (New)
413 Same; contract restrictions against disposal of transferred articles by transferee governments (New).
414 Same; information regarding articles exported; reports to Congress (New).
415 Same; appropriations, disposition of repayments (New).
416. Same; protection of patent rights (New)
417 Same; acquisition of war materials from foreign governments (New)
418 Same; rules and regulations; delegation of powers (New)
419 Same; effect on existing laws relating to use of land and naval forces (New).
420 Same; application of other laws (New).
421 Contracts by Government agencies for defense articles, services, etc., for foreign governments in interests of United States (New).
422. Same; retention for United States defense articles procured for foreign governments (New).
423. Retention for defense of United States of certain articles, information or service procured for foreign governments (New).

SUBCHAPTER I.—WAR MATERIALS

§ 411. Lease, loan, etc., of war materials in interest of United States defense; definitions.

As used in sections 411–419 of this title—

(a) The term "defense article" means—

(1) Any weapon, munition, aircraft, vessel, or boat;

(2) Any machinery, facility, tool, material, or supply necessary for the manufacture, production, processing, repair, servicing, or operation of any article described in this subsection;

(3) Any component material or part of or equipment for any article described in this subsection;

(4) Any agricultural, industrial or other commodity or article for defense.

Such term "defense article" includes any article described in this subsection: Manufactured or procured pursuant to section 412, or to which the United States or any foreign government has or hereafter acquires title, possession, or control.

(b) The term "defense information" means any plan, specification, design, prototype, or information pertaining to any defense article. (Mar. 11, 1941, ch. 11, § 2, 55 Stat. 31.)

Short Title of Sections 411–419

Sections 411 419 of this title, popularly known as the "Lease-Lend Act," "may be cited as 'An Act to Promote the Defense of the United States' " by section 1 of act Mar. 11, 1941, cited to text

Separability of Provisions of Sections 411–419

Section 11 of act Mar 11, 1941, cited to text, which act constitutes sections 411–419 of this title, provided as follows: "If any provision of this Act or the application of such provision to any circumstance shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances shall not be affected thereby."

Cross References

The Surplus Property Act of 1944, sections 1611–1646 of Appendix to Title 50, as inapplicable to sections 411–419 of this title, see section 1643 (b) of Appendix to Title 50, War

§ 412. Same; procurement for and transfer of defense articles to other countries; repairs, etc.; limitation on amount; termination of powers; naval convoys; combat area navigation.

(a) Notwithstanding the provisions of any other law, the President may, from time to time, when he deems it in the interest of national defense, authorize the Secretary of War, the Secretary of the Navy, or the head of any other department or agency of the Government—

(1) To manufacture in arsenals, factories, and shipyards under their jurisdiction, or otherwise procure, to the extent to which funds are made available therefor, or contracts are authorized from time to time by the Congress, or both, any defense article for the government of any country whose defense the President deems vital to the defense of the United States.

(2) To sell, transfer title to, exchange, lease, lend, or otherwise dispose of, to any such government any defense article, but no defense article not manufactured or procured under paragraph (1) shall in any way be disposed of under

this paragraph, except after consultation with the Chief of Staff of the Army or the Chief of Naval Operations of the Navy, or both. The value of defense articles disposed of in any way under authority of this paragraph, and procured from funds heretofore appropriated, shall not exceed $1,300,000,000. The value of such defense articles shall be determined by the head of the department or agency concerned or such other department, agency or officer as shall be designated in the manner provided in the rules and regulations issued hereunder. Defense articles procured from funds hereafter appropriated to any department or agency of the Government, other than from funds authorized to be appropriated under sections 411–419 of this title, shall not be disposed of in any way under authority of this paragraph except to the extent hereafter authorized by the Congress in the Acts appropriating such funds or otherwise.

(3) To test, inspect, prove, repair, outfit, recondition, or otherwise to place in good working order, to the extent to which funds are made available therefor, or contracts are authorized from time to time by the Congress, or both, any defense article for any such government, or to procure any or all such services by private contract.

(4) To communicate to any such government any defense information, pertaining to any defense article furnished to such government under paragraph (2) of this subsection.

(5) To release for export any defense article disposed of in any way under this subsection to any such government.

(b) The terms and conditions upon which any such foreign government receives any aid authorized under subsection (a) shall be those which the President deems satisfactory, and the benefit to the United States may be payment or repayment in kind or property, or any other direct or indirect benefit which the President deems satisfactory: *Provided, however,* That nothing in this paragraph shall be construed to authorize the President to assume or incur any obligations on the part of the United States with respect to post-war economic policy, post-war military policy or any post-war policy involving international relations except in accordance with established constitutional procedure.

(c) After June 30, 1946, or after the passage of a concurrent resolution by the two Houses before June 30, 1946, which declares that the powers conferred by or pursuant to subsection (a) are no longer necessary to promote the defense of the United States, neither the President nor the head of any department or agency shall exercise any of the powers conferred by or pursuant to subsection (a); except that until July 1, 1949, any of such powers may be exercised to the extent necessary to carry out a contract or agreement with such a foreign government made before July 1, 1946, or before the passage of such concurrent resolution, whichever is the earlier; *Provided, however,* That nothing in this subsection shall be construed to authorize the President to enter into or carry out any contract or agreement with a foreign government for postwar relief, postwar rehabilitation or postwar reconstruction; except that a contract or agreement entered into in accordance with sections 411–419 of this title in which the United States undertakes to furnish to a foreign government defense articles, services, or information for use in the prosecution of the present war and which provides for the disposition, on terms and conditions of sale prescribed by the President, of any such defense articles, services, or information after the President determines they are no longer necessary for use by such government in promoting the defense of the United States shall not be deemed to be for postwar relief, postwar rehabilitation or postwar reconstruction.

(d) Nothing in sections 411–419 of this title shall be construed to authorize or to permit the authorization of convoying vessels by naval vessels of the United States.

(e) Nothing in sections 411–419 of this title shall be construed to authorize or to permit the authorization of the entry of any American vessel into a combat area in violation of section 443 of this title. (Mar. 11, 1941, ch. 11, § 3, 55 Stat. 31, as amended Mar. 11, 1943, ch. 15, 57 Stat. 20; May 17, 1944, ch. 198, §§ 1, 2, 58 Stat. 222, 223; Apr. 16, 1945, ch. 61, §§ 1, 2, 59 Stat. 52.)

AMENDMENTS

1945—Subsec (c) amended by act Apr. 16, 1945, cited to text, which substituted "June 30, 1946," for "June 30, 1945," wherever appearing, "July 1, 1949," for "July 1, 1948," "July 1, 1946" for "July 1, 1945," and added proviso

1944—Subsec (b) amended by act May 17, 1944, § 2, cited to text, which added the proviso.

Subsec (c) amended by act May 17, 1944, § 1, cited to text, which substituted "June 30, 1945" for "June 30, 1944" wherever appearing, "July 1, 1948" for "July 1, 1947", and "July 1, 1945" for "July 1, 1944"

1943—Subsec (c) was amended by act Mar. 11, 1943, cited to text, which substituted "June 30, 1944" for "June 30, 1943", substituted "July 1, 1947" for "July 1, 1946", and substituted "July 1, 1944" for "July 1, 1943".

REDUCTION IN VALUE OF DEFENSE ARTICLES

The value of defense articles stipulated in subsec. (a) (2) was reduced to $800,000,000 by act Dec. 17, 1941, ch. 591, title I, § 102, 55 Stat. 813, and as thus limited was made inapplicable "to the War Department after the date of the enactment of this Act"

Definition of "defense article" as used in act Dec 17, 1941, cited in this note, see act Mar. 5, 1942, ch. 141, § 303, set out in note under this section relating to lend-lease of certain naval vessels and other articles.

LEND-LEASE OF CERTAIN NAVAL VESSELS AND OTHER ARTICLES

Act Feb 7, 1942, ch. 46, title III, § 301, 56 Stat. 82, which act contained the Naval Appropriation Act, 1943, and title IV, Naval Appropriation Act, 1942, provided as follows: "Whenever the President deems it to be in the interest of national defense, he may authorize the Secretary of the Navy to lease for such period of time not exceeding the duration of the existing national emergency ships appropriated for in whole or in part in this Act under the heading 'Increase and Replacement of Naval Vessels, Emergency Construction' or to sell, transfer title to, exchange, lease, lend, or otherwise dispose of, to the government of any country whose defense the President deems vital to the defense of the United States, any other defense article procured from funds appropriated in this Act, in accordance with the provisions of the Act of March 11, 1941 (Public Law 11 [Title 22, § 411 et seq.]): *Provided,* That the total value of articles, other

than ships, disposed of under this authority shall not exceed $2,500,000,000."

Act Mar. 5, 1942, ch. 141, title III, § 303, 56 Stat. 131, provided as follows: "The term 'defense article' as used in * * * [acts Dec. 17, 1941, ch. 591, title I, § 102, 55 Stat. 813, and Feb 7, 1942, ch 46, title III, § 301, 56 Stat 82, both cited in notes under this section] shall be deemed to include defense information and services, and the expenses in connection with the procurement or supplying of defense articles, information, and services."

Act April 28, 1942, ch. 247, title II, § 201, 56 Stat. 233, provided in part: "That the limitation of $2,500,000,000 established in section 301 of the Act of February 7, 1942 (Public Law 441 [set out above in this note]), shall apply to all appropriations made to the Navy Department since March 11, 1941."

LEND-LEASE OF SHIPS, BOATS, BARGES OR FLOATING DRYDOCKS

Act Feb 19, 1943, ch. 1, § 4, 57 Stat. 4 provided: "Hereafter any ship, boat, barge, or floating drydock of the Navy may be leased in accordance with the Act approved March 11, 1941 (55 Stat 31) [sections 411–419 of this title], but not otherwise disposed of, for periods not beyond the termination of the present wars, but title thereto shall remain in the United States."

ADDITIONAL DEFENSE AID TO OTHER COUNTRIES; LEASE OF CERTAIN VESSELS

Act Oct. 26, 1942, ch. 629, title I, § 103, 56 Stat. 994, provided as follows. "Whenever the President deems it to be in the interest of national defense, he may authorize the Secretary of the Navy to sell, or otherwise dispose of, in accordance with the Act of March 11, 1941 (Public Law 11) (sections 411 419 of this title), to the Government of any country whose defense the President deems vital to the defense of the United States, defense articles, information, and services (including furnishing of quarters, subsistence, transportation, and hospitalization of personnel, and care of the dead) procured from any funds appropriated to the Navy Department subsequent to March 11, 1941: *Provided*, That the total value of defense articles (other than ships), information, and services heretofore and hereafter disposed of under this authority shall not exceed $3,000,000,000 *Provided further*, That ships may be leased, but not otherwise disposed of, for periods not beyond the termination of the existing national emergency, under this authority but title thereof shall remain in the United States and their value shall not be charged against the limitation herein specified."

Acts June 26, 1943, ch 147, § 118, 57 Stat 217 June 22 1944, ch. 269, § 121, 58 Stat. 322; May 29, 1945, ch. 130, § 119, 59 Stat 222, provided: "The authority contained in section 103 of the Second Supplemental National Defense Appropriation Act, 1943 [set out in note above], is hereby extended to and made applicable to the appropriations for the naval service made subsequent to such Act and contained in this Act without any increase in the amount limitation fixed in such section: *Provided*, That "information and services" authorized to be rendered by the Act of March 11, 1941 (Public 11) [sections 411–419 of this title], need not be connected with the procurement or disposition of any defense article."

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see sections 250 and 250a of this title.

§ 412a. Same; lease of merchant vessels for duration of war.

No merchant vessel constructed under any contract entered into by the United States Maritime Commission pursuant to any appropriation or contract authorization specifically granted by Act of Congress (except sections 1119a, 1119b, 1125a, and 1214 of Title 46) to such Commission shall be disposed of under sections 411–419 of this title except by lease which must end not later than six months after the termination of the present war, as proclaimed by the President, or at such earlier time as the Congress by concurrent resolution or the President by proclamation may designate. (Mar. 18, 1943, ch. 17, title I, § 1, 57 Stat. 25.)

CODIFICATION

This section is not a part of the "Lease-Lend Act" constituting sections 411–419 of this title.

§ 413. Same; contract restrictions against disposal of transferred articles by transferee governments.

All contracts or agreements made for the disposition of any defense article or defense information pursuant to section 412 shall contain a clause by which the foreign government undertakes that it will not, without the consent of the President, transfer title to or possession of such defense article or defense information by gift, sale, or otherwise, or permit its use by anyone not an officer, employee, or agent of such foreign government. (Mar. 11, 1941, ch. 11, § 4, 55 Stat. 32.)

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250b of this title.

§ 414. Same; information regarding articles exported; reports to Congress.

(a) The Secretary of War, the Secretary of the Navy, or the head of any other department or agency of the Government involved shall, when any such defense article or defense information is exported, immediately inform the department or agency designated by the President to administer section 99 of Title 50, of the quantities, character, value, terms of disposition, and destination of the article and information so exported.

(b) The President from time to time, but not less frequently than once every ninety days, shall transmit to the Congress a report of operations under sections 411–419 of this title except such information as he deems incompatible with the public interest to disclose. Reports provided for under this subsection shall be transmitted to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, if the Senate or the House of Representatives, as the case may be, is not in session. (Mar. 11, 1941, ch. 11, § 5, 55 Stat. 32.)

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250c of this title.

§ 415. Same; appropriations; disposition of repayments.

(a) There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of sections 411–419 of this title

(b) All money and all property which is converted into money received under section 412 from any government shall, with the approval of the Director of the Budget, revert to the respective appropriation or appropriations out of which funds were expended with respect to the defense article or defense information for which such consideration is received, and shall be available for expenditure for the purpose for which such expended funds were appropriated by

law, during the fiscal year in which such funds are received and the ensuing fiscal year; but in no event shall any funds so received be available for expenditure after June 30, 1949. (Mar. 11, 1941, ch. 11, § 6, 55 Stat. 33, as amended Mar. 11, 1943, ch. 15, 57 Stat. 20; May 17, 1944, ch. 198, § 1, 58 Stat. 222; Apr. 16, 1945, ch 61, § 1, 59 Stat. 52)

AMENDMENTS

1945—Subsec. (b) amended by act Apr. 16, 1945, cited to text, which substituted "June 30, 1949" for "June 30, 1948"

1944—Subsec (b) amended by act May 17, 1944, § 1, cited to text, which substituted "June 30, 1948" for "June 30, 1947".

1943—Subsec. (b) was amended by act Mar 11, 1943, cited to text, which substituted "June 30, 1947" for "June 30, 1946"

CROSS REFERFNCES

American Republics, similar provisions regarding aid to, see section 250d of this title.

§ 416. Same; protection of patent rights.

The Secretary of War, the Secretary of the Navy, and the head of the department or agency shall in all contracts or agreements for the disposition of any defense article or defense information fully protect the rights of all citizens of the United States who have patent rights in and to any such article or information which is hereby authorized to be disposed of and the payments collected for royalties on such patents shall be paid to the owners and holders of such patents. (Mar. 11, 1941, ch. 11, § 7, 55 Stat. 33.)

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250c of this title.

§ 417. Same; acquisition of war materials from foreign governments.

The Secretaries of War and of the Navy are hereby authorized to purchase or otherwise acquire arms, ammunition, and implements of war produced within the jurisdiction of any country to which section 412 is applicable, whenever the President deems such purchase or acquisition to be necessary in the interests of the defense of the United States. (Mar. 11, 1941, ch. 11, § 8, 55 Stat. 33.)

CROSS REFERENCES

American Republics, similar provisions regarding aid to, see section 250f of this title.

§ 418. Same; rules and regulations; delegation of powers.

The President may, from time to time, promulgate such rules and regulations as may be necessary and proper to carry out any of the provisions of sections 411–419 of this title; and he may exercise any power or authority conferred on him by sections 411–419 of this title through such department, agency, or officer as he shall direct. (Mar. 11, 1941, ch. 11, § 9, 55 Stat. 33.)

§ 419. Same; effect on existing laws relating to use of land and naval forces.

Nothing in sections 411–419 of this title shall be construed to change existing law relating to the use of the land and naval forces of the United States, except insofar as such use relates to the manufacture, procurement, and repair of defense articles, the communication of information and other noncombatant purposes enumerated in sections 411–419 of this title. (Mar. 11, 1941, ch. 11, § 10, 55 Stat. 33.)

§ 420. Same; application of other laws.

The provisions of sections 1119a and 1119b of Title 46 shall apply to all activities and functions which the Maritime Commission may be authorized to perform pursuant to sections 411–419 of this title or any appropriations to carry out such sections, but nothing herein shall be construed to affect the appropriation made by sections 1119a of Title 46. (May 2, 1941, ch. 84, § 5, 55 Stat. 150.)

SECTION IN FORCE UNTIL SIX MONTHS AFTER END OF WAR

Res. June 16, 1942, ch. 416, 56 Stat. 370, provided that section should remain in force until six months after the end of the present war or such earlier time as Congress by concurrent resolution or the President may designate.

§ 421. Contracts by Government agencies for defense articles, services, etc., for foreign governments in interests of United States.

The President may, from time to time, when he deems it in the interest of national defense, authorize the head of any department or agency of the Government, to enter into contracts for the procurement of defense articles, information, or services for the government of any country whose defense the President deems vital to the defense of the United States, to the extent that such government agrees to pay the United States for such defense articles, information, or services prior to the receipt thereof and to make such payments from time to time as the President may require to protect the interests of the United States; and, upon payment of the full cost, the President may dispose of such articles, information, or services to such government: *Provided,* That the total amount of the outstanding contracts under this section, less the amounts which have been paid to the United States under such contracts, shall at no time exceed $600,000,000. (Oct. 28, 1941, ch. 460, title I, § 102, 55 Stat. 746.)

§ 422. Same; retention for United States defense articles procured for foreign governments.

Any defense article procured pursuant to section 421 of this title shall be retained by or transferred to and for the use of such department or agency of the United States as the President may determine, in lieu of being disposed of to a foreign government, whenever in the judgment of the President the defense of the United States will be best served thereby. (Oct 28, 1941, ch. 460, title I, § 103, 55 Stat. 747.)

§ 423. Retention for defense of United States of certain articles, information or service procured for foreign governments.

Any defense article, information, or service procured from funds appropriated by Act June 14, 1943, ch. 122, 57 Stat. 151, or prior Acts appropriating funds to the President for the purpose of carrying out the provisions of sections 411-419 of this title, shall be retained by or transferred to and for the use of such department or agency of the United States as the President may determine, in lieu of being disposed of to a foreign government, when-

ever in the judgment of the President the defense of the United States will be best served thereby: *Provided further,* That none of the funds appropriated in said Act June 14, 1943, shall be used for the payment of any subsidy on agricultural products produced in the continental United States. (June 14, 1943, ch. 122, § 2, 57 Stat. 152.)

SUBCHAPTER II.—NEUTRALITY ACT

§§ 442, 443. Repealed. Nov. 17, 1941, 4:30 p. m. E. S. T., ch. 473, § 1, 55 Stat. 764.

MEDITERRANEAN REGION

Proc No. 2410 was modified by Proc. No. 2474, April 10, 1941, 6 F. R 1905, 55 Stat. 1628.

§ 446. Repealed. Nov. 17, 1941, 4:30 p. m. E. S. T., ch. 473, § 2, 55 Stat. 764.

ARMING VESSELS AUTHORIZED DURING EMERGENCY

Res Nov. 17, 1941, § 2, besides repealing this section, contained the following provision: "during the unlimited national emergency proclaimed by the President on May 27, 1941, the President is authorized, through such agency as he may designate, to arm, or to permit or cause to be armed, any American vessel as defined in such Act (Title 22, § 441 et seq.) The provisions of section 16 of the Criminal Code (Title 18, § 28) (relating to bonds from armed vessels on clearing) shall not apply to any such vessel."

§ 447. Financial transactions.

* * * * *

(e) This section shall not be operative when the United States is at war. (As amended Feb. 21, 1942, ch. 104, 56 Stat. 95.)

AMENDMENTS

1942—Res Feb. 21, 1942, cited to text, added par. (e).

§ 448. Solicitation and collection of funds and contributions.

ADMINISTRATION OF SECTION BY PRESIDENT'S WAR RELIEF CONTROL BOARD

The administration of those provisions of this section relating to the solicitation and collection of funds and contributions for relief purposes was transferred to the President's War Relief Control Board by section 4 of Ex. Ord No 9205, set out preceding section 1 of Appendix to Title 50, War.

§ 452. National munitions control board.

* * * * *

(h) The Board shall make a report to Congress on January 3 and July 3 of each year, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war, including the name of the purchaser and the terms of sale made under any such license. The Board shall include in such reports a list of all persons required to register under the provisions of this subchapter, and full information concerning the licenses issued hereunder, including the name of the purchaser and the terms of sale made under any such license. Any reports required by this section may be omitted or dispensed with in the discretion of the Secretary of State during the existence of a state of war. (As amended Jan. 26, 1942, ch. 19, 56 Stat. 19.)

* * * * *

AMENDMENTS

1942—Act Jan. 26, 1942, cited to text, amended subsec. (h) by adding last sentence, effective as of May 27, 1941.

PROC NO 2549 ENUMERATION OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR

Proc. No. 2549, Apr 9, 1942, 7 F R. 2769, 56 Stat. 1948, provided

WHEREAS section 12 (1) of the joint resolution of Congress approved November 4, 1939, entitled "Joint resolution to preserve the neutrality and the peace of the United States and to secure the safety of its citizens and their interests", provides in part as follows (54 Stat. 11; 22 U. S C 452 (1)):

"The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section * * *"

NOW, THEREFORE, I, FRANKLIN D ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, declare and proclaim that the articles listed below shall, on and after April 15, 1942, be considered arms, ammunition, and implements of war for the purposes of section 12 (1) of the said joint resolution of Congress:

CATEGORY I

(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

(2) Machine guns, automatic or autoloading rifles; and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons; machine-gun mounts,

(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

(4) Ammunition in excess of caliber .22 for the arms enumerated under (1), (2), and (3) above, and cartridge cases or bullets for such ammunition, shells and projectiles, filled or unfilled, for the arms enumerated under (3) above,

(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;

(6) Tanks, military armored vehicles, and armored trains; armor plate and turrets for such vehicles.

CATEGORY II

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate and turrets for such vessels.

CATEGORY III

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below,

(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb-release or torpedo-release mechanisms; armor plate and turrets for military aircraft.

CATEGORY IV

(1) Revolvers and automatic pistols using ammunition in excess of caliber .22,

(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

CATEGORY V

(1) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in category III;

(2) Propellers or air-screws, fuselages, hulls, wings, tail units, and under-carriage units;

(3) Aircraft engines, unassembled, assembled, or dismantled

CATEGORY VI

(1) Livens projectors, flame throwers, and fire-barrage projectors.

(2) a Mustard gas (dichlorethyl sulphide);

b. Lewisite (chlorvinyldichlorarsine and dichlordivinylchlorarsine),

c Methyldichlorarsine;

d Diphenylchlorarsine;

e Diphenylcyanarsine,

f Diphenylaminechlorarsine;

g Phenyldichlorarsine;

h Ethyldichlorarsine;

i Phenyldibromarsine;

j. Ethyldibromarsine;

k. Phosgene;

l Monochlormethylchlorformate;

m Trichlormethylchlorformate (diphosgene);

n. Dichlordimethyl ether;

o. Dibromdimethyl ether;

p. Cyanogen chloride;

q Ethylbromacetate,

r. Ethyliodoacetate;

s Brombenzylcyanide;

t. Bromacetone;

u Brommethylethyl ketone.

CATEGORY VII

(1) Propellent powders,

(2) High explosives as follows:

a Nitrocellulose having a nitrogen content of more than 12%;

b Trinitrotoluene;

c Trinitroxylene;

d Tetryl (trinitrophenol methyl nitramine or "tetranitro methylaniline");

e Picric acid,

f Ammonium picrate;

g. Trinitroanisol;

h Trinitronaphthalene;

i Tetranitronaphthalene;

j Hexanitrodiphenylamine;

k Pentaerythritetetranitrate (penthrite or pentrite);

l Trimethylenetrinitramine (hexogen or T_4);

m. Potassium nitrate powders (black saltpeter powder);

n. Sodium nitrate powders (black soda powder);

o Amatol (mixture of ammonium nitrate and trinitrotoluene),

p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);

q Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients)

Effective April 15, 1942, this proclamation shall supersede Proclamation 2237, dated May 1, 1937, entitled "Enumeration of Arms, Ammunition, and Implements of War".

Proc. No. 2237, May 1, 1937, 2 F. R. 923, enumerating arms, ammunitions and implements of war, was superseded by Proc. No. 2549, set out above.

Chapter 10.—HEMISPHERAL RELATIONS

SUBCHAPTER I—GENERALLY

Sec

504 Transfer of hemisphere territory from one non-American power to another; recognition; consultation with American Republics (New).

SUBCHAPTER I.—GENERALLY

§§ 501, 502.

CROSS REFERENCES

Lease-Lend Act of 1941, similar provisions of, see section 412 of this title

§ 504. Transfer of hemisphere territory from one non-American power to another; recognition; consultation with American Republics.

(1) The United States would not recognize any transfer, and would not acquiesce in any attempt to transfer, any geographic region of this hemisphere from one non-American power to another non-American power; and

(2) If such transfer or attempt to transfer should appear likely, the United States shall, in addition to other measures, immediately consult with the other American republics to determine upon the steps which should be taken to safeguard their common interests. (Apr. 10, 1941, ch. 49, 55 Stat. 133.)

PURPOSE OF ENACTMENT

The "whereas" clauses preceding the resolving words in Res Apr 10, 1941, cited to text, provided as follows:

"Whereas our traditional policy has been to consider any attempt on the part of non-American powers to extend their system to any portion of this hemisphere as dangerous to the peace and safety not only of this country but of the other American republics; and

"Whereas the American republics agreed at the Inter-American Conference for the Maintenance of Peace held in Buenos Aires in 1936 and at the Eighth International Conference of American States held in Lima in 1938 to consult with one another in the event that the peace, security, or territorial integrity of any American republic should be threatened, and

"Whereas the Meeting of the Foreign Ministers of the American Republics at Panama October 3, 1939, resolved 'That in case any geographic region of America subject to the jurisdiction of any non-American state should be obliged to change its sovereignty and there should result therefrom a danger to the security of the American Continent, a consultative meeting such as the one now being held will be convoked with the urgency that the case may require':".

SUBCHAPTER II.—WAR MATERIALS

§§ 521–527.

CROSS REFERENCES

Lease-Lend Act of 1941, similar provisions of, see section 413 of this title

Chapter 11.—FOREIGN AGENTS AND PROPAGANDA

SUBCHAPTER II—REGISTRATION OF FOREIGN PROPAGANDISTS

Sec

617 Liability of officers (New)

618 Enforcement and penalties (New).

619 Territorial applicability of subchapter (New).

620 Rules and regulations (New).

621. Reports to Congress (New).

SUBCHAPTER II.—REGISTRATION OF FOREIGN PROPAGANDISTS

EX ORD. NO 9176. TRANSFER OF REGISTRATION FUNCTIONS FROM THE SECRETARY OF STATE TO THE ATTORNEY GENERAL

Ex Ord No 9176, May 29, 1942, 7 F R 4127, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law No. 354, 77th Congress (Title 50 App., § 601 et seq)), and as President of the United States, it is hereby ordered as follows:

1. All functions, powers and duties of the Secretary of State under the act of June 8, 1938 (52 Stat 631 (section 611 of this title)), as amended by the act of August 7, 1939 (53 Stat 1244 (section 611 of this title)), requiring the registration of agents of foreign principals, are hereby transferred to and vested in the Attorney General.

2 All property, books and records heretofore maintained by the Secretary of State with respect to his administration

of said act of June 8, 1938, as amended, are hereby transferred to and vested in the Attorney General.

3. The Attorney General shall furnish to the Secretary of State for such comment, if any, as the Secretary of State may desire to make from the point of view of the foreign relations of the United States, one copy of each registration statement that is hereafter filed with the Attorney General in accordance with the provisions of this Executive order.

4 All rules, regulations and forms which have been issued by the Secretary of State pursuant to the provisions of said act of June 8, 1938, as amended, and which are in effect shall continue in effect until modified, superseded, revoked or repealed by the Attorney General

5. This order shall become effective as of June 1, 1942

§ 611. Definitions.

As used in and for the purposes of this subchapter—

(a) The term "person" includes an individual, partnership, association, corporation, organization, or any other combination of individuals;

(b) The term "foreign principal" includes—

(1) a government of a foreign country and a foreign political party;

(2) an individual affiliated or associated with, or supervised, directed, controlled, financed, or subsidized, in whole or in part, by any foreign principal defined in clause (1) of this section 611 (b);

(3) a person outside of the United States, unless it is established that such person is an individual and is a citizen of and domiciled within the United States or that such person is not an individual, is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States, and has its principal place of business within the United States. Nothing in this clause (3) shall limit the operation of clause (5) of this section 611 (b);

(4) a partnership, association, corporation, organization, or other combination of individuals organized under the laws of, or having its principal place of business in, a foreign country;

(5) a domestic partnership, association, corporation, organization, or other combination of individuals, subsidized directly or indirectly, in whole or in part, by any foreign principal defined in clause (1), (3), or (4) of this section 611 (b);

(c) Except as provided in section 611 (d) hereof, the term "agent of a foreign principal" includes—

(1) any person who acts or agrees to act, within the United States, as, or who is or holds himself out to be whether or not pursuant to contractual relationship, a public-relations counsel, publicity agent, information-service employee, servant, agent, representative, or attorney for a foreign principal;

(2) any person who within the United States collects information for or reports information to a foreign principal; who within the United States solicits or accepts compensation, contributions, or loans, directly or indirectly, from a foreign principal; who within the United States solicits, disburses, dispenses, or collects compensation, contributions, loans, money, or anything of value, directly or indirectly, for a foreign principal; who within the United States acts at the order, request, or under the direction, of a foreign principal;

(3) any person who assumes or purports to act within the United States as an agent of a foreign principal in any of the respects set forth in clauses (1) and (2) of this section 611 (c); and

(4) any person who is an officer or member of the active or reserve military, naval, or other armed forces of any foreign principal defined in clause (1) of section 611 (b) hereof, or who is an officer of or employed by any such foreign principal; and proof of any affiliation or employment, specified in this clause (4), of any person within a period of five years previous to the effective date of this subchapter shall create a rebuttable presumption that such person is an agent of a foreign principal;

(d) The term "agent of a foreign principal" does not include any news or press service or association organized under the laws of the United States or of any State or other place subject to the jurisdiction of the United States, or any newspaper, magazine, periodical, or other publication for which there is on file with the Postmaster General a sworn statement in compliance with section 233 of Title 39, published in the United States, solely by virtue of any bona fide news or journalistic activities, including the solicitation or acceptance of advertisements, subscriptions, or other compensation therefor, so long as it is at least 80 per centum beneficially owned by, and its officers and directors, if any, are citizens of the United States, and such news or press service or association, newspaper, magazine, periodical, or other publication, is not owned, directed, supervised, controlled, subsidized, or financed, and none of its policies are determined by any foreign principal defined in clause (1), (2), or (4) of section 611 (b) hereof, or by any agent of a foreign principal required to register under this subchapter;

(e) The term "government of a foreign country" includes any person or groups of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States;

(f) The term "foreign political party" includes any organization or any other combination of individuals in a country other than the United States, or any unit or branch thereof, having for an aim or purpose, or which is engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision thereof;

(g) The term "public-relations counsel" includes any person who engages directly or indirectly in informing, advising, or in any way representing a

principal in any matter pertaining to political or public interests, policies, or relations;

(h) The term "publicity agent" includes any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or otherwise;

(i) The term "information-service employee" includes any person who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any country other than the United States or of any government of a foreign country or of a foreign political party or of a partnership, association, corporation, organization, or other combination of individuals organized under the laws of, or having its principal place of business in, a foreign country;

(j) The term "political propaganda" includes any oral, visual, graphic, written, pictorial, or other communication or expression by any person (1) which is reasonably adapted to, or which the person disseminating the same believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, or in any other way influence a recipient or any section of the public within the United States with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party or with reference to the foreign policies of the United States or promote in the United States racial, religious, or social dissensions, or (2) which advocates, advises, instigates, or promotes any racial, social, political, or religious disorder, civil riot, or other conflict involving the use of force or violence in any other American republic or the overthrow of any government or political subdivision of any other American republic by any means involving the use of force or violence. As used in this section 611 (j) the term "disseminating" includes transmitting or causing to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce or offering or causing to be offered in the United States mails;

(k) The term "registration statement" means the registration statement required to be filed with the Attorney General under section 612 (a) hereof, and any supplements thereto required to be filed under section 612 (b) hereof, and includes all documents and papers required to be filed therewith or amendatory thereof or supplemental thereto, whether attached thereto or incorporated therein by reference;

(l) The term "American republic" includes any of the states which were signatory to the Final Act of the Second Meeting of the Ministers of Foreign Affairs of the American Republics at Habana, Cuba, July 30, 1940;

(m) The term "United States", when used in a geographical sense, includes the several States, the District of Columbia, the Territories, the Canal Zone, the insular possessions, including the Philippine Islands, and all other places now or hereafter subject to the civil or military jurisdiction of the United States;

(n) The term "prints" means newspapers and periodicals, books, pamphlets, sheet music, visiting cards, address cards, printing proofs, engravings, photographs, pictures, drawings, plans, maps, patterns to be cut out, catalogs, prospectuses, advertisements, and printed, engraved, lithographed, or autographed notices of various kinds, and, in general, all impressions or reproductions obtained on paper or other material assimilable to paper, on parchment or on cardboard, by means of printing, engraving lithography, autography, or any other easily recognizable mechanical process, with the exception of the copying press, stamps with movable or immovable type, and the typewriter. (As amended Apr. 29, 1942, ch. 263, § 1, 56 Stat. 248.)

REFERENCES IN TEXT

In subsec (d) "233 of Title 39" read "2 of the act of August 24, 1912 (37 Stat 553), as amended" where it appeared in act April 29, 1942, cited to text Said section 2 of the 1912 act also affected sections 234 and 808 of Title 39, The Postal Service.

TRANSFER OF FUNCTIONS

Section 2 of act April 29, 1942, section 1 of which affected sections 611–621 of this title, provided as follows: "Upon the effective date of this Act (see effective date note below), all powers, duties, and functions of the Secretary of State under the Act of June 8, 1938 (52 Stat 631), as amended (Title 22, § 611 et seq), shall be transferred to and become vested in the Attorney General, together with all property, books, records, and unexpended balances of appropriations used by or available to the Secretary of State for carrying out the functions devolving on him under the above-cited Act All rules, regulations, and forms which have been issued by the Secretary of State pursuant to the provisions of said Act, and which are in effect, shall continue in effect until modified, superseded, revoked, or repealed "

EFFECTIVE DATE

Prior to amendment generally by act April 29, 1942, cited to text, section 7 of act June 8, 1938, also cited, provided that this subchapter shall take effect on the ninetieth day after the date of enactment.

Section 3 of act April 29, 1942, section 1 of which amended this subchapter generally, provided as follows: "This Act (affecting Title 22, §§ 611–621) shall take effect on the sixtieth day after the date of its approval, except that prior to such sixtieth day the Attorney General may make, prescribe, amend, and rescind such rules, regulations, and forms as may be necessary to carry out the provisions of this Act."

POLICY AND PURPOSE OF SUBCHAPTER

Act April 29, 1942, cited to text, amending generally act June 8, 1938, also cited, added an opening paragraph preceding section 1 of the latter act and reading as follows: "It is hereby declared to be the policy and purpose of this Act (Title 22, § 611 et seq) to protect the national defense, internal security, and foreign relations of the United States by requiring public disclosure by persons engaging in propaganda activities and other activities for or on behalf of foreign governments, foreign political parties, and other foreign principals so that the Government and the people of the United States may be informed of the identity of such persons and may appraise their statements and actions in the light of their associations and activities."

SEPARABILITY OF PROVISIONS; EFFECT ON EXISTING LAW

Sections 12 and 13 of act June 8, 1938, cited to text, as added by act April 29, 1942, also cited, provided as follows: "Sec. 12. If any provision of this Act (Title 22, § 611 et seq.), or the application thereof to any person or

circumstances, is held invalid, the remainder of the Act (Title 22, § 611 et seq), and the application of such provisions to other persons or circumstances, shall not be affected thereby.

"Sec. 13 This (Title 22, § 611 et seq) is an addition to and not in substitution for any other existing statute "

SHORT TITLE

Section 14 of act June 8, 1938, cited to text, as added by act April 29, 1942, also cited, provided as follows: "This Act (Title 22, § 611 et seq) may be cited as the 'Foreign Agents Registration Act of 1938, as amended'."

CROSS REFERENCES

Registration functions of the Secretary of State transferred to the Attorney General, see Ex. Ord. No. 9176, set out preceding this section

§ 612. Registration.

(a) No person shall act as an agent of a foreign principal unless he has filed with the Attorney General a true and complete registration statement and supplements thereto as required by this section 612 (a) and section 612 (b) hereof or unless he is exempt from registration under the provisions of this subchapter. Except as hereinafter provided, every person who is an agent of a foreign principal on the effective date of this subchapter shall, within ten days thereafter and every person who becomes an agent of a foreign principal after the effective date of this subchapter shall, within ten days thereafter, file with the Attorney General, in duplicate, a registration statement, under oath, on a form prescribed by the Attorney General, of which one copy shall be transmitted promptly by the Attorney General to the Secretary of State for such comment, if any, as the Secretary of State may desire to make from the point of view of the foreign relations of the United States. Failure of the Attorney General so to transmit such copy shall not be a bar to prosecution under this subchapter. The registration statement shall include the following, which shall be regarded as material for the purposes of this subchapter:

(1) Registrant's name, principal business address, and all other business addresses in the United States or elsewhere, and all residence addresses, if any;

(2) Status of the registrant; if an individual, nationality; if a partnership, name, residence addresses, and nationality of each partner and a true and complete copy of its articles of copartnership; if an association, corporation, organization, or any other combination of individuals, the name, residence addresses, and nationality of each director and officer and of each person performing the functions of a director or officer and a true and complete copy of its charter, articles of incorporation, association, constitution, and bylaws, and amendments thereto; a copy of every other instrument or document and a statement of the terms and conditions of every oral agreement relating to its organization, powers, and purposes; and a statement of its ownership and control;

(3) A comprehensive statement of the nature of registrant's business; a complete list of registrant's employees and a statement of the nature of the work of each, unless, and to the extent, this requirement is waived in writing by the Attorney General; the name and address of every foreign principal for whom the registrant is acting, assuming or purporting to act or has agreed to act; the character of the business or other activities of every such foreign principal, and, if any such foreign principal be other than a natural person, a statement of the ownership and control of each; and the extent, if any, to which each such foreign principal is supervised, directed, owned, controlled, financed, or subsidized, in whole or in part, by any government of a foreign country or foreign political party;

(4) Copies of each written agreement and the terms and conditions of each oral agreement, including all modifications of such agreements, or, where no contract exists, a full statement of all the circumstances, by reason of which the registrant is an agent of a foreign principal; a comprehensive statement of the nature and method of performance of each such contract, and of the existing and proposed activity or activities engaged in or to be engaged in by the registrant as agent of a foreign principal for each such foreign principal;

(5) The nature and amount of contributions, income, money, or thing of value, if any, that the registrant has received within the preceding sixty days from each such foreign principal, either as compensation or for disbursement or otherwise, and the form and time of each such payment and from whom received;

(6) A detailed statement of every activity which the registrant is performing or is assuming or purporting or has agreed to perform for himself or any other person other than a foreign principal and which requires his registration hereunder;

(7) The name, business, and residence addresses, and, if an individual, the nationality, of any person who has within the preceding sixty days contributed or paid money or anything of value to the registrant in connection with any of the activities referred to in clause (6) of this section 612 (a) and the amount or value of the same;

(8) A detailed statement of the money and other things of value spent or disposed of by the registrant during the preceding sixty days in furtherance of or in any way in connection with activities which require his registration hereunder and which have been undertaken by him either as an agent of a foreign principal or for himself or any other person;

(9) Copies of each written agreement and the terms and conditions of each oral agreement, including all modifications of such agreements, or, where no contract exists, a full statement of all the circumstances, by reason of which the registrant is performing or assuming or purporting or has agreed to perform for himself or for a foreign principal or for any person other than a foreign principal any activities which require his registration hereunder;

(10) Such other statements, information, or documents pertinent to the purposes of this subchapter as the Attorney General, having due regard for the national security and the public interest, may from time to time require;

(11) Such further statements and such further copies of documents as are necessary to make the

statements made in the registration statement and supplements thereto, and the copies of documents furnished therewith, not misleading.

(b) Every agent of a foreign principal who has filed a registration statement required by section 612 (a) hereof shall, within thirty days after the expiration of each period of six months succeeding such filing, file with the Attorney General a supplement thereto under oath, on a form prescribed by the Attorney General, which shall set forth with respect to such preceding six months' period such facts as the Attorney General, having due regard for the national security and the public interest, may deem necessary to make the information required under section 612 hereof accurate, complete, and current with respect to such period. In connection with the information furnished under clauses (3), (4), (6), and (9) of section 612 (a) hereof, the registrant shall give notice to the Attorney General of any changes therein within ten days after such changes occur. If the Attorney General, having due regard for the national security and the public interest, determines that it is necessary to carry out the purposes of this subchapter, he may, in any particular case, require supplements to the registration statement to be filed at more frequent intervals in respect to all or particular items of information to be furnished.

(c) The registration statement and supplements thereto shall be executed under oath as follows: If the registrant is an individual, by him; if the registrant is a partnership, by the majority of the members thereof; if the registrant is a person other than an individual or a partnership, by a majority of the officers thereof or persons performing the functions of officers or by a majority of the board of directors thereof or persons performing the functions of directors, if any.

(d) The fact that a registration statement or supplement thereto has been filed shall not necessarily be deemed a full compliance with this subchapter and the regulations thereunder on the part of the registrant; nor shall it indicate that the Attorney General has in any way passed upon the merits of such registration statement or supplement thereto; nor shall it preclude prosecution, as provided for in this subchapter, for willful failure to file a registration statement or supplement thereto when due or for a willful false statement of a material fact therein or the willful omission of a material fact required to be stated therein or the willful omission of a material fact or copy of a material document necessary to make the statements made in a registration statement and supplements thereto, and the copies of documents furnished therewith, not misleading.

(e) If any agent of a foreign principal, required to register under the provisions of this subchapter, has previously thereto registered with the Attorney General under the provisions of sections 14–17 of Title 18, the Attorney General, in order to eliminate inappropriate duplication, may permit the incorporation by reference in the registration statement or supplements thereto filed hereunder of any information or documents previously filed by such agent of a foreign principal under the provisions of sections 14–17 of Title 18. (As amended Apr. 29, 1942, ch. 263, § 1, 56 Stat. 254.)

PRIOR LAW

Provisions on this subject were contained in sections 612 and 613 of this title prior to general amendment of act June 8, 1938, by act April 29, 1942, both cited to text.

EFFECTIVE DATE, ETC.

Effective date, construction, etc., see notes under section 611 of this title.

CROSS REFERENCES

Registration functions of the Secretary of State transferred to the Attorney General, see Ex. Ord. No. 9176, set out preceding section 611 of this title.

§ 613. Exemptions.

The requirements of section 612 (a) hereof shall not apply to the following agents of foreign principals:

(a) A duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, while said officer is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such officer;

(b) Any official of a foreign government, if such government is recognized by the United States, who is not a public-relations counsel, publicity agent, information-service employee, or a citizen of the United States, whose name and status and the character of whose duties as such official are of public record in the Department of State, while said official is engaged exclusively in activities which are recognized by the Department of State as being within the scope of the functions of such official;

(c) Any member of the staff of, or any person employed by, a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, other than a public-relations counsel, publicity agent, or information-service employee, whose name and status and the character of whose duties as such member or employee are of public record in the Department of State, while said member or employee is engaged exclusively in the performance of activities which are recognized by the Department of State as being within the scope of the functions of such member or employee;

(d) Any person engaging or agreeing to engage only in private, nonpolitical, financial, mercantile, or other activities in furtherance of the bona fide trade or commerce of such foreign principal or in the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering, if such solicitation or collection of funds and contributions is in accordance with and subject to the provisions of sections 441–457 of this title and such rules and regulations as may be prescribed thereunder;

(e) Any person engaging or agreeing to engage only in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts;

(f) Any person, or employee of such person, whose foreign principal is a government of a foreign coun-

try the defense of which the President deems vital to the defense of the United States while, (1) such person or employee engages only in activities which are in furtherance of the policies, public interest, or national defense both of such government and of the Government of the United States, and are not intended to conflict with any of the domestic or foreign policies of the Government of the United States, (2) each communication or expression by such person or employee which he intends to, or has reason to believe will, be published, disseminated, or circulated among any section of the public, or portion thereof, within the United States, is a part of such activities and is believed by such person to be truthful and accurate and the identity of such person as an agent of such foreign principal is disclosed therein, and (3) such government of a foreign country furnishes to the Secretary of State for transmittal to, and retention for the duration of this subchapter by, the Attorney General such information as to the identity and activities of such person or employee at such times as the Attorney General may require. Upon notice to the Government of which such person is an agent or to such person or employee, the Attorney General, having due regard for the public interest and national defense, may, with the approval of the Secretary of State, and shall, at the request of the Secretary of State, terminate in whole or in part the exemption herein of any such person or employee. (As amended Apr. 29, 1942, ch. 263, § 1, 56 Stat. 254.)

PRIOR LAW

Prior to general amendment of act June 8, 1938, by act April 29, 1942 both cited to text, section related to additional registration statements after each six months period Provisions on that subject were incorporated in section 612 of this title by said 1942 amendment.

REFERENCES IN TEXT

In subsec. (d) "sections 441–457 of this title" read "the Act of November 4, 1939, as amended (54 Stat 48)," in act April 29, 1942, cited to text Reference was probably intended to the Neutrality Act of 1939, constituting sections 441–457 of this title, which was the Joint Resolution of Nov 4, 1939, 54 Stat. 3, and the only public law of that date.

EFFECTIVE DATE, ETC.

Effective date, construction, etc., see notes under section 611 of this title.

CROSS REFERENCES

Registration functions of the Secretary of State transferred to the Attorney General, see Ex. Ord No. 9176, set out preceding section 611 of this title.

§ 614. Filing and labeling of political propaganda.

(a) Every person within the United States who is an agent of a foreign principal and required to register under the provisions of this subchapter and who transmits or causes to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce any political propaganda (i) in the form of prints, or (ii) in any other form which is reasonably adapted to being, or which he believes will be, or which he intends to be, disseminated or circulated among two or more persons shall, not later than forty-eight hours after the beginning of the transmittal thereof, send to the Librarian of Congress two copies thereof and file with the Attorney General one copy thereof and a statement, duly signed by or on behalf of such agent, setting forth full information as to the places, times, and extent of such transmittal.

(b) It shall be unlawful for any person within the United States who is an agent of a foreign principal and required to register under the provisions of this subchapter to transmit or cause to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce any political propaganda (i) in the form of prints, or (ii) in any other form which is reasonably adapted to being, or which he believes will be, or which he intends to be, disseminated or circulated among two or more persons, unless such political propaganda is conspicuously marked at its beginning with, or prefaced or accompanied by, a true and accurate statement, in the language or languages used in such political propaganda, setting forth that the person transmitting such political propaganda or causing it to be transmitted is registered under this subchapter with the Department of Justice, Washington, District of Columbia, as an agent of a foreign principal, together with the name and address of such agent of a foreign principal and of each of his foreign principals; that, as required by this subchapter, his registration statement is available for inspection at and copies of such political propaganda are being filed with the Department of Justice; and that registration of agents of foreign principals required by the subchapter does not indicate approval by the United States Government of the contents of their political propaganda. The Attorney General, having due regard for the national security and the public interest, may by regulation prescribe the language or languages and the manner and form in which such statement shall be made and require the inclusion of such other information contained in the registration statement identifying such agent of a foreign principal and such political propaganda and its sources as may be appropriate.

(c) The copies of political propaganda required by this subchapter to be sent to the Librarian of Congress shall be available for public inspection under such regulations as he may prescribe.

(d) For purposes of the Library of Congress, other than for public distribution, the Secretary of the Treasury and the Postmaster General are authorized, upon the request of the Librarian of Congress, to forward to the Library of Congress fifty copies, or as many fewer thereof as are available, of all foreign prints determined to be prohibited entry under the provisions of section 1305 of Title 19 and of all foreign prints excluded from the mails under authority of section 343 of Title 18.

Notwithstanding the provisions of section 1305 of Title 19 and of section 343 of Title 18, the Secretary of the Treasury is authorized to permit the entry and the Postmaster General is authorized to permit the transmittal in the mails of foreign prints imported for governmental purposes by authority or for the use of the United States or for the use of the Library of Congress. (As amended Apr. 29, 1942, ch. 263, § 1, 56 Stat. 255.)

PRIOR LAW

Prior to general amendment of act June 8, 1938, by act April 29, 1942, both cited to text, section related to retention of statements as public records. Provisions on that subject were incorporated in section 616 of this title by said 1942 amendment

EFFECTIVE DATE, ETC.

Effective date, construction, etc , see notes under section 611 of this title

CROSS REFERENCES

Registration functions of the Secretary of State transferred to the Attorney General, see Ex Ord No. 9176, set out preceding section 611 of this title.

§ 615. Books and records.

Every agent of a foreign principal registered under this subchapter shall keep and preserve while he is an agent of a foreign principal such books of account and other records with respect to all his activities, the disclosure of which is required under the provisions of this subchapter, as the Attorney General, having due regard for the national security and the public interest, may by regulation prescribe as necessary or appropriate for the enforcement of the provisions of this subchapter and shall preserve the same for a period of three years following the termination of such status. Until regulations are in effect under this section every agent of a foreign principal shall keep books of account and shall preserve all written records with respect to his activities. Such books and records shall be open at all reasonable times to the inspection of any official charged with the enforcement of this subchapter. It shall be unlawful for any person willfully to conceal, destroy, obliterate, mutilate, or falsify, or to attempt to conceal, destroy, obliterate, mutilate, or falsify, or to cause to be concealed, destroyed, obliterated, mutilated, or falsified, any books or records required to be kept under the provisions of this section. (As amended Apr. 29, 1942, ch 263, § 1, 56 Stat. 256)

PRIOR LAW

Prior to general amendment of act June 8, 1938, by act April 29, 1942, both cited to text, section related to penalties Provisions on that subject were incorporated in section 618 of this title by said 1942 amendment.

EFFECTIVE DATE, ETC.

Effective date, construction, etc , see notes under section 611 of this title.

CROSS REFERENCES

Registration functions of the Secretary of State transferred to the Attorney General, see Ex. Ord. No 9176, set out preceding section 611 of this title.

§ 616. Public examination of official records.

The Attorney General shall retain in permanent form one copy of all registration statements and all statements concerning the distribution of political propaganda furnished under this subchapter, and the same shall be public records and open to public examination and inspection at such reasonable hours, under such regulations, as the Attorney General may prescribe, and copies of the same shall be furnished to every applicant at such reasonable fee as the Attorney General may prescribe. The Attorney General may withdraw from public examination the registration statement and other statements of any agent of a foreign principal whose activities have ceased to be of a character which requires registration under the provisions of this subchapter. (As amended Apr. 29, 1942, ch. 263, § 1, 56 Stat. 256.)

PRIOR LAW

Prior to general amendment of act June 8, 1938, by act April 29, 1942, both cited to text, section related to rules and regulations. Provisions on that subject were incorporated in section 620 of this title by said 1942 amendment.

Provisions on this subject were contained in section 614 of this title prior to general amendment of act June 8, 1938, by act April 29, 1942, both cited to text.

EFFECTIVE DATE, ETC

Effective date, construction, etc , see notes under section 611 of this title.

CROSS REFERENCES

Registration functions of the Secretary of State transferred to the Attorney General, see Ex Ord No. 9176, set out preceding section 611 of this title.

§ 617. Liability of officers.

Each officer, or person performing the functions of an officer, and each director, or person performing the functions of a director, of an agent of a foreign principal which is not an individual shall be under obligation to cause such agent to execute and file a registration statement and supplements thereto as and when such filing is required under sections 612 (a) and 612 (b) hereof and shall also be under obligation to cause such agent to comply with all the requirements of sections 614 (a), 614 (b), and 615 and all other requirements of this subchapter. In case of failure of any such agent of a foreign principal to comply with any of the requirements of this subchapter, each of its officers, or persons performing the functions of officers, and each of its directors, or persons performing the functions of directors, shall be subject to prosecution therefor. (June 8, 1938, ch. 327, § 7, 52 Stat. 633, as amended Apr. 29, 1942, ch. 263, § 1, 56 Stat. 256.)

PRIOR LAW

Section 7 of act June 8, 1938, cited to text, prior to the general amendment of that act by act April 29, 1942, also cited, provided for the effective date of the 1938 act. See note under section 611 of this title.

EFFECTIVE DATE, ETC.

Effective date, construction, etc , see notes under section 611 of this title.

§ 618. Enforcement and penalties.

(a) Any person who—

(1) willfully violates any provision of this subchapter or any regulation thereunder, or

(2) in any registration statement or supplement thereto or in any statement under section 614 (a) hereof concerning the distribution of political propaganda or in any other document filed with or furnished to the Attorney General under the provisions of this subchapter willfully makes a false statement of a material fact or willfully omits any material fact required to be stated therein or willfully omits a material fact or a copy of a material document necessary to make the statements therein and the copies of documents furnished therewith not mis-

leading, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

(b) In any proceeding under this subchapter in which it is charged that a person is an agent of a foreign principal with respect to a foreign principal outside of the United States, proof of the specific identity of the foreign principal shall be permissible but not necessary.

(c) Any alien who shall be convicted of a violation of, or a conspiracy to violate, any provision of this Act or any regulation thereunder shall be subject to deportation in the manner provided by sections 155 and 156 of Title 8.

(d) The Postmaster General may declare to be nonmailable any communication or expression falling within clause (2) of section 611 (j) hereof in the form of prints or in any other form reasonably adapted to, or reasonably appearing to be intended for, dissemination or circulation among two or more persons, which is offered or caused to be offered for transmittal in the United States mails to any person or persons in any other American republic by any agent of a foreign principal, if the Postmaster General is informed in writing by the Secretary of State that the duly accredited diplomatic representative of such American republic has made written representation to the Department of State that the admission or circulation of such communication or expression in such American republic is prohibited by the laws thereof and has requested in writing that its transmittal thereto be stopped. (June 8, 1938, ch. 327, § 8, as added Apr. 29, 1942, ch. 263, § 1, 56 Stat. 257.)

PRIOR LAW

Provisions on this subject were contained in section 615 of this title prior to general amendment of act June 8, 1938, by act April 29, 1942, both cited to text.

EFFECTIVE DATE, ETC.

Effective date, construction, etc., see notes under section 611 of this title.

§ 619. Territorial applicability of subchapter.

This subchapter shall be applicable in the several States, the District of Columbia, the Territories, the Canal Zone, the insular possessions, including the Philippine Islands, and all other places now or hereafter subject to the civil or military jurisdiction of the United States. (June 8, 1938, ch. 327, § 9, as added Apr. 29, 1942, ch. 263, § 1, 56 Stat. 257.)

EFFECTIVE DATE, ETC

Effective date, construction, etc., see notes under section 611 of this title.

§ 620. Rules and regulations.

The Attorney General may at any time make, prescribe, amend, and rescind such rules, regulations, and forms as he may deem necessary to carry out the provisions of this subchapter. (June 8, 1938, ch. 327, § 10, as added Apr. 29, 1942, ch. 263, § 1, 56 Stat. 257.)

PRIOR LAW

Provisions on this subject were contained in section 616 of this title prior to general amendment of act June 8, 1938, by act April 29, 1942, both cited to text.

EFFECTIVE DATE, ETC.

Effective date, construction, etc., see notes under section 611 of this title.

§ 621. Reports to Congress.

The Attorney General shall, from time to time, make a report to the Congress concerning the administration of this subchapter, including the nature, sources, and content of political propaganda disseminated or distributed. (June 8, 1938, ch. 327, § 11, as added Apr. 29, 1942, ch. 263, § 1, 56 Stat. 258.)

EFFECTIVE DATE, ETC.

Effective date, construction, etc., see notes under section 611 of this title.

Chapter 12.—CLAIMS COMMISSIONS (New)

Sec
661. American Mexican Claims Commission; composition; salary of members, powers; termination of authority.
662. Jurisdiction of commission; presentation of claims; basis of decisions
663. Same
(a) Claims appraised by prior commissions
(b) Notice of appraisal, acceptance or rejection by claimant.
(c) Petition for review.
(d) Procedure on review.
664 Determination of claims.
(a) Law governing
(b) Decisions by Commission, scope and conclusiveness
(c) Attorneys' fees
(d) Certification of claims
665. Determinations made by prior commissions as binding; certification by Secretary of State
666. Conversion of appraisals from Mexican to American currency; rate of exchange; interest on award or appraisal
667. Mexican Claims Fund.
(a) Payments from.
(b) Appropriations to fund
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668. Payment of awards
(a) Regulations governing.
(b) Persons entitled to receive, exceptions.
(c) Findings of Secretary as conclusive.
(d) Consent of applicant.
(e) Conclusiveness of payments.
(f) Assumption of liability for payment of claim.
669. Appropriation for administration; deductions from award or appraisal
670. Distribution of awards by Special Mexican Claims Commission of 1935 continued, inconsistent laws repealed.
671. Claims based on international arbitral awards prior to convention of 1923 as unaffected.
672. Definitions.

§ 661. American Mexican Claims Commission; composition; salary of members; powers; termination of authority.

(a) There is hereby established a commission to be known as the American Mexican Claims Commission (hereinafter referred to as the "Commission") and to be composed of three persons to be appointed by the President, by and with the advice and consent of the Senate. Each member of the Commission shall receive a salary at the rate of $10,000 a year. One of such members shall be designated by the President as Chairman of the Commission. Two members of the Commission shall constitute a quo-

rum for the transaction of business. Any vacancy that may occur in the membership of the Commission shall be filled in the same manner as in the case of an original appointment.

(b) The Commission may, without regard to the civil-service laws, employ a secretary, and such legal, clerical, and technical assistants as may be necessary to carry out its functions under sections 661–672 of this title, and shall fix their compensation without regard to sections 661–663, 664–673 and 674 of Title 5.

(c) The Commission is authorized to make such rules and regulations as may be necessary to carry out its functions under sections 661–672 of this title

(d) The authority of the Commission under this chapter, and the terms of office of its members, shall terminate at the expiration of four years after the date on which a majority of its members first appointed take office, but the President may by Executive order fix an earlier termination date. Upon the termination of the authority of the Commission, all books, records, documents, and other papers in the possession of the Commission shall be deposited with the Department of State. (Dec. 18, 1942, ch. 766, § 2, 56 Stat. 1058, as amended Apr. 3, 1945, ch. 52, § 5, 59 Stat. 50.)

AMENDMENTS

1945—Subsec. (d) amended by act Apr. 3, 1945, cited to text, which substituted "four" for "two" preceding "years."

SHORT TITLE

Section 8 of Act Apr. 3, 1945, cited to text, amending sections 661 (d), 663 (c), (d), 664 (d), (e), and 667 (c), (d) of this title, provided: "This joint resolution [sections 661 (d), 663 (b), 663 (c), 664 (d), 664 (e), 667 (c), 667 (d) of this title] may be cited as the 'Settlement of Mexican Claims Act Amendments of 1945'."

Section 1 of act Dec. 18, 1942, cited to text, provided "This act may be cited as the 'Settlement of Mexican Claims Act of 1942'."

REPEAL OF OTHER LAWS

Sections 11 (b) and 14 of act Dec. 18, 1942, cited to text, provided:

"SEC 11 (b). So much of the Act approved April 10, 1935, (49 Stat 149, establishing Special Mexican Claims Commission) and of the joint resolution approved August 25, 1937, (50 Stat. 783, providing for payment of awards made by Special Mexican Claims Commission of 1935) as may be inconsistent with this act (sections 661-672 of this title), is hereby repealed.

"SEC. 14 The following provisions of law are hereby repealed—

"(a) So much of the Department of State Appropriation Act, 1936 (49 Stat. 76), of the Department of State Appropriation Act, 1937 (49 Stat. 1320), and of the Department of State Appropriation Act, 1938 (50 Stat 271), as reads as follows *'Provided further,* That from any sums received from the Mexican Government in settlement of a general claim of an American citizen against it, there shall be deducted and deposited in the Treasury of the United States as miscellaneous receipts, 5 per centum thereof in reimbursement of the Government of the United States of expenses incurred by it in respect of such claim'

"(b) That portion of the joint resolution approved April 10, 1939 (53 Stat 573), reading as following: *'Provided,* That any expenditures from the amount herein authorized to be appropriated shall become a first charge upon any moneys received from the Government of Mexico in settlement of the respective claims, and the amount of such expenditures shall be deducted from the first payment by the Mexican Government and deposited in the Treasury of the United States as miscellaneous receipts'."

REGULATIONS

Regulations implementing this chapter were published in 8 F. R 6535, as Title 22, ch II, pt. 600 of CFR.

§ 662. Jurisdiction of commission; presentation of claims; basis of decisions.

(a) The Commission shall have authority to examine and render final decisions in the following categories of claims on behalf of American nationals against the Government of Mexico—

(1) Agrarian claims which arose between January 1, 1927, and August 30, 1927, inclusive, and which were not filed with the General Claims Commission established pursuant to the Convention between the United States and Mexico signed September 8, 1923 (43 Stat. 1730);

(2) Agrarian claims which are predicated upon provisional expropriation decrees signed between August 31, 1927, and December 1, 1938, inclusive, but not published prior to December 1, 1938, and which were not filed with the Agrarian Claims Commission, established pursuant to the agreement between the United States and Mexico effected by exchange of notes signed on November 9 and November 12, 1938, respectively (hereinafter referred to as the Agrarian Claims Agreement of 1938);

(3) Agrarian claims which arose between December 1, 1938, and October 6, 1940, inclusive, and which were not filed with the Agrarian Claims Commission on or before July 31, 1939;

(4) All other claims which arose between January 1, 1927, and October 6, 1940, inclusive, and which involve international responsibility of the Government of Mexico as a consequence of damage to, or loss or destruction of, or wrongful interference with, property of American nationals; except (A) claims predicated upon acts of Mexican authorities in relation to petroleum properties; and (B) claims which were not filed with the General Claims Commission prior to August 31, 1927, and which are predicated upon default of payment of the principal or interest on bonds issued or guaranteed by the Government of Mexico;

(5) Claims or parts of claims which were filed with the General Claims Commission, and also with the Special Claims Commission, established pursuant to the Convention between the United States and Mexico signed September 10, 1923 (43 Stat. 1722), and with respect to which no final determination on the merits has been made; and

(6) Any claim in which a decision was not rendered by the General Claims Commission in conformity with the rules of procedure adopted by such Commission.

(b) All claims in the categories specified in subsection (a) may be presented for any losses or damages suffered by American nationals by reason of losses or damages suffered by any foreign corporation, company, association, or partnership in which such nationals have, or have had, a substantial and bona fide interest: *Provided,* That in all such cases the claimant shall present to the Commission either an allotment to him by the corporation, company, association, or partnership of his proportionate share of the loss or damage suffered, or other evi-

dence thereof which is satisfactory to the Commission.

(c) All decisions by the Commission with respect to the claims in the categories specified in subsection (a) shall be based upon such evidence and written legal contentions as may be presented within such period as may be prescribed therefor by the Commission, and upon the results of such independent investigation with respect to such claims as the Commission may deem it advisable to make; except that with respect to any claim referred to in paragraph (6) of subsection (a), the Commission shall decide the case upon the basis of the record before the General Claims Commission. (Dec. 18, 1942, ch. 766, § 3, 56 Stat. 1058.)

TREATIES AND CONVENTIONS

I. Convention between the United States and Mexico, signed September 8, 1923.

II Convention between the United States and Mexico, signed September 10, 1923.

III. General Claims Protocol between the United States and Mexico, signed April 24, 1934.

IV Agrarian Claims Agreement of 1938.

I CONVENTION BETWEEN THE UNITED STATES AND MEXICO SIGNED SEPTEMBER 8, 1923

WHEREAS a Convention between the United States of America and the United Mexican States providing for the amicable settlement and adjustment of claims by the citizens of each country against the other, was concluded and signed by their respective Plenipotentiaries at Washington on the eighth day of September, one thousand nine hundred and twenty-three, the original of which Convention, being in the English and Spanish languages is word for word as follows.

The United States of America and the United Mexican States, desiring to settle and adjust amicably claims by the citizens of each country against the other since the signing on July 4, 1868, of the Claims Convention entered into between the two countries (without including the claims for losses or damages growing out of the revolutionary disturbances in Mexico which form the basis of another and separate Convention), have decided to enter into a Convention with this object, and to this end have nominated as their Plenipotentiaries:

The President of the United States of America:

The Honorables Charles Evans Hughes, Secretary of State of the United States of America, Charles Beecher Warren and John Barton Payne, and

The President of the United Mexican States:

Señor Don Manuel C Téllez, Chargé d'Affaires ad interim of the United Mexican States at Washington;

Who, after having communicated to each other their respective full powers found to be in due and proper form, have agreed upon the following Articles:

ARTICLE I

All claims (except those arising from acts incident to the recent revolutions) against Mexico of citizens of the United States, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties, and all claims against the United States of America by citizens of Mexico, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties; all claims for losses or damages suffered by citizens of either country by reason of losses or damages suffered by any corporation, company, association or partnership in which such citizens have or have had a substantial and bona fide interest, provided an allotment to the claimant by the corporation, company, association or partnership of his proportion of the loss or damage suffered is presented by the claimant to the Commission hereinafter referred to; and all claims for losses or damages originating from acts of officials or others acting for either Government and resulting in injustice, and which claims may have been presented to either Government for its interposition with the other since the signing of the Claims Convention concluded between the two countries July 4, 1868, and which have remained unsettled, as well as any other such claims which may be filed by either Government within the time hereinafter specified, shall be submitted to a Commission consisting of three members for decision in accordance with the principles of international law, justice and equity.

Such Commission shall be constituted as follows: one member shall be appointed by the President of the United States; one by the President of the United Mexican States, and the third, who shall preside over the Commission, shall be selected by mutual agreement between the two Governments If the two Governments shall not agree within two months from the exchange of ratifications of this Convention in naming such third member, then he shall be designated by the President of the Permanent Administrative Council of the Permanent Court of Arbitration at The Hague described in Article XLIX of the Convention for the pacific settlement of international disputes concluded at The Hague on October 18, 1907. In case of the death, absence or incapacity of any member of the Commission, or in the event of a member omitting or ceasing to act as such, the same procedure shall be followed for filling the vacancy as was followed in appointing him.

ARTICLE II

The Commissioners so named shall meet at Washington for organization within six months after the exchange of the ratifications of this Convention, and each member of the Commission, before entering upon his duties, shall make and subscribe a solemn declaration stating that he will carefully and impartially examine and decide, according to the best of his judgment and in accordance with the principles of international law, justice and equity, all claims presented for decision, and such declaration shall be entered upon the record of the proceedings of the Commission.

The Commission may fix the time and place of its subsequent meetings, either in the United States or in Mexico, as may be convenient, subject always to the special instructions of the two Governments.

ARTICLE III

In general, the Commission shall adopt as the standard for its proceedings the rules of procedure established by the Mixed Claims Commission created under the Claims Convention between the two Governments signed July 4, 1868, in so far as such rules are not in conflict with any provision of this Convention. The Commission, however, shall have authority by the decision of the majority of its members to establish such other rules for its proceedings as may be deemed expedient and necessary, not in conflict with any of the provisions of this Convention.

Each Government may nominate and appoint agents and counsel who will be authorized to present to the Commission, orally or in writing, all the arguments deemed expedient in favor of or against any claim. The agents or counsel of either Government may offer to the Commission any documents, affidavits, interrogatories or other evidence desired in favor of or against any claim and shall have the right to examine witnesses under oath or affirmation before the Commission, in accordance with such rules of procedure as the Commission shall adopt

The decision of the majority of the members of the Commission shall be the decision of the Commission.

The language in which the proceedings shall be conducted and recorded shall be English or Spanish.

ARTICLE IV

The Commission shall keep an accurate record of the claims and cases submitted, and minutes of its proceedings with the dates thereof. To this end, each Government may appoint a Secretary, these Secretaries shall act as joint Secretaries of the Commission and shall be subject to its instructions. Each Government may also appoint and employ any necessary assistant secretaries and such other assistance as deemed necessary. The Commission may also appoint and employ any persons necessary to assist in the performance of its duties.

ARTICLE V

The High Contracting Parties, being desirous of effecting an equitable settlement of the claims of their respective citizens thereby affording them just and adequate compensation for their losses or damages, agree that no claim shall be disallowed or rejected by the Commission by the application of the general principle of international law that the legal remedies must be exhausted as a condition precedent to the validity or allowance of any claim.

ARTICLE VI

Every such claim for loss or damage accruing prior to the signing of this Convention, shall be filed with the Commission within one year from the date of its first meeting, unless in any case reasons for the delay, satisfactory to the majority of the Commissioners, shall be established, and in any such case the period for filing the claim may be extended not to exceed six additional months

The Commission shall be bound to hear, examine and decide, within three years from the date of its first meeting, all the claims filed, except as hereinafter provided in Article VII

Four months after the date of the first meeting of the Commissioners, and every four months thereafter, the Commission shall submit to each Government a report setting forth in detail its work to date, including a statement of the claims filed, claims heard and claims decided The Commission shall be bound to decide any claim heard and examined within six months after the conclusion of the hearing of such claim and to record its decision.

ARTICLE VII

The High Contracting Parties agree that any claim for loss or damage accruing after the signing of this Convention, may be filed by either Government with the Commission at any time during the period fixed in Article VI for the duration of the Commission, and it is agreed between the two Governments that should any such claim or claims be filed with the Commission prior to the termination of said Commission, and not be decided as specified in Article VI, the two Governments will by agreement extend the time within which the Commission may hear, examine and decide such claim or claims so filed for such a period as may be required for the Commission to hear, examine and decide such claim or claims.

ARTICLE VIII

The High Contracting Parties agree to consider the decision of the Commission as final and conclusive upon each claim decided, and to give full effect to such decisions They further agree to consider the result of the proceedings of the Commission as a full, perfect and final settlement of every such claim upon either Government, for loss or damage sustained prior to the exchange of the ratifications of the present Convention (except as to claims arising from revolutionary disturbances and referred to in the preamble hereof). And they further agree that every such claim, whether or not filed and presented to the notice of, made, preferred or submitted to such Commission shall from and after the conclusion of the proceedings of the Commission be considered and treated as fully settled, barred and thenceforth inadmissible, provided the claim filed has been heard and decided.

ARTICLE IX

The total amount awarded in all the cases decided in favor of the citizens of one country shall be deducted from the total amount awarded to the citizens of the other country and the balance shall be paid at Washington or at the City of Mexico, in gold coin or its equivalent to the Government of the country in favor of whose citizens the greater amount may have been awarded.

In any case the Commission may decide that international law, justice and equity require that a property or right be restored to the claimant in addition to the amount awarded in any such case for all loss or damage sustained prior to the restitution. In any case where the Commission so decides the restitution of the property or right shall be made by the Government affected after such decision has been made, as hereinbelow provided. The Commission, however, shall at the same time determine the value of the property or right decreed to be restored and the Government affected may elect to pay the amount so fixed after the decision is made rather than to restore the property or right to the claimant

In the event the Government affected should elect to pay the amount fixed as the value of the property or right decreed to be restored, it is agreed that notice thereof will be filed with the Commission within thirty days after the decision and that the amount fixed as the value of the property or right shall be paid immediately. Upon failure so to pay the amount the property or right shall be restored immediately.

ARTICLE X

Each Government shall pay its own Commissioner and bear its own expenses. The expenses of the Commission including the salary of the third Commissioner shall be defrayed in equal proportions by the two Governments

ARTICLE XI

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective Constitutions Ratifications of this Convention shall be exchanged in Washington as soon as practicable and the Convention shall take effect on the date of the exchange of ratifications.

In witness whereof, the respective Plenipotentiaries have signed and affixed their seals to this Convention

Done in duplicate at Washington this eighth day of September, 1923

CHARLES EVANS HUGHES	[SEAL.]
CHARLES BEECHER WARREN	[SEAL]
JOHN BARTON PAYNE	[SEAL]
MANUEL C TÉLLEZ	[SEAL]

AND WHEREAS the said Convention, has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the first day of March, one thousand nine hundred and twenty-four;

NOW, THEREFORE, be it known that I, Calvin Coolidge, President of the United States of America, have caused the said Convention to be made public to the end that the same and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed

DONE at the city of Washington, this third day of March, in the year of our Lord one thousand [SEAL] nine hundred and twenty-four, and of the Independence of the United States of America the one hundred and forty-eighth

CALVIN COOLIDGE

By the President:

CHARLES E. HUGHES
Secretary of State. 43 Stat. 1730.

II. CONVENTION BETWEEN THE UNITED STATES AND MEXICO SIGNED SEPTEMBER 10, 1923

Whereas a Convention between the United States of America and the United Mexican States providing for the settlement and amicable adjustment of claims arising from losses or damages suffered by American citizens through revolutionary acts within the period from November 20, 1910, to May 31, 1920, inclusive, was concluded and signed by their respective Plenipotentiaries at Mexico City on the 10th day of September, one thousand nine hundred and twenty-three, the original of which Convention, being in the English and Spanish languages is word for word as follows:

SPECIAL CLAIMS CONVENTION

The United States of America and the United Mexican States, desiring to settle and adjust amicably claims arising from losses or damages suffered by American citizens through revolutionary acts within the period from November 20, 1910, to May 31, 1920, inclusive, have decided to enter into a Convention for that purpose, and to this end have nominated as their Plenipotentiaries:

The President of the United States:

George F. Summerlin Chargé d'Affaires ad interim of the United States of America and Mexico.

The President of the United Mexican States:

Alberto J. Pani, Secretary of State for Foreign Affairs.

Who, after having communicated to each other their respective full powers found to be in due and proper form, have agreed upon the following Articles:

ARTICLE I

All claims against Mexico of citizens of the United States, whether corporations, companies, associations, partnerships or individuals, for losses or damages suffered by persons or by their properties during the revolutions and disturbed conditions which existed in Mexico, covering the period from November 20, 1910, to May 31, 1920, inclusive, including losses or damages suffered by citizens of the United States by reason of losses or damages suffered by any corporation, company, association or partnership in which citizens of the United States have or have had a substantial and bona fide interest, provided an allotment to the American claimant by the corporation, company, association or partnership of his proportion of the loss or damage is presented by the claimant to the Commission hereinafter referred to, and which claims have been presented to the United States for its interposition with Mexico, as well as any other such claims which may be presented within the time hereinafter specified, shall be submitted to a Commission consisting of three members

Such Commission shall be constituted as follows: one member shall be appointed by the President of the United States; one by the President of the United Mexican States; and the third, who shall preside over the Commission, shall be selected by mutual agreement between the two Governments If the two Governments shall not agree within two months from the exchange of ratifications of this Convention in naming such third member, then he shall be designated by the President of the Permanent Administrative Council of the Permanent Court of Arbitration at The Hague described in Article 49 of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on October 18, 1907. In case of the death, absence or incapacity of any member of the Commission, or in the event of a member omitting or ceasing to act as such, the same procedure shall be followed for filling the vacancy as was followed in appointing him.

ARTICLE II

The Commissioners so named shall meet at Mexico City within six months after the exchange of the ratifications of this Convention, and each member of the Commission, before entering upon his duties, shall make and subscribe a solemn declaration stating that he will carefully and impartially examine and decide, according to the best of his judgment and in accordance with the principles of justice and equity, all claims presented for decision, and such declaration shall be entered upon the record of the proceedings of the Commission.

The Mexican Government desires that the claims shall be so decided because Mexico wishes that her responsibility shall not be fixed according to the generally accepted rules and principles of international law, but *ex gratia* feels morally bound to make full indemnification and agrees, therefore, that it will be sufficient that it be established that the alleged loss or damage in any case was sustained and was due to any of the causes enumerated in Article III hereof.

The Commission may fix the time and place of its subsequent meetings, as may be convenient, subject always to the special instructions of the two Governments.

ARTICLE III

The claims which the Commission shall examine and decide are those which arose during the revolutions and disturbed conditions which existed in Mexico covering the period from November 20, 1910, to May 31, 1920, inclusive, and were due to any act by the following forces:

(1) By forces of a Government *de jure* or *de facto*.

(2) By revolutionary forces as a result of the triumph of whose cause governments *de facto* or *de jure* have been established, or by revolutionary forces opposed to them.

(3) By forces arising from the disjunction of the forces mentioned in the next preceding paragraph up to the time when the government *de jure* established itself as a result of a particular revolution

(4) By federal forces that were disbanded, and

(5) By mutinies or mobs, or insurrectionary forces other than those referred to under subdivisions (2), (3) and (4) above, or by bandits, provided in any case it be established that the appropriate authorities omitted to take reasonable measures to suppress insurrectionists, mobs or bandits, or treated them with lenity or were in fault in other particulars.

ARTICLE IV

In general, the Commission shall adopt as the standard for its proceedings the rules of procedure established by the Mixed Claims Commission created under the Claims Convention between the two Governments signed July 4, 1868, in so far as such rules are not in conflict with any provision of this Convention. The Commission, however, shall have authority by the decision of the majority of its members to establish such other rules for its proceedings as may be deemed expedient and necessary, not in conflict with any of the provisions of this Convention

Each Government may nominate and appoint agents and counsel who will be authorized to present to the Commission, orally or in writing, all the arguments deemed expedient in favor of or against any claim. The agents or counsel of either Government may offer to the Commission any documents, affidavits, interrogatories or other evidence desired in favor of or against any claim and shall have the right to examine witnesses under oath or affirmation before the Commission, in accordance with such rules of procedure as the Commission shall adopt.

The decision of the majority of the members of the Commission shall be the decision of the Commission.

The language in which the proceedings shall be conducted and recorded shall be Spanish or English.

ARTICLE V

The Commission shall keep an accurate record of the claims and cases submitted, and minutes of its proceedings with the dates thereof To this end, each Government may appoint a Secretary; these Secretaries shall act as joint Secretaries of the Commission and shall be subject to its instructions. Each Government may also appoint and employ any necessary assistant secretaries and such other assistance as deemed necessary. The Commission may also appoint and employ any persons necessary to assist in the performance of its duties.

ARTICLE VI

Since the Mexican Government desires to arrive at an equitable settlement of the claims of the citizens of the United States and to grant them a just and adequate compensation for their losses or damages, the Mexican Government agrees that the Commission shall not disallow or reject any claim by the application of the general principle of international law that the legal remedies must be exhausted as a condition precedent to the validity or allowance of any claim.

ARTICLE VII

Every claim shall be filed with the Commission within two years from the date of its first meeting, unless in any case reasons for the delay, satisfactory to the majority of the Commissioners, shall be established, and in any such case the period for filing the claim may be extended not to exceed six additional months.

The Commission shall be bound to hear, examine and decide, within five years from the date of its first meeting, all the claims filed

Four months after the date of the first meeting of the Commissioners, and every four months thereafter, the Commission shall submit to each Government a report setting forth in detail its work to date, including a statement of the claims filed, claims heard and claims decided. The Commission shall be bound to decide any claim heard and examined within six months after the conclusion of the hearing of such claim and to record its decision.

ARTICLE VIII

The High Contracting Parties agree to consider the decision of the Commission as final and conclusive upon

each claim decided, and to give full effect to such decisions. They further agree to consider the result of the proceedings of the Commission as a full, perfect and final settlement of every such claim upon the Mexican Government, arising from any of the causes set forth in Article III of this Convention. And they further agree that every such claim, whether or not filed and presented to the notice of, made, preferred or submitted to such Commission shall from and after the conclusion of the proceedings of the Commission be considered and treated as fully settled, barred and thenceforth inadmissible, provided the claim filed has been heard and decided.

ARTICLE IX

The total amount awarded to claimants shall be paid in gold coin or its equivalent by the Mexican Government to the Government of the United States at Washington.

ARTICLE X

Each Government shall pay its own Commissioner and bear its own expenses. The expenses of the Commission including the salary of the third Commissioner shall be defrayed in equal proportions by the two Governments.

ARTICLE XI

The present Convention shall be ratified by the High Contracting Parties in accordance with their respective Constitutions Ratifications of this Convention shall be exchanged in Mexico City as soon as practicable and the Convention shall take effect on the date of the exchange of ratifications

In witness whereof, the respective Plenipotentiaries have signed and affixed their seals to this Convention.

Done in duplicate at Mexico City this tenth day of September, 1923

GEORGE F SUMMERLIN. [SEAL.]
A. J. PANI [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Mexico, on the nineteenth day of February, one thousand nine hundred and twenty-four;

Now, therefore, be it known that I, Calvin Coolidge, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States to be affixed

Done at the city of Washington this twenty-third day of February, in the year of our Lord one thou-
[SEAL] sand nine hundred and twenty-four, and of the Independence of the United States of America the one hundred and forty-eighth.

CALVIN COOLIDGE

By the President:

CHARLES E. HUGHES
Secretary of State 43 Stat. 1722

III GENERAL CLAIMS PROTOCOL BETWEEN THE UNITED STATES AND MEXICO, SIGNED APRIL 24, 1934

Josephus Daniels, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Government of Mexico, and José Manuel Puig Casauranc, Secretary for Foreign Affairs of the United Mexican States, duly authorized, have agreed on behalf of their two Governments to conclude the following Protocol:

Whereas, It is the desire of the two Governments to settle and liquidate as promptly as possible those claims of each Government against the other which are comprehended by, and which have been filed in pursuance of, the General Claims Convention between the two Governments, concluded on September 8, 1923;

Whereas, It is not considered expedient to proceed, at the present time, to the formal arbitration of the said claims in the manner provided in that Convention;

Whereas, It is considered to be conducive to the best interests of the two Governments, to preserve the *status quo* of the General Claims Convention above mentioned and the Convention extending the duration thereof, which latter was concluded on June 18, 1932, as well as the agreement relating to agrarian claims under Article I of the additional Protocol of June 18, 1932;

Whereas, It is advisable to endeavor to effect a more expeditious and more economical disposition of the claims, either by means of an *en bloc* settlement or a more simplified method of adjudication, and

Whereas, In the present state of development of the numerous claims the available information is not such as to permit the two Governments to appraise their true value with sufficient accuracy to permit of the successful negotiation of an *en bloc* settlement thereof at the present time,

Therefore, It is agreed that:

First.—The two Governments will proceed to an informal discussion of the agrarian claims now pending before the General Claims Commission, with a view to making an adjustment thereof that shall be consistent with the rights and equities of the claimants and the rights and obligations of the Mexican Government, as provided by the General Claims Protocol of June 18, 1932. Pending such discussion no agrarian claims will be presented to the Commissioners referred to in Clause Third nor, in turn, to the Umpire referred to in Clause Fifth of this Protocol; but memorials of cases not yet memorialized may be filed in order to regularize the awards made upon the agreed adjustments.

Consequently, the subsequent provisions of this Protocol shall apply to agrarian claims only insofar as they do not conflict with the status thereof, as exclusively fixed by the terms of the agreed Article I of the additional protocol to the extension of the General Claims Convention, signed June 18, 1932.

Second.—The two Governments shall proceed, in accordance with the provisions of clause Sixth below, promptly to complete the written pleadings and briefs in the remaining unpleaded and incompletely pleaded cases.

Third.—Each Government shall promptly designate, from among its own nationals, a Commissioner, who shall be an outstanding jurist and whose function it shall be to appraise, on their merits, as rapidly as possible, the claims of both Governments which have already been fully pleaded and briefed and those in which the pleadings and briefs shall be completed in accordance herewith.

Fourth.—Six months before the termination of the period herein agreed upon for the completion of the pleadings and briefs referred to in Clause Sixth or at an earlier time should they so agree, the said Commissioners shall meet, at a place to be agreed upon by them, for the purpose of reconciling their appraisals. They shall, as soon as possible, and not later than six months from the date of the completion of the pleadings and briefs, submit to the two Governments a joint report of the results of their conferences, indicating those cases in which agreement has been reached by them with respect to the merits and the amount of liability, if any, in the individual cases and also those cases in which they shall have been unable to agree with respect to the merits or the amount of liability, or both.

Fifth.—The two Governments shall, upon the basis of such joint report, and with the least possible delay, conclude a convention for the final disposition of the claims, which convention shall take one or the other of the two following forms, namely, first, an agreement for an *en bloc* settlement of the claims wherein there shall be stipulated the net amount to be paid by either Government and the terms upon which payment shall be made; or, second, an agreement for the disposition of the claims upon their individual merits. In this latter event, the two above-mentioned Commissioners shall be required to record their agreements with respect to individual claims and the bases upon which their conclusions shall have been reached, in the respective cases.

The report shall be accepted, by the convention to be concluded by the two Governments, as final and conclusive dispositions of those cases. With respect to those cases in which the Commissioners shall not have been able to reach agreements, the two Governments shall, by the said convention, agree that the pleadings and briefs in such cases, together with the written views of

the two Commissioners concerning the merits of the respective claims, be referred to an Umpire, whose written decisions shall also be accepted by both Governments as final and binding All matters relating to the designation of an Umpire, time within which his decisions should be rendered and general provisions relating to his work shall be fixed in a Convention to be negotiated under provisions of this Clause.

Sixth —The procedure to be followed in the development of the pleadings and briefs, which procedure shall be scrupulously observed by the Agents of the two Governments, shall be the following:

(a) The time allowed for the completion of the pleadings and briefs shall be two years counting from a date hereafter to be agreed upon by the two Governments by an exchange of notes, which shall not be later than November 1, 1934.

(b) The pleadings and briefs of each Government shall be filed at the Embassy of the other Government.

(c) The pleadings and briefs to be filed shall be limited in number to four, namely, Memorial, Answer, Brief and Reply Brief. Only three copies of each need be presented to the other Agent, but four additional copies shall be retained by the filing Agency for possible use in future adjudication. Each copy of Memorial, Answer and Brief shall be accompanied by a copy of all evidence filed with the original thereof. The pleadings and briefs, which may be in either English or Spanish at the option of the filing Government, shall be signed by the respective Agents or properly designated substitutes.

(d) With the Memorial the claimant Government shall file all the evidence on which it intends to rely. With the Answer the respondent Government shall file all the evidence upon which it intends to rely. No further evidence shall be filed by either side except such evidence, with the Brief, as rebuts evidence filed with the Answer Such evidence shall be strictly limited to evidence in rebuttal and there shall be explained at the beginning of the Brief the alleged justification for the filing thereof If the other side desires to object to such filing, its views may be set forth in the beginning of the Reply Brief, and the Commissioners, or the Umpire, as the case may require, shall decide the point, and if it is decided that the evidence is not in rebuttal to evidence filed with the Answer, the additional evidence shall be entirely disregarded in considering the merits of the claim

The Commissioners may at any time order the production of further evidence

(e) In view of the desire to reduce the number of pleadings and briefs to a minimum in the interest of economy of time and expense, it shall be the obligation of both Agents fully and clearly to state in their Memorials the contention of the claimant Government with respect to both the factual bases of the claims in question and the legal principles upon which the claims are predicated and in the Answer, the contentions of the respondent Government with regard to the facts and legal principles upon which the defense of the case rests In cases in which Answers already filed do not sufficiently meet this provision so as to afford the claimant Government an adequate basis for preparing its legal Brief with full general knowledge of the factual and legal defenses of the respondent Government, it shall have the right to file a Counter Brief within thirty days following the date of filing the Reply Brief

(f) For the purposes of the above pleadings and briefs, as well as the appraisals and decisions of the two Commissioners and the decisions of the Umpire, above mentioned, the provisions of the General Claims Convention of September 8, 1923, shall be considered as fully effective and binding upon the two Governments, except insofar as concerns the matter of procedure, which shall be that provided for herein

(g) Whenever practicable, cases of a particular class shall be grouped for memorializing and/or for briefing.

(h) In order that the two Agents may organize their work in the most advantageous manner possible and in order that the two-year period allowed for pleadings and briefs may be utilized in a manner which shall be most equitable to both sides, each Agent shall, within thirty days from the beginning of the two-year pleading period, submit to the other Agent a tentative statement showing the total number of Memorials and Briefs such Agent intends to file Six months after the beginning of the two-year pleading period, the two Agents shall respectively submit in the same manner statements setting out definitely by name and docket number the claims in which it is proposed to complete the pleadings and briefs, indicating those in which they intend to combine cases in the manner indicated in paragraph (g) above. The number of pleadings and briefs so indicated shall not, except by later agreement between the two Governments, be exceeded by more than ten percent.

(i) In order to enable the Agencies to distribute their work equally over the two-year pleading period, each Agency shall be under the obligation to file its Memorials at approximately equal intervals during the first seventeen months of the two-year period, thus allowing the remaining seven months of the period for the completion of the pleadings and briefs in the last case memorialized. The same obligation shall attach with respect to the filing of the pleadings and briefs referred to in paragraph (k) below.

(j) The time to be allowed for filing Answers shall be seventy days from the date of filing Memorials. The time to be allowed for filing Briefs shall be seventy days from the date of filing the Answers. The time to be allowed for filing Reply Briefs shall be seventy days from the date of filing the Briefs.

(k) In those cases in which some pleadings or briefs were filed with the General Claims Commission before the date of signature hereof, the Agency which has the right to file the next pleading or brief shall be allowed to determine when that document shall be filed, taking into consideration the necessity of complying with the provisions of paragraph (i) above.

(l) In counting the seventy-day periods mentioned in paragraph (j) above, no deductions shall be made for either Sundays or holidays. The date of filing the above described pleadings and briefs shall be considered to be the date upon which they shall be delivered at the Embassy of the other Government If the due date shall fall on Sunday or a legal holiday, the pleading or brief shall be filed upon the next succeeding business day. The two Governments shall, for this purpose, instruct their respective Embassies to receive and give receipts for such pleadings and briefs any weekday between the hours of 10 and 16 (4 p.m) except on the following legal holidays of both countries:

Of the United States	*Of Mexico*
January 1	January 1
February 22	February 5
May 30	May 1
July 4	May 5
First Monday in September	September 14
Last Thursday in November	September 15
December 25	September 16
	October 12
	November 20
	December 25
	December 31

(m) In view of the herein prescribed limitations upon the time allowed for the completion of the work of the Agencies and the Commissioners, it is recognized that the success of this simplified plan of procedure depends fundamentally upon the prompt and regular filing of the pleadings and briefs in accordance with the provisions of this Protocol. It is agreed, therefore, that any pleading or brief which shall be filed more than thirty days after the due date for the filing thereof, shall be disregarded by the Commissioners and the Umpire, and that the respective case shall be considered by them upon the pleadings and briefs preceding the tardy pleadings and briefs, unless, by agreement of the two Governments, the continued pleading of the respective case shall be resumed.

(n) It shall not be necessary to present original evidence but all documents hereafter submitted as evidence shall be certified as true and complete copies of the original if they be such In the event that any particular document filed is not a true and complete copy of the original, that fact shall be so stated in the certificate.

(o) The complete original of any document filed, either in whole or in part, shall be retained in the Agency filing the document and shall be made available for inspection by any authorized representative of the Agent of the other side.

(p) Where the original of any document or other proof is filed at any Government office on either side, and cannot be conveniently withdrawn, and no copy of such document is in the possession of the Agent of the Government desiring to present the same to the Commissioners in support of the allegations set out in his pleadings or briefs, he shall notify the Agent of the other Government in writing of his desire to inspect such document Should such inspection be refused, then the action taken in response to the request to inspect, together with such reasons as may be assigned for the action taken, shall be reported to the Commissioners and, in turn, to the Umpire mentioned in Clause Fifth of this Protocol, so that due notice thereof may be taken.

Done in duplicate in Mexico, D. F in the English and Spanish languages this twenty fourth day of the month of April one thousand nine hundred and thirty four. 48 Stat. 1844.

IV. Agrarian Claims Agreement of 1938

The Secretary of State (Hull) to the Mexican Ambassador (Castillo Nájera)

Department of State
Washington
November 9, 1938.

Excellency:

I have the honor to acknowledge the receipt of the note addressed by your Government on September 1 to Ambassador Daniels.[1]

Careful examination of that note discloses no grounds that would justify this Government in modifying the position set forth at length in my notes to you dated July 21 and August 22, 1938.[2] My Government must insist that the recognized rules of law and equity require the prompt payment of just compensation for property that may be expropriated Therefore, inasmuch as my Government remains convinced of the basic soundness of its position, buttressed as it is by law and justice, and in view of the scope and content of our recent conversations, in the course of which you informed me of the policy of your Government and of the desire of the Government of Mexico, which is similar to the desire of the Government of the United States, to settle all difficulties which may arise between the two Governments in a spirit of friendship and of equity, further discussion of the note under reference seems unnecessary.

My Government has a particular desire to safeguard friendship with Mexico not only because Mexico is one of its nearest neighbors but on account of the many ways in which ever improving relations, in the fullest sense, between the two countries could be complementary and mutually beneficial. It has, therefore, spared no effort to arrive at prompt, friendly and satisfactory solutions of problems as they arose. It was in this spirit that last November my Government urged, in accordance with the principle of just compensation, the desirability of a comprehensive agreement providing for the compensation of the American citizens whose properties had been seized by the Mexican Government It is in that same spirit that I have given every attention to the proposals of your Government which you recently communicated to me Based upon them, my Government would be willing to agree to the plan proposed hereafter which, if acceptable to your Government, would resolve at once the present controversy, in so far as it relates to compensation for American-owned agrarian properties seized since August 30, 1927, that if continued must seriously impair the friendly relations between the two countries. It is also in this same spirit that I earnestly commend it to the favorable consideration of your Government.

One: Both our Governments are in accord that the values of the American-owned agrarian properties expropriated since August 30, 1927, be determined by a Commission composed of one representative of each of our Governments, and in case of disagreement, by a third person selected by the Permanent Commission with seat at Washington, as established by the so-called Gondra Treaty.

Two: My Government proposes (a) that the two commissioners be appointed by their respective Governments at once; (b) that they hold their first meeting in the City of Mexico on the first day of December 1938, (c) that each Government bear the entire expense of the salaries, maintenance, transportation, and incidentals of its commissioner and his staff and that any expense incurred jointly, as for instance in connection with airplane travel, be shared equally.

Three: My Government believes it important, and understands that your Government is in accord in this regard, that a time limit be established for the completion of the work of the commissioners. It is therefore proposed that the commissioners be instructed that they must complete the determinations of value by not later than May 31, 1939 If during the course of the deliberations of the two commissioners they are unable to reach a common finding upon the matters submitted to them for their joint determination, my Government proposes that the Permanent Commission at Washington be requested to appoint immediately the third commissioner in order that he may resolve the matters upon which the two Governments' commissioners are unable to agree. It is further proposed that in case of disagreement in any particular case, the representative appointed by the Permanent Commission be requested to render his award within not more than two months from the time the case is submitted to him The salaries and expenses of the third commissioner will be defrayed in equal proportions by the two Governments

Four: The adequate and effective measure of compensation to be paid in each case shall be determined in the usual manner by taking into consideration, among other pertinent factors, the establishment of the nationality of the claimant, the legitimacy of his title, the just value of the property expropriated, the fair return from the property of which claimant has been deprived between the time of expropriation and the time of receiving compensation, as well as such other facts as in the opinion of the commissioners should be taken into account in reaching a determination as to compensation.

Five: It is my understanding that the Mexican Government will pay the sum of $1,000,000 United States currency as first payment of the indemnities to be determined by the Commission to which this note refers, and that this payment will be made to the Government of the United States on or before May 31, 1939.

It is my further understanding that immediately subsequent to the determination by the Commission of the final valuation, in accordance with the procedure indicated in numbered paragraph Four of this note, of American-owned agrarian properties as defined in numbered paragraph One, the two Governments will reach an agreement as to the amounts to be paid to the Government of the United States by the Government of Mexico annually for the account of such claims in the years subsequent to the year 1939. As the basis for such agreement there will be taken into consideration such statement of its ability to pay as may be demonstrated by the Government of Mexico. The Government of Mexico, I understand, agrees that the annual payments to be made by it to the Government of the United States subsequent to the year 1939 for the account of these claims will in no event be less than $1,000,000 United States currency, and that such payments will be made on June 30 of the corresponding year.

In view of our recent conversations I have every confidence that the foregoing proposals will prove acceptable to Your Excellency's Government. I shall await with interest Your Excellency's response to the suggestions made

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[1] See *Compensation for American-Owned Lands Expropriated in Mexico*, Department of State publication 1288, Conference Series 16 (1939), p. 31.

[2] See *ibid.*, pp. 1 and 15.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL

His Excellency
Señor Dr. Don FRANCISCO CASTILLO NÁJERA,
Ambassador of Mexico.

MINISTRY FOR FOREIGN AFFAIRS, UNITED MEXICAN STATES, MEXICO

511284 MEXICO, *November 12, 1938.*

MR AMBASSADOR:

I have the honor to acknowledge receipt of the note dated November 9, 1938, addressed by His Excellency Secretary of State Cordell Hull to the Ambassador of Mexico in the United States of America, Dr. Francisco Castillo Najera, in which the Government of Your Excellency, while maintaining its opinion that the recognized principles of law and equity require the immediate payment of just compensation for expropriated properties, makes known its readiness to agree to a plan which, based on the proposals of my Government, may apply to the consideration and payment of agrarian expropriations (*afectaciones*) subsequent to 1927.

The Government of Mexico, in its turn, while reaffirming its conviction that it has not acted contrary to the rules and principles of international law, of justice and equity, by the enactment and application of its agrarian legislation, is in agreement with the plan presented and takes pleasure in recognizing that the sentiments of cordial friendship which unite our two countries have in the end prevailed over differences of a technical and juridical order

As was proposed in my note to your Government on August 3 of the current year, my Government agrees that the value of the expropriated lands shall be established by a commission consisting of a representative of each Government, and that cases of disagreement between these representatives shall be decided by a third person designated by the Permanent Commission, established by the Gondra Pact, which has its seat in Washington, notwithstanding the fact that, in this instance, it is not a matter of an investigating commission, an express function assigned that commission in the said pact.

My Government agrees, likewise, in conformity with its original intention, that the representatives of the two Governments shall be immediately designated and that their first meeting shall take place in the City of Mexico on the 1st day of December of the present year. Outlays for emoluments, travel, and other expenditures, both of the representatives and of the persons assisting them in their work, shall be defrayed by the respective Government The two Governments shall each pay one-half of the expenses incurred jointly.

Likewise, the emoluments which are to be paid to the third person referred to shall be shared equally, as proposed by your Government, by Mexico and the United States

My Government expressly declares that it agrees that the representatives designated be instructed to the effect that their work of evaluation be concluded in May 1939, and that the cases of disagreement be submitted to the consideration of the third person, who will likewise be requested to render his decision within a period of not more than 2 months, counting from the date on which his intervention has been requested.

The Government of Mexico understands that the commissioners, in proceeding to make the respective evaluation, shall take into account, among other pertinent facts, the establishment of the nationality of the claimant, the legality of his title to enter a claim, and the last fiscal valuation prior to the expropriation.

Respecting the manner of payment of the corresponding indemnifications, my Government will pay the amount of one million dollars in the month of May 1939.

My Government is agreed that once the representatives fix the amount of the indemnifications, the Governments shall agree upon the annual amount which the Government of Mexico shall pay to that of the United States, in the years subsequent to 1939, on the claims in question. In the determination of the said annual payments, the economic possibilities of Mexico shall be taken into account. My Government agrees, forthwith, that the annual amounts which must be paid to the United States Government shall not be less than one million dollars, United States currency, and lastly, my Government agrees that the payments shall be made on the 30th day of June of each year.

The Government of Mexico deems it necessary to have it understood that the decisions reached by the representatives designated shall in no case extend beyond evaluation of the lands expropriated and the modalities of payment of the amount determined; that they shall not constitute a precedent, in any case nor for any reason; neither shall they decide the juridical principles maintained by the two Governments and applicable to the matter in question

The Government of Mexico is pleased to recognize that, in formalizing this arrangement, it has been able, on the one hand, to show, as was expressed in the note to which I reply, its especial desire to safeguard its friendship with the United States, because of the mutual benefits which this reciprocal sentiment represents for both countries, and to carry out, on the other hand, the mandates of the agrarian legislation, an expression of our traditional policy, which, on being interpreted by the President of the Republic, was supported, formally, by the National Legislative Body in the reply given to the message from the Executive by the President of the Congress of the Union at the opening of the period of sessions on September 1, last.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

EDUARDO HAY

His Excellency
Mr. JOSEPHUS DANIELS,
Ambassador Extraordinary and Plenipotentiary of the United States of America,
City.

The American Chargé d'Affaires ad interim (Boal) to the Mexican Minister for Foreign Affairs (Hay)

EMBASSY OF THE UNITED STATES OF AMERICA,

No 3540 MÉXICO, D. F., *April 17, 1939*

EXCELLENCY:

I have the honor to refer to the exchange of notes of November 9 and November 12, 1938 between Your Excellency's Government and my Government on the subject of agrarian claims

In view of the very limited time now remaining within the period originally contemplated for the examination and evaluation of all the agrarian claims, it would seem that the period of time for the filing of claims might usefully be extended to July 31, 1939 and the period for the adjudication of claims might be extended to November 30, 1939. It would also seem that both periods might be further extended, if necessary, particularly since, under the provisions of the notes just mentioned, Mexico will obviously have a period of years in which to complete payments

It would be understood that the extension of time would be without prejudice to any other aspect of the agreement of November 9–November 12, 1938.

Please accept, Excellency, the renewed assurances of my highest and most distinguished consideration

PIERRE DE L. BOAL
Chargé d'Affaires ad interim

His Excellency
Señor General EDUARDO HAY,
Minister for Foreign Affairs,
México, D. F.

MINISTRY FOR FOREIGN AFFAIRS, UNITED MEXICAN STATES, MEXICO

54133 MEXICO, *April 18, 1939.*

MR. CHARGÉ D'AFFAIRES:

I am replying to your courteous note of the 17th instant, in which you state that—in view of the very limited time now remaining for the examination and evaluation of the agrarian claims of American citizens by the Commissioners of Mexico and the United States in the terms of the

agreement concluded by means of the notes exchanged on November 9th and 12th 1938—you consider that both the period for the presentation of the claims and that for the deciding of them might usefully be extended.

My Government expresses, once more, its known desire that these matters be definitively settled and, animated by such purpose, it accedes, at once, to the request which you make in the note under acknowledgment, and agrees that the period for the filing of claims before the Commissioners of both countries shall be extended to July 31st of this year, and, from this latter date to November 30th next, there be established a period for the deciding of the amount to cover the claims presented.

I avail myself of this opportunity to renew to you the assurances of my very courteous and distinguished consideration.

EDUARDO HAY

PIERRE DE L BOAL, Esquire,
Chargé d'Affaires of the
United States of America,
City.

§ 663. Same—(a) Claims appraised by prior commissions.

The Commission shall also have authority, within its discretion, as hereinafter provided to examine and render final decisions (1) in those cases in which the two Commissioners designated by the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844), failed to reach agreements and the Commissioner so designated by the United States made appraisals, and (2) in those cases in which appraisals were made by the Commissioner designated by the United States pursuant to the Agrarian Claims Agreement of 1938.

CROSS REFERENCES

Text of General Claims Protocol signed April 24, 1934, see note under section 662 of this title

(b) Notice of appraisal; acceptance or rejection by claimant.

In connection with such cases, the Commission shall, as soon as practicable, notify each claimant, or his attorney, by registered mail to his last-known address, of the appraisals so made. Within a period of thirty days after the mailing of such notice, the claimant shall notify the Commission in writing whether the appraisal so made is accepted as final and binding, or whether a petition for review will be filed as provided in subsection (c). If the claimant fails to so notify the Commission in writing within such period, or if the Commission is notified within such period of the final acceptance of such appraisal, it shall, at the expiration of such period, enter an award on the basis of such appraisal: *Provided*, That if the Commission's efforts to notify the respective claimants, or their attorneys have failed to disclose their whereabouts, the Commission may, at the expiration of a period of thirty days from April 3, 1945, enter an award on the basis of such appraisal

(c) Petition for review.

In any case in which the Commission is so notified in writing that a petition for review will be filed, the Commission shall prescribe a reasonable period, which may be extended in the discretion of the Commission, within which such petition, together with written legal contentions in support thereof, shall be filed. If no petition for review is filed within the period or any extension thereof prescribed by the Commission, it shall enter an award on the basis of the appraisal in such case.

(d) Procedure on review.

In any case in which a petition for review is filed within the period prescribed in subsection (c), the Commission shall, if it determines to review such case, decide the case upon the basis of (1) the record before the Commissioner at the time his appraisal in such case was made, and (2) the written legal contentions filed with such petition or in connection therewith: *Provided*, That the Commission may, in its discretion, receive and consider additional evidence with respect to any claim in which it is established to the satisfaction of the Commission that it was impossible for either the claimant or his attorney, despite the exercise of due diligence, to obtain and file such evidence within any period prescribed for such filing by or in accordance with the applicable agreements between the Government of the United States and the Government of Mexico, or by or in accordance with the applicable rules adopted pursuant to such agreements. (Dec 18, 1942, ch 766, § 4, 56 Stat. 1059, as amended Apr 3, 1945, ch 52, §§ 4, 7, 59 Stat. 49, 50.)

AMENDMENTS

1945—Subsec. (b) amended by act Apr 3, 1945, cited to text, which omitted "and certify such award to the Secretary of the Treasury" following "of such appraisal", and added the proviso

Subsec. (c) amended by act Apr 3, 1945, cited to text, which omitted "and certify such award to the Secretary of the Treasury" following "appraisal in such case".

§ 664. Determination of claims—(a) Law governing.

All claims decided by the Commission shall be decided in accordance with the applicable provisions of the Convention of September 8, 1923, the Convention of September 10, 1923, or the Agrarian Claims Agreement of 1938, as the case may be; and all claims decided by the Commission which are not within the purview of either of such Conventions or such Agreement shall be decided in accordance with the applicable principles of international law, justice, and equity.

(b) Decisions by Commission, scope and conclusiveness.

Each decision by the Commission pursuant to sections 661–672 of this title shall be by majority vote, shall state the reasons for such decision, and shall constitute a full and final disposition of the case in which the decision is rendered.

(c) Attorneys' fees.

In connection with any claim decided by the Commission pursuant to sections 661–672 of this title in which an award is made, the Commission may, upon the written request of the claimant or any attorney heretofore or hereafter employed by such claimant, determine and apportion the just and reasonable attorneys' fees for services rendered with respect to such claim, but the total amount of the fees so determined in any case shall not exceed 10 per centum of the amount of the award, unless in special circumstances the Commission shall find

that a larger fee is just and reasonable. Any fees so determined shall be entered as a part of such award, and payment thereof shall be made by the Secretary of the Treasury. Any person who accepts any compensation for services rendered with respect to such claim which, when added to any amount previously received on account of such services, will exceed the amount of fees so determined by the Commission, shall, upon conviction thereof, be fined not more than $1,000.

(d) Certification of claims.

In any case in which the Commission shall enter an award, it shall, as soon as practicable, certify such award to the Secretary of the Treasury.

(e) Certification of claims.

The Commission shall, upon the completion of its work, transmit in duplicate to the Secretary of State and to the Secretary of the Treasury the following:

(1) A list of all claims disallowed;

(2) A list of all claims allowed, in whole or in part (together with the amount of each claim and the amount awarded thereon); and

(3) A copy of the decision rendered in each case. (Dec. 18, 1942, ch. 766, § 5, 56 Stat. 1060, as amended Apr. 3, 1945, ch. 52, §§ 1, 2, 59 Stat. 49.)

AMENDMENTS

1945—Subsec (d) added by act Apr 3, 1945, cited to text, which also renumbered former subsec (d) to be subsec (e)

Subsec. (e), formerly subsec. (d), amended by act Apr. 3, 1945, cited to text, which renumbered subsec., substituted "transmit" for "certify" following "of its work," in subd (1), and omitted "which have not been previously certified under section 4 (b) or 4 (c)" in subd (2).

§ 665. Determinations made by prior commissions as binding; certification by Secretary of State.

(a) For the purposes of sections 661–672 of this title, the following determinations heretofore made with respect to claims on behalf of American nationals against the Government of Mexico shall be regarded as final and binding—

(1) Decisions rendered by the General Claims Commission, except in the cases referred to in paragraph (6) of section 662 of this title;

(2) Appraisals agreed upon by the Commissioners designated by the Governments of the United States and Mexico, respectively, pursuant to the General Claims Protocol between the United States and Mexico signed April 24, 1934 (48 Stat. 1844);

(3) Appraisals made by the Commissioner designated by the Government of the United States in those cases in which the two Commissioners designated pursuant to said Protocol failed to agree upon appraisals, except where such appraisals are reviewed by the Commission pursuant to section 663 of this title; and

(4) Appraisals made by the Commissioner designated by the Government of the United States pursuant to the Agrarian Claims Agreement of 1938, except where such appraisals are reviewed by the Commission pursuant to section 663 of this title.

(b) The Secretary of State shall, as soon as possible, certify to the Secretary of the Treasury lists of the awards and appraisals made in favor of American nationals in the cases referred to in paragraphs (1) and (2) of subsection (a). (Dec. 18, 1942, ch. 766, § 6, 56 Stat. 1061.)

§ 666. Conversion of appraisals from Mexican to American currency; rate of exchange; interest on award or appraisal.

For the purposes of sections 661–672 of this title, appraisals made in favor of American nationals in terms of Mexican currency shall be converted into currency of the United States at the exchange rate of $0.4985, and in any case in which an award or appraisal made in favor of an American national bears interest, such interest shall be simple interest computed at 6 per centum per annum and shall run from the date specified in such award or appraisal to November 19, 1941. (Dec. 18, 1942, ch. 766, § 7, 56 Stat. 1061.)

§ 667. Mexican Claims Fund—(a) Payments from.

There is hereby created in the Treasury of the United States a special fund to be known as the "Mexican Claims Fund", hereinafter called the "fund". All payments authorized under section 668 of this title shall be disbursed from the fund, and all amounts covered into the Treasury to the credit of the fund, less the amount of the deduction provided for in section 669 (b) of this title, are hereby permanently appropriated for the making of the payments authorized by such section.

(b) Appropriations to fund.

The Secretary of the Treasury is authorized and directed to cover into the fund—

(1) the sum of $3,000,000, representing the total amount of payments heretofore made by the Government of Mexico under the Agrarian Claims Agreement of 1938;

(2) the sum of $3,000,000 which was paid by the Government of Mexico upon exchange of ratifications of the Convention signed November 19, 1941;

(3) such other sums as are paid by the Government of Mexico pursuant to the provisions of the said Convention; and

(4) the sum of $533,658.95, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and which represents the total amount of awards and appraisals, plus interest, made with respect to the claims on behalf of Mexican nationals against the Government of the United States which were filed with the General Claims Commission.

(c) Awards payable from fund.

The Secretary of the Treasury is authorized and directed, out of the sums covered into the fund pursuant to subsection (b) of this section, and after making the deduction provided for in section 669 (b) of this title, to make payments on account of awards and appraisals certified pursuant to sections 663 (b), 663 (c), and 665 (b) of this title, prior to April 3, 1945, of an amount not to exceed 30 per centum of the award or appraisal in each case, exclusive of interest; and, on and after July 1, 1945, the Secretary of the Treasury is authorized and directed, out of the sums

covered into the fund pursuant to subsection (b) of this section, and after making the deduction provided for in section 669 (b) of this title, to make an additional payment on account of awards and appraisals certified pursuant to sections 663 (b), 663 (c), and 665 (b) of this title prior to April 3, 1945, of an amount not to exceed 10 per centum of the award or appraisal in each case, exclusive of interest.

(d) Additional payments from.

On or after July 1, 1945, the Secretary of the Treasury is authorized and directed, to the extent that it may be possible to do so out of the sums covered into the fund pursuant to subsection (b) of this section, and after making the deduction provided for in section 669 (b) of this title—

(1) to make similar payments of not to exceed 40 per centum on account of the principal amount of the awards certified pursuant to section 664 (d) of this title.

(2) after completing the payments prescribed by paragraph (1) of this subsection, to make payments, from time to time and in ratable proportions, on account of all awards and appraisals certified pursuant to the provisions of sections 661–672 of this title, according to the proportions which the respective awards and appraisals, exclusive of interest, bear to the total amount in the fund available for distribution at the time such payments are made; and

(3) after payment has been made of the principal amounts of all such awards and appraisals, to make pro rata payments on account of accrued interest on such awards and appraisals as bear interest. (Dec. 18, 1942, ch. 766, § 8, 56 Stat. 1061, as amended Apr. 3, 1945, ch. 52, §§ 3, 6, 59 Stat. 49, 50.)

AMENDMENTS

1945—Subsec. (c) amended by act Apr. 3, 1945, § 3, cited to text, which inserted "prior to April 3, 1945" following "of this title", and added "and, on and after, * * * exclusive of interest.".

Subsec (d) amended by act Apr. 3, 1945, § 6, cited to text, which added "On or after July 1, 1945", and substituted "40" for "30" preceding "per centum" in subd. (1).

§ 668. Payment of awards—(a) Regulations governing.

Subject to the limitations hereinafter provided, payments pursuant to section 667 of this title, the Act approved April 10, 1935 (49 Stat. 149), and the joint resolution approved August 25, 1937 (50 Stat. 783), and applications for such payments, shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe.

(b) Persons entitled to receive; exceptions.

Such payments shall be made only to the person or persons on behalf of whom the award or appraisal is made, except that—

(1) if such person is deceased or is under a legal disability, payment shall be made to his legal representative: *Provided*, That if the amount to be disbursed at any one time is not over $500 and there is no qualified executor or administrator, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto without the necessity of compliance with the requirements of law with respect to the administration of estates;

(2) if an award or appraisal is made to the estate of a deceased person, and if there has been no administration of such person's estate, or if the administration of such person's estate has been terminated, payment may be made to the person or persons found by the Secretary of the Treasury to be entitled thereto;

(3) in the case of a partnership or corporation, the existence of which has been terminated and on behalf of which an award or appraisal is made, payment shall be made, except as provided in paragraphs (4) and (5), to the person or persons found by the Secretary of the Treasury to be entitled thereto;

(4) if a receiver or trustee for any such partnership or corporation has been duly appointed by a court of competent jurisdiction in the United States and has not been discharged prior to the date of payment, payment shall be made to such receiver or trustee or in accordance with the order of the court;

(5) if a receiver or trustee for any such partnership or corporation, duly appointed by a court of competent jurisdiction in the United States, makes an assignment of the claim, or any part thereof, with respect to which an award or appraisal is made, or makes an assignment of such award or appraisal, or any part thereof, payment shall be made to the assignee, as his interest may appear; and

(6) in the case of an assignment of an award or an appraisal, or any part thereof, which is made in writing and duly acknowledged and filed, after such award or appraisal is certified to the Secretary of the Treasury, payment may, in the discretion of the Secretary of the Treasury, be made to the assignee, as his interest may appear.

(c) Findings of Secretary as conclusive.

Whenever the Secretary of the Treasury shall find that any person is entitled to any such payment, such finding shall be an absolute bar to recovery by any other person against the United States, its officers, agents, or employees with respect to such payment.

(d) Consent of applicant.

Any person who makes application for any such payment shall be held to have consented to all the provisions of sections 661–672 of this title.

(e) Conclusiveness of payments.

The decisions of the Secretary of the Treasury in making such payments shall be final and conclusive and shall not be subject to review by any other officer of the Government.

(f) Assumption of liability for payment of claim.

Nothing in sections 661–672 of this title shall be construed as the assumption of any liability by the United States for the payment or satisfaction, in whole or in part, of any claim on behalf of any American national against the Government of Mexico. (Dec. 18, 1942, ch. 766, § 9, 56 Stat. 1062.)

§ 669. Appropriation for administration; deductions from award or appraisal.

(a) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Commission to carry out its functions under sections 661–672 of this title.

(b) There shall be deducted from the amount of each payment made from the fund pursuant to subsections (c) and (d) of section 667 of this title, as reimbursement for the expenses incurred by the United States, an amount equal to 5 per centum of such payment. All amounts so deducted shall be covered into the Treasury to the credit of miscellaneous receipts. (Dec. 18, 1942, ch. 766, § 10, 56 Stat. 1062.)

§ 670. Distribution of awards by Special Mexican Claims Commission of 1935 continued; inconsistent laws repealed.

(a) The Secretary of the Treasury shall continue to distribute to the beneficiaries of the final awards rendered by the Special Mexican Claims Commission all moneys heretofore or hereafter received from the Government of Mexico pursuant to the Convention signed April 24, 1934 including interest on deferred payments. (Dec. 18, 1942, ch 766, § 11 (a), 56 Stat. 1063.)

§ 671. Claims based on international arbitral awards prior to convention of 1923 as unaffected.

Nothing in sections 661–672 of this title is intended, or shall be deemed or construed, to apply to any claim or part of claim based upon or arising out of any international arbitral award rendered prior to the effective date [1] of the convention between the United States and Mexico signed September 8, 1923.[2] (Dec. 18, 1942, ch. 766, § 12, 56 Stat. 1063.)

[1] Ratifications of both countries were exchanged on Feb 19, 1924

[2] So in original Proclamation of Feb 23, 1924, 43 Stat. 1722, gives date of signing as Sept 10, 1923.

§ 672. Definitions.

As used in sections 661–672 of this title—

(a) The term "person" includes an individual, partnership, or corporation.

(b) The term "United States", when used in a geographical sense, includes the United States, its Territories and insular possessions (including the Philippine Islands), and the Canal Zone.

(c) The term "American national" includes (1) any person who is a citizen of the United States, and (2) any person who, though not a citizen of the United States, owes permanent allegiance to the United States. (Dec. 18, 1942, ch. 766, § 13, 56 Stat. 1063.)

Chapter 13.—SERVICE COURTS OF FRIENDLY FOREIGN FORCES (New)

Sec.
701. Definitions.
702. Arrest of offenders.
703. Attendance of witnesses.
704. Immunities of courts and witnesses.
705 Imprisonment.
706 Operative effect dependent upon Presidential finding.

§ 701. Definitions.

As used in this chapter, unless the context clearly requires a different meaning—

(a) "Friendly foreign force" means any military, naval, or air force of any friendly foreign state with respect to which this chapter is operative by virtue of a Presidential declaration as provided in section 706 of this title.

(b) "Service court" means any military, naval, or air force court, or court martial or similar tribunal of any friendly foreign force within the United States.

(c) "United States" means the United States, its Territories, its insular possessions (including the Philippine Islands), the Canal Zone, and any other place subject to the jurisdiction of the United States. (June 30, 1944, ch. 326, § 1, 58 Stat. 643.)

§ 702. Arrest of offenders.

Upon a specific or general request of the officer commanding any friendly foreign force, having service courts of appropriate jurisdiction within the United States, it shall be lawful for any person in the civil, military, or naval establishments of the United States having authority to arrest, summarily to arrest any member of such force designated in such request and to deliver him to the custody of any officer of such force or to the custody of the military or naval authorities of the United States who shall deliver him forthwith to the custody of an officer of such force, for trial in such service courts within the United States for such offenses as shall lie within the jurisdiction of the service courts of such friendly foreign force: *Provided,* That the trial of any member of such friendly foreign force for an offense against a member of the civilian population shall be in open court (except where security consideration forbids), shall take place promptly in the United States and within a reasonable distance from the place where the offense is alleged to have been committed, for the convenience of witnesses. (June 30, 1944, ch. 326, § 2, 58 Stat. 643.)

§ 703. Attendance of witnesses.

(a) Any district court of the United States, or the United States courts of any Territory or possession, or any court of first instance of the Philippine Commonwealth, or the District Court of the United States for the District of Columbia, within the jurisdiction of which proceedings are had before any service court of a friendly foreign force, or within the jurisdiction of which any person is found, shall have jurisdiction, upon application made by a service court of a friendly foreign force, to issue to such person an order requiring him to appear before the service court or an officer designated to take a deposition for use before such service court and there to produce evidence or give testimony if so ordered. Any failure to obey such order of the court may be punished by said court as a contempt thereof: *Provided,* That the fees of such witnesses and the mileage at the rate allowed to witnesses attending the courts of the United States should be duly paid or tendered in advance to such witnesses, with funds to be supplied by the friendly foreign force. Except

as expressly permitted by the court, in its discretion, no such order shall run into any other district.

(b) Attendance of witnesses in the armed services of the United States shall be obtained by request addressed to the discretion of the commanding officer of the person whose testimony is required.

(c) Persons subject to the jurisdiction of the United States, who are not members of a friendly foreign force, who shall give false testimony or shall commit any act in the presence of a service court of a friendly foreign force which, if committed before a court of the United States, would be in contempt thereof, shall upon conviction by a court of the United States be fined not more than $2,000 or imprisoned for not more than six months, or both. (June 30, 1944, ch. 326, § 3, 58 Stat. 644.)

§ 704. Immunities of courts and witnesses.

Members of any service court of a friendly foreign force lawfully exercising jurisdiction in the United States in relation to members of such force, and any witnesses appearing before such service court, shall enjoy the same immunities and privileges as are enjoyed by members of a court martial of the United States and by witnesses appearing before such a court martial. (June 30, 1944, ch. 326, § 4, 58 Stat. 644.)

§ 705. Imprisonment.

Persons sentenced to imprisonment by a service court of a friendly foreign force may be confined in disciplinary barracks, guardhouses, or other places of detention of the United States armed forces or in penitentiaries or other institutions employed by the United States for the detention or treatment of prisoners, at the expense of the state on whose behalf the prisoner is detained. (June 30, 1944, ch. 326, § 5, 58 Stat. 644.)

§ 706. Operative effect dependent upon Presidential finding.

This chapter shall be operative with respect to the military, naval, or air forces of any foreign state only after a finding and declaration by the President that the powers and privileges provided herein are necessary for the maintenance of discipline. The President may at any time revoke such finding and declaration. (June 30, 1944, ch. 326, § 6, 58 Stat. 645.)

PROC. NO 2626 ACTIVATION BY PRESIDENT

Proc. No. 2626, Oct. 12, 1944, 9 F R. 12403, provided:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the said act of June 30, 1944, do find and declare that the powers and privileges provided in that act to implement the jurisdiction of courts martial or other military tribunals of friendly foreign forces within the United States are necessary for the maintenance of discipline of the military, naval, or air forces of the United Kingdom and Canada within the United States.

TITLE 23.—HIGHWAYS

Chap. Sec.
3. Defense Highway Aid (New)..... 101

Chapter 1.—FEDERAL HIGHWAY AID

Sec.
13b Same; use by states of unobligated funds previously apportioned, effective period (New).
21d Use of funds for post-war highway improvements, limitation of expenditures (New)
26 Impounding or withholding certain appropriations prohibited unless use of critical material is certified by War Production Board (New).

§ 2. Definitions.

* * * * *

The term "construction" means the supervising, inspecting, actual building, and all expenses, including the costs of rights-of-way, incidental to the construction of a highway, except locating, surveying, and mapping (As amended July 13, 1943, ch. 236, § 1, 57 Stat. 560.)

* * * * *

AMENDMENTS

1943—Act July 13, 1943, cited to text, amended definition of term "construction"

§ 3. Powers and duties as to highways reposed in Secretary of Agriculture; cooperation with State highway departments and Department of Interior; allocation of funds among States; distribution of maps and other information.

CODIFICATION

Act Nov. 9, 1921, cited to text, also affected section 3 of Title 50, War.

§ 6. Projects to receive Federal aid; approval by Secretary of Agriculture; two classes of highways.

CROSS REFERENCES

Strategic highway network, extension of Federal-aid system to, see section 102 of this title.

§ 9a–1. Same; additional aid.

In the case of each and every State which, prior to January 1, 1947, shall have constructed or acquired any toll bridges, including interstate toll bridges, serving the approved system of Federal-aid highways, and which has caused or, prior to January 1, 1947, shall cause any such toll bridge or toll bridges to be made free, the Federal Works Administrator shall be, and he is hereby, authorized to pay out of the regular and secondary Federal-aid road funds apportioned to such State not to exceed 50 per centum of such amount as may be approved by the Federal Works Administrator as the current reasonable value of the physical property, exclusive of rights-of-way, of any such bridge, or not to exceed 50 per centum of the bonds or other obligations created and issued for the construction of such bridge which shall remain unpaid and outstanding, or such percentage of the amount by which such outstanding bonds or other obligations shall exceed any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever shall be least: *Provided,* That no payment of Federal funds shall be made on account of any such bridge which was not constructed in accordance with plans and specifications which would meet the standards required under sections 1–3a, 4–6, 7, 8, 9, 10, 11–13, 14, 15–20, 21, 22, 23, and 25 of this title at the time such bridge was constructed: *Provided further,* That no such payment shall be made which will exceed 50 per centum of the current reasonable value of the physical properties of any such bridge, nor shall such payment in the case of any bridge which was constructed or acquired with the aid of Federal funds or with the aid of a grant from the Federal Government exceed 50 per centum of the current reasonable value of the physical properties of such bridge which remains after deducting therefrom the share of cost or of grant already paid by the Federal Government, or shall not exceed 50 per centum of the bonds or other obligations created and issued for the construction of such bridge which shall remain unpaid and outstanding, or such percentage of the amount by which such outstanding bonds or other obligations shall exceed any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever shall be least, and any amount so paid on account of any such bridge from regular Federal-aid road funds shall be used for matching unobligated regular Federal-aid road funds available to the State for expenditure in the improvement of highways on the system of Federal-aid highways, and any amount so paid on account of any such bridge from secondary Federal-aid road funds shall be used for matching unobligated secondary Federal-aid road funds available to the State for expenditure in the improvement of secondary or feeder roads. (As amended July 13, 1943, ch. 236, § 8, 57 Stat. 562; July 31, 1945, ch. 333, 59 Stat. 507.)

AMENDMENTS

1945—Act July 31, 1945, cited to text, amended section by substituting "January 1, 1947" for "January 1, 1945" wherever appearing, inserting "or, not to exceed * * * bridge was constructed" following "rights-of-way, of any such bridge", deleting "which the Secretary * * * the war effort" following "rights-of-way, of any such bridge" all preceding first proviso, inserting "or shall not exceed * * * system of Federal-aid highways," in second proviso, and by deleting third proviso.

1943—Act July 13, 1943, cited to text, among other changes substituted "January 1, 1945" for "July 1, 1941" in both instances and added last proviso clause.

§ 10c. Flight strips adjacent to public highways.

CROSS REFERENCES

Authorization of flight strips, see section 108 of this title.

§ 12. Submission of project statements; approval; setting aside share of Federal aid.

CROSS REFERENCES

Strategic highway network, surveys and plans for, see section 109 of this title.

§ 13a. Emergency relief fund for repair or reconstruction of highways or bridges.

Not to exceed $8,000,000 of any money herein or hereafter appropriated for expenditure in accordance with the provisions of this chapter shall be available for expenditure by the Secretary of Agriculture, in accordance with the provisions of this chapter, as an emergency relief fund, after receipt of an application therefor from the highway department of any State, in the repair or reconstruction of highways and bridges on the system of Federal-aid highways, which he finds, after investigation, have been damaged or destroyed by floods, hurricanes, earthquakes, or landslides, and there is hereby authorized to be appropriated any sum or sums necessary to reimburse the funds so expended from time to time under the authority of this section. (June 18, 1934, ch 586, § 3, 48 Stat 994; June 8, 1938, ch. 328, § 4, 52 Stat. 634.)

CODIFICATION

Act June 18, 1934, cited to text, contained provisions identical to this section except that the appropriation authorized therein was not to exceed $10,000,000.

§ 13b. Same; use by States of unobligated funds previously apportioned; effective period.

(a) Not to exceed $10,000,000 of any money heretofore or hereafter appropriated for expenditure in accordance with the provisions of sections 1–3a, 4–6, 7, 8, 9, 10, 11–13, 14, 15–20, 21, 22, 23, and 25 of this title, as amended and supplemented, shall be available for expenditure by the Commissioner of Public Roads, in accordance with the provisions of sections 1–3a, 4–6, 7, 8, 9, 10, 11–13, 14, 15–20, 21, 22, 23, and 25 of this title, as amended and supplemented, as an emergency relief fund, after receipt of an application therefor from the highway department of any State, in the repair or reconstruction of highways and bridges on the system of Federal-aid highways (including secondary and feeder roads) which he finds, after investigation, have been damaged or destroyed by floods, hurricanes, earthquakes, or landslides, and there is hereby authorized to be appropriated any sum or sums necessary to reimburse the funds so expended from time to time under the authority of this section.

(b) Notwithstanding any other provision of law, any money heretofore apportioned to any State under the provisions of sections 1–3a, 4–6, 7, 8, 9, 10, 11–13, 14, 15–20, 21, 22, 23, and 25 of this title, as amended and supplemented, or section 104 of this title, which is unobligated on the date of approval of this section shall be available for expenditure for the rehabilitation of roads and bridges as provided in section 13a of this title, and paragraph (a) of this section, without regard to the limitation of funds contained in such sections: *Provided,* That any amounts made available to any State under the provisions of this paragraph may be used to pay the share of such State in the cost of any project authorized by this section: *Provided further,* That the provisions of this section shall apply only during the continuance of the emergency declared by the President on May 27, 1941, and for a period of one year thereafter. (July 13, 1943, ch. 236, § 7, 57 Stat. 561.)

§ 14. Payment to States of Federal aid; time and manner of making.

CROSS REFERENCES

Advancement of funds for strategic highway network, see section 107 of this title.

§ 20a. Service surveys for classification of highways; reports to Congress.

EXPRESS HIGHWAYS SURVEY

Act July 13, 1943, ch. 236, § 5, 57 Stat. 561, provided: "The Commissioner of Public Roads is authorized and directed to make a survey of the need for a system of express highways throughout the United States, the number of such highways needed, the approximate routes which they should follow, and the approximate cost of construction; and to report to the President and to Congress, within six months after the date of the enactment of this Act [July 13, 1943], the results of such survey together with such recommendations for legislation as is deemed advisable."

§ 21. Deduction for administration and research; apportionment of remainder among States.

CROSS REFERENCES

Strategic network of highways, apportionment and reapportionment of funds, see sections 104 and 105 of this title.

§ 21d. Use of funds for post-war highway improvements, limitation of expenditures.

The Commissioner of Public Roads is hereby authorized to expend in cooperation with the highway department of any State for engineering and economic investigations of projects for future construction and for surveys, plans, specifications, and estimates for post-war highway improvements so much of the unobligated funds for regular Federal aid, for secondary or feeder roads, and for the elimination of hazards at railroad grade crossings, that now remain available to such State, as may be deemed adequate, but not to exceed in any State an amount which would represent such State's share of $50,000,000 apportioned under the formula provided under section 21 of this title: *Provided,* That agreements may be entered into with any State highway department for such post-war highway projects not exceeding the unobligated Federal funds. (July 13, 1943, ch. 236, § 3, 57 Stat. 560.)

§ 26. Impounding or withholding certain appropriations prohibited unless use of critical material is certified by War Production Board.

No part of any appropriation authorized in sections 2, 9a–1, 13b, 20a note, 21d, 105, 106, 110 of this title shall be impounded or withheld from obligation or expenditure by any agency or official, unless the War Production Board shall certify that the use of critical material for additional highway construction would impede the conduct of the war. (July 13, 1943, ch. 236, § 9, 57 Stat. 563.)

RELEASE OF IMPOUNDED OR WITHHELD FUNDS

Act June 27, 1944, ch. 286, title I, § 1, 58 Stat. 371, provided in part: "All funds heretofore appropriated to the Public Roads Administration for the construction of roads

but impounded or withheld from obligation or expenditure by any agency or official are hereby released and made available for obligation or expenditure for the purposes for which they were originally appropriated subject to the approval of the Chairman of the War Manpower Commission as to the availability of manpower and subject to the approval of the Chairman of the War Production Board as to the availability of critical materials."

Chapter 2.—MISCELLANEOUS PROVISIONS

Sec
58 Appointment of personnel by Commissioner of Public Roads (New).
59 Compensation of Commissioner of Public Roads (New).
60 National System of Interstate Highways; extent; selection of routes; inclusion in Federal-aid highway system (New).
61. Percentage of appropriation available for surveys and plans for future construction (New).
62. Reconstruction or relocation of highways giving access to certain airports (New).
63 Approval of safety devices and traffic signals (New).

§ 57. Availability of Public Roads Administration funds for relief of certain employees.

REPEATED—Act Apr 5, 1941, ch 40, § 1, 55 Stat 109; act June 27, 1942, ch 450, § 1, 56 Stat 409; act June 26, 1943, ch. 145, title I, § 1, 57 Stat. 179; act June 27, 1944, ch. 286, title I, § 1, 58 Stat. 370; act May 3, 1945, ch. 106, title I, § 1, 59 Stat. 116.

§ 58. Appointment of personnel by Commissioner of Public Roads.

The Federal Works Administrator may, under such rules and regulations as he shall prescribe, authorize the Commissioner of Public Roads and the Commissioner of Public Buildings to make appointments of personnel for such administrations. (June 26, 1943, ch. 145, title I, § 1, 57 Stat. 176; June 27, 1944, ch. 286, title I, § 1, 58 Stat. 367; May 3, 1945, ch. 106, title I, § 1, 59 Stat. 112.)

§ 59. Compensation of Commissioner of Public Roads.

The Commissioner of Public Roads in the Federal Works Agency shall receive a salary of $10,000 per annum from and after July 1, 1943. (July 9, 1943, ch. 210, 57 Stat. 390.)

CODIFICATION

In original section read "The Commissioner of Public Roads and the Commissioner of Federal Works Agency each shall receive a salary of $10,000 per annum from and after July 1, 1943."

§ 60. National System of Interstate Highways; extent; selection of routes; inclusion in Federal-aid highway system.

There shall be designated within the continental United States a National System of Interstate Highways not exceeding forty thousand miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico. The routes of the National System of Interstate Highways shall be selected by joint action of the State highway departments of each State and the adjoining States, as provided by sections 1–3a, 4–6, 7, 8, 9, 10, 11–13, 14, 15–20, 21, 22, 23, and 25 of this title for the selection of the Federal-aid system. All highways or routes included in the National System of Interstate Highways as finally approved, if not already included in the Federal-aid highway system, shall be added to said system without regard to any mileage limitation. (Dec 20, 1944, ch. 626, § 7, 58 Stat. 842.)

§ 61. Percentage of appropriation available for surveys and plans for future construction.

With the approval of the Federal Works Administrator, not to exceed 1½ per centum of the amount apportioned for any year to any State under sections 1–3a, 4–6, 7, 8, 9, 10, 11–13, 14, 15–20, 21, 22, 23, and 25 of this title except sections 3 and 23 of this title, shall be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, on the Federal-aid highway system and extensions thereof within municipalities, on secondary or feeder roads, urban highways or grade-crossing eliminations, and for highway research necessary in connection therewith. (Dec. 20, 1944, ch. 626, § 8, 58 Stat. 842.)

§ 62. Reconstruction of relocation of highways giving access to certain airports.

Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to an airport (if such airport has been constructed or extended after December 20, 1944, or for the reconstruction or relocation of any highway which has been or may be closed or the usefulness of which has been or may be impaired by the location or construction of any airport (if such airport has been constructed or extended after December 20, 1944, unless, prior to such extension or construction, as the case may be, the State highway department and the Public Roads Administration have concurred with the officials in charge of the airport that the location of such airport or extension thereof and the consequent reconstruction or relocation of the highway are in the public interest. (Dec. 20, 1944, ch 626, § 11, 58 Stat. 843.)

§ 63. Approval of safety devices and traffic signals.

On any highway or street constructed with Federal aid in any State, the location, form, and character of informational, regulatory, and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority, or other agency, shall be subject to the approval of the State highway department with the concurrence of the Public Roads Administration; and the Commissioner of Public Roads is directed to concur only in such installations as will promote the safe and efficient utilization of the highways. (Dec. 20, 1944, ch. 626, § 12, 58 Stat. 843.)

Chapter 3.—DEFENSE HIGHWAY AID (New)

Sec
101. Definition of strategic network of highways.
101a. Same; inclusion of principal highway traffic routes of military importance in Puerto Rico and Hawaii (New).
102 Extension of Federal-aid system.
103. Extension of secondary road system.
104. Strategic highway network.
105. Reapportionment of Federal highway funds.
106. Access roads.

Sec.
107. Advance of funds.
108. Flight strips.
109. Surveys and plans.
110 Emergency repairs.
111 Off-street parking.
112 Cost of right-of-way on strategic highway network.
113 Cost of right-of-way in grade-crossing elimination.
114 Acquisition of rights-of-way.
115 Road work for Federal agencies.
116 Detail of employees as students.
117. Detail of Army and Navy officers.

§ 101. Definition of strategic network of highways.

As used in this chapter the term "strategic network of highways" means all existing or proposed highways which conform to routes designated on the diagrammatic map of principal highway traffic routes of military importance dated October 25, 1940, revised to May 15, 1941, and approved by the Secretary of War. The Federal Works Administrator is authorized to designate existing or proposed highways conforming to such approved routes and interconnections as lines of the strategic network of highways. The location of any strategic highway route between control points shown on the revised diagrammatic map of May 15, 1941, may, without regard to State lines, be changed by the Federal Works Administrator, but no such change shall increase the length of such route between the termini of such change by more than 10 per centum. (Nov. 19, 1941, ch. 474, § 1, 55 Stat. 765.)

SHORT TITLE OF CHAPTER

Section 18 of act Nov. 19, 1941, cited to text, provided as follows: "This act may be cited as the 'Defense Highway Act of 1941'."

§ 101a. Same; inclusion of principal highway traffic routes of military importance in Puerto Rico and Hawaii.

The term "strategic network of highways", as defined in section 101 of this title, shall include the principal highway traffic routes of military importance in Puerto Rico, approved by the War Department on December 8, 1941, and the principal highway traffic routes of military importance in the Territory of Hawaii, approved by the War Department on December 20, 1941. (July 2, 1942, ch. 474, § 2, 56 Stat. 562.)

CODIFICATION

Section is not part of the Defense Highway Act of 1941, which constitutes the bulk of this chapter.

§ 102. Extension of Federal-aid system.

Notwithstanding the limitations in section 6 of this title, as amended and supplemented, respecting the mileage of the system of Federal-aid highways, such system of highways in any State may be extended to include, and there may be approved as a part of such system of highways in such State, any of the lines of the strategic network of highways. (Nov. 19, 1941, ch. 474, § 2, 55 Stat. 765.)

§ 103. Extension of secondary road system.

Funds heretofore or hereafter made available for expenditure under the provisions of sections 1–3a, 4–6, 7, 8, 9, 10, 11–13, 14, 15–20, 21, 22, 23, and 25 of this title, as amended and supplemented, for secondary or feeder roads are hereby also made available for expenditure on any roads (including bridges thereon) which are lines of the strategic network of highways and are not on the system of Federal-aid highways. (Nov. 19, 1941, ch. 474, § 3, 55 Stat. 765.)

§ 104. Strategic highway network.

(a) For carrying out projects to correct critical deficiencies in lines of the strategic network of highways and bridges, during the continuance of the emergency declared by the President on May 27, 1941, there is hereby authorized to be appropriated the sum of $25,000,000. Such sum shall be immediately apportioned among the States in accordance with the provisions of section 21 of this title, as amended and supplemented, and shall be expended in accordance with the provisions of sections 1–3a, 4–6, 7, 8, 9, 10, 11–13, 14, 15–20, 21, 22, 23, and 25 of this title, as amended and supplemented: *Provided*, That during the continuance of the emergency declared by the President on May 27, 1941, when funds heretofore, herein, or hereafter made available for expenditure in accordance with the provisions of sections 1–3a, 4–6, 7, 8, 9, 10, 11–13, 14, 15–20, 21, 22, 23, and 25 of this title, as amended and supplemented, on the system of Federal-aid highways, or on secondary or feeder roads, are expended for any project on the strategic network of highways, including all such projects under construction during the period of said emergency, the Federal share payable on account of any such project shall be increased to three-fourths of the total cost thereof, plus a percentage of the remaining one-fourth of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area.

(b) There is hereby authorized to be appropriated, during the continuance of the emergency declared by the President on May 27, 1941, the sum of $25,000,000, which shall, after November 19, 1941, be allocated by the Federal Works Administrator to States for projects within such States without regard to the apportionment provisions of section 21 of this title, as amended and supplemented, and shall be available for expenditure in accordance with the provisions of this chapter, to supplement other Federal highway funds now or hereafter available for use for projects for the reconstruction and replacement of critically deficient bridges and the correction of other critical deficiencies in the strategic network of highways.

(c) Upon apportionment or allocation to the States of the sums authorized to be appropriated by this section, the State highway departments may submit projects, and such projects shall be acted upon and may be approved, in the same manner and with like effect as in the case of projects submitted for approval in accordance with the provisions of section 21a of this title. (Nov. 19, 1941, ch. 474, § 4, 55 Stat. 765.)

EMERGENCY DECLARED ON MAY 27, 1941

Unlimited national emergency, see Proc No. 2487, set out in note preceding section 1 of Appendix to Title 50, War.

ADDITIONAL APPROPRIATIONS

$10,000,000—Act May 3, 1945, ch. 106, title I, § 1, 59 Stat. 117.

$10,000,000—Act June 27, 1944, ch 286, title I, § 1, 58 Stat 371

$10,000,000—Act June 26, 1943, ch. 145, title I, § 1, 57 Stat. 180.

§ 105. Reapportionment of Federal highway funds.

Federal funds apportioned to the States prior to January 1, 1942, for expenditure on the system of Federal-aid highways, on secondary or feeder roads, and for the elimination of hazards to life at railroad grade crossings in accordance with the provisions of sections 1–3a, 4–6, 7, 8, 9, 10, 11–13, 14, 15–20, 21, 22, 23, and 25 of this title, as amended and supplemented, which were not on that date obligated by the States and which shall not be so obligated on or before June 30, 1943, shall not be reapportioned among the States in accordance with the provisions of said sections, as amended and supplemented, but shall remain available for obligation by the States during continuance of the emergency declared by the President on May 27, 1941, and for a period of one year thereafter. (Nov. 19, 1941, ch. 474, § 5, 55 Stat. 766, as amended July 13, 1943, ch. 236, § 2, 57 Stat. 560.)

AMENDMENTS

1943—Act July 13, 1943, cited to text, among other changes, substituted "January 1, 1942" for "December 31, 1941".

CROSS REFERENCES

Impounding or withholding appropriations prohibited unless use of critical material is certified by War Production Board, see section 26 of this title.

§ 106. Access roads.

The Commissioner of Public Roads is authorized to provide for the construction, maintenance and improvement of access roads (including bridges, tubes and tunnels thereon) to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials when such roads are certified to the Federal Works Administrator as important to the national defense by the Secretary of War or the Secretary of the Navy, and for replacing existing highways and highway connections that are shut off from general public use by necessary closures or restrictions at military and naval reservations and defense-industry sites: *Provided,* That such certification for access roads to sources of raw materials and industrial sites may be made by the Chairman of the War Production Board. The acquisition of new or additional rights-of-way necessary for such projects may, to the extent determined by the Federal Works Administrator, be included as part of the construction of such projects and Federal funds shall be available to pay the cost of such acquisition. For carrying out the purpose of this section there is hereby authorized to be appropriated during the continuance of the emergency declared by the President on May 27, 1941, the sum of $290,000,000, of which not to exceed $27,500,000 shall be available for access roads to sources of raw materials, which shall be available, without regard to apportionment among the several States, for paying all or any part of the cost thereof: *Provided, however,* That in determining the expenditure of the funds under this section due consideration shall be given to projects for such roads in States which have heretofore expended their own funds for the immediate construction of roads and highways deemed essential to the national defense, which roads and highways but for the action of such States would be properly considered for construction with Federal funds under the provisions of this section: *Provided further,* That during the continuance of such emergency the Commissioner of Public Roads is authorized to enter into contracts in amounts not exceeding the total of such authorization: *And provided further,* That not exceeding $5,000,000 of this appropriation be used by the Commissioner of Public Roads in areas certified to the Federal Works Administrator, by the Secretary of War, or the Secretary of the Navy, or by their authorized representatives, as maneuver areas, for such improvement and construction as may be necessary to keep the roads therein, which have been or may be used for training of the armed forces, in suitable condition for such training purposes, and to repair the damage caused thereto by the operations of men and equipment in such training. (Nov. 19, 1941, ch. 474, § 6, 55 Stat. 766; July 2, 1942, ch 474, § 1, 56 Stat 562; July 13, 1943, ch. 236, § 4, 57 Stat. 561; Apr. 4, 1944, ch. 164, 58 Stat. 189.)

AMENDMENTS

1944—Act Apr 4, 1944, cited to text, amended section by striking out "$260,000,000" and inserting in lieu "$290,000,000," and by adding last proviso.

1943—Act July 13, 1943, cited to text, substituted "not to exceed $27,500,000" for "$10,000,000".

1942—Act July 2, 1942, cited to text, amended section in several particulars, including the addition of proviso at end of first sentence and last proviso to section, addition of "maintenance" where first occurring, and increase of appropriation from "$150,000,000"

EMERGENCY DECLARED ON MAY 27, 1941

Unlimited national emergency, see Proc No. 2487, set out in note preceding section 1 of Appendix to Title 50, War.

ADDITIONAL APPROPRIATIONS

$35,000,000—Act May 3, 1945, ch. 106, title I, § 1, 59 Stat 117

$40,000,000—Act June 27, 1944 ch 286, title I, § 1, 58 Stat. 371

$75,000,000—Act June 26, 1943, ch 145, title I, § 1, 57 Stat. 180.

CROSS REFERENCES

Impounding or withholding appropriations prohibited unless use of critical material is certified by War Production Board, see section 26 of this title.

§ 107. Advance of funds.

If the Commissioner of Public Roads shall determine that it is necessary for the expeditious completion of projects undertaken pursuant to this chapter, he may advance to any State from funds heretofore or hereafter made available the Federal share of the cost thereof to enable the State highway department to make prompt payments for work as it progresses. The funds so advanced shall be deposited in a special trust account by the State treasurer, or other State official authorized under the laws of the State to receive Federal-aid highway funds, to be disbursed solely upon vouchers approved by the State highway department for work actually performed in accordance with plans, specifications, and estimates approved by the Public Roads Administration under the provisions of this chapter. Any unexpended bal-

ances of funds so advanced shall be returned to the credit of the appropriation from which the funds have been advanced. (Nov. 19, 1941, ch. 474, § 7, 55 Stat. 767.)

§ 108. Flight strips.

In order to insure greater safety for traffic on the public highways by providing additional facilities in connection therewith to be available for the landing and take-off of aircraft, the Commissioner of Public Roads is authorized to provide, in cooperation with the Army Air Corps, for studies and for the construction of flight strips adjacent to public highways or roadside-development areas along such highways. The acquisition of new or additional lands necessary for such projects may, to the extent determined by the Federal Works Administrator, be included as part of the construction thereof and Federal funds shall be available to pay the cost of such acquisition. For carrying out the purposes of this section, there is hereby authorized to be appropriated during the continuance of the emergency declared by the President on May 27, 1941, in addition to any funds that may be available under any other appropriation, the sum of $10,000,000, which shall be available, without regard to apportionment among the several States, for paying all or any part of the cost of such projects. (Nov 19, 1941, ch. 474, § 8, 55 Stat. 767.)

EMERGENCY DECLARED ON MAY 27, 1941

Unlimited national emergency, see Proc No 2487, set out in note preceding section 1 of Appendix to Title 50, War.

CROSS REFERENCES

Investigation of location and development of flight strips, see section 10c of this title.

§ 109. Surveys and plans.

The Commissioner of Public Roads is authorized to make such surveys and plans as may be necessary to carry out the purposes of this chapter, including advance engineering surveys and plans for future development of the strategic network of highways and bypasses around and extensions into and through municipalities and metropolitan areas. Any funds available for carrying out any of the purposes of sections 104, 106, and 108, of this title may be used for paying the Federal share of the cost of the surveys and plans required for such purposes, respectively, and the necessary administrative expenses for carrying out the provisions of this chapter shall be made available in accordance with the provisions of section 21 of this title. By agreement with the State highway department of any State, any project carried out in such State under the provisions of this section may be carried out through or in cooperation with the highway department of such State. For carrying out advance engineering surveys there is hereby authorized to be appropriated during the continuance of the emergency declared by the President on May 27, 1941, for apportionment among the States in accordance with the provisions of section 21 of this title, as amended and supplemented, the sum of $10,000,000. Such sum shall be matched with State funds on the pro rata basis heretofore provided by law. (Nov. 19, 1941, ch. 474, § 9, 55 Stat. 767.)

EMERGENCY DECLARED ON MAY 27, 1941

Unlimited national emergency, see Proc No. 2487, set out in note preceding section 1 of Appendix to Title 50, War.

ADDITIONAL APPROPRIATIONS

$3,000,000—Act May 3, 1945, ch. 106, title I, § 1, 59 Stat. 117.

$4,000,000—Act June 27, 1944, ch. 286, title I, § 1, 58 Stat. 371

$3,000,000—Act June 26, 1943, ch. 145, title I, § 1, 57 Stat. 180

CROSS REFERENCES

Federal-aid roads, surveys and plans for, see section 12 of this title

§ 110. Emergency repairs.

The Commissioner of Public Roads is authorized to reimburse the several States for the necessary rehabilitation or repair of roads and highways of States or their subdivisions substantially damaged by the Army or the Navy, or both, by any other agency of the Government or by any person or contractor employed by or contracting with the Army or Navy or any other agency of the Government "in the performance of contract work in connection" with the prosecution of the war or national defense. The Commissioner is authorized on behalf of the United States to consider, ascertain, adjust, and determine any claim accruing subsequent to May 27, 1941, submitted by the State highway department of any State, in accordance with regulations prescribed by the Commissioner, for reimbursement of the cost of such rehabilitation or repair.

Such amount as may be found to be due to any claimant shall be certified to Congress for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That no claim shall be considered by the Commissioner unless notice of intention to file such claim has been presented to him within thirty days after the occurrence of the damage upon which the claim is based, except that in case of damage caused by maneuvers such notice shall be filed within thirty days after completion of such maneuvers: *And provided further*, That in either case such notice of damage accruing before the passage of sections 101–117 of this title shall be filed within thirty days after the passage of sections 101–117 of this title (Nov. 19, 1941, ch. 474, § 10, 55 Stat. 768, as amended July 13, 1943, ch. 236, § 6, 57 Stat. 561.)

AMENDMENTS

1943—Act July 13, 1943, cited to text, added "by any other agency * * * war or national defense", to first sentence

CROSS REFERENCES

Impounding or withholding appropriations prohibited unless use of critical material is certified by War Production Board, see section 26 of this title.

§ 111. Off-street parking.

In order to facilitate the flow of traffic on sections of the strategic network of highways forming bypasses around and connections into and through municipalities and metropolitan areas, the Commissioner of Public Roads is authorized to cooperate with

the States in the location, development, and construction of off-street facilities for the parking of vehicles, and projects for providing such facilities shall be considered to be highway projects. Where provision is made by any State for the permanent prohibition of parking of vehicles within the roadway or street portion of any through highway over which the State has been legally vested with traffic control and which forms a section of the strategic network of highways, funds heretofore or hereafter made available for expenditure in accordance with the provisions of sections 1–3a, 4–6, 7, 8, 9, 10, 11–13, 14, 15–20, 21, 22, 23, and 25 of this title, as amended and supplemented, for construction and reconstruction on the system of Federal-aid highways, are hereby also made available, on the pro rata basis heretofore provided by law, for the location, development, and construction of off-street vehicle parking facilities to serve the area where parking on such highway is so prohibited, including the cost of acquiring the lands necessary for such facilities: *Provided*, That the Federal Works Administrator is authorized and directed to withhold from any allotment of Federal highway funds to any State a sum equal to the Federal share of the cost of any off-street parking facilities upon the failure of such State adequately to enforce such permanent prohibition of parking of vehicles within the roadway or street portion in connection with which Federal funds have been expended for the construction of such off-street parking facilities: *And provided further*, That the authority contained in this section shall not be exercised unless the Commissioner of Public Roads finds that the Federal share of the cost of providing such off-street parking facilities will be materially less than the Federal share of the cost of widening or relocating the section of the strategic network of highways which such off-street parking facilities are designed to serve, and that the benefits to be derived from the construction of off-street parking facilities will be substantially as great as the benefits to be derived from such widening or relocation. (Nov. 19, 1941, ch. 474, § 11, 55 Stat 768.)

§ 112. Cost of right-of-way on strategic highway network.

When funds heretofore or hereafter made available for expenditure in accordance with the provisions of sections 1–3a, 4–6, 7, 8, 9, 10, 11–13, 14, 15–20, 21, 22, 23, and 25 of this title, as amended and supplemented, are expended for any project on the strategic network of highways the acquisition of new or additional rights-of-way necessary for such project may, to the extent determined by the Federal Works Administrator, be included as part of the construction of such project and Federal funds shall be available, to the extent determined by the Federal Works Administrator, to pay a share of the costs of such acquisition. (Nov. 19, 1941, ch. 474, § 12, 55 Stat. 768.)

§ 113. Cost of right-of-way in grade-crossing elimination.

When funds heretofore or hereafter made available for expenditure in accordance with the provisions of sections 1–3a, 4–6, 7, 8, 9, 10, 11–13, 14, 15–20, 21, 22, 23, and 25 of this title, as amended and supplemented, for the elimination of hazards to life at railroad grade crossings are expended for any project on the strategic network of highways, the acquisition of new or additional rights-of-way necessary for such project may, to the extent determined by the Federal Works Administrator, be included as part of the construction of such project and such funds shall be available, to the extent determined by the Administrator, to pay a share of the costs of such acquisition. (Nov. 19, 1941, ch. 474, § 13, 55 Stat. 769.)

§ 114. Acquisition of rights-of-way.

By agreement with the State highway department of any State, such new or additional rights-of-way, lands, or interests in lands in such State as may be required for any project authorized by this chapter, may be acquired by such highway department or by any political subdivision of such State, and the Commissioner of Public Roads may advance or reimburse the share of the cost of such acquisition payable by the Federal Government: *Provided, however*, That if the Federal Works Administrator shall determine that the highway department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interests in lands, improved or unimproved, with sufficient promptness, the Federal Works Administrator is authorized to acquire, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interests in lands as may be required in such State for such projects, by purchase, donation, condemnation, or otherwise, in accordance with the laws of the United States (including sections 258a–258e of Title 40) and, during the continuance of the emergency declared by the President on May 27, 1941, may enter upon and take possession thereof, and expend public funds for projects thereon, prior to approval of title by the Attorney General (without regard to the provisions of sections 1339 of Title 10, 733 of Title 33, 520 of Title 34, 255 of Title 40, 5 of Title 41, and 175 of Title 50, and without regard to State, municipal, or local laws, ordinances, or regulations). The costs incurred by the Federal Works Administrator in acquiring any such rights-of-way, lands, or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost, or the Federal share of the cost, of the project for which such rights-of-way, lands, or interests in lands are acquired. The Federal Works Administrator is further authorized and directed, by proper deed executed in the name of the United States, to convey any lands or interest in lands acquired in any State under the provisions of this section to the highway department of such State, or to such political subdivision thereof as its laws may provide, upon condition that such highway department or political subdivisions will accept the same and will maintain the project constructed thereon. (Nov. 19, 1941, ch. 474, § 14, 55 Stat. 769.)

EMERGENCY DECLARED ON MAY 27, 1941

Unlimited national emergency, see Proc. No. 2487, set out in note preceding section 1 of Appendix to Title 50, War.

§ 115. Road work for Federal agencies.

The Commissioner of Public Roads is authorized, upon the request of any branch of the Federal Government, to perform any service in connection with the construction of roads or bridges, including the preparation of plans, designs, specifications and estimates, the execution of contracts, and supervision of the work, payment of all costs involved in such work to be made by transfer of funds in accordance with the provisions of section 686 of Title 31. (Nov. 19, 1941, ch. 474, § 15, 55 Stat. 769.)

§ 116. Detail of employees as students.

During any fiscal year the Commissioner of Public Roads is hereby authorized, in his discretion, to detail not to exceed ten of the regularly employed personnel of the Public Roads Administration as students for limited periods at such technical institutions as will enable such personnel to acquire special knowledge which will better fit them for the lines of work to which they are assigned: *Provided,* That no expense other than the salaries of personnel so detailed and the cost of tuition and other regular fees required at such institutions shall be incurred by the United States under this section. (Nov. 19, 1941, ch. 474, § 16, 55 Stat. 770.)

§ 117. Detail of Army and Navy officers.

The Secretary of War and the Secretary of the Navy, upon request of the Federal Works Administrator, are authorized to make temporary details to the Public Roads Administration of officers of the Army and officers of the Navy, without additional compensation, for technical advice and for consultation regarding highway needs for the national defense: *Provided,* That the travel and subsistence expenses of officers so detailed shall be paid, from appropriations available to the Public Roads Administration, on the same basis as authorized by law and by regulations of the War Department for officers of the Army and by law and by regulations of the Navy Department for officers of the Navy. (Nov. 19, 1941, ch. 474, § 17, 55 Stat. 770.)

TITLE 24.—HOSPITALS, ASYLUMS, AND CEMETERIES

Chapter 1.—NAVY HOSPITALS, NAVAL HOME, ARMY AND NAVY HOSPITAL, AND HOSPITAL RELIEF FOR SEAMEN AND OTHERS

Sec

6a. Same; disposition of amounts deducted (New).

14a. Annual appropriations for maintenance, operation and improvement of naval hospitals (New).

16a Additional personnel for patients of Veterans' Administration in naval hospitals (New).

32 Hospitalization of dependents of naval and Marine Corps personnel; rate of charges; disposition of payments (New).

33. Same; definitions (New).

34 Hospitalization of persons outside continental limits of United States; persons entitled, availability of other facilities; rate of charges; disposition of payments (New).

35. Limitation of medical, surgical or hospital services (New)

36. Application of sections 32–36 to dependents of personnel of Coast Guard (New).

§§ 1, 2. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 1, which defined word seamen, is now covered by section 201 of Title 42, The Public Health and Welfare.

Section 2, which provided for the acceptance of gifts in aid of marine hospitals, is now covered by section 219 of Title 42, The Public Health and Welfare.

§§ 3–5. Repealed. June 15, 1943, ch. 125, § 3, eff. July 1, 1943.

CROSS REFERENCES

For present provisions controlling disposition of savings deposits forfeited for desertion, see section 933a of Title 34, Navy

§ 6a. Disposition of amounts deducted from pensioners.

Pensions of inmates of a naval home or naval hospital, required by law prior to July 1, 1943, to be deducted from the account of the pensioner and applied for the benefit of the fund from which such home or hospital is maintained, shall be deposited into the Treasury of the United States as miscellaneous receipts. (June 15, 1943, ch. 125, § 3, 57 Stat 153, eff. July 1, 1943.)

§§ 7–12. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 7, which provided for the lease and sale of hospitals, is now covered by section 248 of Title 42, The Public Health and Welfare

Section 8, which provided for the admission of Coast Guard personnel and their families to hospitals is now covered by section 253 of Title 42, The Public Health and Welfare.

Section 9, which provided for hospital relief of officers and employees of the Public Health Service, is now covered by sections 249 and 253 of Title 42, The Public Health and Welfare.

Section 10, which provided for hospital relief for officers and crews of the Fish and Wildlife Service, is now covered by section 249 of Title 42, The Public Health and Welfare.

Section 11, which provided for the care of foreign seamen, is now covered by section 249 of Title 42, The Public Health and Welfare.

Section 11a, which provided that foreign vessels were liable for hospital charges for care of their seamen, is now covered by section 249 of Title 42, The Public Health and Welfare.

Section 12, which provided for the exclusion of employees on canal boats in coasting trade from hospital care, is now covered by section 249 of Title 42, The Public Health and Welfare.

§ 14a. Annual appropriations for maintenance, operation and improvement of naval hospitals.

Commencing with the fiscal year 1944, annual appropriations in such amounts as may be necessary are authorized from the general fund of the Treasury for the maintenance, operation, and improvement of naval hospitals. (June 15, 1943, ch. 125, § 1 (c), 57 Stat. 152.)

§ 16a. Additional personnel for patients of Veterans' Administration in naval hospitals.

Hereafter additional commissioned, warranted, appointed, enlisted, and civilian personnel of the Medical Department of the Navy, required for the care of patients of the United States Veterans' Administration in naval hospitals, may be employed in addition to the numbers annually appropriated for. (June 26, 1943, ch. 147, § 1, 57 Stat. 204; June 22, 1944, ch. 269, § 1, 58 Stat 308; May 29, 1945, ch. 130, § 1, 59 Stat. 208.)

§§ 26–28. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 26, which provided for additional hospital and sanatorium facilities, is now covered by sections 249, 251, and 253 of Title 42, The Public Health and Welfare, and section 763c of Title 33, Navigation and Navigable Waters

Section 26a, R S 4803; June 26, 1884, ch. 121, § 15, 23 Stat 57, Mar. 3, 1905, ch. 1484, § 1, 33 Stat. 1217; Aug. 14, 1912, ch 288, § 1, 37 Stat 309, which provided for the use of certain funds for the relief of sick and disabled seamen, is now covered by section 249 of Title 42, The Public Health and Welfare

Section 27, which provided for the transfer of hospitals to Treasury Department for the Public Health Service, is now covered by section 248 of Title 42, The Public Health and Welfare.

Section 28 provided for the transfer of property and equipment by Secretary of War to the Treasury Department for use of the Public Health Service.

§§ 29, 29a. Transfer of surplus war material for use of Public Health Service.

PRESENT PROVISIONS

These sections now appear as sections 44 and 45, respectively, of Title 42, The Public Health and Welfare.

§ 30. Payments to donors of blood for persons undergoing treatment at Government expense.

Any person, whether or not in the employ of the United States, who shall furnish blood from his or her veins for transfusion into the veins of a person entitled to and undergoing treatment at Govern-

ment expense, whether in a Federal hospital or institution or in a civilian hospital or institution, or who shall furnish blood for blood banks or for other scientific and research purposes in connection with the care of any person entitled to treatment at Government expense, shall be entitled to be paid therefor such reasonable sum, not to exceed $50, for each blood withdrawal as may be determined by the head of the department or independent agency concerned, from public funds available to such department or independent agency for medical and hospital supplies: *Provided*, That no payment shall be made under this authority to any person for blood withdrawn for the benefit of the person from whom it is withdrawn. (As amended July 30, 1941, ch. 332, 55 Stat. 609.)

AMENDMENTS

1941—Act July 30, 1941, cited to text, amended section by omitting requirement that donor had to be in the Military Establishment or a Government employee and that patient had to be in a Government hospital to have donor qualify for payment.

§ 32. Hospitalization of dependents of naval and Marine Corps personnel; rate of charges; disposition of payments.

The hospitalization of dependents of naval and Marine Corps personnel at any naval hospital shall be at such per diem or other rate as may be prescribed from time to time by the President, and all sums received in payment of such hospital charges shall be deposited to the credit of the appropriation or fund for the maintenance and operation of naval hospitals (May 10, 1943, ch. 95, § 2, 57 Stat. 80.)

APPROPRIATION

Act May 10, 1943, ch. 95, § 1, 57 Stat. 80, provided "For the purpose of expanding facilities for the hospitalization of dependents of personnel of the Navy and Marine Corps, and others as herein provided, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,000,000."

§ 33. Same; definitions.

The term "dependents" shall include a lawful wife, unmarried dependent child (or children) under twenty-one years of age, and the mother and father of a member of the Navy or Marine Corps if in fact such mother or father is dependent on such member. The term "child (or children)" shall include a natural or adopted child or stepchild. The widows of deceased naval and Marine Corps personnel shall be entitled to hospital care in like manner as dependents. (May 10, 1943, ch. 95, § 3, 57 Stat. 81.)

§ 34. Hospitalization of persons outside continental limits of United States; persons entitled; availability of other facilities; rate of charges; disposition of payments.

In addition to those persons, including the dependents of naval and Marine Corps personnel, now authorized to receive hospitalization at naval hospitals, hospitalization and dispensary service may be provided at naval hospitals and dispensaries outside of the continental limits of the United States and in Alaska, to the officers and employees of any department or agency of the Federal Government, to employees of a contractor with the United States or his subcontractor, to the dependents of such persons, and in emergencies to such other persons as the Secretary of the Navy may prescribe: *Provided*, That such hospitalization and dispensary service to other than the dependents of naval and Marine Corps personnel shall be permitted only where facilities are not otherwise available in reasonably accessible and appropriate non-Federal hospitals. The charge for hospitalization or dispensary service for persons other than dependents of naval and Marine Corps personnel as specified in this section shall be at such rates as the President shall from time to time prescribe, and shall be deposited as provided in section 32 of this title. (May 10, 1943, ch. 95, § 4, 57 Stat. 81.)

§ 35. Limitation of medical, surgical or hospital services.

Hospitalization of the dependents of naval and Marine Corps personnel and of the persons outside the naval service mentioned in section 34 of this title shall be furnished only for acute medical and surgical conditions, exclusive of nervous, mental, or contagious diseases or those requiring domiciliary care. Dental treatment shall be administered only as an adjunct to in-patient hospital care and shall not include dental prosthesis or orthodontia. (May 10, 1943, ch. 95, § 5, 57 Stat. 81.)

§ 36. Application of sections 32–36 to dependents of personnel of Coast Guard.

During such periods as the Coast Guard may operate as a part of the Navy, the provisions of sections 32–36 of this title shall apply to dependents of personnel of the Coast Guard in like manner and to the same extent as to dependents of personnel of the Navy and Marine Corps. (May 10, 1943, ch. 95, § 6, 57 Stat. 81.)

Chapter 2.—THE SOLDIERS' HOME

§ 41. Board of commissioners; composition.

LEASE OF SITES TO THE UNITED STATES FOR CONSTRUCTION OF OFFICE BUILDINGS

Act Dec. 17, 1941, ch. 591, title III, 55 Stat. 821, provided in part: "The Board of Commissioners of the United States Soldiers' Home is hereby authorized to lease to the United States, for a period of ten years and upon the payment of a rental to be fixed by the Secretary of War, a site or sites upon which may be erected some of the buildings herein authorized (general office buildings): *Provided further*, That all funds received for rental or other use of United States Soldiers' Home property, facilities, or supplies shall be immediately available to the Board of Commissioners thereof for reexpenditure without regard to fiscal year limitations."

§ 45. Donations.

SURPLUS PROPERTY

The First Deficiency Appropriation Act, 1946, act Dec. 28, 1945, ch. 589, title I, 59 Stat. 641, provided in part, "Any owning or disposal agency is authorized to transfer surplus property in its possession, other than real estate, to the United States Soldiers' Home without reimbursement or transfer of funds."

Chapter 3.—THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

BENEFICIARIES AND PENSIONS

§ 134. Aid to State or Territorial home.

All States or Territories which have established, or which shall establish, State homes for disabled sol-

diers and sailors of the United States who served in the Civil War or in any previous or subsequent war who are disabled by age, disease, or otherwise, and by reason of such disability are incapable of earning a living, provided such disability was not incurred in service against the United States, shall be paid for every such disabled soldier or sailor who may be admitted and cared for in such home at the rate of $300 per annum. (As amended Dec. 17, 1943, ch. 347, § 1, 57 Stat. 603.)

* * * * *

AMENDMENTS

1943—Act Dec. 17, 1943, cited to text, amended section by striking out words "$240 per annum" in first paragraph and substituting in lieu "$300 per annum".

TIME AND MANNER OF PAYMENT

Section 2 of act Dec 17, 1943, cited to text, provided as follows: "The amendment made by this Act shall apply to payments with respect to the care given to disabled soldiers and sailors on and after the first day of the month next following the month during which this Act is enacted: *Provided*, That said payments shall be made regardless of whether said veteran may be receiving domiciliary care or hospitalization in said home and the appropriations of the Veterans' Administration for medical, hospital, and domiciliary care shall be available for this purpose *Provided further*, That no payment to a State or Territory under this Act shall be made for any period prior to the date upon which the Administrator of Veterans' Affairs determines that the veteran on whose account such payment is requested is eligible for such care in a Veterans' Administration facility."

§ 136. Disposition of personal property of deceased members.

CODIFICATION

Section now constitutes sections 17-17j of Title 38, Pensions, Bonuses, and Veterans' Relief.

Chapter 4.—SAINT ELIZABETHS HOSPITAL

ESTABLISHMENT AND MANAGEMENT, PENSIONS, MONEYS, AND APPROPRIATIONS

Sec
180 American Red Cross buildings on hospital reservation (New).
181 Gifts, acceptance by Federal Security Administrator (New).
182. Same; money; deposit, investment, and expenditure of income (New).
183. Same; intangible personalty; deposit, liquidation, and expenditure of income (New).
184 Same; realty or tangible personalty; use, lease, liquidation, etc (New)

INMATES, BURDEN OF EXPENSES THEREOF; DETENTION OF INSANE

191a Admission of Foreign Service personnel adjudged insane in foreign country (New).

ESTABLISHMENT AND MANAGEMENT; PENSIONS, MONEYS, AND APPROPRIATIONS

§ 169. Disposition of money paid for care of patients.

REPEATED—Act July 1, 1941, ch. 269, title II, 55 Stat. 493; act July 2, 1942, ch. 475, title II, 56 Stat 585; act July 12, 1943, ch 221, title II, 57 Stat. 509; act June 28, 1944, ch. 302, title II, 58 Stat. 561, act July 3, 1945, ch 263, title II, 59 Stat 372

§ 180. American Red Cross buildings on hospital reservation.

The Administrator of the Federal Security Agency is hereby authorized to permit the American Red Cross to construct or have constructed upon the Saint Elizabeths Hospital reservation in the District of Columbia such building or buildings as he may deem advisable to be used by the American Red Cross in cooperation with the superintendent of such hospital in providing recreational facilities and activities for the patients and personnel of such hospital. Any amounts hereafter appropriated and any other moneys made available for the operation and maintenance of the Saint Elizabeths Hospital may be used for the provision of necessary heat, light, water, telephone, and other facilities incidental to the work of the American Red Cross among the patients of the institution. (May 9, 1941, ch. 101, 55 Stat. 186.)

§ 181. Gifts; acceptance by Federal Security Administrator.

The Federal Security Administrator is authorized to accept on behalf of the United States gifts made unconditionally by will or otherwise for the improvement, maintenance, or operation of Saint Elizabeths Hospital in the District of Columbia. Conditional gifts may be so accepted if recommended by the Surgeon General of the Public Health Service, and the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with its conditions, but no gift shall be accepted which is conditioned upon any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress. (Nov. 7, 1941, ch. 469, § 1, 55 Stat. 760.)

§ 182. Same; money; deposit, investment, and expenditure of income.

Any unconditional gift of money accepted pursuant to the authority granted in section 181 of this title, the net proceeds from the liquidation (pursuant to section 183 or section 184 of this title) of any other property so accepted, and the proceeds of insurance on any such gift property not used for its restoration, shall be deposited in the Treasury of the United States and are hereby appropriated and shall be held in trust by the Secretary of the Treasury for the benefit of Saint Elizabeths Hospital, and he may invest and reinvest such funds in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The income from such investments shall be available for expenditure in the improvement, maintenance, or operation of Saint Elizabeths Hospital, subject to the same examination and audit as provided for appropriations made for Saint Elizabeths Hospital by Congress (Nov. 7, 1941, ch. 469, § 2, 55 Stat. 760.)

§ 183. Same; intangible personalty; deposit, liquidation, and expenditure of income.

The evidences of any unconditional gift of intangible personal property, other than money, accepted pursuant to the authority granted in section 181 of this title shall be deposited with the Secretary of the Treasury and he, in his discretion, may hold them or may liquidate them whenever in his judgment the purposes of the gifts will be served thereby. The income from any such property held by the Secretary of the Treasury shall be available for ex-

penditure as is provided in section 182 of this title. (Nov. 7, 1941, ch. 469, § 3, 55 Stat. 761.)

CROSS REFERENCES

Continuation of enlistment during disability, see section 185 of this title.

§ 184. Same; realty or tangible personalty; use, lease, liquidation, etc.

The Federal Security Administrator shall hold any real property or any tangible personal property accepted unconditionally pursuant to the authority granted in section 181 of this title and he shall permit such property to be used for the improvement, maintenance, or operation of Saint Elizabeths Hospital or he may lease or hire such property, and may insure such property, and deposit the income thereof with the Secretary of the Treasury to be available for expenditure as provided in section 182 of this title: *Provided,* That the income from any such real property or tangible personal property shall be available for expenditure in the discretion of the Federal Security Administrator for the maintenance, preservation, or repair and insurance of such property and that any proceeds from insurance may be used to restore the property insured. Any such property when not required for the improvement or operation of the Saint Elizabeths Hospital may be liquidated by the Federal Security Administrator whenever in his judgment the purposes of the gifts will be served thereby. (Nov. 7, 1941, ch. 469, § 4, 55 Stat 761.)

INMATES; BURDEN OF EXPENSES THEREOF; DETENTION OF INSANE

TEMPORARY ADMISSION TO OTHER HOSPITALS

The Federal Security Administrator was authorized to admit, for the duration of the war and six months thereafter, insane persons (except those from the District of Columbia) to the Public Health Service Hospitals at Lexington, Kentucky, and Fort Worth, Texas, for care and treatment upon the same terms and conditions as such persons may be entitled to admission to St Elizabeths Hospital, by Ex Ord No 9079, Feb 26, 1942, 7 F R 1609.

PAYMENT OF EXPENSES

Payment, either in advance or by reimbursement at the end of each month, for the care and treatment of certain insane persons in Public Health Service hospitals may be made to the appropriation for the operation and maintenance of the Public Health Service hospitals from the appropriation for the care and maintenance of patients at Saint Elizabeths Hospital, to the extent deemed necessary and proper by the Federal Security Administrator under Ex Ord No 9079, Feb 26, 1942, 7 F. R 1609, as amended by Ex Ord No. 9498, Nov 11, 1944, 9 F R 13547.

§ 191a. Admission of Foreign Service personnel adjudged insane in foreign country.

Upon the application of the Secretary of State, the Federal Security Administrator is authorized to admit to Saint Elizabeths Hospital in the District of Columbia, for treatment, American citizens who are Foreign Service officers, as defined in section 2 of Title 22, or who are clerks in the Foreign Service classified as provided in section 23a of Title 22, or who are employees in the Foreign Service and stationed outside the United States, and who are legally adjudged insane in any foreign country and whose legal residence in one of the States, Territories, or the District of Columbia, it has been impossible to establish. Upon the ascertainment of the legal residence of persons so admitted to the hospital, the superintendent of the hospital shall thereupon transfer such persons to their respective places of residence, and the expenses attendant thereon shall be paid from the appropriation for the support of the hospital.

Upon the request of any such patient, his relatives or friends, he shall have a hearing in the District Court of the United States for the District of Columbia upon his mental condition and the right of the superintendent of Saint Elizabeths Hospital to hold him for treatment. (Oct. 29, 1941, ch. 462, 55 Stat. 756.)

§ 193. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section, which provided for the admission of insane patients of Public Health Service to Saint Elizabeths Hospital, is now covered by section 222 of Title 42, The Public Health and Welfare.

Chapter 7.—NATIONAL CEMETERIES

§ 289. Conveyance to State or municipality of approach road to national cemetery.

The Secretary of War is authorized to convey to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled approach road to any national cemetery: *Provided,* That prior to the delivery of any instrument of conveyance hereunder, the State, county, municipality, or agency to which the conveyance herein authorized is to be made, shall notify the Secretary of War in writing of its willingness to accept and maintain the road included in such conveyance: *Provided further,* That upon the execution and delivery of any conveyance herein authorized the jurisdiction of the United States of America over the road conveyed shall cease and determine and shall thereafter vest in the State in which said road is located. (As amended May 23, 1941, ch. 130, § 1, 55 Stat. 191.)

§ 290. Encroachment by railroad on rights-of-way.

REPEATED—Act May 23, 1941, ch 130, § 1, 55 Stat. 191; act Apr 28, 1942, ch 246, § 1, 56 Stat. 220; act June 2, 1943, ch. 115, § 1, 57 Stat 94; act June 26, 1944, ch. 275, § 1, 58 Stat. 327; act Mar 31, 1945, ch. 45, § 1, 59 Stat. 39.

TITLE 25.—INDIANS

Chapter 1.—BUREAU OF INDIAN AFFAIRS

Sec.
2a. Assistant or deputy commissioners: appointment; powers and duties (New).

§ 2a. Assistant or deputy commissioners; appointment; powers and duties.

Assistant or deputy commissioners of the General Land Office and Bureau of Indian Affairs, in the Department of the Interior, shall be appointed by the Secretary of the Interior, subject to the civil-service laws and sections 661–663, 664–673, 674 of Title 5. Appointments to these positions shall be considered as made under the authority of section 43 of Title 5. Assistant and deputy commissioners so appointed shall be authorized to sign such letters, papers, and documents and to perform such other duties as may be directed by the commissioner of their respective bureaus. The Secretary may designate for each of the aforementioned bureaus an assistant or deputy commissioner, who shall be authorized to perform the duties of the commissioner in case of the death, resignation, absence, or sickness of the commissioner. (June 5, 1942, ch. 336, § 1, 56 Stat. 312.)

CODIFICATION

Provisions of act June 5, 1942, cited to text, similar to those contained in section, are set out as section 3a of Title 43, Public Lands.

REPEAL OF INCONSISTENT LAWS

Section 2 of act June 5, 1942, cited to text, provided as follows: "All provisions of law inconsistent with this Act (section 2a of this title) are hereby repealed to the extent of such inconsistency."

Chapter 4.—PERFORMANCE BY UNITED STATES OF OBLIGATIONS TO INDIANS

DEPOSIT, CARE, AND INVESTMENT OF INDIAN MONEYS

§ 155. Disposal of miscellaneous revenues from Indian reservations, etc.

CROSS REFERENCES

Alaska, application to facilities operated by Indian Service, see section 501 of Title 48, Territories and Insular Possessions.

Chapter 7.—EDUCATION OF INDIANS

§ 303. Educational loans to worthy youths.

Advances may be made to worthy Indian youths to enable them to take educational courses, including courses in nursing, home economics, forestry, agriculture, and other industrial subjects in colleges, universities, or other institutions, and advances so made shall be reimbursed in not to exceed eight years under such rules and regulations as the Secretary may prescribe. (As amended June 28, 1941, ch. 259, § 1, 55 Stat. 315; July 2, 1942, ch. 473, § 1, 56 Stat. 516; July 12, 1943, ch. 219, § 1, 57 Stat. 459; June 28, 1944, ch. 298, § 1, 58 Stat. 472; July 3, 1945, ch. 262, § 1, 59 Stat. 326.

AMENDMENTS

1943—Act July 12, 1943, cited to text, substituted "Secretary" for "Secretary of the Interior"

Chapter 9.—ALLOTMENT OF INDIAN LANDS

Sec
348a Same; extension of trust period for Indians of Klamath River Reservation (New).

§ 348. Patents to be held in trust; descent and partition.

EXTENSION OF TRUST PERIODS

The periods of trust applying to Indian lands, whether of a tribal or individual status, which will expire during 1943 were extended for a further period of twenty-five years by Ex Ord No 9272, Nov 17, 1942, 7 F. R 9475

EX. ORD NO. 9398.—EXTENSION OF TRUST PERIODS ON INDIAN LANDS EXPIRING DURING 1943

Ex. Ord. No 9398, Nov. 25, 1943, 8 F. R 16269, provided: By virtue of the authority vested in me by section 5 of the act of February 8, 1887, 24 Stat 388, 389, (this section), by the act of June 21, 1906, 34 Stat 325, 326 (sections 279, 302, 313, 354, 391, and 409–411 of this title), and by the act of March 2, 1917, 39 Stat. 969, 976, (sections 242, 247, 278, 293, and 321 of this title, and section 494 of Title 5), and other applicable provisions of law, it is ordered that the periods of trust applying to Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1944, be, and they are hereby, extended for a further period of twenty-five years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which the Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands

EX. ORD. NO. 9500. EXTENSION ON TRUST PERIODS ON INDIAN LANDS EXPIRING DURING 1945.

Ex. Ord No 9500, Nov. 14, 1944, 9 F. R. 13699, provided: By virtue of and pursuant to the authority vested in me by section 5 of the act of February 8, 1887, 24 Stat. 388, 389, [this section] by the act of June 21, 1906, [ch 146] 34 Stat. 325, 326, [sections 279 and 391 of this title], and by the act of March 2, 1917, 39 Stat. 969, 976, and other applicable provisions of law, it is ordered that the periods of trust applying to Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1945, be, and they are hereby, extended for a further period of twenty-five years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which the Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

§ 348a. Same; extension of trust period for Indians of Klamath River Reservation.

The period of trust on lands allotted to Indians of the Klamath River Reservation, California, which expired July 31, 1919, and the legal title to which is still in the United States, is hereby reimposed and extended for a period of twenty-five years from

July 31, 1919: *Provided,* That further extension of the period of trust may be made by the President, in his discretion, as provided by section 348 and section 391 of this title. (Dec. 24, 1942, ch. 814, 56 Stat. 1081.)

CROSS REFERENCES

Extension of trust period by executive order, see section 348 of this title

§ 352c. Reimbursement of allottees or heirs for taxes paid on lands patented in fee before end of trust.

The Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to reimburse Indian allottees, or Indian heirs or Indian devisees of allottees, for all taxes paid, including penalties and interest, on so much of their allotted lands as have been patented in fee prior to the expiration of the period of trust without application by or consent of the patentee: *Provided,* That if the Indian allottee, or his or her Indian heirs or Indian devisees, have by their own act accepted such patent, no reimbursement shall be made for taxes paid, including penalties and interest, subsequent to acceptance of the patent: *Provided further,* That the fact of such acceptance shall be determined by the Secretary of the Interior.

In any case in which a claim against a State, county, or political subdivision thereof, for taxes collected upon such lands during the trust period has been reduced to judgment and such judgment remains unsatisfied in whole or in part, the Secretary of the Interior is authorized, upon reimbursement by him to the Indian of the amount of taxes including penalties and interest paid thereon, and upon payment by the judgment debtor of the costs of the suit, to cause such judgment to be released: *Provided further,* That in any case, upon submission of adequate proof, the claims for taxes paid by or on behalf of the patentee or his Indian heirs or Indian devisees have been satisfied, in whole or in part, by the State, county, or political subdivision thereof, the Secretary of the Interior is authorized to reimburse the State, county, or political subdivision for such amounts as may have been paid by them. (As amended Feb. 10, 1942, ch. 56, § 1, 56 Stat. 87.)

AMENDMENTS

1942—Act Feb. 10, 1942, § 2, cited to text, authorized appropriations, to remain available until expended

§ 355. Laws applicable to lands of full-blooded members of Five Civilized Tribes.

VALIDATION OF LAND TITLES AND COURT JUDGMENTS

Act July 2, 1945, ch. 223, 59 Stat. 313, validated titles to certain lands conveyed by the Indians of the Five Civilized Tribes on and after April 26, 1931, and prior to July 2, 1945, amended act Jan. 27, 1933, ch. 23, 47 Stat. 777, by limiting restrictions on the alienation of lands or interests in lands acquired by inheritance, devise, or in any other manner where such lands or interests were not restricted against alienation at the time of acquisition, and all conveyances executed after Jan. 27, 1937, and prior to July 2, 1945, and validated State court judgments in Oklahoma and judgments of the United States District Courts of the State of Oklahoma

RESTRICTIONS ON FUNDS, CREATION OF TRUSTS

Act Jan. 27, 1933, ch 23, 47 Stat. 777, provided that funds of the Five Civilized Tribes were restricted; allowed the creation of trusts by Indians; authorized transfers to trustees, denied release of trust agreement restrictions and alienation of corpus and income; made approved contracts irrevocable, provided remedy for illegally procured trusts by cancellation proceedings; delegated administration of act to Secretary of the Interior; and made it the duty of attorneys to represent restricted members and gave them the right of appeal from any county court's decision.

Chapter 10.—DESCENT AND DISTRIBUTION; HEIRS OF ALLOTTEE

Sec

373a. Disposition of trust or restricted estate of intestate without heirs, successor tribe; sale of land (New).
373b Same; restricted estate or homestead on the public domain (New).
373c Sections 373a and 373b as inapplicable to certain Indians (New).
375a Same; jurisdiction of Secretary of the Interior over probate and distribution of estates not exceeding $2,500 (New)
375b. Same, schedule of fees (New).

§ 373a. Disposition of trust or restricted estate of intestate without heirs; successor tribe; sale of land.

Upon final determination by the Secretary of the Interior that the Indian holder of a trust or restricted allotment of lands or an interest therein has died intestate without heirs, the lands or interest so owned, together with all accumulated rents, issues, and profits therefrom held in trust for the decedent, shall escheat to the tribe owning the land at the time of allotment subject to the payment of such creditors' claims as the Secretary of the Interior may find proper to be paid from the cash on hand or income accruing to said estate and subject to all valid existing agricultural, surface, and mineral leases and the rights of any person thereunder.

If the tribe which owned the land at the time of allotment has been reorganized or reconstituted by reason of amalgamation with another tribe or group of Indians or of subdivision within the tribe or otherwise, the land shall escheat to the tribe or group which has succeeded to the jurisdiction of the original tribe over the area in question. If neither the tribe which owned the land at the time of allotment nor a successor tribe or group exists, the land or interest therein shall be held in trust for such Indians as the Secretary may designate within the State or States wherein the land is situated or, if the Secretary determines that the land cannot appropriately be used by or for such Indians, it shall be sold, subject to all valid existing agricultural, surface, and mineral leases and the rights of any person thereunder, and the proceeds of such sale shall be held in trust for such Indians as the Secretary may designate, within the State or States wherein the land is situated. (Nov. 24, 1942, ch. 640, § 1, 56 Stat. 1021.)

§ 373b. Same; restricted estate or homestead on the public domain.

If an Indian found to have died intestate without heirs was the holder of a restricted allotment or homestead or interest therein on the public domain, the land or interest therein and all accumulated rents, issues, and profits therefrom shall escheat to the United States, subject to all valid existing agricultural, surface, and mineral leases and the rights

of any person thereunder, and the land shall become part of the public domain subject to the payment of such creditors' claims as the Secretary of the Interior may find proper to be paid from the cash on hand or income accruing to said estate: *Provided*, That if the Secretary determines that the land involved lies within or adjacent to an Indian community and may be advantageously used for Indian purposes, the land or interest therein shall escheat to the United States to be held in trust for such needy Indians as the Secretary of the Interior may designate, where the value of the estate does not exceed $2,000, and in case of estates exceeding said sum, such estates shall be held in trust by the United States for such Indians as the Congress may hereafter designate, subject to all valid existing agricultural, surface, and mineral leases and the rights of any person thereunder. (Nov. 24, 1942, ch. 640, § 2, 56 Stat. 1022.)

§ 373c. Sections 373a and 373b as inapplicable to certain Indians.

The provisions of sections 373a and 373b shall not apply to the Indians of the Five Civilized Tribes or the Osage Reservation, in Oklahoma. (Nov. 24, 1942, ch 640, § 3, 56 Stat. 1022.)

§ 375a. Same; jurisdiction of Secretary of the Interior over probate and distribution of estates not exceeding $2,500.

Exclusive jurisdiction is hereby conferred on the Secretary of the Interior to determine the heirs after notice and hearing under such rules and regulations as he may prescribe, and to probate the estate of any deceased restricted Indian, enrolled or unenrolled, of the Five Civilized Tribes of Oklahoma, whenever the restricted estate consists only of funds or securities under the control of the Department of the Interior of an aggregate value not exceeding $2,500: *Provided*, That where such decedent died prior to December 24, 1942, the distribution of such funds and securities, including the decedent's share of any tribal funds, shall be made in accordance with the statute of descent and distribution applicable at the date of death: *And provided further*, That where the decedent dies subsequently to December 24, 1942 distribution of all such funds and securities, including tribal funds aforesaid, shall be effected in accordance with the statute of descent and distribution of the State of Oklahoma. (Dec. 24, 1942, ch. 813, § 1, 56 Stat 1080.)

§ 375b. Same; schedule of fees.

Prior to distribution of the estate to the individuals found entitled thereto under the provisions of section 375a of this title, the Secretary of the Interior shall collect out of the funds or other property involved and pay into the Treasury of the United States a fee of $20 in those cases where the value of the estate is $250 or more but does not exceed $1,000; a fee of $25 where the value of the estate is more than $1,000 but less than $2,000; and a fee of $30 where the value of the estate is $2,000 or more. (Dec. 24, 1942, ch. 813, § 2, 56 Stat. 1081.)

Chapter 11.—IRRIGATION OF ALLOTTED LANDS

Sec.
390. Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agricultural, grazing, and other purposes (New).

§ 387. Basis of apportionment of costs of irrigation projects including maintenance; liens.

The cost of irrigation projects and of operating and maintaining such projects where reimbursement thereof is required by law shall be apportioned on a per-acre basis against the lands under the respective projects and shall be collected by the Secretary as required by such law, and any unpaid charges outstanding against such lands shall constitute a first lien thereon which shall be recited in any patent or instrument issued for such lands. (As amended June 28, 1941, ch. 259, § 1, 55 Stat. 317; July 2, 1942, ch. 473, § 1, 56 Stat. 518; July 12, 1943, ch. 219, §1, 57 Stat. 461; June 28, 1944, ch. 298, § 1, 58 Stat. 474; July 3, 1945, ch. 262, § 1, 59 Stat 328.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, substituted "Secretary" for "Secretary of the Interior."

§ 389. Investigation and adjustment of irrigation charges on lands within projects on Indian reservations.

UINTAH INDIAN IRRIGATION PROJECT

Action of Secretary of the Interior taken pursuant to authority contained in sections 389–389e of this title with respect to lands within the Uintah Indian irrigation project were confirmed by Congress in act May 28, 1941, ch. 142, 55 Stat 209

OROVILLE-TONASKET IRRIGATION DISTRICT

Action of the Secretary of the Interior taken on May 19, 1942, pursuant to authority contained in sections 389–389e of this title with respect to lands within the Oroville-Tonasket Irrigation District were confirmed by Congress in act Dec. 24, 1942, ch 816, 56 Stat 1082

WAPATO INDIAN IRRIGATION PROJECT

Action by the Secretary of the Interior taken Sept 9, 1942 pursuant to authority contained in sections 389–389e of this title with respect to lands within the Wapato Indian irrigation project were confirmed in act Dec 24 1942, ch 815, 56 Stat 1081.

§ 390. Concessions on reservoir sites and other lands in Indian irrigation projects; leases for agricultural, grazing and other purposes.

The Secretary of the Interior is authorized, in his discretion, to grant concessions on reservoir sites, reserves for canals or flowage areas, and other lands under his jurisdiction which have been withdrawn or otherwise acquired in connection with the San Carlos, Fort Hall, Flathead, and Duck Valley or Western Shoshone irrigation projects for the benefit in whole or in part of Indians, and to lease such lands for agricultural, grazing, or other purposes: *Provided*, That no lands so leased shall be eligible for benefit payments under the crop control program, or the soil conservation act: *Provided further*, That such concessions may be granted or lands leased by the Secretary of the Interior under such rules, regulations, and laws as govern his administration of the public domain as far as applicable, for such considerations, monetary or otherwise, and for such periods of time as he may deem proper, the term of no concession to exceed a period of ten years: *Pro-*

vided further, That the funds derived from such concessions or leases, except funds so derived from Indian tribal property withdrawn for irrigation purposes and for which the tribe has not been compensated, shall be available for expenditure in accordance with the existing laws in the operation and maintenance of the irrigation projects with which they are connected. Any funds derived from reserves for which the tribe has not been compensated shall be deposited to the credit of the proper tribe: *Provided further,* That where tribal lands of any Indian tribe organized under section 476 of this title have been withdrawn or reserved for the purposes hereinbefore mentioned, such lands may be leased or concessions may be granted thereon only by the proper tribal authorities, upon such conditions and subject to such limitations as may be set forth in the constitution and bylaws or charter of the respective tribes. (Apr. 4, 1938, ch. 63, 52 Stat. 193.)

Chapter 12.—LEASE, SALE, OR SURRENDER OF ALLOTTED OR UNALLOTTED LANDS

§ 391. Continuance of restrictions on alienation in patent.

CROSS REFERENCES

Extension of trust periods expiring in 1943, and extension of trust periods of certain lands, see notes under section 348 of this title.

Chapter 14.—MISCELLANEOUS

PROTECTION OF INDIANS AND CONSERVATION OF RESOURCES

Sec.
465a. Receipt and purchase in trust by United States of land for Klamath Tribe Indians (New).
465b Same; definition of Klamath Tribe (New).
470a. Interest charges covered into revolving fund (New)

PROTECTION OF INDIANS AND CONSERVATION OF RESOURCES

§ 465a. Receipt and purchase in trust by United States of land for Klamath Tribe Indians.

The Secretary of the Interior is hereby authorized to receive on behalf of the United States from individual members of the Klamath Tribe of Indians voluntarily executed deeds to such lands as said Indians may own in fee simple free from all encumbrances, said lands to be held in trust by the United States for said Indians and their heirs; and, whenever restricted funds are used for the purchase of lands for individual members of the Klamath Tribe of Indians, the Secretary of the Interior is authorized, in his discretion, to take title to said lands in the United States, the same to be held in trust for said individual Indians: *Provided, however,* That while any of the foregoing lands are held in trust by the United States for said Indians, the same shall be subject to the same restrictions, immunities, and exemptions as homesteads purchased out of trust or restricted funds of individual Indians pursuant to section 412a of this title, except the restrictions, immunities, or exemptions of the second proviso of said section. (Feb. 24, 1942, ch. 113, § 1, 56 Stat. 121.)

§ 465b. Same; definition of Klamath Tribe.

As used in this section and section 465a of this title the term "Klamath Tribe of Indians" includes the Klamath and Modoc Tribes, and the Yahooskin Band of Snake Indians. (Feb. 24, 1942, ch. 113, § 2, 56 Stat. 121.)

§ 470a. Interest charges covered into revolving fund.

Interest or other charges heretofore or hereafter collected on loans shall be credited to the revolving fund created by section 470 of this title and shall be available for the establishment of a revolving fund for the purpose of making and administering loans to Indian-chartered corporations in accordance with sections 461, 462, 463, 464–470, 471, 475, 476–478, 479 of this title, and of making and administering loans to individual Indians and to associations or corporate groups of Indians of Oklahoma in accordance with sections 501–509 of this title. (June 28, 1941, ch. 259, § 1, 55 Stat. 316.)

CROSS REFERENCES

Similar provisions, see prior Interior Department Appropriation Acts.

§ 481. Tribal organizing work; allowance to Indians traveling away from home.

REPEATED—Act June 28, 1941, ch. 259, § 1, 55 Stat. 311; act July 2, 1942, ch. 473, § 1, 56 Stat. 513.

PROMOTION OF WELFARE OF INDIANS IN OKLAHOMA

§ 506. Loans to individuals and groups; appropriation.

CROSS REFERENCES

Interest charges to be covered into revolving fund, see section 470a of this title.

FEES AND CHARGES

§ 561. Fees for general services.

In the discretion of the Secretary, and under such rules and regulations as may be prescribed by him, fees may be collected from individual Indians for services performed for them, and any fees so collected shall be covered into the Treasury of the United States. (As amended June 28, 1941, ch. 259, § 1, 55 Stat. 325; July 2, 1942, ch. 473, § 1, 56 Stat. 525; July 12, 1943, ch. 219, § 1, 57 Stat. 468; June 28, 1944, ch. 298, § 1, 58 Stat. 480; July 3, 1945, ch. 262, § 1, 59 Stat. 334.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, substituted "Secretary" for "Secretary of the Interior."

§ 562. Fees for medical services.

In the discretion of the Secretary and under such rules and regulations as may be prescribed by him, fees may be collected from Indians for medical, hospital, and dental service and any fees so collected shall be covered into the Treasury of the United States. (As amended June 28, 1941, ch. 259, § 1, 55 Stat. 325; July 2, 1942, ch. 473, § 1, 56 Stat. 525; July 12, 1943, ch. 219, § 1, 57 Stat. 467; June 28, 1944, ch. 298, § 1, 58 Stat. 480; July 3, 1945, ch. 262, § 1, 59 Stat. 334.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, substituted "Secretary" for "Secretary of the Interior."

§ 563. Salaries and expenses for Klamath Tribe officials.

The Secretary of the Interior, or such official as may be designated by him, is authorized beginning as of July 1, 1937, and until otherwise directed by Congress, to pay out of any unobligated tribal funds of the Klamath Indians in the Treasury of the United States salaries and expenses to the chairman, secretary, and interpreter of the Klamath General Council and members of the Klamath business committee or other committees appointed by the Klamath General Council (except the Klamath Reimbursable Loan Fund Board), when engaged on business of the tribe, and to such official delegates of the Klamath Tribe who may carry on the business of the tribe at the seat of government: *Provided*, That the rate of salary and per diem paid shall be fixed in advance by resolution of the Klamath General Council, subject to the approval of the Commissioner of Indian Affairs, except that additional salaries and expenses, fixed and approved in the same way, may be made retroactive to July 1, 1943: *Provided further*, That the official delegates of the tribe carrying on said business at the seat of government shall receive, if travel is by rail, the usual railroad and sleeping-car transportation to and from the seat of government, or, if travel is by automobile, delegates furnishing such transportation shall receive an amount equivalent to the cost of their railroad and sleeping-car transportation to and from the seat of government, but salary and per diem shall not be paid to delegates traveling by automobile for any period in excess of the time required to perform the travel by railroad: *Provided further*, That the aforesaid official delegates shall also receive reimbursement for telegraphic expenses incurred on tribal business: *Provided further*, That the aforesaid salaries and expenses shall not exceed $15,000 per annum: *Provided further*, That the length of stay of the official delegates at the seat of government shall be determined by the Commissioner of Indian Affairs. (As amended May 15, 1945, ch. 123, 59 Stat. 167.)

AMENDMENTS

1945—Act May 15, 1945, cited to text, amended section generally by deleting per diem salary limitations, and by increasing amount allowable for salaries and expenses from $7,500 per annum to $15,000 per annum

TITLE 26.—INTERNAL REVENUE CODE

Act Feb. 10, 1939, ch. 2, 53 Stat. 1-504

INTERNAL REVENUE TITLE

TABLE OF CHAPTERS IN SUBTITLES

Subtitle B

Chap. Sec.

19. Retailers' Excise Taxes (New) 2100

Subtitle C

Chap. Sec.

33A. Use of Motor Vehicles and Boats (New; Repealed) 3540

INVESTIGATION OF NONESSENTIAL EXPENDITURES

Investigation of nonessential Federal expenditures, see note under Subtitle D of this title, preceding section 3600

SUBTITLE A.—TAXES SUBJECT TO THE JURISDICTION OF THE BOARD OF TAX APPEALS

CHANGE OF NAME OF BOARD OF TAX APPEALS

For change of name of Board and title of members thereof, see note under section 1100 of this title.

Chapter 1.—INCOME TAX

SUBCHAPTER B.—GENERAL PROVISIONS

PART III —CREDITS AGAINST TAX

Sec
34. (New; Repealed.)
35. Credit for tax withheld on wages (New).

PART V —RETURNS AND PAYMENT OF TAX

58 Declaration of estimated tax by individuals (New).
59 Payment of estimated tax (New).
60 Special rules for application of sections 58 and 59 (New).

SUPPLEMENT A —RATES OF TAX

108 Taxable years beginning in 1941 and ending after June 30, 1942 (New)
109 Western Hemisphere trade corporations (New).

SUBCHAPTER C —SUPPLEMENTAL PROVISIONS

125 Amortizable bond premium (New).
126. Income in respect of decedents (New)
127 War losses (New).
128. Recovery of unconstitutional Federal taxes (New).
129. Acquisitions made to evade or avoid income or excess profits tax (New).
130. Limitation on deductions allowable to individuals in certain cases (New)

SUPPLEMENT E —ESTATES AND TRUSTS

171. Income of an estate or trust in case of divorce, etc. (New)
172. Allowance of amortization deduction (New).

SUPPLEMENT F —PARTNERSHIPS

190 Allowance of amortization deduction (New).

SUPPLEMENT Q —MUTUAL INVESTMENT COMPANIES

363 (New; Omitted)

SUPPLEMENT T.—INDIVIDUALS WITH ADJUSTED GROSS INCOME OF LESS THAN $5,000 (NEW).

400 Imposition of tax
401 Definition of "exemption."
402 Manner and effect of election.
403. Credits not allowed.
404. Certain taxpayers not eligible.

SUPPLEMENT U.—ABATEMENT OF TAX FOR MEMBERS OF ARMED FORCES UPON DEATH (NEW)

421. Abatement of tax for members of armed forces upon death

SUBCHAPTER D (New)

PART I

450–456. (New; Repealed.)

PART II

465–470. (New; Repealed)

PART III

475, 476. (New; Repealed.)

SUBCHAPTER A.—INTRODUCTORY PROVISIONS

CROSS REFERENCES

Exemption of imported articles for members of the armed forces of other United Nations, etc , from internal-revenue taxes, see sections 791–795 of Appendix to Title 50, War.

§ 3. Classification of provisions.

The provisions of this chapter are herein classified and designated as—

Subchapter A—Introductory provisions,

Subchapter B—General provisions, divided into Parts and sections,

Subchapter C—Supplemental provisions, divided into Supplements and sections. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 172 (b), 56 Stat. 892; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 6 (b) (1), 58 Stat. 234.)

AMENDMENTS

1944—Act May 29, 1944, cited to text, amended section by striking out "Subchapter D—Victory tax on individuals, divided into parts and sections "

1942—Last paragraph was added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Amendment of section by act May 29, 1944, § 6 (b) (1), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 4. Special classes of taxpayers.

* * * * *

(j) Regulated investment companies, — Supplement Q.

(k) Shareholders of Personal Service Corporations,—Supplement S.

(*l*) Individuals with adjusted gross income of less than $5,000, — Supplement T. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 102 (c), 55 Stat. 692; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 170 (b) (1), 56 Stat. 881; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 5 (b), 58 Stat. 234.)

AMENDMENTS

1944—Subsec. (*l*) amended by act May 29, 1944, cited to text, which struck out subsec "(*l*) Individuals with gross income from certain sources of $3,000 or less,—Supplement T" and inserted new subsec. "(*l*)."

1942—Subsec. (j) was amended by act Oct 21, 1942, cited to text, which substituted "Regulated" for "Mutual" investment companies

1941—Subsecs. (k) and (*l*) were added by act Sept 20, 1941, cited to text.

EFFECTIVE DATE

Act May 29, 1944, cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States." This provision was repeated in section 109 of act Oct. 21, 1942, also cited.

SUBCHAPTER B.—GENERAL PROVISIONS

PART I.—RATES OF TAX

§ 11. Normal tax on individuals.

There shall be levied, collected, and paid for each taxable year upon the net income of every individual a normal tax determined by computing a tentative normal tax of 3 per centum of the amount of the net income in excess of the credits against net income provided in section 25, and by reducing such tentative normal tax by 5 per centum thereof For alternative tax which may be elected if adjusted gross income is less than $5,000, see Supplement T. (As amended Sept. 20, 1941, 12:15 p m., E. S. T , ch. 412, title I, § 102 (b) (1), 55 Stat. 692; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 102, 56 Stat. 802; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 3, 58 Stat. 231; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 101 (a), 59 Stat. 557.

AMENDMENTS

1945—Act Nov. 8, 1945, § 101 (a), cited to text, amended section by adding "determined by computing a tentative normal tax", omitting "(a)" following "section 25", and adding "and by reducing such tentative normal tax by 5 per centum thereof."

1944—Act May 29, 1944, cited to text, amended section by changing tax rate from 6% to 3%, omitting "(For alternate tax, if gross income from certain sources is $3000 or less, see section 400)" following "section 25", and adding last sentence.

1942—Rate increased from 4 to 6 per centum by act Oct. 21, 1942, cited to text

1941—Parenthetical cross-reference to section 400 was inserted by act Sept 20, 1941, cited to text.

EFFECTIVE DATE

Act Nov 8, 1945, cited to text, was made applicable to taxable years beginning after Dec 31, 1945, by section 101 (d) thereof. For treatment of taxable years beginning in 1915 and ending in 1946, see sections 108 and 710 of this title.

Act May 29, 1944, cited to text, was made applicable to taxable years beginning after December 31, 1943, by section 2 thereof.

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States." This provision was repeated in section 109 of act Oct. 21, 1942, also cited.

§ 12. Surtax on individuals.

* * * * *

(b) Rates of surtax.

There shall be levied, collected, and paid for each taxable year upon the surtax net income of every individual a surtax determined by computing a tentative surtax under the following table, and by reducing such tentative surtax by 5 percentum thereof:

"If the surtax net income is:	The tentative surtax shall be:
Not over $2,000	17% of the surtax net income.
Over $2,000 but not over $4,000	$340, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000	$720, plus 23% of excess over $4,000.
Over $6,000 but not over $8,000	$1,180, plus 27% of excess over $6,000.
Over $8,000 but not over $10,000	$1,720, plus 31% of excess over $8,000.
Over $10,000 but not over $12 000	$2,340, plus 35% of excess over $10,000.
Over $12,000 but not over $14,000	$3,040, plus 40% of excess over $12,000.
Over $14,000 but not over $16,000	$3,840, plus 44% of excess over $14,000.
Over $16 000 but not over $18,000	$4,720, plus 47% of excess over $16,000.
Over $18,000 but not over $20,000	$5,660, plus 50% of excess over $18,000.
Over $20,000 but not over $22,000	$6,660, plus 53% of excess over $20,000.
Over $22,000 but not over $26,000	$7,720, plus 56% of excess over $22,000.
Over $26,000 but not over $32,000	$9,960, plus 59% of excess over $26,000.
Over $32,000 but not over $38,000	$13,500, plus 62% of excess over $32,000.
Over $38,000 but not over $44,000	$17,220, plus 66% of excess over $38,000.
Over $44,000 but not over $50,000	$21,180, plus 69% of excess over $44,000.
Over $50,000 but not over $60,000	$25,320, plus 72% of excess over $50,000.
Over $60,000 but not over $70,000	$32,520, plus 75% of excess over $60,000.
Over $70,000 but not over $80,000	$40,020, plus 78% of excess over $70,000.
Over $80,000 but not over $90,000	$47,820, plus 81% of excess over $80,000.
Over $90,000 but not over $100 000	$55,920, plus 84% of excess over $90,000.
Over $100,000 but not over $150,000	$64,320, plus 86% of excess over $100,000.
Over $150,000 but not over $200,000	$107,320, plus 87% of excess over $150,000.
Over $200,000	$150,820, plus 88% of excess over $200,000."

(c) Tax in case of capital gains or losses.

For rate and computation of alternative tax in lieu of normal tax and surtax in the case of a capital

gain or loss from the sale or exchange of capital assets held for more than 6 months, see section 117 (c).

* * * * *

(g) Limitation on tax.

The tax imposed by this section and section 11, computed without regard to the credits provided in sections 31, 32, and 35, shall in no event exceed in the aggregate 85½ per centum of the net income of the taxpayer for the taxable year

(h) Alternative tax.

For alternative tax which may be elected if adjusted gross income is less than $5,000, see Supplement T. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, §§ 101, 102 (b) (2), 55 Stat. 688, 692; Oct. 21, 1942, 4:30 p. m , E. W T., ch. 619, title I, §§ 103, 150 (j), 56 Stat. 802, 846; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 4, 58 Stat. 231; Nov. 8, 1945, 5:17 p. m., E. S. T., ch 453, title I, § 101 (b, c), 59 Stat. 557, 558.)

AMENDMENTS

1945—Subsec (b) amended generally by act Nov 8, 1945, § 101 (b), cited to text, and the surtax reduced in all brackets.

Subsec. (g) amended by act Nov. 8, 1945, § 101 (c), cited to text, which substituted "85½ per centum" for "90 per centum".

1944—Section (b) amended generally by act May 29, 1944, § 4 (a), cited to text, which increased surtax rates in certain brackets.

Subsec (g) amended by act May 29, 1944, § 4 (b), which struck out said subsec and inserted in lieu subsecs (g) and (h).

1942—Subsecs (b) and (c) were amended by act Oct 21, 1942, cited to text.

1941—Subsec (b) was amended by act Sept 20, 1941, § 101, cited to text

Subsec (g) was added by act Sept 20, 1941, § 102 (b) (2), cited to text. It was enacted without a catchline, and this has been supplied by editor

EFFECTIVE DATE

Act Nov 8, 1945, cited to text, was made applicable to taxable years beginning after Dec 31, 1945, by section 101 (d) thereof For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title.

Act May 29, 1944, cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 2 thereof.

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept 20, 1941, and section 109 of act Oct. 21, 1942, also cited

CROSS REFERENCES

Supplement T, see section 400 of this title.

§ 13. Tax on corporations in general—(a) Definitions.

* * * * *

(2) Normal-tax net income.

The term "normal-tax net income" means the adjusted net income minus the credit for dividends received provided in section 26 (b).

(b) Imposition of tax.

* * * * *

(1) General rule.

A tax of 24 per centum of the normal-tax net income; or

(2) Alternative tax (corporations with normal-tax net income over $25,000, but not over $50,000).

A tax of $4,250, plus 31 per centum of the amount of the normal-tax net income in excess of $25,000. (As amended Sept. 20, 1941, 12:15 p. m., E S. T., ch. 412, title I, § 103 (a), 55 Stat. 692; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 105 (a), 56 Stat. 805; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 122 (g) (2), 59 Stat. 570.)

* * * * *

AMENDMENTS

1945—Subsec. (a) (2), amended by act Nov. 8, 1945, § 122 (g) (2), cited to text, which struck out "minus the credit for income subject to the tax imposed by Subchapter E of Chapter 2 provided in section 26 (e) and" following "adjusted net income".

1942—Subsecs (a) (2) and (b) (2) were amended by act Oct 21, 1942, cited to text

1941—Subsec (b), pars (1) and (2), were amended by act Sept 20, 1941, cited to text

EFFECTIVE DATE

Act Nov 8, 1945, cited to text, was made applicable to taxable years beginning after Dec 31, 1945, by section 122 (g) thereof

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof

FISCAL YEAR TAXPAYERS

For taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, and section 109 of act Oct 21, 1942, also cited.

§ 14. Tax on special classes of corporations.

* * * * *

(b) Corporations with normal-tax net incomes of not more than $25,000.

If the normal-tax net income of the corporation is not more than $25,000, and if the corporation does not come within one of the classes specified in subsection (c), (d), or (e) of this section, the tax shall be as follows:

Upon normal-tax net incomes not in excess of $5,000, 15 per centum.

$750 upon normal-tax net incomes of $5,000, and upon normal-tax net incomes in excess of $5,000 and not in excess of $20,000, 17 per centum in addition of such excess.

$3,300 upon normal-tax net incomes of $20,000, and upon normal-tax net incomes in excess of $20,000, 19 per centum in addition of such excess.

(c) Foreign corporations.

(1) In the case of a foreign corporation engaged in trade or business within the United States, the tax shall be an amount equal to 24 per centum of the

normal-tax net income, regardless of the amount thereof.

(2) In the case of a foreign corporation not engaged in trade or business within the United States, the tax shall be as provided in section 231 (a).

* * * * *

(e) Regulated investment companies.

In the case of a corporation subject to the tax imposed by Supplement Q (relating to regulated investment companies), the tax shall be as provided in such supplement. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 103 (b) (c), 55 Stat. 692, 693; Oct. 21, 1942, 4:30 p m., E. W T., ch. 619, title I, §§ 160 (b), 170 (b) (2), 56 Stat. 861, 881)

* * * * *

AMENDMENTS

1942—Subsecs (c) (1, 2) and (e) were amended by act Oct 21, 1942, cited to text

1941—Subsecs. (b) and (c) were amended by act Sept 20, 1941, §§ 103 (b), 103 (c), respectively, cited to text.

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept 20, 1941, and section 109 of act Oct 21, 1942, also cited

§ 15. Surtax on corporations—(a) Corporation surtax net income.

For the purposes of this chapter, the term "corporation surtax net income" means the net income minus the credit for dividends received provided in section 26 (b) and minus, in the case of a public utility, the credit for dividends paid on its preferred stock provided in section 26 (h). For the purposes of this subsection dividends received on the preferred stock of a public utility shall be disregarded in computing the credit for dividends received provided in section 26 (b).

(b) Imposition of tax.

There shall be levied, collected, and paid for each taxable year upon the corporation surtax net income of every corporation (except a Western Hemisphere trade corporation as defined in section 109, and except a corporation subject to a tax imposed by section 231 (a), Supplement G or Supplement Q) a surtax as follows:

(1) Surtax net incomes not over $25,000.

Upon corporation surtax net incomes not over $25,000, 6 per centum of the amount thereof.

(2) Surtax net incomes over $25,000 but not over $50,000.

Upon corporation surtax net incomes over $25,000, but not over $50,000, $1,500 plus 22 per centum of the amount of the corporation surtax net income over $25,000.

(3) Surtax net incomes over $50,000.

Upon corporation surtax net incomes over $50,000, 14 per centum of the corporation surtax net income.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 104 (a), 55 Stat. 693; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 105 (b), 56 Stat. 805; Nov. 8, 1945, 5:17 p.m., E. S. T., ch. 453, title I, §§ 121 (a), 122 (g) (3), 59 Stat. 568, 570.)

AMENDMENTS

1945—Subsec (a), amended by act Nov. 8, 1945, § 122 (g) (3), cited to text, which struck out "minus the credit for income subject to the tax imposed by Subchapter E of Chapter 2 provided in section 26 (e) and", and struck out "(computed by limiting such credit to 85 per centum of the net income reduced by the credit for income subject to the tax imposed by Subchapter E of Chapter 2 in lieu of 85 per centum of the adjusted net income so reduced),".

Subsec (b) amended generally by act Nov. 8, 1945, § 121 (a), cited to text, which decreased the corporation surtax

1942—Act Oct 21, 1942, cited to text, amended section in its entirety.

1941—Act Sept 20, 1941, cited to text, amended section in its entirety

EFFECTIVE DATE

Act Nov 8, 1945, cited to text, was made applicable with respect to taxable years beginning after Dec 31, 1945, by sections 121 (d) and 122 (g) (3) thereof For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof

FISCAL YEAR TAXPAYERS

For taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title.

TREATY OBLIGATIONS

Section 108 of act Sept 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States" This provision was repeated in section 109 of act Oct. 21, 1942, also cited

PART II.—COMPUTATION OF NET INCOME

§ 22. Gross income.

* * * * *

(b) Exclusions from gross income.

* * * * *

(2) Annuities, etc.

(A) In general.

Amounts received (other than amounts paid by reason of the death of the insured and interest payments on such amounts and other than amounts received as annuities) under a life insurance or endowment contract, but if such amounts (when added to amounts received before the taxable year under such contract) exceed the aggregate premiums or consideration paid (whether or not paid during the taxable year) then the excess shall be included in gross income. Amounts received as an annuity under an annuity or endowment contract shall be included in gross income; except that there shall be excluded from gross income the excess of the amount received in the taxable year over an amount equal to 3 per centum of the aggregate premiums or consideration paid for such annuity (whether or not paid during such year), until the aggregate amount excluded from gross income under this chapter or prior in-

come tax laws in respect of such annuity equals the aggregate premiums or consideration paid for such annuity. In the case of a transfer for a valuable consideration, by assignment or otherwise, of a life insurance, endowment, or annuity contract, or any interest therein, only the actual value of such consideration and the amount of the premiums and other sums subsequently paid by the transferee shall be exempt from taxation under paragraph (1) or this paragraph. The preceding sentence shall not apply in the case of such a transfer if such contract or interest therein has a basis for determining gain or loss in the hands of a transferee determined in whole or in part by reference to such basis of such contract or interest therein in the hands of the transferor. This subparagraph and paragraph (1) shall not apply with respect to so much of a payment under a life insurance, endowment, or annuity contract, or any interest therein, as, under section 22 (k), is includible in gross income;

(B) Employees' annuities.

If an annuity contract is purchased by an employer for an employee under a plan with respect to which the employer's contribution is deductible under section 23 (p) (1) (B), or if an annuity contract is purchased for an employee by an employer exempt under section 101 (6), the employee shall include in his income the amounts received under such contract for the year received except that if the employee paid any of the consideration for the annuity, the annuity shall be included in his income as provided in subparagraph (A) of this paragraph, the consideration for such annuity being considered the amount contributed by the employee. In all other cases, if the employee's rights under the contract are nonforfeitable except for failure to pay future premiums, the amount contributed by the employer for such annuity contract on or after such rights become nonforfeitable shall be included in the income of the employee in the year in which the amount is contributed, which amount together with any amounts contributed by the employee shall constitute the consideration paid for the annuity contract in determining the amount of the annuity required to be included in the income of the employee under subparagraph (A) of this paragraph.

(3) Gifts, bequests, devises, and inheritances.

The value of property acquired by gift, bequest, devise, or inheritance. There shall not be excluded from gross income under this paragraph, the income from such property, or, in case the gift, bequest, devise, or inheritance is of income from property, the amount of such income. For the purposes of this paragraph, if, under the terms of the gift, bequest, devise, or inheritance, payment, crediting, or distribution thereof is to be made at intervals, to the extent that it is paid or credited or to be distributed out of income from property, it shall be considered a gift, bequest, devise, or inheritance of income from property;

(4) Tax-free interest.

Interest upon (A) the obligations of a State, Territory, or any political subdivision thereof, or the District of Columbia; or (B) obligations of a corporation organized under Act of Congress, if such corporation is an instrumentality of the United States; or (C) the obligations of the United States or its possessions. Every person owning any of the obligations enumerated in clause (A), (B), or (C) shall, when so required by regulations prescribed by the Commissioner with the approval of the Secretary, submit in the return required by this chapter a statement showing the number and amount of such obligations owned by him and the income received therefrom, in such form and with such information as such regulations may prescribe. In the case of obligations of the United States issued after September 1, 1917 (other than postal savings certificates of deposit to the extent they represent deposits made before March 1, 1941) and in the case of obligations of a corporation organized under Act of Congress, the interest shall be exempt only if and to the extent provided in the respective Acts authorizing the issue thereof as amended and supplemented, and shall be excluded from gross income only if and to the extent it is wholly exempt from the taxes imposed by this chapter;

(5) Compensation for injuries or sickness.

Except in the case of amounts attributable to (and not in excess of) deductions allowed under section 23 (x) in any prior taxable year, amounts received through accident or health insurance or under workmen's compensation acts, as compensation for personal injuries or sickness, plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness, and amounts received as a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country;

* * * * *

(9) Income from discharge of indebtedness.

In the case of a corporation, the amount of any income of the taxpayer attributable to the discharge, within the taxable year, of any indebtedness of the taxpayer or for which the taxpayer is liable evidenced by a security (as hereinafter in this paragraph defined) if the taxpayer makes and files at the time of filing the return, in such manner as the Commissioner, with the approval of the Secretary, by regulations prescribes, its consent to the regulations prescribed under section 113 (b) (3) then in effect. In such case the amount of any income of the taxpayer attributable to any unamortized premium (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction. As used in this paragraph the term "security" means any bond, debenture, note, or certificate, or other evidence of indebtedness, issued by any corporation. This paragraph shall not apply to any discharge occurring before the date of enactment of the Reve-

nue Act of 1939,[1] or in a taxable year beginning after December 31, 1946.

(10) Income from discharge of indebtedness of a railroad corporation.

The amount of any income attributable to the discharge, within the taxable year, of any indebtedness of a railroad corporation, as defined in section 77m of the National Bankruptcy Act, as amended,[2] to the extent that such income is deemed to have been realized by reason of a modification in or cancellation in whole or in part of such indebtedness pursuant to an order of a court in a receivership proceeding or in a proceeding under section 77 of the National Bankruptcy Act, as amended.[3] In such case the amount of any income of the taxpayer attributable to any unamortized premium (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction. Paragraph (9) shall not apply with respect to any discharge of indebtedness to which this paragraph applies. This paragraph shall not apply to any discharge occurring in a taxable year beginning after December 31, 1946.

(11) Improvements by lessee on lessor's property.

Income, other than rent, derived by a lessor of real property upon the termination of a lease, representing the value of such property attributable to buildings erected or other improvements made by the lessee

(12) Recovery of bad debts, prior taxes, and delinquency amounts.

Income attributable to the recovery during the taxable year of a bad debt, prior tax, or delinquency amount, to the extent of the amount of the recovery exclusion with respect to such debt, tax, or amount. For the purposes of this paragraph:

(A) Definition of bad debt.

The term "bad debt" means a debt on account of worthlessness or partial worthlessness of which a deduction was allowed for a prior taxable year.

(B) Definition of prior tax.

The term "prior tax" means a tax on account of which a deduction or credit was allowed for a prior taxable year.

(C) Definition of delinquency amount.

The term "delinquency amount" means an amount paid or accrued on account of which a deduction or credit was allowed for a prior taxable year and which is attributable to failure to file return with respect to a tax, or pay a tax, within the time required by the law under which the tax is imposed, or to failure to file return with respect to a tax or pay a tax.

(D) Definition of recovery exclusion.

The term "recovery exclusion", with respect to a bad debt, prior tax, or delinquency amount, means the amount, determined in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, of the deductions or credits allowed, on account of such bad debt, prior tax, or delinquency amount, which did not result in a reduction of the taxpayer's tax under this chapter (not including the tax under section 102) or corresponding provisions of prior revenue laws, reduced by the amount excludible in previous taxable years with respect to such debt, tax, or amount under this paragraph.

(E) Special rules in case of section 102 tax and personal holding company tax.

In the application of subparagraphs (A), (B), (C), and (D) in determining the tax under section 102 or Subchapter A of Chapter 2, a recovery exclusion allowed for the purposes of Chapter 1 shall be allowed for the purpose of such section or subchapter whether or not the bad debt, prior tax, or delinquency amount resulted in a reduction of the section 102 tax or Subchapter A tax for the prior taxable year; and in the case of a bad debt, prior tax, or delinquency amount not allowable as a deduction or credit for the prior taxable year under Chapter 1 (except section 102) but allowable for the same taxable year under such section or subchapter a recovery exclusion shall be allowable for the purposes of such section or subchapter if such bad debt, prior tax, or delinquency amount did not result in a reduction of the tax under such section 102 or such Subchapter A As used in this subparagraph references to Chapter 1, section 102, and Subchapter A in the case of taxable years not subject to the Internal Revenue Code, shall be held to be made to corresponding provisions of prior revenue Acts.

(13) Additional allowance for military and naval personnel.

(A) In the case of compensation received during any taxable year and before the termination of the present war as proclaimed by the President, for active service as a commissioned officer (or a commissioned warrant officer) in the military or naval forces of the United States during such war, or, in the case of a citizen or resident of the United States, as a member of the military or naval forces of any of the other United Nations during such war, so much of such compensation as does not exceed $1,500.

(B) Compensation received during any taxable year and before the termination of the present war as proclaimed by the President, for active service as a member below the grade of commissioned officer (or commissioned warrant officer) in the military or naval forces of the United States during such war.

(14) Mustering-out payments for military and naval personnel.

Amounts received during the taxable year as mustering-out payments with respect to service in the military or naval forces of the United States.

* * * * *

(d) Method of inventorying goods. * * *

* * * * *

(2) The method described in paragraph (1) may be used—

* * * * *

(B) Only if the taxpayer establishes to the satisfaction of the Commissioner that the taxpayer has used no procedure other than that specified in subparagraphs (B) and (C) of paragraph (1) in inventorying such goods to ascertain the income, profit, or loss of the first taxable year for which the method described in paragraph (1) is to be used, for the purpose of a report or statement covering such taxable year (i) to shareholders, partners, or other proprietors, or to beneficiaries, or (ii) for credit purposes.

* * * * *

(5) * * *

* * * * *

(B) The Commissioner determines that the taxpayer has used for any such subsequent taxable year some procedure other than that specified in subpagraph (B) of paragraph (1) in inventorying the goods specified in the application to ascertain the income, profit, or loss of such subsequent taxable year for the purpose of a report or statement covering such taxable year (i) to shareholders, partners, or other proprietors, or beneficiaries, or (ii) for credit purposes; and requires a change to a method different from that prescribed in paragraph (1) beginning with such subsequent taxable year or any taxable year thereafter.

(6) Involuntary liquidation and replacement of inventory.

(A) Adjustment of net income and resulting tax.

If, for any taxable year beginning after December 31, 1940, and prior to the termination of the present war as proclaimed by the President, the closing inventory of a taxpayer inventorying goods under the method provided in this subsection reflects a decrease from the opening inventory of such goods for such year, and if, at the time of the filing of the taxpayer's income tax return for such year (or, with respect to taxable years beginning in 1941, at any time within the six months period following the date of the enactment of the Revenue Act of 1943), the taxpayer elects to have the provisions of this paragraph apply and so notifies the Commissioner, and if, at the time of such election, it is established to the satisfaction of the Commissioner, in accordance with such regulations as the Commissioner may prescribe with the approval of the Secretary, that such decrease is attributable to the involuntary liquidation of such inventory as defined in subparagraph (B), and if the closing inventory of a subsequent taxable year, ending not more than three years after the termination of the present war as proclaimed by the President, reflects a replacement, in whole or in part, of the goods so previously liquidated, the net income of the taxpayer otherwise determined for the year of such involuntary liquidation shall be adjusted as follows:

(i) Increased by an amount equal to the excess, if any, of the aggregate cost of such goods reflected in the opening inventory of the year of involuntary liquidation over the aggregate replacement cost; or

(ii) Decreased by an amount equal to the excess, if any, of the aggregate replacement cost of such goods over the aggregate cost thereof reflected in the opening inventory of the year of the involuntary liquidation.

The taxes imposed by this chapter and by chapter 2 for the year of such liquidation, for preceding taxable years, and for all taxable years intervening between the year of liquidation and the year of replacement shall be redetermined, giving effect to such adjustments. Any increase in such taxes resulting from such adjustments shall be assessed and collected as a deficiency but without interest, and any overpayment so resulting shall be credited or refunded to the taxpayer without interest.

(B) Definition of involuntary liquidation.

The term "involuntary liquidation", as used in this paragraph, means the sale or other disposition of goods inventoried under the method described in this subsection, either voluntary or involuntary, coupled with a failure on the part of the taxpayer to purchase, manufacture, or otherwise produce and have on hand at the close of the taxable year in which such sale or other disposition occurred such goods as would, if on hand at the close of such taxable year, be subject to the application of the provisions of this subsection, if such failure on the part of the taxpayer is due, directly and exclusively, (i) to enemy capture or control of sources of limited foreign supply; (ii) to shipping or other transportation shortages; (iii) to material shortages resulting from priorities or allocations; (iv) to labor shortages; or (v) to other prevailing war conditions beyond the control of the taxpayer.

(C) Replacements.

If, in the case of any taxpayer subject to the provisions of subparagraph (A), the closing inventory of the taxpayer for a taxable year, subsequent to the year of involuntary liquidation but prior to the complete replacement of the goods so liquidated, reflects an increase over the opening inventory of such goods for the taxable year, the goods reflecting such increase shall be considered, in the order of their acquisition, as having been acquired in replacement of the goods most recently liquidated (whether or not in a year of involuntary liquidation) and not previously replaced, and if the liquidation was an involuntary liquidation shall be taken into purchases and included in the closing inventory of the taxpayer for the year of replacement at the inventory cost basis of the goods replaced.

(D) Election irrevocable.

An election by the taxpayer to have the provisions of this paragraph apply, once made, shall be irrevocable and shall be binding for the year of the involuntary liquidation and for all determinations for prior and subsequent taxable years insofar as they are related to the year of liquidation or replacement.

(E) Adjustment in certain cases.

If the adjustments specified in subparagraph (A) are, with respect to any taxable year, prevented, on the date of the filing of the income tax return of the taxpayer for the year of the replacement, or within three years from such date, by any provision or rule of law (other than this subparagraph and other than section 3761, relating to compromises), such adjustments shall nevertheless be made if, in respect of the taxable year for which the adjustment is sought, a notice of deficiency is mailed or a claim for refund is filed, as the case may be, within three years after the date of the filing of the income tax return for the year of replacement. If, at the time of the mailing of such notice of deficiency or the filing of such claim for refund, the adjustment is so prevented, then the amount of the adjustment authorized by this paragraph shall be limited to the increase or decrease of the tax imposed by this chapter and Chapter 2 previously determined for such taxable year which results solely from the effect of subparagraph (A), and such amount shall be assessed and collected, or credited or refunded, in the same manner as if it were a deficiency or an overpayment, as the case may be, for such taxable year and as if, on the date of the filing of the income tax return for the year of the replacement, three years remain before the expiration of the periods of limitation upon assessment or the filing of claim for refund for the taxable year. The tax previously determined shall be ascertained in accordance with section 734 (d). The amount to be assessed and collected under this paragraph in the same manner as if it were a deficiency or to be credited or refunded in the same manner as if it were an overpayment shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of subparagraph (A). Such amount, if paid, shall not be recovered by a claim or suit for refund, or suit for erroneous refund based upon any item, inclusion, deduction, credit, exemption, gain, or loss, other than one resulting from the effect of subparagraph (A).

* * * * *

(k) Alimony, etc., income.

In the case of a wife who is divorced or legally separated from her husband under a decree of divorce or of separate maintenance, periodic payments (whether or not made at regular intervals) received subsequent to such decree in discharge of, or attributable to property transferred (in trust or otherwise) in discharge of, a legal obligation which, because of the marital or family relationship, is imposed upon or incurred by such husband under such decree or under a written instrument incident to such divorce or separation shall be includible in the gross income of such wife, and such amounts received as are attributable to property so transferred shall not be includible in the gross income of such husband. This subsection shall not apply to that part of any such periodic payment which the terms of the decree or written instrument fix, in terms of an amount of money or a portion of the payment, as a sum which is payable for the support of minor children of such husband. In case any such periodic payment is less than the amount specified in the decree or written instrument, for the purpose of applying the preceding sentence, such payment, to the extent of such sum payable for such support, shall be considered a payment for such support. Installment payments discharging a part of an obligation the principal sum of which is, in terms of money or property, specified in the decree or instrument shall not be considered periodic payments for the purposes of this subsection; except that an installment payment shall be considered a periodic payment for the purposes of this subsection if such principal sum, by the terms of the decree or instrument, may be or is to be paid within a period ending more than 10 years from the date of such decree or instrument, but only to the extent that such installment payment for the taxable year of the wife (or if more than one such installment payment for such taxable year is received during such taxable year, the aggregate of such installment payments) does not exceed 10 per centum of such principal sum. For the purposes of the preceding sentence, the portion of a payment of the principal sum which is allocable to a period after the taxable year of the wife in which it is received shall be considered an installment payment for the taxable year in which it is received. (In cases where such periodic payments are attributable to property of an estate or property held in trust, see section 171 (b).)

(l) Income of decedents.

For inclusion in gross income of certain amounts which constituted gross income in respect of a decedent, see section 126.

(m) Services of child.

(1) Amounts received in respect of the services of a child shall be included in his gross income and not in the gross income of the parent, even though such amounts are not received by the child.

(2) All expenditures by the parent or the child attributable to amounts which are includible in the gross income of the child and not of the parent solely by reason of paragraph (1) shall be deemed to have been paid or incurred by the child.

(3) For the purposes of this subsection, the term "parent" includes an individual who is entitled to the services of a child by reason of having parental rights and duties in respect of the child.

(4) Any tax assessed against the child, to the extent attributable to amounts includible in the gross income of the child and not of the parent solely by reason of paragraph (1), shall, if not paid by the child, for all purposes be considered as having also been properly assessed against the parent.

(n) Definition of "adjusted gross income".

As used in this chapter the term "adjusted gross income" means the gross income minus—

(1) Trade and business deductions.

The deductions allowed by section 23 which are attributable to a trade or business carried on by

the taxpayer, if such trade or business does not consist of the performance of services by the taxpayer as an employee;

(2) Expenses of travel and lodging in connection with employment.

The deductions allowed by section 23 which consist of expenses of travel, meals, and lodging while away from home, paid or incurred by the taxpayer in connection with the performance by him of services as an employee;

(3) Reimbursed expenses in connection with employment.

The deductions allowed by section 23 (other than expenses of travel, meals, and lodging while away from home) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer;

(4) Deductions attributable to rents and royalties.

The deductions (other than those provided in paragraph (1), (5), or (6)) allowed by section 23 which are attributable to property held for the production of rents or royalties;

(5) Certain deductions of life tenants and income beneficiaries of property.

The deductions (other than those provided in paragraph (1)) for depreciation and depletion, allowed by section 23 (*l*) and (m) to a life tenant of property or to an income beneficiary of property held in trust; and

(6) Losses from sales or exchange of property.

The deductions (other than those provided in paragraph (1)) allowed by section 23 as losses from the sale or exchange of property. (As amended Oct. 21, 1942, 4:30 p m., E W.T., ch. 619, title I, §§ 110 (a), 111 (a), 112 (a), 113, 114 (a, b), 115 (a), 116 (a), 117, 118 (a, b), 119, 120 (a, d), 127 (d), 134 (c), 162 (c), 56 Stat. 808, 809, 811, 812, 814, 816, 818, 826, 830, 866; June 9, 1943, 7 p.m., E W.T., ch. 120, § 7 (a), 57 Stat. 149; Feb. 25, 1944, 12:49 p m., E.W.T., ch 63, title I, §§ 109, 110 (a), 58 Stat. 33, 34; May 29, 1944, 7 p. m., E W. T., ch. 210, part I, §§ 7, 8 (a), 11 (d), 58 Stat. 235, 241; Nov. 8, 1945, 5:17 p. m., E S T., ch. 453, title I, §§ 141 (a), 152, 59 Stat. 571, 574.)

[1] Revenue Act of 1939 was enacted June 29, 1939, 10 p. m., E. S T.

[2] Probably should read "77 (m)" which is section 205 (m) of Title 11, Bankruptcy.

[3] Section 205 of Title 11, Bankruptcy.

[4] Probably should read "subparagraph".

AMENDMENTS

1945—Subsec. (b) (9) and (10) amended by act Nov. 8, 1945, § 152, cited to text, which struck out "1945" in each of such paragraphs and inserted "1946" in lieu thereof.

Subsec. (b) (13) amended generally by act Nov. 8, 1945, § 141 (a), cited to text.

1944—Subsec (b) (4) amended by act May 29, 1944, cited to text, which incorporated technical changes necessitated by amendment of section 25 of this title

Subsec (b) (14) was added by act Feb 25, 1944, cited to text

Subsec. (d) (6) (A) amended by act Feb. 25, 1944, cited to text, which struck out "December 31, 1941" and inserted "December 31, 1940", and inserted "(or, with respect to taxable years beginning in 1941, at any time within the six months period following the date of the enactment of the Revenue Act of 1943)" following "taxpayer's income tax return for such year" in the first sentence, and amended generally the next to last sentence which commences "The taxes imposed".

Subsec. (d) (6) (C) amended by act Feb. 25, 1944, cited to text, which inserted "taken into purchases and" following "involuntary liquidation shall be", and inserted "closing" preceding "inventory of the taxpayer for the year of replacement".

Subsec. (d) (6) (D) amended by act Feb. 25, 1944, cited to text, which struck out "for subsequent taxable years" and inserted in lieu thereof "for prior and subsequent taxable years".

Subsec (d) (6) (E) amended by act Feb 25, 1944, cited to text, which struck out "Subchapter E of" preceding "Chapter 2" in second sentence.

Subsec (m) added by act May 29, 1944, cited to text.

Subsec. (n) added by act May 29, 1944, cited to text.

1943—Subsec. (b) amended by act June 9, 1943, cited to text, which among other changes made a blanket allowance of $1,500 in lieu of former allowance of $250 for single, and $300 for married persons or heads of families

1942—Subsecs (b) (2 5), (9); (d) (2) (B), (5) (B) were amended, and subsecs. (b) (2) (B), (10–13); (d) (6); (k) and (*l*) were added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Amendment of subsec (b) (13) by act Nov. 8, 1945, § 141 (a), cited to text, was made applicable to taxable years by subsec. (b) thereof, as follows: "Subparagraph (A) of section 22 (b) (13), as amended by subsection (a) of this section, shall be applicable with respect to taxable years beginning after December 31, 1942; subparagraph (B) thereof shall be applicable with respect to taxable years beginning after December 31, 1940"

Amendment of subsec (b) (4), and addition of subsecs. (m) and (n) by act May 29, 1944, §§ 7, 8 (a), 11 (d) cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 2 thereof.

Addition of par. (14) to subsec (b) by act Feb. 25, 1944, § 109, cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 101 thereof.

Amendments of subsec. (d) (6) (A), (d) (6) (C), (d) (6) (D), and (d) (6) (E) by act Feb 25, 1944, § 110 (a), cited to text, were made applicable to taxable years beginning after Dec. 31, 1940, by section 110 (b) thereof.

Amendment of subsec. (b) (13) by act June 9, 1943, cited to text, was made effective with respect to taxable years beginning after December 31, 1942, by section 7 (b) thereof.

Amendments by act Oct. 21, 1942, §§ 127, 113–115, 117, 119, cited to text, to subsecs (b) (5, 9, 11, 13) and (d) (6) were made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof. Effective dates of other amendments by said act Oct. 21, 1942, are noted in paragraphs below.

Amendment of subsec. (b) (2) by act Oct. 21, 1942, § 110 (a), cited to text, adding new sentence at end of par., was made applicable to taxable years beginning after Dec. 31, 1940, by section 110 (b) thereof.

Amendment of subsec. (b) (2), inserting a new heading for (A) and adding a new sentence at the end thereof, and amendment adding subsec (k), both by act Oct 21, 1942, § 120 (a), (d), cited to text, were made effective by section 120 (g) thereof as follows: "(g) The amendments made by this section (to sections 22 (b) (2), (k), 23 (u), 25 (b) (2) (A), 171 and 3797 (a) (17)) shall be applicable only with respect to taxable years beginning after December 31, 1941; except that if the first taxable year beginning after December 31, 1941, of the husband does not begin on the same day as the first taxable year beginning after December 31, 1941, of the wife, such amendments shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1941, regardless of the taxable year of the husband in which such day falls."

Amendment of subsec. (b) (2) by act Oct. 21, 1942, § 162 (c), cited to text, adding subpar. (B), was made

effective by section 162 (d) thereof as amended by acts December 17, 1943, ch. 346, § 3, 57 Stat. 602; Dec. 20, 1944, ch. 616, § 2, 58 Stat 830, as follows: "(d) The amendments made by this section (to sections 22 (b) (2) (B), 23 (p) and 165 of this title, and Title 15, § 80a–3 (c) (13)) shall be applicable as to both the employer and employees only with respect to taxable years of the employer beginning after December 31, 1941, except that—

"(1) In the case of a stock bonus, pension, profit-sharing, or annuity plan in effect on or before September 1, 1942,

"(A) such a plan shall not become subject to the requirements of section 165 (a) (3), (4), (5), and (6) until the beginning of the first taxable year beginning after December 31, 1942,

"(B) such a plan shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the beginning of the first taxable year following December 31, 1942, and ending June 30, 1945, if the provisions thereof satisfy such requirements by June 30, 1945, and if by that time all provisions of such plan which are necessary to satisfy such requirements are in effect and have been made effective for all purposes with respect to the portion of such period after December 31, 1943 "

"(C) if the contribution of an employer to such a plan in the employer's taxable year beginning in 1942 exceeds the maximum amount deductible for such year under section 23 (p) (1), as amended by this section, the amount deductible in such year shall be not less than the sum of—

"(i) the amount paid in such taxable year prior to September 1, 1942, and deductible under section 23 (a) or 23 (p) prior to amendment by this section, and

"(ii) with respect to the amount paid in such taxable year on or after September 1, 1942, that proportion of the amount deductible for the taxable year under section 23 (p) (1), as amended by this section, which the number of months after August 31, 1942, in the taxable year bears to twelve

"(2) A stock bonus, pension, profit-sharing, or annuity plan—

"(A) put into effect after September 1, 1942, and prior to January 1, 1945, shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the date on which it was put into effect and ending with June 30, 1945, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the portion of such period after December 31, 1943,

"(B) put into effect after December 31, 1944, shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the date on which it was put into effect and ending with the 15th day of the third month following the close of the taxable year of the employer in which the plan was put in effect, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period "

Amendment of subsec (b) (3) by act Oct 21, 1942, § 111 (a), cited to text, was made effective by section 111 (e) thereof as follows: "(e) The amendments made by this section (to sections 22 (b) (3), 162 (b–d), and 164) shall be applicable only with respect to taxable years beginning after December 31, 1941; except that in the case of income paid, credited or to be distributed or amounts paid, credited or to be distributed by an estate or trust the amendments made by this section shall be applicable only with respect to such income and such amounts paid, credited or to be distributed on or after the beginning of the first taxable year of the estate or trust, as the case may be, beginning after December 31, 1941 "

Amendment of subsec. (b) (4) by act Oct. 21, 1942, § 112 (a), cited to text, inserting words "to the extent they represent deposits made before March 1, 1941" was made effective as of March 1, 1941, by section 112 (c) thereof.

Amendment of subsec. (b) by act Oct. 21, 1942, § 114 (b), cited to text, adding par. (10), was made applicable to taxable years beginning after Dec. 31, 1939, by section 114 (c) thereof.

Amendment of subsec. (b) by act Oct 21, 1942, § 116 (a), cited to text, adding par. (12), was made applicable to taxable years beginning after Dec. 31, 1938, by section 116 (b) thereof.

Amendments of subsec. (d), pars (2) (B) and (5) (B) by act Oct. 21, 1942, § 118 (a, b), cited to text, were made applicable to taxable years beginning after Dec 31, 1938, by section 118 (c) thereof.

Amendment adding subsec. (l) by act Oct. 21, 1942, § 134 (c), cited to text, was made applicable to taxable years ending after Dec 31, 1942, by section 134 (f) thereof

CREDITS OR REFUNDS FOR 1941 AND 1942

Act Nov 8, 1945, § 141 (c), cited to text, provides "If at any time prior to January 1, 1947, the allowance of a credit or refund of an overpayment of the tax for any taxable year beginning after December 31, 1940, and before January 1, 1943, is otherwise prevented by the operation of any law or rule of law (other than section 3761, relating to compromises), a credit or refund of the overpayment of such tax to the extent that the overpayment is attributable to the enactment of this section may, nevertheless, be allowed or made if a claim therefor is filed before January 1, 1947."

RECOVERY UNDER PRIOR REVENUE ACTS

Section 116 (c) of act Oct 21, 1942, cited to text, provided as follows: "(c) For the purposes of the Revenue Act of 1938 or any prior revenue Act, the amendments made to the Internal Revenue Code by subsection (a) of this section (adding subpar (12) to subsec (b)) shall be effective as if they were a part of each such revenue Act on the date of its enactment "

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States " This provision was repeated in section 136 of act Feb 25, 1944, cited to text.

PUBLIC SALARY TAX ACT

* * * * *

"SEC 203 (a) Any amount of income tax (including interest, additions to tax, and additional amounts) collected on, before, or after the date of the enactment of this act for any taxable year beginning prior to January 1, 1939, to the extent attributable to compensation for personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of any one or more of the foregoing, shall be credited or refunded in the same manner as in the case of an income tax erroneously collected, if claim for refund with respect thereto is filed after January 18, 1939, and the Commissioner of Internal Revenue, under regulations prescribed by him with the approval of the Secretary of the Treasury, finds that disallowance of such claim would result in the application of the doctrines in the cases of Helvering against Therrell (303 U S 218) (58 S Ct 539, 82 L Ed 758, reversing 88 F 2d 869) Helvering against Gerhardt (304 U S. 405) (58 S. Ct. 969, 82 L. Ed 1427 reversing 92 F 2d 999 Rehearing denied 59 S Ct 57, 305 U S 669, 83 L. Ed 434), and Graves et al. against New York ex rel O'Keefe, decided March 27, 1939 (306 U. S 466, 59 S. Ct. 595, 83 L Ed 927, 120 A L R. 1466, reversing 278 N Y 691, 16 N E. 2d 404, affirming 253 App Div. 91, 1 N Y S 2d 195), extending the classes of officers and employees subject to Federal taxation.

"(b) Any amount of income tax (including interest, additions to tax, and additional amounts) for taxable years beginning after December 31, 1938, to the extent attributable to compensation for personal service rendered in a taxable year beginning prior to January 1, 1939 (other than compensation received as a pension, retirement pay, or similar allowance), as an officer or employee of a State, or any political subdivision thereof,

or any agency or instrumentality of any one or more of the foregoing—

"(1) shall not be assessed; and

"(2) if assessed, the assessment shall be abated and any amount collected in pursuance of such assessment shall be credited or refunded in the same manner as in the case of an income tax erroneously collected,

if the Commissioner of Internal Revenue, under regulations prescribed by him with the approval of the Secretary of the Treasury, finds that assessment of such tax, or disallowance of a claim for credit or refund, except for Title I of this Act (affecting sections 22 and 116 of Title 26, and section 84a of Title 5), would result in the application of the doctrines in the cases of Helvering against Therrell (303 U S 218) (58 S Ct 539, 82 L Ed 758, reversing 88 F 2d 869) Helvering against Gerhardt (304 U. S 405) (58 S Ct 969, 82 L Ed 1427, reversing 92 F 2d 999 Rehearing denied 59 S Ct 57, 305 U S 669, 83 L Ed 434), and Graves et al against New York ex rel O'Keefe (306 U S 466), (59 S Ct 595, 83 L Ed 927, 120 A L R. 1466, reversing 278 N Y 691, 16 N E 2d 404, affirming 253 App Div 91, 1 N Y S 2d 195), extending the classes of officers and employees subject to Federal taxation." (As amended Oct 21, 1942, ch. 619, title V, § 509 (b), 56 Stat 967, eff as of April 12, 1939)

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CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance

§ 23. Deductions from gross income.

* * * * *

(a) Expenses.

(1) Trade or business expenses.

(A) In general.

All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for salaries or other compensation for personal services actually rendered; traveling expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; and rentals or other payments required to be made as a condition to the continued use or possession, for purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

(B) Corporate charitable contributions.

No deduction shall be allowable under subparagraph (A) to a corporation for any contribution or gift which would be allowable as a deduction under subsection (q) were it not for the 5 per centum limitation therein contained and for the requirement therein that payment must be made within the taxable year.

(C) Expenditures for advertising and good will.

If a corporation has, for the purpose of computing its excess profits credit under Chapter 2E, claimed the benefits of the election provided in section 733, no deduction shall be allowable under subparagraph (A) to such corporation for expenditures for advertising or the promotion of good will which, under the rules and regulations prescribed under section 733 (a), may be regarded as capital investments.

(2) Non-trade or non-business expenses.

In the case of an individual, all the ordinary and necessary expenses paid or incurred during the taxable year for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income

* * * * *

(c) Taxes generally.

(1) Allowance in general.

Taxes paid or accrued within the taxable year, except—

(A) Federal income taxes;

(B) war-profits and excess-profits taxes imposed by Title II of the Revenue Act of 1917,[1] Title III of the Revenue Act of 1918,[2] Title III of the Revenue Act of 1921,[3] section 216 of the National Industrial Recovery Act, section 702 of the Revenue Act of 1934,[4] or Subchapter E of Chapter 2, or by any such provisions as amended or supplemented;

(C) income, war-profits, and excess-profits taxes imposed by the authority of any foreign country or possession of the United States, if the taxpayer chooses to take to any extent the benefits of section 131;

(D) estate, inheritance, legacy, succession, and gift taxes;

(E) taxes assessed against local benefits of a kind tending to increase the value of the property assessed; but this paragraph shall not exclude the allowance as a deduction of so much of such taxes as is properly allocable to maintenance or interest charges; and

(F) Federal import duties, and Federal excise and stamp taxes (not described in subparagraph (A), (B), (D), or (E)), but this subsection shall not prevent such duties and taxes from being deducted under subsection (a).

(2) Repealed.

Oct. 21, 1942, 4.30 p. m., E W. T., ch. 619, title I, § 105 (c) (2), 56 Stat. 806

(3) Retail sales tax.

In the case of a tax imposed by any State, Territory, District, or possession of the United States, or any political subdivision thereof, upon persons engaged in selling tangible personal property at retail, which is measured by the gross sales price or the gross receipts from the sale or which is a stated sum per unit of such property sold, or upon persons engaged in furnishing services at retail, which is measured by the gross receipts for furnishing such services, if the amount of such tax is separately stated, then to the extent that the amount so stated is paid by the purchaser (otherwise than in connection with the purchaser's trade or business) to such person such amount shall be allowed as a deduction in computing the net income of such purchaser as if such amount constituted a tax imposed upon and paid by such purchaser.

(g) Capital losses.

* * * * *

(3) Definition of securities.

As used in this paragraph (2)[5] of subsection the term "securities" means (A) shares of stock in a corporation, and (B) rights to subscribe for or to receive such shares.

(4) Stock in affiliated corporation.

For the purposes of paragraph (2) stock in a corporation affiliated with the taxpayer shall not be deemed a capital asset. For the purposes of this paragraph a corporation shall be deemed to be affiliated with the taxpayer only if:

(A) at least 95 per centum of each class of its stock is owned directly by the taxpayer; and

(B) more than 90 per centum of the aggregate of its gross incomes for all taxable years has been from sources other than royalties, rents (except rents derived from rental of properties to employees of the company in the ordinary course of its operating business), dividends, interest (except interest received on deferred purchase price of operating assets sold), annuities, or gains from sales or exchanges of stocks and securities; and

(C) the taxpayer is a domestic corporation.

(k) Bad debts.

(1) General rule.

Debts which become worthless within the taxable year; or (in the discretion of the Commissioner) a reasonable addition to a reserve for bad debts; and when satisfied that a debt is recoverable only in part, the Commissioner may allow such debt, in an amount not in excess of the part charged off within the taxable year, as a deduction. This paragraph shall not apply in the case of a taxpayer, other than a bank, as defined in section 104, with respect to a debt evidenced by a security as defined in paragraph (3) of this subsection. This paragraph shall not apply in the case of a taxpayer, other than a corporation, with respect to a non-business debt, as defined in paragraph (4) of this subsection.

(2) Securities becoming worthless.

If any securities (as defined in paragraph (3) of this subsection) become worthless within the taxable year and are capital assets, the loss resulting therefrom shall, in the case of a taxpayer other than a bank, as defined in section 104, for the purposes of this chapter, be considered as a loss from the sale or exchange, on the last day of such taxable year, of capital assets

(3) Definition of securities.

As used in paragraphs (1), (2), and (4) of this subsection the term "securities" means bonds, debentures, notes, or certificates, or other evidences of indebtedness, issued by any corporation (including those issued by a government or political subdivision thereof), with interest coupons or in registered form.

(4) Non-business debts.

In the case of a taxpayer, other than a corporation, if a non-business debt becomes worthless within the taxable year, the loss resulting therefrom shall be considered a loss from the sale or exchange, during the taxable year, of a capital asset held for not more than 6 months. The term "non-business debt" means a debt other than a debt evidenced by a security as defined in paragraph (3) and other than a debt the loss from the worthlessness of which is incurred in the taxpayer's trade or business.

(5) Securities of affiliated corporations.

Bonds, debentures, notes or certificates, or other evidences of indebtedness issued with interest coupons or in registered form by any corporation affiliated with the taxpayer shall not be deemed capital assets for the purposes of paragraph (2) and paragraph (1) shall apply with respect to such debt except that no such deduction shall be allowed under such paragraph with respect to any such debt which is recoverable only in part. For the purposes of this paragraph a corporation shall be deemed to be affiliated with the taxpayer only if:

(A) at least 95 per centum of each class of its stock is owned directly by the taxpayer; and

(B) more than 90 per centum of the aggregate of its gross incomes for all taxable years has been from sources other than royalties, rents (except rents derived from rental of properties to employees of the company in the ordinary course of its operating business), dividends, interest (except interest received on deferred purchase price of operating assets sold), annuities, or gains from sales or exchanges of stocks and securities; and

(C) the taxpayer is a domestic corporation.

* * * * *

***(l)* Depreciation.**

A reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence)—

(1) of property used in the trade or business, or

(2) of property held for the production of income.

In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each.

* * * * *

***(o)* Charitable and other contributions.**

* * * * *

(5) a domestic fraternal society, order, or association, operating under the lodge system, but only if such contributions or gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals;

to an amount which in all the above cases combined does not exceed 15 per centum of the taxpayer's adjusted gross income. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Commissioner, with the approval of the Secretary.

* * * * *

(p) Contributions of an employer to an employees' trust or annuity plan and compensation under a deferred-payment plan.

(1) General rule.

If contributions are paid by an employer to or under a stock bonus, pension, profit-sharing, or annuity plan, or if compensation is paid or accrued on account of any employee under a plan deferring the receipt of such compensation, such contributions or compensation shall not be deductible under subsection (a) but shall be deductible, if deductible under subsection (a) without regard to this subsection, under this subsection but only to the following extent:

(A) In the taxable year when paid, if the contributions are paid into a pension trust, and if such taxable year ends within or with a taxable year of the trust for which the trust is exempt under section 165 (a), in an amount determined as follows:

(i) an amount not in excess of 5 per centum of the compensation otherwise paid or accrued during the taxable year to all the employees under the trust, but such amount may be reduced for future years if found by the Commissioner upon periodical examinations at not less than five-year intervals to be more than the amount reasonably necessary to provide the remaining unfunded cost of past and current service credits of all employees under the plan, plus

(ii) any excess over the amount allowable under clause (i) necessary to provide with respect to all of the employees under the trust the remaining unfunded cost of their past and current service credits distributed as a level amount, or a level percentage of compensation, over the remaining future service of each such employee, as determined under regulations prescribed by the Commissioner with the approval of the Secretary, but if such remaining unfunded cost with respect to any three individuals is more than 50 per centum of such remaining unfunded cost, the amount of such unfunded cost attributable to such individuals shall be distributed over a period of at least 5 taxable years, or

(iii) in lieu of the amounts allowable under (i) and (ii) above, an amount equal to the normal cost of the plan, as determined under regulations prescribed by the Commissioner with the approval of the Secretary, plus, if past service or other supplementary pension or annuity credits are provided by the plan, an amount not in excess of 10 per centum of the cost which would be required to completely fund or purchase such pension or annuity credits as of the date when they are included in the plan, as determined under regulations prescribed by the Commissioner with the approval of the Secretary, except that in no case shall a deduction be allowed for any amount (other than the normal cost) paid in after such pension or annuity credits are completely funded or purchased.

(iv) Any amount paid in a taxable year in excess of the amount deductible in such year under the foregoing limitations shall be deductible in the succeeding taxable years in order of time to the extent of the difference between the amount paid and deductible in each such succeeding year and the maximum amount deductible for such year in accordance with the foregoing limitations.

(B) In the taxable year when paid, in an amount determined in accordance with subparagraph (A) of this paragraph, if the contributions are paid toward the purchase of retirement annuities and such purchase is a part of a plan which meets the requirements of section 165 (a), (3), (4), (5), and (6), and if refunds of premiums, if any, are applied within the current taxable year or next succeeding taxable year towards the purchase of such retirement annuities.

(C) In the taxable year when paid, if the contributions are paid into a stock bonus or profit-sharing trust, and if such taxable year ends within or with a taxable year of the trust with respect to which the trust is exempt under section 165 (a), in an amount not in excess of 15 per centum of the compensation otherwise paid or accrued during the taxable year to all employees under the stock bonus or profit-sharing plan. If in any taxable year beginning after December 31, 1941, there is paid into the trust, or a similar trust then in effect, amounts less than the amounts deductible under the preceding sentence, the excess, or if no amount is paid, the amounts deductible, shall be carried forward and be deductible when paid in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any such succeeding taxable year shall not exceed 15 per centum of the compensation otherwise paid or accrued during such succeeding taxable year to the beneficiaries under the plan. In addition, any amount paid into the trust in a taxable year beginning after December 31, 1941, in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this subparagraph shall not exceed 15 per centum of the compensation otherwise paid or accrued during such taxable year to the beneficiaries under the plan. The term "stock bonus or profit-sharing trust", as used in this subparagraph, shall not include any trust designed to provide benefits upon retirement and covering a period of years, if under the plan the amounts to be contributed by the employer can be determined actuarily as provided in subparagraph (A). If the contributions are made to two or more stock bonus or profit-sharing trusts, such trusts shall be considered a single trust for the purposes of applying the limitations in this subparagraph.

(D) In the taxable year when paid, if the plan is not one included in paragraphs (A), (B), or (C), if the employees' rights to or derived from such employer's contribution or such compensation are nonforfeitable at the time the contribution or compensation is paid.

(E) For the purposes of subparagraphs (A), (B), and (C), a taxpayer on the accrual basis shall be deemed to have made a payment on the last day

of the year of accrual if the payment is on account of such taxable year and is made within sixty days after the close of the taxable year of accrual.

(F) If amounts are deductible under subparagraphs (A) and (C), or (B) and (C), or (A) (B), and (C), in connection with two or more trusts, or one or more trusts and an annuity plan, the total amount deductible in a taxable year under such trusts and plans shall not exceed 25 per centum of the compensation otherwise paid or accrued during the taxable year to the persons who are the beneficiaries of the trusts or plans. In addition, any amount paid into such trust or under such annuity plans in a taxable year beginning after December 31, 1941, in excess of the amount allowable with respect to such year under the preceding provisions of this subparagraph shall be deductible in the succeeding taxable years in order of time, but the amount so deductible under this sentence in any one such succeeding taxable year together with the amount allowable under the first sentence of this subparagraph shall not exceed 30 per centum of the compensation otherwise paid or accrued during such taxable years to the beneficiaries under the trusts or plans. This subparagraph shall not have the effect of reducing the amount otherwise deductible under subparagraphs (A), (B), and (C), if no employee is a beneficiary under more than one trust, or a trust and an annuity plan.

If there is no plan but a method of employer contributions or compensation has the effect of a stock bonus, pension, profit-sharing, or annuity plan, or similar plan deferring the receipt of compensation, this paragraph shall apply as if there were such a plan.

(2) Deductions under prior income tax acts.

Any deduction allowable under section 23 (q) of the Revenue Act of 1928 (45 Stat. 802), or the Revenue Act of 1932 (47 Stat 182), or the Revenue Act of 1934 (48 Stat 691), under section 23 (p) of the Revenue Act of 1936 (49 Stat. 1661), or the Revenue Act of 1938 (52 Stat. 464), or the Internal Revenue Code for a taxable year beginning before January 1, 1942, which under such section was apportioned to any taxable year beginning after December 31, 1941, shall be allowed as a deduction for the years to which so apportioned to the extent allowable under such section if it had remained in force with respect to such year.

(q) Charitable and other contributions by corporations.

In the case of a corporation, contributions or gifts payment of which is made within the taxable year to or for the use of:

(1) The United States, any State, Territory, or any political subdivision thereof or the District of Columbia, or any possession of the United States, for exclusively public purposes; or

(2) A corporation, trust, or community chest, fund, or foundation, created or organized in the United States or in any possession thereof or under the law of the United States, or of any State or Territory, or of the District of Columbia, or of any possession of the United States, organized and operated exclusively for religious, charitable, scientific, veteran rehabilitation service, literary, or educational purposes or for the prevention of cruelty to children (but in the case of contributions or gifts to a trust, chest, fund, or foundation, payment of which is made within a taxable year beginning after the date of the cessation of hostilities in the present war, as proclaimed by the President, only if such contributions or gifts are to be used within the United States or any of its possessions exclusively for such purposes), no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation; or

(3) Posts or organizations of war veterans, or auxiliary units of, or trusts or foundations for, any such posts or organizations, if such posts, organizations, units, trusts, or foundations are organized in the United States or any of its possessions, and if no part of their net earnings inure to the benefit of any private shareholder or individual;

to an amount which does not exceed 5 per centum of the taxpayer's net income as computed without the benefits of this subsection. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Commissioner, with the approval of the Secretary.

* * * * *

(u) Alimony, etc., payments.

In the case of a husband described in section 22 (k), amounts includible under section 22 (k) in the gross income of his wife, payment of which is made within the husband's taxable year. If the amount of any such payment is, under section 22 (k) or section 171, stated to be not includible in such husband's gross income, no deduction shall be allowed with respect to such payment under this subsection.

(v) Bond premium deduction.

In the case of a bondholder, the deduction for amortizable bond premium provided in section 125.

(w) Deductions of estate, etc., on account of decedent's deductions.

(1) In the case of a person described in section 126 (b), the amount of the deductions in respect of a decedent to the extent allowed by such subsection.

(2) In the case of a person described in section 126 (a), the amount of the deductions in respect of a decedent to the extent allowed by section 126 (c).

(x) Medical, dental, etc., expenses.

Expenses paid during the taxable year, not compensated for by insurance or otherwise, for medical care of the taxpayer, his spouse, or a dependent specified in section 25 (b) (3), to the extent that such expenses exceed 5 per centum of the adjusted gross income. If only one exemption is allowed

under section 25 (b) for the taxable year, the maximum deduction for the taxable year shall be not in excess of $1,250. If more than one exemption is so allowed, the maximum deduction shall be not in excess of $2,500. The term "medical care", as used in this subsection, shall include amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body (including amounts paid for accident or health insurance).

(y) Special deduction for blind individuals.

(1) In general.

In the case of a blind individual, $500. For the purposes of this subsection, the status of the individual, insofar as it affects the application of this subsection to such individual, shall be determined as of July 1 of the taxable year, unless the taxable year does not include July 1, in which case such status shall be determined as of the last day of the taxable year.

(2) Definition.

For the purposes of this subsection, the term "blind individual" means an individual whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or whose visual acuity is greater than 20 200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(z) Amounts representing taxes and interest paid to cooperative apartment corporation.

(1) In general.

In the case of a tenant-stockholder (as defined in paragraph (2)), amounts, not otherwise deductible, paid or accrued to a cooperative apartment corporation within the taxable year, if such amounts represent that proportion of the real estate taxes on the apartment building and the land on which it is situated, allowable as deductions under subsection (c), paid or incurred by the corporation, or of the interest paid or incurred by the corporation on its indebtedness contracted in the acquisition, construction, alteration, rehabilitation, or maintenance of such apartment building or in the acquisition of the land on which the building is located, which the stock of the corporation owned by the tenant-stockholder is of the total outstanding stock of the corporation, including that held by the corporation.

(2) Definitions.

For the purposes of this subsection—

(A) Cooperative apartment corporation.

The term "cooperative apartment corporation" means a corporation—

(i) having one and only one class of stock outstanding,

(ii) all of the stockholders of which are entitled, solely by reason of their ownership of stock in the corporation, to occupy for dwelling purposes apartments in a building owned or leased by such corporation, and who are not entitled, either conditionally or unconditionally, except upon a complete or partial liquidation of the corporation, to receive any distribution not out of earnings and profits of the corporation, and

(iii) 80 per centum or more of the gross income of which for the taxable year in which the taxes and interest described in paragraph (1) are paid or incurred is derived from tenant-stockholders.

(B) Tenant-stockholder.

The term "tenant-stockholder" means an individual who is a stockholder in a cooperative apartment corporation, and whose stock is fully paid-up in an amount not less than an amount shown to the satisfaction of the Commissioner as bearing a reasonable relationship to the portion of the value of the corporation's equity in the building and the land on which it is situated which is attributable to the apartment which such individual is entitled to occupy.

(aa) Optional standard deduction for individuals.

(1) Allowance.

In the case of an individual, at his election a standard deduction as follows:

(A) Adjusted gross income $5,000 or more.

If his adjusted gross income is $5,000 or more, the standard deduction shall be $500.

(B) Adjusted gross income less than $5,000.

If his adjusted gross income is less than $5,000, the standard deduction shall be an amount equal to 10 per centum of the adjusted gross income upon the basis of which the tax applicable to the adjusted gross income of the taxpayer is determined under the tax table provided in section 400

(2) In lieu of certain deductions and credits.

The standard deduction shall be in lieu of: (A) all deductions other than those which under section 22 (n) are to be subtracted from gross income in computing adjusted gross income, (B) all credits with respect to taxes of foreign countries and possessions of the United States, (C) all credits with respect to taxes withheld at the source under section 143 (a) (relating to interest on tax-free covenant bonds), and (D) all credits against net income with respect to interest on certain obligations of the United States and Government corporations of the character specified in section 25 (a) (1) and (2).

(3) Method and effect of election.

(A) If the adjusted gross income shown on the return is $5,000 or more, the standard deduction shall be allowed only if the taxpayer so elects in his return, and the Commissioner, with the approval of the Secretary, shall by regulations prescribe the manner of signifying such election in the return.

(B) If the adjusted gross income shown on the return is less than $5,000, the standard deduction shall be allowed only if the taxpayer elects, in the manner provided in Supplement T, to pay the tax imposed by such supplement.

(C) If the taxpayer does not signify, in the manner provided by subparagraph (A) or (B), his election to take the standard deduction, it shall not be

allowed. If he does so signify, such election shall be irrevocable.

(D) If the adjusted gross income shown on the return is $5,000 or more, but the correct adjusted gross income is less than $5,000, then an election by the taxpayer under subparagraph (A) to take the standard deduction shall be considered as his election to pay the tax imposed by Supplement T; and his failure to make under subparagraph (A) an election to take the standard deduction shall be considered his election not to pay the tax imposed by Supplement T. If the adjusted gross income shown on the return is less than $5,000, but the correct adjusted gross income is $5,000 or more, then an election by the taxpayer under subparagraph (B) to pay the tax imposed by Supplement T shall be considered as his election to take the standard deduction; and his failure to elect under subparagraph (B) to pay the tax imposed by Supplement T shall be considered his election not to take the standard deduction.

(4) Husband and wife.

In the case of husband and wife living together, the standard deduction shall not be allowed to either if the net income of one of the spouses is determined without regard to the standard deduction. For the purposes of this paragraph the determination of whether an individual is married and living with his spouse shall be made as of the last day of the taxable year, unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of such spouse's death.

(5) Short period.

In the case of a taxable year of less than twelve months on account of a change in the accounting period, the standard deduction shall not be allowed. (As amended Mar 7, 1941, ch 10, § 10 (b), 55 Stat. 27, eff Oct 8, 1940, 11 p. m., E S T.; Sept. 20, 1941, 12:15 p m., E S. T, ch. 412, title II, § 202 (a), 55 Stat. 700; Oct. 21, 1942, 4:30 p. m , E. W. T., ch. 619, title I, §§ 105 (c), 120 (b), 121 (a, c), 122, 123 (a), 124 (a), 125, 126 (a), 127 (a, c), 128, 134 (d), 158 (b), 162 (b), 56 Stat 806, 817, 819, 820, 822, 825, 826, 830, 857, 863; Feb. 25, 1944, 12 49 p m., E. W. T., ch. 63, title I, §§ 111, 112 (a) (b), 113 (a), 114, 115, 58 Stat. 34–36; May 29, 1944, 7 p. m , E W. T., ch. 210, part I, §§ 8 (b) (c), 9 (a), 58 Stat. 236; Nov. 8, 1945, 5.17 p. m., E S T., ch. 453, title I, § 102 (b) (1), 59 Stat. 558; Dec 29, 1945, ch 652, title II, § 202 (a), 59 Stat. 673)

[1] Act Oct 3, 1917, ch 63, title II, § 200 et seq , 40 Stat 302

[2] Act Feb 24, 1919, ch 18, title III, § 300 et seq , 40 Stat 1088

[3] Act Nov. 23, 1921, ch. 136, title III, § 300 et seq , 42 Stat 271.

[4] Act May 10 1934, ch 277, § 702, 48 Stat. 770

[5] So in original Probably should read "As used in paragraph (2) of this subsection "

AMENDMENTS

1945— Subsec. (p) (2) amended by act Dec 29, 1945, cited to text, which struck out "January 1, 1943" and "December 31, 1942" and inserted in lieu thereof "January 1, 1942" and "December 31, 1941" respectively.

Subsec. (x) amended by act Nov. 8, 1945, § 102 (b) (1) which struck out "surtax" wherever appearing therein

1944—Subsec. (c) (1) amended by act Feb. 25, 1944, cited to text, which struck out "and" at end of subpar (D), struck out period at end of subpar. (E) and inserted in lieu thereof "; and", and added subpar. (F).

Subsec. (g) (4) (B) amended by act Feb 25, 1944, cited to text, which added material within parentheses following "rents" and "interests", respectively

Subsec (k) (1) amended by act Feb. 25, 1944, cited to text, which closed parenthesis after "Commissioner" instead of after "bad debts", and changed "become worthless within" to read "charged off".

Subsec (k) (5) (B) amended by act Feb 25, 1944, cited to text, which added material within parenthesis following "rents" and "interests", respectively

Subsec (o) (5), amended by act May 29, 1944, cited to text, which struck out "net income as computed without the benefit of this subsection or of subsection (x)" following "15 per centum of the taxpayer's" and inserted in lieu thereof "adjusted gross income "

Subsec (q) amended by act Feb 25, 1944, cited to text, which inserted "veteran rehabilitation service" following "scientific" in second par , added "or" at end of second par, and added par (3)

Subsec (x) amended generally by act May 29, 1944, cited to text, which among other changes deleted subds (1) and (2)

Subsec (y) added by act Feb. 25, 1944, cited to text

Subsec (aa) added by act May 29, 1944, cited to text

1942 - Subsecs (a), (c) (1, B, C), (g) (4), (k), (l), (o)-(q) were amended and subsecs (c) (3), (g) (4), (u)-(x), (z) were added by act Oct 21, 1942, cited to text.

1941—Subsec (a) (3), applicable to taxable years after Dec 31, 1939, was added by act Mar 7, 1941, cited to text, eff. Oct 8, 1940, 11 p m , E S T, by section 17 of that act

Subsec (c) was amended by act Sept 20, 1941, cited to text

EFFECTIVE DATE

Amendment of subsec (p) (2) by act Dec 29, 1945 § 202 (a), cited to text, was made effective as if it had been made a part of section 162 (b) of act Oct 21, 1942, cited to text, by section 262 (b) thereof.

Amendment of subsec (x) by act Nov. 8, 1945, § 102 (b) (1) was made applicable to taxable years beginning after Dec 31, 1945, by section 102 (c) thereof. For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title.

Act May 29, 1944, §§ 8 (b), (c), 9 (a), cited to text, made applicable to taxable years beginning after Dec 31, 1943, by section 2 thereof.

Act Feb 25, 1944, § 111 cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 101 thereof

Act Feb 25, 1944, § 112 (a, b), cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 112 (c) thereof.

Act Feb 25, 1944, § 113 (a), cited to text, was made effective to taxable years beginning after Dec. 31, 1938, by section 113 (b) thereof

Act Feb 25, 1944, § 114, cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 101 thereof

Act Feb. 25, 1944, § 115, cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 101 thereof

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 205 thereof

Amendments to subsecs (c) (1) (B), (2, 3), (g) (4), (o), (q), (v), (x), (z) by act Oct 21, 1942, §§ 105 (c, C 2), 122, 123 (a), 127 (c), 125, 126 (a), 127 (a), 128, cited to text, were all made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Amendments of subsec (a) and subsec (l), first sentence, by act Oct 21, 1942, cited to text, were made applicable to taxable years beginning after Dec. 31, 1938, by section 121 (d) thereof

Amendment of subsec. (c) (1) (C) by act Oct. 21, 1942, § 158 (b), cited to text, was made applicable to taxable years beginning after Dec. 31, 1940, by section 158 (c) thereof

Amendment of subsec. (k) by act Oct. 21, 1942, § 124 (a), cited to text, was made effective by section 124 (d) thereof as follows. "(d) The amendments made by this section adding the last sentence of section 23 (k) (1) and adding section 23 (k) (4) shall be effective only with respect to taxable years beginning after December 31, 1942; the amendment inserting section 23 (k) (5) and amendments related thereto shall be applicable only with respect to taxable years beginning after December 31, 1941; and the other amendments made by this section (to sections 204 (c) (6) and 3771 (d)) shall be effective with respect to taxable years beginning after December 31, 1938"

Amendment of subsec (p) by act Oct. 21, 1942, § 162 (b), cited to text, was made effective by section 162 (d) thereof as amended by acts Dec 17, 1943, ch 346, § 3, 57 Stat 602, Dec 20, 1944, ch 616, § 2, 58 Stat 830, as follows "(d) The amendments made by this section (to sections 22 (b) (2) (B), 23 (p), 165 of this title and section 80a-3 (c) (13) of Title 15) shall be applicable as to the employer and employees only with respect to taxable years of the employer beginning after December 31, 1941, except that—

"(1) In the case of a stock bonus, pension, profit-sharing, or annuity plan in effect on or before September 1, 1942,

"(A) such a plan shall not become subject to the requirements of section 165 (a) (3), (4), (5), and (6) until the beginning of the first taxable year beginning after December 31, 1942,

"(C) if the contribution of an employer to such a plan in the employer's taxable year beginning in 1942 exceeds the maximum amount deductible for such year under section 23 (p) (1), as amended by this section, the amount deductible in such year shall be not less than the sum of—

"(i) the amount paid in such taxable year prior to September 1, 1942, and deductible under section 23 (a) or 23 (p) prior to amendment by this section, and

"(ii) with respect to the amount paid in such taxable year on or after September 1, 1942, that proportion of the amount deductible for the taxable year under section 23 (p) (1), as amended by this section, which the number of months after August 31, 1942, in the taxable year bears to twelve

"(B) such a plan shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the beginning of the first taxable year following December 31, 1942, and ending June 30, 1945, if the provisions thereof satisfy such requirements by June 30, 1945, and if by that time all provisions of such plan which are necessary to satisfy such requirements are in effect and have been made effective for all purposes with respect to the portion of such period after December 31, 1943

"(2) A stock bonus, pension, profit-sharing, or annuity plan—

"(A) put into effect after September 1, 1942, and prior to January 1, 1945, shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the date on which it was put into effect and ending with June 30, 1945, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the portion of such period after December 31, 1943,

"(B) put into effect after December 31, 1944, shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the date on which it was put into effect and ending with the 15th day of the third month following the close of the taxable year of the employer in which the plan was put in effect, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period."

Amendment adding subsec. (u) by act Oct 21, 1942, § 120 (b), cited to text, was made effective by section 120 (g) thereof as follows: "(g) The amendments made by this section (to sections 22 (b) (2), (k), 23 (u), 25 (b) (2) (A), 171 and 3797 (a) '17)) shall be applicable only with respect to taxable years beginning after December 31, 1941, except that if the first taxable year beginning after December 31, 1941, of the husband does not begin on the same day as the first taxable year beginning after December 31, 1941, of the wife, such amendments shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1941, regardless of the taxable year of the husband in which such day falls"

Amendment adding subsec. (w) by act Oct. 21, 1942, § 134 (d), cited to text, was made applicable to taxable years ending after Dec. 31, 1942, by section 134 (f) thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows. "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States." This provision was repeated in section 136 of act Feb 25, 1944, cited to text

NON-TRADE, ETC., DEDUCTIONS UNDER PRIOR REVENUE ACTS

Section 121 (e) of act Oct 21, 1942, cited to text, provided as follows: "(e) For the purposes of the Revenue Act of 1938 or any prior revenue Act the amendments made to the Internal Revenue Code by this section (amending sections 23 (a), (*l*), and 24 (a) (5)) shall be effective as if they were a part of such revenue Act on the date of its enactment"

§ 24. Items not deductible—(a) General rule.

* * * * *

(1) Personal, living, or family expenses, except extraordinary medical expenses deductible under section 23 (x);

* * * * *

(4) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy;

(5) Any amount otherwise allowable as a deduction which is allocable to one or more classes of income other than interest (whether or not any amount of income of that class or classes is received or accrued) wholly exempt from the taxes imposed by this chapter, or any amount otherwise allowable under section 23 (a) (2) which is allocable to interest (whether or not any amount of such interest is received or accrued) wholly exempt from the taxes imposed by this chapter;

(6) Any amount paid or accrued on indebtedness incurred or continued to purchase a single premium life insurance or endowment contract. For the purposes of this paragraph, if substantially all the premiums on a life insurance or endowment contract are paid within a period of four years from the date on which such contract is purchased, such contract shall be considered a single premium life insurance or endowment contract; or

(7) Amounts paid or accrued for such taxes and carrying charges as, under regulations prescribed by the Commissioner with the approval of the Secretary, are chargeable to capital account with respect to property, if the taxpayer elects, in accordance with such regulations, to treat such taxes or charges

as so chargeable. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 121 (b), 127 (b), 129, 130 (a), 56 Stat. 819, 826, 827.)

* * * * *

AMENDMENTS

1942—Subsec (a) (1, 4, 5, 7) was amended and par. (6) thereof was added by act Oct 21, 1942, cited to text.

EFFECTIVE DATE

Amendments of subsec (a) (1, 4, 6, 7) by act Oct. 21, 1942, §§ 127 (b), 129, 130 (a), cited to text, were made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Amendment of subsec. (a) (5) by act Oct. 21, 1942, § 121 (b), cited to text, inserting reference to section 23 (a) (2), was made applicable to taxable years beginning after Dec. 31, 1938, by section 121 (e) thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 25. Credits of individual against net income.

(a) Credits for normal tax only. * * *

(1) Interest on United States obligations.

The amount received as interest upon obligations of the United States, if such interest is included in gross income under section 22, and if, under the Act authorizing the issue of such obligations, as amended and supplemented, such interest is exempt from normal tax.

(2) Interest on obligations of instrumentalities of the United States.

The amount received as interest on obligations of a corporation organized under Act of Congress, if (A) such corporation is an instrumentality of the United States; and (B) such interest is included in gross income under section 22; and (C) under the Act authorizing the issue thereof, as amended and supplemented, such interest is exempt from normal tax. (For reduction of credit under paragraph (1) or (2) on account of amortizable bond premium, see section 125.)

(3) Repealed.

Nov. 8, 1945. 5:17 p. m., E. S. T., ch. 453, title I, § 102 (b) (2), 59 Stat 558.

(4) Repealed.

Feb 25, 1944, 12:49 p. m., E. W. T., ch 63, title I, § 107 (a), 58 Stat. 31.

(b) Credits for both normal tax and surtax.

(1) CREDITS

There shall be allowed for the purposes of both the normal tax and the surtax, the following credits against net income:

(A) An exemption of $500 for the taxpayer;

(B) An exemption of $500 for the spouse of the taxpayer if—

(i) a joint return is made by the taxpayer and his spouse under section 51, in which case the aggregate exemption of the spouses under subparagraph (A) and this subparagraph shall be $1,000, or

(ii) a separate return is made by the taxpayer, and his spouse has no gross income for the calendar year in which the taxable year of the taxpayer begins and is not the dependent of another taxpayer;

(C) An exemption of $500 for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $500, except that the exemption shall not be allowed in respect of a dependent who has made a joint return with his spouse under section 51 for the taxable year beginning in such calendar year.

(2) Determination of status.

The determination of whether an individual is married shall be made as of the last day of the taxable year, unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of his spouse's death.

(3) Definition of dependent.

As used in this chapter the term "dependent" means any of the following persons over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer:

(A) a son or daughter of the taxpayer, or a descendant of either,

(B) a stepson or stepdaughter of the taxpayer,

(C) a brother, sister, stepbrother, or stepsister of the taxpayer,

(D) the father or mother of the taxpayer, or an ancestor of either,

(E) a stepfather or stepmother of the taxpayer,

(F) a son or daughter of a brother or sister of the taxpayer,

(G) a brother or sister of the father or mother of the taxpayer,

(H) a son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer

As used in this paragraph, the terms "brother" and "sister" include a brother or sister by the half-blood. For the purposes of determining whether any of the foregoing relationships exist, a legally adopted child of a person shall be considered a child of such person by blood. The term "dependent" does not include any individual who is a citizen or subject of a foreign country unless such individual is a resident of the United States or of a country contiguous to the United States. A payment to a wife which is includible under section 22 (k) or section 171 in the gross income of such wife shall not be considered a payment by her husband for the support of any dependent. (As amended Sept. 20, 1941, 12:15 p m., E S. T., ch. 412, title I, §§ 111 (a), 113, 55 Stat. 696, 697; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 112 (b), 120 (e) (1), 126 (i) (1), 131 (a) (1), (b), 56 Stat. 811, 818, 825, 827, 828. Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, §§ 103, 107 (a), 58 Stat. 31; May 29, 1944, 7 p. m., E W. T., ch. 210, part I, § 10 (a, b), 58 Stat. 238; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 102 (a), (b) (2), 59 Stat. 558.)

AMENDMENTS

1945—Subsec. (a) (3) repealed by act Nov. 8, 1945, § 102 (b), cited to text.

Subsec. (b) (1) amended generally by act Nov. 8, 1945, § 102 (a), cited to text, so as to allow credits for both normal tax and surtax.

1944—Subsec. (a) amended by act May 29, 1944, cited to text, which added par. (3).

Subsecs. (a) (3) and (a) (4) were repealed by act Feb. 25, 1944, cited to text.

Subsec. (b) amended generally by act May 29, 1944, cited to text, to eliminate references to husband and wife, to head of a family, and to provide for surtax exemption on a per capita system.

Subsec. (b) (3) amended generally by act Feb. 25, 1944, cited to text, to provide new basis for determination of status.

1942—Subsecs (a) (1, 2), and (b) (1), (2) (A), were amended by act Oct 21, 1942, cited to text.

Amendments of subsecs (a) (2) and (b) (1), (2) (A), by act Oct. 21, 1942, §§ 126 (1), 131 (a), (b), cited to text, were made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

Amendment of subsec (a) (1) by act Oct. 21, 1942, § 112 (b), cited to text, was made effective as of March 1, 1941, by section 112 (c) thereof

Amendment of subsec (b) (2) (A), inserting a sentence at the end thereof, by act Oct 21, 1942 § 120 (e), cited to text, was made effective by section 120 (g) thereof as follows "(g) The amendments made by this section (to sections 22 (b) (2), (k), 23 (u), 25 (b) (2) (A), 171, 3797 (a) (17)) shall be applicable only with respect to taxable years beginning after December 31, 1941; except that if the first taxable year beginning after December 31, 1941, of the husband does not begin on the same day as the first taxable year beginning after December 31, 1941, of the wife, such amendments shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1941, regardless of the taxable year of the husband in which such day falls."

1941—Subsec (b) (1) was amended by act Sept 20, 1941, § 111 (a), cited to text

Subsec (b) (2) was amended by act Sept. 20, 1941, § 113, cited to text

EFFECTIVE DATE

Act Nov. 8, 1945, § 102 (a), (b) (2), cited to text, was made applicable with respect to taxable years beginning after Dec 31, 1945, by section 102 (c) thereof. For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title

Act May 29, 1944, § 10 (a), (b), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Act Feb. 25, 1944, §§ 103, 107 (a), both cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 101 thereof.

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept 20, 1941, section 109 of act Oct. 21, 1942, and section 136 of act Feb. 25, 1944, also cited.

CROSS REFERENCES

Credit for dependents in case of optional tax, see section 400 of this title.

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance.

§ 26. Credits of corporations.

* * * * *

(a) Interest on obligations of the United States and its instrumentalities.

The amount received as interest upon obligations of the United States or of corporations organized under Act of Congress which is allowed to an individual as a credit for purposes of normal tax by section 25 (a) (1) or (2). (For reduction of credit under this subsection on account of amortizable bond premium, see section 125.)

(b) Dividends received.

85 per centum of the amount received as dividends from a domestic corporation which is subject to taxation under this chapter, but not in excess of 85 per centum of the adjusted net income.

The credit allowed by this subsection shall not be allowed in respect of dividends received from a corporation organized under the China Trade Act, 1922, 42 Stat. 849 (U. S. C., Title 15, ch. 4), or from a corporation which under section 251 is taxable only on its gross income from sources within the United States by reason of its receiving a large percentage of its gross income from sources within a possession of the United States.

(c) Net operating loss of preceding year—(1) Amount of credit.

The amount of net operating loss (as defined in paragraph (2)) of the corporation for the preceding taxable year (if beginning after December 31, 1937) but not in excess of (A) the section 102 net income for the taxable year, in the case of the tax imposed by section 102; (B) the Supplement P net income for the taxable year, in the case of the computations required under Supplement P; or (C) the Subchapter A net income for the taxable year, in the case of the tax imposed under Subchapter A.

(2) Definition.

As used in this section the term "net operating loss" means the excess of the deductions allowed by this chapter over the gross income, with the following exceptions and limitations—

(A) The deduction for depletion shall not exceed the amount which would be allowable if computed without reference to discovery value or to percentage depletion under section 114 (b) (2), (3), or (4);

(B) There shall be included in computing gross income the amount of interest received which is wholly exempt from the taxes imposed by this chapter, decreased by the amount of interest paid or accrued which is not allowed as a deduction by section 23 (b), relating to interest on indebtedness incurred or continued to purchase or carry certain tax-exempt obligations.

In the case of a taxable year beginning after December 31, 1937, and before January 1, 1939, the term "net operating loss" means net operating loss as defined in section 26 (c) of the Revenue Act of 1938, 52 Stat. 467.

(C) For the purposes of this paragraph, the net operating loss deduction provided in section 122 shall not be allowed.

* * * * *

(e) Repealed.

Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 122 (g) (1), 59 Stat. 570.

(f) Dividends paid credit.

For corporation dividends paid credit, see section 27.

(g) Consent dividends credit.

For corporation consent dividends credit, see section 28.

(h) Credit for dividends paid on certain preferred stock—(1) Amount of credit.

In the case of a public utility, the amount of dividends paid during the taxable year on its preferred stock. For the purposes of the credit provided in this subsection the amount of dividends paid shall not include any amount distributed in the current taxable year with respect to dividends unpaid and accumulated in any taxable year ending prior to October 1, 1942. Amounts distributed in the current taxable year with respect to dividends unpaid and accumulated for a prior taxable year shall for the purposes of this paragraph be deemed to be distributed with respect to the earliest year or years for which there are dividends unpaid and accumulated. The credit provided in this subsection shall be subtracted from the basic surtax credit provided in section 27.

(2) Definitions.

As used in this subsection and section 15 (a)—

(A) Public utility.

The term "public utility" means a corporation engaged in the furnishing of telephone service or in the sale of electric energy, gas, or water, if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof or by an agency or instrumentality of the United States or by a public utility or public service commission or other similar body of the District of Columbia or of any State or political subdivision thereof.

(B) Preferred stock.

The term "preferred stock" means stock issued prior to October 1, 1942, which during the whole of the taxable year (or the part of the taxable year after its issue) was stock the dividends in respect of which were cumulative, limited to the same amount, and payable in preference to the payment of dividends on other stock. Stock issued on or after October 1, 1942, shall be deemed for the purposes of this paragraph to have been issued prior to October 1, 1942, if it was issued (including issuance either by the same or another corporation in a transaction which is a reorganization, as defined in section 112 (g) (1), or a transaction to which section 112 (b) (10), or so much of section 112 (d) or (e) as relates to section 112 (b) (10), is applicable, or which is a transaction subject to Supplement R) to refund or replace bonds or debentures issued prior to October 1, 1942, or to refund or replace other preferred stock (including stock which is preferred stock by reason of this sentence), but only to the extent that the par or stated value of the new stock does not exceed the par, stated, or face value of the bonds or debentures issued prior to October 1, 1942, or the other preferred stock, which such new stock is issued to refund or replace. The determination of whether stock was issued to refund or replace bonds or debentures issued prior to October 1, 1942, or to refund or replace other preferred stock, shall be made under regulations prescribed by the Commissioner with the approval of the Secretary. (As amended Oct. 21, 1942, 4:30 p m., E. W. T., ch. 619, title I, §§ 105 (d), (e), (1), 126 (i), (2), 132 (a), 133, 56 Stat. 806, 807, 825, 828, 830; Feb 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 116, title II, § 202 (c), 58 Stat. 36, 53; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 122 (g) (1), (4), 59 Stat. 570.)

AMENDMENTS

1945—Subsec. (b), amended by act Nov. 8, 1945, § 122 (g) (4), cited to text, which struck out "reduced by the credit for income subject to the tax imposed by Subchapter E of Chapter 2 provided in subsection (e)".

Subsec. (e) repealed by act Nov. 8, 1945, § 122 (g) (1), cited to text.

1944—Subsec. (e) amended by act Feb. 25, 1944, cited to text, which struck out "90 per centum" and inserted "95 per centum".

Subsec. (h) (1) amended by act Feb. 25, 1944, cited to text, which inserted second sentence.

Subsec. (h) (2) (B) amended by act Feb. 26, 1944, cited to text, which inserted last sentence.

1942—Subsecs (a), (b), (c) (1, 2), were amended and subsecs (c) (2) (C), (e–h), were added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Nov. 8, 1945, § 122 (g) (1), (4), cited to text, was made applicable to taxable years beginning after Dec. 31, 1945, by section 122 (g) thereof.

Act Feb 25, 1944, § 202 (c), cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 201 thereof.

Act Feb 25, 1944, § 116 (a, b), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 101 thereof.

Amendments of subsecs. (a), (b), (e)–(h), by act Oct. 21, 1942, §§ 126 (i) (2), 105 (e), (d), 133, cited to text, were made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

Amendment of subsec. (c) by act Oct 21, 1942, cited to text, was made effective by section 132 (e) thereof, as follows:

"(e) The amendments made by this section (to sections 26 (c), 27 (b, c), 504 (a)) shall be applicable only with respect to taxable years beginning after December 31, 1939, but shall be applicable in the computations with respect to previous taxable years for the purpose of ascertaining the amount of any dividend carry-over from such previous taxable years."

FISCAL YEAR TAXPAYERS

For taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States." This provision was repeated in section 136 of act Feb. 25, 1944, cited to text.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance.

§ 27. Corporation dividends paid credit.

* * * * *

(b) Basic surtax credit.

As used in this chapter the term "basic surtax credit" means the sum of:

(1) The dividends paid during the taxable year, increased by the consent dividends credit provided

in section 28, and reduced by the amount of the credit provided in section 26 (a), relating to interest on certain obligations of the United States and Government corporations;

(2) The net operating loss credit provided in section 26 (c) (1);

(3) The bank affiliate credit provided in section 26 (d).

The aggregate of the amounts under paragraphs (2) and (3) shall not exceed (A) the section 102 net income for the taxable year, in the case of the tax imposed by section 102; (B) the Supplement P net income for the taxable year, in the case of the computations required under Supplement P; or (C) the Subchapter A net income for the taxable year, in the case of the tax imposed under Subchapter A.

(c) Dividend carry-over.

There shall be computed with respect to each taxable year of a corporation a dividend carry-over to such year from the two preceding taxable years, which shall consist of the sum of—

(1) The amount of the basic surtax credit for the second preceding taxable year, reduced by the Subchapter A net income for such year, and further reduced by the amount, if any, by which the Subchapter A net income for the first preceding taxable year exceeds the sum of—

(A) The basic surtax credit for such year; and

(B) The excess, if any, of the basic surtax credit for the third preceding taxable year over the Subchapter A net income for such year; and

(2) The amount, if any, by which the basic surtax credit for the first preceding taxable year exceeds the Subchapter A net income for such year.

In the case of a preceding taxable year referred to in this subsection, the Subchapter A net income shall be determined as if the corporation was, under the law applicable to such taxable year, a personal holding company. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 44; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 132 (b, c), 56 Stat. 829.)

* * * * *

AMENDMENTS

1942—Subsecs (b), last sentence, and (c) were amended by act Oct 21, 1942, cited to text

1941—Subsec (c) was amended by res Mar. 17, 1941, cited to text, eff Feb. 11, 1939

EFFECTIVE DATE

Amendment of subsecs 1 (b) and (c) by act Oct 21, 1942, §§ 132 (b, c), cited to text, were made effective by section 132 (e) thereof as follows: "(e) The amendments made by this section (to sections 26 (c), 27 (b, c), 504 (a)) shall be applicable only with respect to taxable years beginning after December 31, 1939, but shall be applicable in the computations with respect to previous taxable years for the purpose of ascertaining the amount of any dividend carry-over from such previous taxable years"

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 28. Consent dividends credit.

* * * * *

(d) Shareholders' consents.

* * * * *

(1) Unless it files (in accordance with regulations prescribed by the Commissioner with the approval of the Secretary) with its return for such year, or within one year after the date of enactment of the Revenue Act of 1942,[1] in the case of a corporation which is a personal holding company for the taxable year with respect to which it claims the benefits of this section, signed consents made under oath by persons who were shareholders, on the last day of the taxable year, of the corporation, of any class of consent stock; and

(As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 186 (e) (1), 56 Stat. 897.)

* * * * *

[1] Revenue Act of 1942 was enacted Oct 21, 1942, 4:30 p. m., E. W. T.

AMENDMENTS

1942—Subsec. (d) (1) was amended by act Oct. 21, 1942, cited to text

EFFECTIVE DATE

Amendment of subsec (d) (1) by act Oct. 21, 1942, § 186 (e) (1), cited to text, was made effective by section 186 (f) and (g) thereof as follows "(f) The amendments made by subsections (a) to (e), inclusive (to sections 28 (d) (1), 115 (a, b), 504 (c) (1, 2) and 506 (c) (1)), shall be effective as of the date of enactment of the laws amended thereby

"(g) The amendments made by subsections (a) to (d), inclusive (to sections 115 (a, b), 504 (c) (1, 2) and 506 (c) (1)), shall not apply with respect to any distribution, which is a dividend solely by reason of the last sentence of section 115 (a) of the applicable revenue law, made prior to the date of enactment of this Act (Oct 21, 1942, 4:30 p. m., E W. T) by a corporation which, under the law applicable to the taxable year in which the distribution is made, is a personal holding company, or which, for the taxable year in respect of which it is made under section 504 (c) or section 506 (of Title 26) or a corresponding provision of a prior income tax law, is a personal holding company under the law applicable to such taxable year, unless—

"(1) The corporation (under regulations prescribed by the Commissioner with the approval of the Secretary) files, within one year after the date of the enactment of this Act, a claim for the benefit of this section on account of such distribution;

"(2) Such claim is accompanied by signed consents made under oath by each person to whom the corporation made such distribution agreeing to the inclusion of the amount of such distribution to him in his gross income as a taxable dividend. If any such person is no longer in existence or is under disability then the consent may be made by his legal representative, and

"(3) Each such consent filed is accompanied by cash, or such other medium of payment as the Commissioner may by regulations authorize, in an amount equal to the amount that would be required by section 143 (b) or 144 of the applicable revenue law to be deducted and withheld by the corporation if the amount of the distribution to the shareholder had been paid to the shareholder in cash as a dividend The amount accompanying such consent shall be credited against the tax under the applicable revenue law imposed by section 211 (a) or 231 (a) (of Title 26) upon the shareholder"

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

OVERPAYMENTS AND DEFICIENCIES

Section 186 (h) of act Oct 21, 1942, cited to text, provided as follows: "(h) If the refund or credit of any overpayment for any taxable year, to the extent resulting from the application of subsections (e) and (g) of this section (amending sections 28 (d) (1), 115 (a, b), 501 (c) (1, 2) and 506 (c) (1)) is prevented on the date of the enactment of this Act (Oct 21, 1942, 4 30 p. m, E. W T.) or within one year from such date, then, notwithstanding any other provision of law or rule of law (other than this subsection and other than section 3761 of the Internal Revenue Code or section 3229 of the Revised Statutes, or such section as amended by section 815 of the Revenue Act of 1938, relating to compromises), such overpayment shall be refunded or credited in the same manner as in the case of an income tax erroneously collected if claim therefor is filed within one year from the date of the enactment of this Act (Oct. 21, 1942, 4 30 p. m, E W T) If the assessment or collection of any deficiency for any taxable year, to the extent resulting from the application of subsections (e) and (g) of this section (amending sections 28 (d) (1), 115 (a, b), 501 (c) (1, 2) and 506 (c) (1)), is prevented on the date of the filing of the shareholders' consents referred to in subsection (e) (amending section 28 (d) (1)) or on the date of filing of the claim referred to in subsection (g) (1) (set out in effective date note above) or within one year from the date of filing of such consents or claim, as the case may be, then, notwithstanding any other provision of law or rule of law, such deficiency shall be assessed and collected if assessment is made within one year from the date of the filing of such consents or claim, as the case may be The failure of a shareholder to include in his gross income for the proper taxable year the amount specified in the consent made by him referred to in subsection (g) (2) (set out in effective date note above) shall have the same effect, with respect to the deficiency resulting therefrom, as is provided in section 272 (f) of the applicable revenue law with respect to a deficiency resulting from a mathematical error appearing on the face of the return"

PART III.—CREDITS AGAINST TAX

§ 31. Taxes of foreign countries and possessions of United States.

CROSS REFERENCES

Credit against tax determinable without reference to provisions for relief from double payment of tax in 1943, see note under section 1622 of this title

§ 34. Repealed. Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 106 (c) (2), 58 Stat. 31.

CODIFICATION

Section, relating to cross reference regarding credit against victory tax, was added by act Oct 21, 1942, 4 30 p m, E W T., ch 619, title I, § 172 (f) (2), 56 Stat 893, and amended June 9, 1943, 7 p m E W T, ch 120, § 2 (b) (1), 57 Stat 139; Oct 28, 1943, ch 290, § 2 (b), 57 Stat 584

EFFECTIVE DATE

The repeal of this section by act Feb 25, 1944, § 106 (c) (2), was made applicable to taxable years beginning after Dec 31, 1943, by section 101 thereof

§ 35. Credit for tax withheld on wages.

The amount deducted and withheld as tax under Subchapter D of Chapter 9 during any calendar year upon the wages of any individual shall be allowed as a credit to the recipient of the income against the tax imposed by this chapter for the taxable year beginning in such calendar year. If more than one taxable year begins in any such calendar year such amount shall be allowed as a credit against the tax for the last taxable year so beginning. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 172 (f) (2), 56 Stat. 893; amended June 9, 1943, 7 p. m., E. W. T., ch. 120, § 3, 57 Stat. 139.)

AMENDMENTS

1943—Act June 9, 1943, cited to text, substituted above text for former cross-reference to section 466 (e).

EFFECTIVE DATE

Amendment by act Oct 21, 1942, cited to text, was made effective Jan 1, 1943, applicable to all wages (as defined in Part II of subchapter D) paid on or after such date, by section 172 (g) of said act.

PART IV.—ACCOUNTING PERIODS AND METHODS OF ACCOUNTING

§ 42. Period in which items of gross income included—

(a) General rule.

The amount of all items of gross income shall be included in the gross income for the taxable year in which received by the taxpayer, unless, under methods of accounting permitted under section 41, any such amounts are to be properly accounted for as of a different period. In the case of the death of a taxpayer whose net income is computed upon the basis of the accrual method of accounting, amounts (except amounts includible in computing a partner's net income under section 182) accrued only by reason of the death of the taxpayer shall not be included in computing net income for the period in which falls the date of the taxpayer's death.

(b) Noninterest-bearing obligations issued at discount.

If, in the case of a taxpayer owning any noninterest-bearing obligation issued at a discount and redeemable for fixed amounts increasing at stated intervals, the increase in the redemption price of such obligation occurring in the taxable year does not (under the method of accounting used in computing his net income) constitute income to him in such year, such taxpayer may, at his election made in his return for any taxable year beginning after December 31, 1940, treat such increase as income received in such taxable year. If any such election is made with respect to any such obligation, it shall apply also to all such obligations owned by the taxpayer at the beginning of the first taxable year to which it applies and to all such obligations thereafter acquired by him and shall be binding for all subsequent taxable years, unless upon application by the taxpayer the Commissioner permits him, subject to such conditions as the Commissioner deems necessary, to change to a different method In the case of any such obligations owned by the taxpayer at the beginning of the first taxable year to which his election applies, the increase in the redemption price of such obligations occurring between the date of acquisition and the first day of such taxable year shall also be treated as income received in such taxable year.

(c) Short-term obligations issued on discount basis.

In the case of any obligation of the United States or any of its possessions, or of a State or Territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding one year from

the date of issue, the amount of discount at which such obligation is originally sold shall not be considered to accrue until the date on which such obligation is paid at maturity, sold, or otherwise disposed of. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, §§ 114, 115 (a), 55 Stat. 697, 698; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 134 (a), 56 Stat. 830.)

AMENDMENTS

1942—Subsec (a), last sentence, was amended by act Oct. 21, 1942, cited to text.

1941—Subsec (a), formerly entire section, was amended by act Sept 20, 1941, § 114, cited to text, which inserted "(a) General rule." before the first sentence thereof

Subsecs. (b) and (c) were added by act Sept. 20, 1941, §§ 114, 115 (a), respectively, cited to text.

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1942, by section 134 (f) thereof.

Act Sept 20, 1941, § 114, cited to text, which affected subsecs. (a) and (b) of this section, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof

Act Sept 20, 1941, § 115 (a), cited to text, which added subsec. (c) to this section, was made applicable with respect to taxable years ending after Feb. 28, 1941, by section 115 (c) thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States." This provision was repeated in section 109 of act Oct 21, 1942, also cited

CROSS REFFRENCES

Computation of taxes with respect to decedents for taxable years before January 1, 1943, see note under section 126 of this title.

§ 43. Period for which deductions and credits taken.

The deductions and credits (other than the corporation dividends paid credit provided in section 27) provided for in this chapter shall be taken for the taxable year in which "paid or accrued" or "paid or incurred", dependent upon the method of accounting upon the basis of which the net income is computed, unless in order to clearly reflect the income the deductions or credits should be taken as of a different period. In the case of the death of a taxpayer whose net income is computed upon the basis of the accrual method of accounting, amounts (except amounts includible in computing a partner's net income under section 182) accrued as deductions and credits only by reason of the death of the taxpayer shall not be allowed in computing net income for the period in which falls the date of the taxpayer's death. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 134 (b), 56 Stat. 830.)

AMENDMENTS

1942—Last sentence was amended by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1942, by section 134 (f) thereof

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

CROSS REFERENCES

Computation of taxes with respect to decedents for taxable years before January 1, 1943, see note under section 126 of this title.

§ 45. Allocation of income and deductions.

In any case of two or more organizations, trades, or businesses (whether or not incorporated, whether or not organized in the United States, and whether or not affiliated) owned or controlled directly or indirectly by the same interests, the Commissioner is authorized to distribute, apportion, or allocate gross income, deductions, credits, or allowances between or among such organizations, trades, or businesses, if he determines that such distribution, apportionment, or allocation is necessary in order to prevent evasion of taxes or clearly to reflect the income of any of such organizations, trades, or businesses (As amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 128 (b), 58 Stat. 48.)

AMENDMENTS

1944—Act Feb. 25, 1944, cited to text, amended section by striking out "gross income or deductions" and inserting in lieu thereof "gross income, deductions, credits, or allowances".

EFFECTIVE DATE

Section 128 (c) of act Feb 25, 1944, cited to text, provides as follows: "The amendments made by this section (to section 45, and adding section 129) shall be effective with respect to taxable years beginning after December 31, 1943 The determination of the law applicable to prior taxable years shall be made as if this section had not been enacted and without inferences drawn from the fact that the amendment made by this section is not expressly made applicable to prior taxable years"

TREATY OBLIGATIONS

Section 136 of act Feb. 25, 1944, cited to text, provided as follows "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 47. Returns for a period of less than twelve months.

* * * * *

(c) Income placed on annual basis—(1) General rule.

If a separate return is made under subsection (a) on account of a change in the accounting period, the net income, computed on the basis of the period for which separate return is made (referred to in this subsection as "the short period"), shall be placed on an annual basis by multiplying the amount thereof by twelve, and dividing by the number of months in the short period. The tax shall be such part of the tax computed on such annual basis as the number of months in the short period is of twelve months.

(2) Exception.

If the taxpayer establishes the amount of his net income for the period of twelve months beginning with the first day of the short period, computed as if such twelve-month period were a taxable year, under the law applicable to such year, then the tax for the short period shall be reduced to an amount which is such part of the tax computed on the net income for such twelve-month period as the net income computed on the basis of the short period is of the net income for the twelve-month period.

The taxpayer (other than a taxpayer to which the next sentence applies) shall compute the tax and file his return without the application of this paragraph. If the taxpayer (other than a corporation) was not in existence at the end of the twelve-month period, or if the taxpayer is a corporation and has disposed of substantially all its assets prior to the end of such twelve-month period, then in lieu of the net income for such twelve-month period there shall be used for the purposes of this paragraph the net income for the twelve-month period ending with the last day of the short period. The tax computed under this paragraph shall in no case be less than the tax computed on the net income for the short period without placing such net income on an annual basis. The benefits of this paragraph shall not be allowed unless the taxpayer, at such time as regulations prescribed hereunder require (but not after the time prescribed for the filing of the return for the first taxable year which ends on or after twelve months after the beginning of the short period), makes application therefor in accordance with such regulations. Such application, in case the return was filed without regard to this paragraph, shall be considered a claim for credit or refund with respect to the amount by which the tax is reduced under this paragraph. The Commissioner, with the approval of the Secretary, shall prescribe such regulations as he may deem necessary for the application of this paragraph.

(d) Repealed.

Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 107 (a), 58 Stat. 31

(e) Reduction of credits against net income.

In the case of a return made for a fractional part of a year under section 146 (a) (1), the exemptions provided in section 25 (b) shall be reduced to amounts which bear the same ratio to the full exemptions so provided as the number of months in the period for which return is made bears to twelve months.

* * * * *

(g) Returns where taxpayer not in existence for twelve months.

In the case of a taxpayer not in existence during the whole of an annual accounting period ending on the last day of a month, or, if the taxpayer has no such annual accounting period or does not keep books, during the whole of a calendar year, the return shall be made for the fractional part of the year during which the taxpayer was in existence. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 135 (a, c), 56 Stat. 834, 835; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, §§ 104, 107 (a), 58 Stat. 31; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 10 (c), 58 Stat. 239; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 102 (b) (3), 59 Stat. 559.

AMENDMENTS

1945—Subsec. (e) amended generally by act Nov. 8, 1945, § 102 (b) (3), cited to text.

1944—Subsec. (d) repealed by act Feb. 25, 1944, cited to text.

Subsec. (e) amended by act May 29, 1944, cited to text, which struck out "personal exemption and credit for dependents" and "credits provided for in section 25 (b)", and inserted in lieu thereof "normal tax exemption and surtax exemption" and "the full normal tax exemption (in the case of the normal tax) and the full surtax exemptions (in the case of the surtax)", respectively.

Subsec. (e) amended by act Feb. 25, 1944, cited to text, which struck out "except a return made under subsection (a), on account of a change in the accounting period" following "fractional part of a year," and inserted in lieu thereof "under section 146 (a) (1)".

1942—Subsec. (c) was amended and subsec. (g) was added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Nov. 8, 1945, § 102 (b) (3), cited to text, was made applicable to taxable years beginning after Dec. 31, 1945, by section 102 (c) thereof. For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title.

Act May 29, 1944, § 10 (c), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Act Feb. 25, 1944, §§ 104, 107 (a), both cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 101 thereof.

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States." This provision was repeated in section 136 of act Feb. 25, 1944, cited to text.

§ 48. Definitions.

When used in this chapter—

(a) Taxable year.

"Taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under this Part. "Taxable year" means, in the case of a return made for a fractional part of a year under the provisions of this chapter or under regulations prescribed by the Commissioner with the approval of the Secretary, the period for which such return is made. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 135 (d), 56 Stat. 835.)

* * * * *

AMENDMENTS

1942—Subsec. (a), second sentence, was amended by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

PART V.—RETURNS AND PAYMENT OF TAX

CROSS REFERENCES

Income tax deferment of certain Government personnel not in position to pay taxes because of service, see section 1013 of Appendix to Title 50, War.

§ 51. Individual returns.

(a) Requirement.

Every individual having for the taxable year a gross income of $500 or more shall make a return, which shall contain or be verified by a written declaration that it is made under the penalties of perjury Such return shall set forth in such cases, and to such extent, and in such detail, as the Commissioner with the approval of the Secretary may by regulations prescribe, the items of gross income and the deductions and credits allowed under this chapter and such other information for the purpose of carrying out the provisions of this chapter as may be prescribed by such regulations.

(b) Husband and wife.

A husband and wife may make a single return jointly. Such a return may be made even though one of the spouses has neither gross income nor deductions. If a joint return is made the tax shall be computed on the aggregate income and the liability with respect to the tax shall be joint and several. No joint return may be made if either the husband or wife is a nonresident alien or if the husband and wife have different taxable years The status of individuals as husband and wife shall be determined as of the last day of the taxable year.

* * * * *

(f) Tax computed by collector in case of wage earners.

(1) Return requirements.

An individual entitled to elect to pay the tax imposed by Supplement T whose gross income is less than $5,000 and is entirely from one or more of the following sources: Remuneration for services performed by him as an employee, dividends, or interest; and whose gross income from sources other than wages, as defined in section 1621 (a), does not exceed $100, shall at his election be relieved, by using the form prescribed as the form for the return for the purposes of this subsection, from showing on the return the tax imposed by this chapter. In such case the tax shall be computed by the collector.

(2) Result of computation.

After the collector has computed the tax, he shall mail to the taxpayer a notice stating the amount determined by the collector as payable and making demand therefor.

(3) Regulations.

The Commissioner with the approval of the Secretary shall prescribe regulations for carrying out this subsection, and such regulations may provide for the application of the rules of this subsection to cases where the gross income includes items other than those enumerated in paragraph (1), to cases where the gross income from sources other than wages on which the tax has been withheld at the source is more than $100 but not more than $200, and to cases where the gross income is $5,000 or more but not more than $5,200. Such regulations shall provide (A) for the application of this subsection in the case of husband and wife, including provisions determining when a joint return under this subsection may be permitted or required and what constitutes a joint return, whether the liability shall be joint and several, and whether one spouse may make return under this subsection and the other without regard to this subsection, and (B) whether and the extent to which the benefits of this subsection may be availed of, in the case of taxable years beginning in the calendar year 1944, by persons required to make or making payments of estimated tax with respect to any such taxable year.

(4) Method of election.

The election to have the benefits of this subsection shall be made by making return on the form prescribed as the form for the return for the purposes of this subsection. An election so made shall constitute an election to pay the tax imposed by Supplement T. (As amended Sept 20, 1941, 12:15 p m., E S T., ch 412, title I, § 112 (a), 55 Stat 696; Oct 21, 1942, 4 30 p. m , E. W. T., ch. 619, title I, §§ 131 (c) (1), 136 (a), 56 Stat 828, 836; Feb 25, 1944, 12:49 p. m., E W. T., ch. 63, title I, § 105, 58 Stat 31, May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 11 (a, b). 58 Stat. 240.)

AMENDMENTS

1944—Subsecs (a) and (b) amended generally by act May 29, 1944, cited to text, to incorporate technical changes necessitated by amendments to section 25 and Supp T of this title.

Subsec (b) amended by act Feb 25, 1944, cited to text, which inserted "or if husband and wife have different taxable years" between "nonresident alien" and the period at the end thereof

Subsec (f) which was added by act Feb 25, 1944, cited to text, was amended by act May 29, 1944, cited to text, which struck out entire subsec and inserted in lieu thereof a new subsec (f).

1942—Subsec (a) was amended by act Oct 21, 1942 cited to text, which affected first paragraph and substituted "$500" for "$750" in subpar (1), and "$1,200" for "$1,500" in subpars (2) (A) and (B)

1941— Subsec (a) was amended by act Sept 20, 1941 cited to text

EFFECTIVE DATE

Act May 29, 1944, § 11 (a), (b), cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 2 thereof

Act Feb. 25, 1944, § 105 (a, b), cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 101 thereof.

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept 20, 1941, section 109 of act Oct 21, 1942, and section 136 of act Feb 25, 1944, also cited.

§ 52. Corporation returns.

* * * * *

(b) Cross reference.

For provisions relating to consolidated returns, see section 141.

(As amended Oct. 21, 1942, 4.30 p m., E. W T., ch 619, title I, § 159 (f), 56 Stat 860.)

AMENDMENTS

1942—Subsec. (b) was amended by act Oct. 21, 1942, cited to text.

§ 54. Records and special returns.

* * * * *

[By organizations]

(f) Every organization, except as hereinafter provided, exempt from taxation under section 101 shall file an annual return, which shall contain or be verified by a written declaration that it is made under the penalties of perjury, stating specifically the items of gross income, receipts, and disbursements, and such other information for the purpose of carrying out the provisions of this chapter as the Commissioner, with the approval of the Secretary, may by regulations prescribe, and shall keep such records, render under oath such statements, make such other returns, and comply with such rules and regulations as the Commissioner, with the approval of the Secretary, may from time to time prescribe. No such annual return need be filed under this subsection by any organization exempt from taxation under the provisions of section 101—

(1) which is a religious organization exempt under section 101 (6); or

(2) which is an educational organization exempt under section 101 (6), if such organization normally maintains a regular faculty and curriculum and normally has a regularly organized body of pupils or students in attendance at the place where its educational activities are regularly carried on; or

(3) which is a charitable organization, or an organization for the prevention of cruelty to children or animals, exempt under section 101 (6), if such organization is supported, in whole or in part, by funds contributed by the United States or any State or political subdivision thereof, or is primarily supported by contributions of the general public; or

(4) which is an organization exempt under section 101 (6), if such organization is operated, supervised, or controlled by or in connection with a religious organization described in paragraph (1); or

(5) which is an organization exempt solely under section 101 (3); or

(6) which is an organization exempt under section 101 (15), if such organization is a corporation wholly owned by the United States or any agency or instrumentality thereof, or a wholly owned subsidiary of such a corporation. (As amended Feb 25, 1944, 12:49 p. m., E W. T., ch. 63, title I, § 117 (a), 58 Stat. 36.)

AMENDMENTS

1944--Subsec (f) added by act Feb 25, 1944, cited to text It was enacted without a catchline which has been supplied by the editor.

EFFECTIVE DATE

Subsec. (f) added by act Feb. 25, 1944, § 117 (a) cited to text, was made applicable to taxable years beginning after Dec 31, 1942, by section 117 (b) thereof.

TREATY OBLIGATIONS

Section 136 of act Feb 25, 1944, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 55. Publicity of returns—(a) Public record and inspection.

* * * * *

(2) And all returns made under this chapter, subchapters A, B, D, and E of chapter 2, subchapter B of chapter 3, chapters 4, 7, 12, and 21, subchapter A of chapter 29, and chapter 30, shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 554 (d) (1), 55 Stat. 722.)

* * * * *

AMENDMENTS

1941—Subsec. (a) (2) was amended by act Sept 20, 1941, cited to text, which struck out "subchapters A and B of" preceding "chapter 30".

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct 1, 1941, by section 558 thereof

INSPECTION BY COMMITTEES

Inspection of income, excess-profits, declared value excess-profits and capital stock tax returns, by the Dies Committee on Un-American Activities, was authorized by Ex Ord No 9281, Dec 9, 1942, 7 F. R 10355

CROSS REFERENCES

Information as unavailable to Director of Federal Reporting Services, see section 139a of Title 5, Executive Departments and Government Officers and Employees

§ 56. Payment of tax.

* * * * *

(b) Installment payments.

Except in the case of an individual (other than an estate or trust and other than a nonresident alien with respect to whose wages, as defined in section 1621 (a), withholding under Subchapter D of Chapter 9 is not made applicable), the taxpayer may elect to pay the tax in four equal installments, in which case the first installment shall be paid on the date prescribed for the payment of the tax by the taxpayer, the second installment shall be paid on the fifteenth day of the third month, the third installment on the fifteenth day of the sixth month, and the fourth installment on the fifteenth day of the ninth month, after such date. If any installment is not paid on or before the date fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the collector.

* * * * *

(f) Tax withheld at source.

For requirement of withholding tax at source, see sections 143 and 144.

* * * * *

(i) Payment of tax if not computed by taxpayer.

Where under section 51 (f) a taxpayer who is an individual is permitted to file return without showing the tax thereon, and the tax is to be computed by the collector, the amount determined by the collector as payable shall be paid within thirty days after the mailing by the collector to the taxpayer of a notice stating such amount and making demand therefor. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 172 (f) (1), 56 Stat. 893; June 9, 1943, 7 p. m., E. W. T., ch 120, § 5 (d), 57 Stat. 141; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, §§ 6 (b) (2), 12, 58 Stat. 234.)

AMENDMENTS

1944—Subsec. (f) amended by act May 29, 1944, cited to text, which struck out ", 144 and Part II of Subchapter D", and inserted in lieu "and 144".

Subsec. (i) added by act May 29, 1944, cited to text.

1943—Subsec. (b) amended by act June 9, 1943, cited to text, which inserted exception clause at beginning of first sentence

1942—Subsec. (f) was amended by act Oct. 21, 1942, cited to text

EFFECTIVE DATE

Act May 29, 1944, §§ 6 (b) (2), 12, cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 2 thereof

Act June 9, 1943, cited to text, was made effective with respect to taxable years beginning after December 31, 1942, by section 5 (f) thereof.

Act Oct 21, 1942, cited to text, was made effective Jan 1, 1943, applicable to all wages (as defined in Part II of Subchapter D) paid on or after such date, by section 172 (g) of said act

§ 58. Declaration of estimated tax by individuals.

(a) Requirement of declaration.

Every individual (other than an estate or trust and other than a nonresident alien with respect to whose wages, as defined in section 1621 (a), withholding under Subchapter D of Chapter 9 is not made applicable) shall, at the time prescribed in subsection (d), make a declaration of his estimated tax for the taxable year if—

(1) his gross income from wages (as defined in section 1621) can reasonably be expected to exceed the sum of $5,000 plus $500 with respect to each exemption (except his own) provided in section 25 (b); or

(2) his gross income from sources other than wages (as defined in section 1621) can reasonably be expected to exceed $100 for the taxable year and his gross income to be $500 or more.

(b) Contents of declaration.

In the declaration required under subsection (a) the individual shall state—

(1) the amount which he estimates as the amount of tax under this chapter for the taxable year, without regard to any credits under Sections 32 and 35 for taxes withheld at source;

(2) the amount which he estimates as the credits for the taxable year under section 32 and 35; and

(3) the excess of the amount estimated under paragraph (1) over the amount estimated under paragraph (2), which excess for the purposes of this chapter shall be considered the estimated tax for the taxable year.

The declaration shall also contain such other information for the purposes of carrying out the provisions of this chapter as the Commissioner, with the approval of the Secretary, may by regulations prescribe, and shall contain or be verified by a written statement that it is made under the penalties of perjury.

(c) Joint declaration by husband and wife.

In the case of a husband and wife, a single declaration under this section may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several. No joint declaration may be made if either the husband or wife is a nonresident alien. If a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the husband or the wife, or may be divided between them.

(d) Time and place for filing.

(1) In general.

The declaration required under subsection (a) shall be filed on or before March 15 of the taxable year, except that if the requirements of section 58 (a) are first met

(A) after March 1 and before June 2 of the taxable year, the declaration shall be filed on or before June 15 of the taxable year, or

(B) after June 1 and before September 2 of the taxable year, the declaration shall be filed on or before September 15 of the taxable year, or

(C) after September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding taxable year.

(2) Amendment of declaration.

An individual may make amendments of a declaration filed during the taxable year under this subsection, under regulations prescribed by the Commissioner with the approval of the Secretary. If so made, such amendments may be filed on or before the fifteenth day of the last month of any quarter of the taxable year subsequent to that in which the declaration was filed and in which no previous amendment has been filed, except that in the case of an amendment filed after September 15 of the taxable year, it may be filed on or before January 15 of the succeeding taxable year. Declarations and amendments thereof shall be filed with the collector specified in section 53 (b) (1).

(3) Return as declaration or amendment.

If on or before January 15 of the succeeding taxable year the taxpayer files a return, for the taxable year for which the declaration is required, and pays in full the amount computed on the return as payable, then, under regulations prescribed by the Commissioner with the approval of the Secretary—

(A) If the declaration is not required to be filed during the taxable year, but is required to be filed on or before such January 15, such return shall, for the purposes of this chapter, be considered as such declaration; and

(B) If the tax shown on the return (reduced by the credits under sections 32 and 35) is greater than the estimated tax shown in a declaration previously made, or in the last amendment thereof, such return shall, for the purposes of this chapter, be considered as the amendment of the declaration permitted by paragraph (2) to be filed on or before such January 15.

(e) Extension of time.

The Commissioner may grant a reasonable extension of the time for filing declarations and paying the estimated tax, under such rules and regulations as he shall prescribe with the approval of the Secretary. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.

(f) Persons under disability.

If the taxpayer is unable to make his own declaration, the declaration shall be made by a duly authorized agent or by the guardian or other person charged with the care of the person or property of such taxpayer.

(g) Signature presumed correct.

The fact that an individual's name is signed to a filed declaration shall be prima facie evidence for all purposes that the declaration was actually signed by him.

(h) Publicity of declaration.

For the purposes of section 55 (relating to publicity of returns), a declaration of estimated tax shall be held and considered a return under this chapter. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 5 (a), 57 Stat. 141; amended May 29, 1944, 7 p. m., E W. T., ch 210, part I, § 13 (a), 58 Stat. 242; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 102 (b) (4), 59 Stat. 559.)

AMENDMENTS

1945—Subsec (a) (1) amended by act Nov. 8, 1945, § 102 (b) (4), cited to text, which struck out "surtax"

1944—Section amended generally by act May 29, 1944, cited to text, which among other changes raised requirement of filing a declaration to $5,000 of anticipated income plus $500 in addition for every surtax exemption, except his own exemption, to which he is entitled, revised time of filing of the original declaration entirely, and allowed a final return filed on or before Jan 15 operate as a declaration or amendment to a declaration.

CODIFICATION

Act June 9, 1943, cited to text, substituted present subject matter in place of former cross references to other sections of this title.

EFFECTIVE DATE

Act Nov 8, 1945, § 102 (b) (4), cited to text, was made applicable to taxable years beginning after Dec 31, 1945, by section 102 (c) thereof. For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title

Section 13 (c) of act May 29, 1944, cited to text, provided. "The amendment made by subsection (a), insofar as it relates to section 58 (a) of the Internal Revenue Code, shall be applicable only with respect to taxable years beginning after December 31, 1944"

Section was made effective with respect to taxable years beginning after December 31, 1942, by section 5 (f) of act June 9, 1943, cited to text

Certain portions of increase in 1943 tax not part of estimated tax in applying provisions for relief from double payments in 1943, see note under section 1622 of this title.

SPECIAL RULE FOR 1944

Section 13 (d) of act May 29, 1944, cited to text, provided: "The provisions of sections 58 and 59 of such Code, as amended by this Act [act May 29, 1944, 7 p m., E W T., ch 210, part I, § 13 (a), 58 Stat 242], shall be subject to the following modifications with respect to declaration and payment of estimated tax for the calendar year 1944

"(1) *Time for filing declaration* If the requirements of section 58 (a) of such Code, without regard to its amendment by this Act, are first met before April 1, 1944, the declaration shall be filed on or before April 15, 1944, and if such requirements are first met after March 31, 1944, and before June 2, 1944, the declaration shall be filed on or before June 15, 1944.

"(2) *Payment of estimated tax.* If the declaration is filed on or before April 15, 1944, then (even though such declaration under existing law or under paragraph (1) of this subsection was not required to be filed before June 15, 1944) the estimated tax shall be paid in four equal installments and at the times provided in section 59 (a) (1) of such Code, as amended by this Act If the declaration is filed after April 15, 1944, and not after June 15, 1944 (and is not required by paragraph (1) to be filed on or before April 15), the estimated tax shall be paid in three equal installments and at the times provided in section 59 (a) (2) of such Code, as amended by this Act. The rule provided in section 59 (a) (5) of such Code, as amended by this Act, shall apply with respect to declarations filed after the time prescribed in paragraph (1) of this subsection."

§ 59. Payment of estimated tax.

(a) In general.

The estimated tax shall be paid as follows:

(1) If the declaration is filed on or before March 15 of the taxable year, the estimated tax shall be paid in four equal installments. The first installment shall be paid at the time of the filing of the declaration, the second and third on June 15 and September 15, respectively, of the taxable year, and the fourth on January 15 of the succeeding taxable year.

(2) If the declaration is filed after March 15 and not after June 15 of the taxable year, and is not required by section 58 (d) to be filed on or before March 15 of the taxable year, the estimated tax shall be paid in three equal installments. The first installment shall be paid at the time of the filing of the declaration, the second on September 15 of the taxable year, and the third on January 15 of the succeeding taxable year.

(3) If the declaration is filed after June 15 and not after September 15 of the taxable year, and is not required by section 58 (d) to be filed on or before June 15 of the taxable year, the estimated tax shall be paid in two equal installments. The first installment shall be paid at the time of the filing of the declaration, and the second on January 15 of the succeeding taxable year.

(4) If the declaration is filed after September 15 of the taxable year, and is not required by section 58 (d) to be filed on or before September 15 of the taxable year, the estimated tax shall be paid in full at the time of the filing of the declaration.

(5) If the declaration is filed after the time prescribed in section 58 (d) (including cases in which an extension of time for filing the declaration has been granted under section 58 (e)), paragraphs (2), (3), and (4) of this subsection shall not apply, and there shall be paid at the time of such filing all installments of estimated tax which would have been payable on or before such time if the declaration had been filed within the time prescribed in section 58 (d), and the remaining installments shall be paid at the times at which, and in the amounts in which, they would have been payable if the declaration had been so filed.

(b) Amendments of declaration.

If any amendment of a declaration is filed, the remaining installments, if any, shall be ratably increased or decreased, as the case may be, to reflect the increase or decrease, as the case may be, in the estimated tax by reason of such amendment, and if any amendment is made after September 15 of the

taxable year, any increase in the estimated tax by reason thereof shall be paid at the time of making such amendment.

(c) Installments paid in advance.

At the election of the individual, any installment of the estimated tax may be paid prior to the date prescribed for its payment.

(d) Payment as part of tax for taxable year.

Payment of the estimated tax, or any installment thereof, shall be considered payment on account of the tax for the taxable year. Assessment in respect of the estimated tax shall be limited to the amount paid. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 5 (a), 57 Stat. 143; amended May 29, 1944, 7 p. m., E W. T., ch. 210, part I, § 13 (a), 58 Stat. 243.)

AMENDMENTS

1944—Section amended generally by act May 29, 1944, cited to text, which among other changes added subsecs. (b) and (c) and incorporated former subsec. (b) in subsec. (d).

CODIFICATION

Act June 9, 1943, cited to text, substituted present subject matter in place of former cross references to other sections of this title.

EFFECTIVE DATE

Amendment of section by act May 29, 1944, § 13 (a), cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 2 thereof

Section was made effective with respect to taxable years beginning after December 31, 1942, by section 5 (f) of act June 9, 1943, cited to text

SPECIAL RULE FOR 1944

Section 13 (d) of act May 29, 1944, cited to text, provided: "The provisions of sections 58 and 59 of such Code, as amended by this Act [act May 29, 1944, 7 p m., E W T, ch 210, part I, § 13 (a), 58 Stat 243], shall be subject to the following modifications with respect to declaration and payment of estimated tax for the calendar year 1944:

"(1) *Time for filing declaration.* If the requirements of section 58 (a) of such Code, without regard to its amendment by this Act, are first met before April 1, 1944, the declaration shall be filed on or before April 15, 1944, and if such requirements are first met after March 31, 1944, and before June 2, 1944, the declaration shall be filed on or before June 15, 1944

"(2) *Payment of estimated tax.* If the declaration is filed on or before April 15, 1944, then (even though such declaration under existing law or under paragraph (1) of this subsection was not required to be filed before June 15, 1944) the estimated tax shall be paid in four equal installments and at the times provided in section 59 (a) (1) of such Code, as amended by this Act If the declaration is filed after April 15, 1944, and not after June 15, 1944 (and is not required by paragraph (1) to be filed on or before April 15), the estimated tax shall be paid in three equal installments and at the times provided in section 59 (a) (2) of such Code, as amended by this Act. The rule provided in section 59 (a) (5) of such Code, as amended by this Act, shall apply with respect to declarations filed after the time prescribed in paragraph (1) of this subsection."

CROSS REFERENCES

Certain portions of increase in 1943 tax not part of estimated tax in applying provisions for relief from double payments in 1943, see note under section 1622 of this title

§ 60. Special rules for application of sections 58 and 59.

(a) Farmers.

In the case of an individual whose estimated gross income from farming for the taxable year is at least two-thirds of the total estimated gross income from all sources for the taxable year, in lieu of the time prescribed in section 58 (d), the declaration for the taxable year may be made at any time on or before January 15 of the succeeding taxable year.

(b) Application to short taxable years.

The application of sections 58, 59, and 294 (d), and of subsection (a) of this section, to taxable years of less than twelve months shall be as prescribed in regulations prescribed by the Commissioner with the approval of the Secretary.

(c) Fiscal years.

In the application of sections 58 and 59, and subsection (a) of this section, to the case of a taxable year beginning on any date other than January 1, there shall be substituted, for the months specified therein, the months which correspond thereto. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 5 (a), 57 Stat. 143; amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 118 (b), 58 Stat. 38; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 13 (a), 58 Stat. 244.)

AMENDMENTS

1944—Section amended generally by act May 29, 1944, which among other changes changed the definition of farmers so that the receipt of two-thirds of the income rather than 80 percent from agricultural sources will qualify a taxpayer as a farmer.

Subsec. (b) amended by act Feb. 25, 1944, cited to text, which struck out "294 (a) (3), (4), and (5)" and inserted in lieu thereof "294 (d)".

CODIFICATION

Act June 9, 1943, cited to text, substituted present subject matter in place of former cross references to other sections of this title

EFFECTIVE DATE

Amendment of section by act May 29, 1944, § 13 (a) cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 2 thereof.

Amendment of subsec (b) by act Feb 25, 1944, § 118 (b), cited to text, was made applicable to taxable years beginning after Dec. 31, 1942, by section 118 (c) thereof.

Section was made effective with respect to taxable years beginning after December 31, 1942, by section 5 (f) of act June 9, 1943, cited to text

TREATY OBLIGATIONS

Section 136 of act Feb 25, 1944, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

CROSS REFERENCES

Certain portions of increase in 1943 tax not part of estimated tax in applying provisions for relief from double payments in 1943, see note under section 1622 of this title

SUBCHAPTER C.—SUPPLEMENTAL PROVISIONS

SUPPLEMENT A.—RATES OF TAX

§ 101. Exemptions from tax on corporations.

The following organizations shall be exempt from taxation under this chapter—

* * * * *

(11) Mutual insurance companies or associations other than life or marine (including interinsurers and reciprocal underwriters) if the gross amount received during the taxable year from interest, div-

idends, rents, and premiums (including deposits and assessments) does not exceed $75,000;

* * * * *

(16) Voluntary employees' beneficiary associations providing for the payment of life, sick, accident, or other benefits to the members of such association or their dependents, if (A) no part of their net earnings inures (other than through such payments) to the benefit of any private shareholder or individual, and (B) 85 per centum or more of the income consists of amounts collected from members and amounts contributed to the association by the employer of the members for the sole purpose of making such payments and meeting expenses;

(As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 137 (a), 165 (a), 56 Stat. 836, 872.)

* * * * *

AMENDMENTS

1942—Subsecs. (11) and (16) were amended by act Oct 21, 1942, cited to text

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, amending subsec. (11), was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Amendment of subsec. (16) by act Oct. 21, 1942, § 137 (a), cited to text was made effective by section 137 (b) thereof as follows

"(b) For the purposes of the Internal Revenue Code and the Revenue Acts of 1928, 1932, 1934, 1936, and 1938, the amendments made to the Internal Revenue Code (to subsec. (16)) and those Acts by subsection (a) of this section shall be effective as if they were a part of the Internal Revenue Code and such revenue Acts on the respective dates of their enactment"

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

EMPLOYMENT TAXES

Section 137 (c) of act Oct 21, 1942, cited to text, provided that amendment to subsection 16 by section 137 (a) of such act shall not apply to employment taxes imposed by sections 1400-1432 and 1600-1611 of this title, or the corresponding provisions of a prior law.

CROSS REFERENCES

Stamp tax on policies written by foreign insurers, see section 1804 of this title.

§ 102. Surtax on corporations improperly accumulating surplus—(a) Imposition of tax.

* * * * *

27½ per centum of the amount of the undistributed section 102 net income not in excess of $100,000, plus

38½ per centum of the undistributed section 102 net income in excess of $100,000.

* * * * *

(d) Definitions.

* * * * *

(1) Section 102 net income.

The term "section 102 net income" means the net income, computed without the benefit of the capital loss carry-over provided in section 117 (e) from a taxable year which begins after December 31, 1940, and computed without the net operating loss deduction provided in section 23 (s), minus the sum of—

(A) Taxes.

Federal income, war-profits, and excess-profits taxes (other than the tax imposed by Subchapter E of Chapter 2 for a taxable year beginning after December 31, 1940) paid or accrued during the taxable year, to the extent not allowed as a deduction by section 23, but not including the tax imposed by this section or a corresponding section of a prior income-tax law.

* * * * *

(f) Income not placed on annual basis.

Section 47 (c) shall not apply in the computation of the tax imposed by this section. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, §§ 103 (d), 202 (b), 55 Stat. 693, 700; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 105 (e) (2), 135 (b) (1), 138, 56 Stat. 807, 835, 836; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 122 (g) (5), 59 Stat. 570.)

AMENDMENTS

1945—Subsec (d) (1) was amended by act Nov. 8, 1945, § 122 (g) (5), cited to text, which struck out subparagraph (D) thereof.

1942—Subsec (d) (1) was amended and subsecs. (d) (1) (D) and (f) were added by act Oct. 21, 1942, cited to text.

1941—Subsec. (a) was amended by act Sept. 20, 1941, § 103 (d), cited to text, which increased rates.

Subsec. (d) (1) (A) was amended by act Sept. 20, 1941, § 202 (b), cited to text

EFFECTIVE DATE

Act Nov 8, 1945, cited to text, was made applicable to taxable years beginning after Dec. 31, 1945, by section 122 (g) thereof.

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by sections 118 and 205 thereof.

FISCAL YEAR TAXPAYERS

For taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title.

TREATY OBLIGATIONS

Section 108 of act Sept 20, 1941, cited to text, provided as follows. "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States." This provision was repeated in section 109 of act Oct 21, 1942, also cited.

§ 103. Rates of tax on citizens and corporations of certain foreign countries.

Whenever the President finds that, under the laws of any foreign country, citizens or corporations of the United States are being subjected to discriminatory or extraterritorial taxes, the President shall so proclaim and the rates of tax imposed by sections 11, 12, 13, 14, 201 (a), 204 (a), 207, 211 (a), 231 (a), 362, and 400 shall, for the taxable year during which such proclamation is made and for each taxable year thereafter, be doubled in the case of each citizen and corporation of such foreign country; but the tax at such doubled rate shall be considered as imposed by sections 11, 12, 13, 14, 201 (a), 204 (a), 207, 211 (a), 231 (a), 362 and 400, as the case may be. In no case shall this section operate to increase the taxes imposed by such sections (com-

puted without regard to this section) to an amount in excess of 80 per centum of the net income of the taxpayer. Whenever the President finds that the laws of any foreign country with respect to which the President has made a proclamation under the preceding provisions of this section have been modified so that discriminatory and extraterritorial taxes applicable to citizens and corporations of the United States have been removed, he shall so proclaim, and the provisions of this section providing for doubled rates of tax shall not apply to any citizen or corporation of such foreign country with respect to any taxable year beginning after such proclamation is made. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 163 (b) (1), 172 (c), 56 Stat. 870, 892; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 6 (b) (3), 58 Stat. 234.)

AMENDMENTS

1944—Act May 29, 1944, cited to text, amended section by striking "and 450" wherever appearing and inserting in lieu thereof "and 400"

1942—Act Oct 21, 1942, cited to text, corrected references to other sections.

EFFECTIVE DATE

Amendment of section by act May 29, 1944, § 6 (b) (3), cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 2 thereof.

Amendment by section 163 (b) (1) of act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1942, by section 101 thereof, and amendment by section 172 (c) of said act Oct 21, 1942, was made effective Jan 1, 1943, by section 172 (g) thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 104. Banks and trust companies.

* * * * *

(b) Rate of tax.

Banks shall be subject to tax under section 13 or section 14 (b), and under section 15. (As amended Sept 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 104 (c), 55 Stat. 694.)

AMENDMENTS

1941—Subsec (b) was amended by act Sept. 20, 1941, cited to text

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Section 108 of act Sept 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§§ 105, 106.

CROSS REFERENCES

Provisions for relief from double payments in 1943 as inapplicable to this section, see note under section 1622.

§ 107. Compensation for services rendered for a period of thirty-six months or more and back pay—(a) Personal services.

If at least 80 per centum of the total compensation for personal services covering a period of thirty-six calendar months or more (from the beginning to the completion of such services) is received or accrued in one taxable year by an individual or a partnership, the tax attributable to any part thereof which is included in the gross income of any individual shall not be greater than the aggregate of the taxes attributable to such part had it been included in the gross income of such individual ratably over that part of the period which precedes the date of such receipt or accrual.

(b) Patent, copyright, etc.

For the purposes of this subsection, the term "artistic work or invention", in the case of an individual, means a literary, musical, or artistic composition of such individual or a patent or copyright covering an invention of or a literary, musical, or artistic composition of such individual, the work on which by such individual covered a period of thirty-six calendar months or more from the beginning to the completion of such composition or invention. If, in the taxable year, the gross income of any individual from a particular artistic work or invention by him is not less than 80 per centum of the gross income in respect of such artistic work or invention in the taxable year plus the gross income therefrom in previous taxable years and the twelve months immediately succeeding the close of the taxable year, the tax attributable to the part of such gross income of the taxable year which is not taxable as a gain from the sale or exchange of a capital asset held for more than 6 months shall not be greater than the aggregate of the taxes attributable to such part had it been received ratably over that part of the period preceding the close of the taxable year but not more than thirty-six calendar months.

(c) Fractional parts of a month.

For the purposes of this section a fractional part of a month shall be disregarded unless it amounts to more than half a month in which case it shall be considered as a month.

(d) Back pay.

(1) In general.

If the amount of the back pay received or accrued by an individual during the taxable year exceeds 15 per centum of the gross income of the individual for such year, the part of the tax attributable to the inclusion of such back pay in gross income for the taxable year shall not be greater than the aggregate of the increases in the taxes which would have resulted from the inclusion of the respective portions of such back pay in gross income for the taxable years to which such portions are respectively attributable, as determined under regulations prescribed by the Commissioner with the approval of the Secretary.

(2) Definition of back pay.

For the purposes of this subsection, "back pay" means (A) remuneration, including wages, salaries, retirement pay, and other similar compensation, which is received or accrued during the taxable year by an employee for services performed prior to the

taxable year for his employer and which would have been paid prior to the taxable year except for the intervention of one of the following events: (i) bankruptcy or receivership of the employer; (ii) dispute as to the liability of the employer to pay such remuneration, which is determined after the commencement of court proceedings; (iii) if the employer is the United States, a State, a Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any of the foregoing, lack of funds appropriated to pay such remuneration; or (iv) any other event determined to be similar in nature under regulations prescribed by the Commissioner with the approval of the Secretary; and (B) wages or salaries which are received or accrued during the taxable year by an employee for services performed prior to the taxable year for his employer and which constitute retroactive wage or salary increases ordered, recommended, or approved by any Federal or State agency, and made retroactive to any period prior to the taxable year; and (C) payments which are received or accrued during the taxable year as the result of an alleged violation by an employer of any State or Federal law relating to labor standards or practices, and which are determined under regulations prescribed by the Commissioner with the approval of the Secretary to be attributable to a prior taxable year. Amounts not includible in gross income under this chapter shall not constitute "back pay". (As amended Oct. 21, 1942, 4 30 p m., E W. T., ch 619, title I, § 139 (a), 56 Stat 837; Feb. 25, 1944, 12.49 p m., E. W. T., ch 63, title I, § 119 (a, b), 58 Stat. 39.)

AMENDMENTS

1944—Subsec (d) was added by act Feb 25, 1944, cited to text

Catchline was amended by act Feb 25, 1944, cited to text, by the addition of "and back pay"

1942—Act Oct 21, 1942, cited to text, among other changes, divided section into subsections, inserting new matter in subsec (b)

EFFECTIVE DATE

Amendments made by act Feb 25, 1944, § 119 (a, b), cited to text, were made applicable to taxable years beginning after Dec. 31, 1940, by section 119 (c) thereof.

Section 139 (b) of act Oct 21, 1942, cited to text, provided as follows "(b) The amendment made by subsection (a) (to section 107) shall be applicable to taxable years beginning after December 31, 1940, but with respect to a taxable year beginning after December 31, 1940, and not beginning after December 31, 1941, the period specified in such subsection shall be sixty months in lieu of thirty-six months, and the percentage specified in such subsection shall be 75 per centum in lieu of 80 per centum"

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States" This provision was repeated in section 136 of act Feb. 25, 1944, also cited.

CROSS REFERENCES

Exclusion of 1942 or 1943 income in computing surtax net income for such years, in application of provisions for relief from double payments in 1943, see note under section 1622 of this title.

Provisions for relief from double payments in 1943 as inapplicable to this section, see note under section 1622.

§ 108. Fiscal year taxpayers.

(a) Taxable years beginning in 1941 and ending after June 30, 1942.

In the case of a taxable year beginning in 1941 and ending after June 30, 1942, the tax imposed by sections 11, 12, 13, 14, and 15 shall be—

(1) Corporations.

In the case of a corporation an amount equal to the sum of—

(A) that portion of a tentative tax, computed as if the law applicable to taxable years beginning on January 1, 1941, were applicable to such taxable year, which the number of days in such taxable year before July 1, 1942, bears to the total number of days in such taxable year, plus

(B) that portion of a tentative tax, computed as if the law applicable to taxable years beginning on January 1, 1941, were applicable to such taxable year, but as if the amendments made by sections 105 (a), (b) (other than those relating to dividends on the preferred stock of public utilities), (c), (d), and (e) (1), 202, and 206 of the Revenue Act of 1942 [1] were applicable to such taxable year, which the number of days in such taxable year after June 30, 1942, bears to the total number of days in such taxable year.

(2) Taxpayers other than corporations.

In the case of a taxpayer other than a corporation, an amount equal to the sum of—

(A) that portion of a tentative tax, computed as if the law applicable to taxable years beginning on January 1, 1941, were applicable to such taxable year, which the number of days in such taxable year before July 1, 1942, bears to the total number of days in such taxable year, plus

(B) that portion of a tentative tax, computed as if the law applicable to taxable years beginning on January 1, 1941, were applicable to such taxable year, but as if the amendments made by sections 102 and 103 of the Revenue Act of 1942 [2] were applicable to such taxable year, which the number of days in such taxable year after June 30, 1942, bears to the total number of days in such taxable year.

(b) Taxable years beginning in 1943 and ending in 1944.

In the case of a taxable year beginning in 1943 and ending in 1944, the tax imposed by sections 11, 12, 13, 14, 15, and 450 shall be—

(1) Corporations.

In the case of a corporation, an amount equal to the sum of—

(A) that portion of a tentative tax, computed as if the law applicable to taxable years beginning on January 1, 1943, were applicable to such taxable year, which the number of days in such taxable year prior to January 1, 1944, bears to the total number of days in such taxable year, plus

(B) that portion of a tentative tax, computed as if the law applicable to taxable years beginning on January 1, 1944, were applicable to such taxable year, which the number of days in such taxable year after December 31, 1943, bears to the total number of days in such taxable year.

(2) Taxpayers other than corporations.

In the case of a taxpayer other than a corporation, an amount equal to the sum of—

(A) that portion of a tentative tax, computed as if the law applicable to taxable years beginning on January 1, 1943, were applicable to such taxable year, which the number of days in such taxable year prior to January 1, 1944, bears to the total number of days in such taxable year, plus

(B) that portion of a tentative tax, computed as if the law applicable to taxable years beginning on January 1, 1944, were applicable to such taxable year, which the number of days in such taxable year after December 31, 1943, bears to the total number of days in such taxable year.

(c) Taxable years beginning in 1945 and ending in 1946.

In the case of a taxable year beginning in 1945 and ending in 1946, the tax imposed by sections 11, 12, 13, 14, 15, and 400 shall be an amount equal to the sum of—

(1) that portion of a tentative tax, computed as if the law applicable to taxable years beginning on January 1, 1945, were applicable to such taxable year, which the number of days in such taxable year prior to January 1, 1946, bears to the total number of days in such taxable year, plus

(2) that portion of a tentative tax, computed as if the law applicable to years beginning on January 1, 1946, were applicable to such taxable year, which the number of days in such taxable year after December 31, 1945, bears to the total number of days in such taxable year.

(d) Special classes of taxpayers.

This section shall not apply to an insurance company subject to Supplement G, an investment company subject to Supplement Q, or a Western Hemisphere Trade Corporation, as defined in section 109. (Added Oct. 21, 1942, 4:30 p. m., E.W.T., ch. 619, title I, § 140 (a), 56 Stat. 837, as amended Feb 25, 1944, 12:49 p. m., E.W.T., ch. 63, title I, § 108 (a), 58 Stat. 32; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 131 (a), 59 Stat. 570)

[1] Revenue Act of 1942, §§ 105 (a)–(e) (1), 202, 206, affected sections 13 (a) (2), 13 (b) (2), 15, 23 (c) (1) (B), 23 (c) (2), 26 (b), (e), (f), (g), 710 (a) (1), 711 (a) (1) (A), 711 (a) (2) (C), 711 (a) (1) (G), and 711 (a) (2) (I) of this title.

[2] Revenue Act of 1942, §§ 102 and 103, affected sections 11 and 12 (b) of this title

AMENDMENTS

1945—Act Nov 8, 1945, § 131 (a) cited to text, redesignated former subsec "(c)", relating to special classes of taxpayers, as subsec. "(d)" and added a new subsec (c)

1944—Act Feb. 25, 1944, cited to text, amended section generally.

EFFECTIVE DATE

Act Feb. 25, 1944, cited to text, provided as follows: "Section 108 (a) of the Internal Revenue Code, as amended by subsection (a) of this section, shall be applicable to taxable years beginning in 1941 and ending after June 30, 1942. The other amendments made by subsection (a) of this section shall be applicable only to taxable years beginning in 1943 and ending in 1944."

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning in 1941 and ending after June 30, 1942, by section 140 (b) thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States" This provision was repeated in section 136 of act Feb. 25, 1944, also cited.

§ 109. Western hemisphere trade corporations.

For the purposes of this chapter, the term "western hemisphere trade corporation" means a domestic corporation all of whose business is done in any country or countries in North, Central, or South America, or in the West Indies, or in Newfoundland and which satisfies the following conditions:

(a) If 95 per centum or more of the gross income of such domestic corporation for the three-year period immediately preceding the close of the taxable year (or for such part of such period during which the corporation was in existence) was derived from sources other than sources within the United States; and

(b) If 90 per centum or more of its gross income for such period or such part thereof was derived from the active conduct of a trade or business. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 141, 56 Stat. 838.)

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

SUPPLEMENT B —COMPUTATION OF NET INCOME

§ 112. Recognition of gain or loss.

* * * * *

(b) Exchanges solely in kind.

* * * * *

(7) Election as to recognition of gain in certain corporate liquidations.

(A) General rule.

In the case of property distributed in complete liquidation of a domestic corporation, if—

(i) the liquidation is made in pursuance of a plan of liquidation adopted after the date of the enactment of the Revenue Act of 1943, whether the taxable year of the corporation began on, before, or after January 1, 1944; and

(ii) the distribution is in complete cancelation or redemption of all the stock, and the transfer of all the property under the liquidation occurs within some one calendar month in 1944—

then in the case of each qualified electing shareholder (as defined in subparagraph (C)) gain upon the shares owned by him at the time of the adoption of the plan of liquidation shall be recognized only to the extent provided in subparagraphs (E) and (F).

(B) Excluded corporation.

The term "excluded corporation" means a corporation which at any time between December 10, 1943,

and the date of the adoption of the plan of liquidation, both dates inclusive, was the owner of stock possessing 50 per centum or more of the total combined voting power of all classes of stock entitled to vote on the adoption of such plan.

(C) Qualified electing shareholders.

The term "qualified electing shareholder" means a shareholder (other than an excluded corporation) of any class of stock (whether or not entitled to vote on the adoption of the plan of liquidation) who is a shareholder at the time of the adoption of such plan, and whose written election to have the benefits of subparagraph (A) has been made and filed in accordance with subparagraph (D), but—

(i) in the case of a shareholder other than a corporation, only if written elections have been so filed by shareholders (other than corporations) who at the time of the adoption of the plan of liquidation are owners of stock possessing at least 80 per centum of the total combined voting power (exclusive of voting power possessed by stock owned by corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation; or

(ii) in the case of a shareholder which is a corporation, only if written elections have been so filed by corporate shareholders (other than an excluded corporation) which at the time of the adoption of such plan of liquidation are owners of stock possessing at least 80 per centum of the total combined voting power (exclusive of voting power possessed by stock owned by an excluded corporation and by shareholders who are not corporations) of all classes of stock entitled to vote on the adoption of such plan of liquidation.

(D) Making and filing of elections.

The written elections referred to in subparagraph (C) must be made and filed in such manner as to be not in contravention of regulations prescribed by the Commissioner with the approval of the Secretary. The filing must be within thirty days after the adoption of the plan of liquidation, and may be by the liquidating corporation or by the shareholder.

(E) Noncorporate shareholders.

In the case of a qualified electing shareholder other than a corporation—

(i) There shall be recognized, and taxed as a dividend, so much of the gain as is not in excess of his ratable share of the earnings and profits of the corporation accumulated after February 28, 1913, such earnings and profits to be determined as of the close of the month in which the transfer in liquidation occurred under subparagraph (A) (ii), but without diminution by reason of distributions made during such month; but by including in the computation thereof all amounts accrued up to the date on which the transfer of all the property under the liquidation is completed; and

(ii) There shall be recognized, and taxed as short-term or long-term capital gain, as the case may be, so much of the remainder of the gain as is not in excess of the amount by which the value of that portion of the assets received by him which consists of money, or of stock or securities acquired by the corporation after December 10, 1943, exceeds his ratable share of such earnings and profits.

(F) Corporate shareholders.

In the case of a qualified electing shareholder which is a corporation the gain shall be recognized only to the extent of the greater of the two following—

(i) The portion of the assets received by it which consists of money, or of stock or securities acquired by the liquidating corporation after December 10, 1943; or

(ii) Its ratable share of the earnings and profits of the liquidating corporation accumulated after February 28, 1913, such earnings and profits to be determined as of the close of the month in which the transfer in liquidation occurred under subparagraph (A) (ii), but without diminution by reason of distributions made during such month; but by including in the computation thereof all amounts accrued up to the date on which the transfer of all the property under the liquidation is completed.

* * * * *

(9) Loss not recognized on certain railroad reorganizations.

No loss shall be recognized if property of a railroad corporation, as defined in section 77m of the National Bankruptcy Act, as amended,[1] is transferred, after December 31, 1938, in pursuance of an order of the court having jurisdiction of such corporation—

(A) in a receivership proceeding, or

(B) in a proceeding under section 77 of the National Bankruptcy Act, as amended,[2]

to a railroad corporation, as defined in section 77m of the National Bankruptcy Act, as amended,[1] organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding. The term "reorganization," as used in this paragraph, shall not be limited by the definition of such term in subsection (g).

(10) Gain or loss not recognized on reorganization of corporations in certain receivership and bankruptcy proceedings.

No gain or loss shall be recognized if property of a corporation (other than a railroad corporation, as defined in section 77m of the National Bankruptcy Act, as amended [1]) is transferred, in a taxable year of such corporation beginning after December 31, 1933, in pursuance of an order of the court having jurisdiction of such corporation—

(A) in a receivership, foreclosure, or similar proceeding, or

(B) in a proceeding under section 77B [3] or Chapter X [4] of the National Bankruptcy Act, as amended,

to another corporation organized or made use of to effectuate a plan of reorganization approved by

the court in such proceeding, in exchange solely for stock or securities in such other corporation.

(c) Gain from exchanges not solely in kind.

(1) If an exchange would be within the provisions of subsection (b) (1), (2), (3), or (5), or within the provisions of subsection (*l*), of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph or by subsection (*l*) to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

(2) If a distribution made in pursuance of a plan of reorganization is within the provisions of paragraph (1) of this subsection but has the effect of the distribution of a taxable dividend, then there shall be taxed as a dividend to each distributee such an amount of the gain recognized under paragraph (1) as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913. The remainder, if any, of the gain recognized under paragraph (1) shall be taxed as a gain from the exchange of property.

(d) Same—Gain of corporation.

If an exchange would be within the provisions of subsection (b) (4) or (10) of this section if it were not for the fact that the property received in exchange consists not only of stock or securities permitted by such paragraph to be received without the recognition of gain, but also of other property or money, then—

(1) If the corporation receiving such other property or money distributes it in pursuance of the plan of reorganization, no gain to the corporation shall be recognized from the exchange, but

(2) If the corporation receiving such other property or money does not distribute it in pursuance of the plan of reorganization, the gain, if any, to the corporation shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property so received, which is not so distributed.

(e) Loss from exchanges not solely in kind.

If an exchange would be within the provisions of subsection (b) (1) to (5), inclusive, or (10), or within the provisions of subsection (*l*), of this section if it were not for the fact that the property received in exchange consists not only of property permitted by such paragraph to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

* * * * *

(f) Involuntary conversions.

If property (as a result of its destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation, or the threat or imminence thereof) is compulsorily or involuntarily converted into property similar or related in service or use to the property so converted, or into money which is forthwith in good faith, under regulations prescribed by the Commissioner with the approval of the Secretary, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund, no gain shall be recognized, but loss shall be recognized. If any part of the money is not so expended, the gain, if any, shall be recognized to the extent of the money which is not so expended (regardless of whether such money is received in one or more taxable years and regardless of whether or not the money which is not so expended constitutes gain).

(g) Definition of reorganization.

As used in this section (other than subsection (b) (10) and subsection (*l*)) and in section 113 (other than subsection (a) (22))—

(1) The term "reorganization" means (A) a statutory merger or consolidation, or (B) the acquisition by one corporation, in exchange solely for all or a part of its voting stock, of at least 80 per centum of the voting stock and at least 80 per centum of the total number of shares of all other classes of stock of another corporation, or (C) the acquisition by one corporation, in exchange solely for all or a part of its voting stock, of substantially all the properties of another corporation, but in determining whether the exchange is solely for voting stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded, or (D) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its shareholders or both are in control of the corporation to which the assets are transferred, or (E) a recapitalization, or (F) a mere change in identity, form, or place of organization, however effected.

(2) The term "a party to a reorganization" includes a corporation resulting from a reorganization and includes both corporations in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another.

* * * * *

(k) Assumption of liability not recognized.

Where upon an exchange the taxpayer receives as part of the consideration property which would be permitted by subsection (b) (4), (5), or (10) of this section to be received without the recognition of gain if it were the sole consideration, and as part of the consideration another party to the exchange assumes a liability of the taxpayer or acquires from the taxpayer property subject to a liability, such assumption or acquisition shall not be considered as "other property or money" received by the taxpayer within the meaning of subsection (c), (d), or (e) of this section and shall not prevent the exchange from being within the provisions of subsection (b) (4), (5), or (10); except that if, taking into consideration the nature of the liability and the circumstances in the light of which the arrangement for the assumption or acquisition was made, it appears that the

principal purpose of the taxpayer with respect to the assumption or acquisition was a purpose to avoid Federal income tax on the exchange, or if not such purpose, was not a bona fide business purpose, such assumption or acquisition (in the amount of the liability) shall, for the purposes of this section, be considered as money received by the taxpayer upon the exchange. In any suit or proceeding where the burden is on the taxpayer to prove that such assumption or acquisition is not to be considered as money received by the taxpayer, such burden shall not be considered as sustained unless the taxpayer sustains such burden by the clear preponderance of the evidence.

(*l*) Exchanges by security holders in connection with certain corporate reorganizations.

(1) General rule.

No gain or loss shall be recognized upon an exchange consisting of the relinquishment or extinguishment of stock or securities in a corporation the plan of reorganization of which is approved by the court in a proceeding described in subsection (b) (10), in consideration of the acquisition solely of stock or securities in a corporation organized or made use of to effectuate such plan of reorganization.

(2) Exchange occurring in taxable years beginning prior to January 1, 1943.

If the exchange occurred in a taxable year of the person acquiring such stock or securities beginning prior to January 1, 1943, then, under regulations prescribed by the Commissioner with the approval of the Secretary, gain or loss shall be recognized or not recognized—

(A) to the extent that it was recognized or not recognized in the final determination of the tax of such person for such taxable year, if such tax was finally determined prior to the ninetieth day after the date of the enactment of the Revenue Act of 1943; or

(B) in cases to which subparagraph (A) is not applicable, to the extent that it would be recognized or not recognized under the latest treatment of such exchange by such person prior to December 15, 1943, in connection with his tax liability for such taxable year.

(m) Gain from sale or exchange to effectuate policies of Federal Communications Commission.

If the sale or exchange of property (including stock in a corporation) is certified by the Federal Communications Commission to be necessary or appropriate to effectuate the policies of the Commission with respect to the ownership and control of radio broadcasting stations, such sale or exchange shall, if the taxpayer so elects, be treated as an involuntary conversion of such property within the meaning of subsection (f) of this section. For the purposes of subsection (f) of this section as made applicable by the provisions of this subsection, stock of a corporation operating a radio broadcasting station, whether or not representing control of such corporation, shall be treated as property similar or related in service or use to the property so converted. The part of the gain, if any, upon such sale or exchange to which subsection (f) of this section is not applied shall nevertheless not be recognized, if the taxpayer so elects, to the extent that it is applied to reduce the basis for determining gain or loss upon sale or exchange of property, of a character subject to the allowance for depreciation under section 23 (*l*), remaining in the hands of the taxpayer immediately after the sale or exchange, or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the Commissioner with the approval of the Secretary. Any election made by the taxpayer under this subsection shall be made by a statement to that effect in his return for the taxable year in which the sale or exchange takes place (or, with respect to taxable years beginning before January 1, 1944, by a statement to that effect filed within six months after the date of the enactment of the Revenue Act of 1943 in such manner and form as may be prescribed by regulations prescribed by the Commissioner with the approval of the Secretary) and such election shall be binding for the taxable year and all subsequent taxable years. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 142 (a), 151 (d, e), 56 Stat. 838, 847; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, §§ 120 (a), 121 (a), (b), (d) (1–5), 123 (a), 126 (a), 58 Stat. 40–43, 46.)

[1] So in original. Probably should read "77 (m)", which is section 205 (m) of Title 11, Bankruptcy.

[2] Section 205 of Title 11, Bankruptcy

[3] Section has been amended and incorporated in sections 501–1103 of Title 11, Bankruptcy.

[4] Sections 501–676 of Title 11, Bankruptcy.

AMENDMENTS

1944—Subsec. (b) amended by act Feb. 25, 1944, cited to text, which inserted par. (7).

Subsec. (b) (9) amended by act Feb. 25, 1944, cited to text, which struck out "1939" and inserted "1938"

Subsec. (b) (10) added by act Feb 25, 1944, cited to text.

Subsec. (c) amended by act Feb. 25, 1944, cited to text, which inserted "or within the provisions of subsection (*l*)" following "(b) (1), (2), (3), or (5)", and inserted "or by subsection (*l*)" following "paragraph" both in the first paragraph.

Subsec. (d) amended by act Feb. 25, 1944, cited to text, which inserted "or (10)" following "subsection (b) (4)".

Subsec. (e) amended by act Feb. 25, 1944, cited to text, which inserted "or (10), or within the provisions of subsection (*l*)" following "subsection (b) (1) to (5), inclusive".

Subsec. (g) amended by act Feb. 25, 1944, cited to text, which inserted all material preceding par. (1) for material which read "As used in this section and section 113—" and added catchline.

Subsec (k) amended by act Feb. 25, 1944, cited to text, which struck out "subsection (b) (4) or (5)" wherever appearing and inserting in lieu thereof "subsection (b) (4), (5), or (10)"

Subsec (*l*) added by act Feb 25, 1944, cited to text.

Subsec. (m) added by act Feb 25, 1944, cited to text.

1942—Subsec. (b) (9) was added and subsec. (f) was amended by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Amendment of section by act Feb 25, 1944, § 121 (a), (b), (d) (1–5), was made effective by section 121 (e) thereof which provided as follows: "Provisions having the effect of the amendments made by subsection (a) [to section 112 (b)], subsection (c) (3) [to section 113 (a)], and subsection (d), (2), (3), (4), (5), and (6) [to section 112 (d), (e), (g), (k), and section 718], shall be deemed

to be included in the revenue laws respectively applicable to taxable years beginning after December 31, 1933, but shall not affect any tax liability for any taxable year beginning prior to January 1, 1943 Provisions having the effect of the amendments made by subsection (b) [to section 112], subsection (c) (1) [to section 113 (a)], and (2) [to section 113 (a)], and subsection (d) (1) [to section 112 (c)], shall be deemed to be included in the revenue laws respectively applicable to taxable years beginning after December 31, 1931."

Amendment of subsec. (b) adding par (7) by act Feb 25, 1944, § 120 (a), cited to text, was made applicable to taxable years ending after Dec. 31, 1943, by section 120 (c), thereof.

Amendment of subsec (b), adding par. (9), by act Oct 21, 1942, § 142 (a), cited to text, was made applicable to taxable years beginning after 1938, by section 142 (d) thereof, as amended by act Feb 25, 1944, § 126 (c), cited to text.

Addition of subsec (m) by act Feb. 25, 1944, § 123 (a), cited to text, was made applicable to taxable years beginning after Dec 31, 1942, by section 123 (b) thereof.

Amendment of subsec. (b), adding par. (9), by act Oct 21, 1942, § 142 (a), cited to text, was made applicable to taxable years beginning after Dec 31, 1939, by section 142 (d) thereof

Amendment of subsec. (f) by act Oct 21, 1942, § 151 (d, e), cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States" This provision was repeated in section 136 of act Feb 25, 1944, also cited

§ 113. Adjusted basis for determining gain or loss—(a) Basis (unadjusted) of property.

* * * * *

(2) Gifts after December 31, 1920.

If the property was acquired by gift after December 31, 1920, the basis shall be the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift, except that if such basis (adjusted for the period prior to the date of the gift as provided in subsection (b)) is greater than the fair market value of the property at the time of the gift, then for the purpose of determining loss the basis shall be such fair market value. If the facts necessary to determine the basis in the hands of the donor or the last preceding owner are unknown to the donee, the Commissioner shall, if possible, obtain such facts from such donor or last preceding owner, or any other person cognizant thereof. If the Commissioner finds it impossible to obtain such facts, the basis in the hands of such donor or last preceding owner shall be the fair market value of such property as found by the Commissioner as of the date or approximate date at which, according to the best information that the Commissioner is able to obtain, such property was acquired by such donor or last preceding owner.

(3) Transfer in trust after December 31, 1920.

If the property was acquired after December 31, 1920, by a transfer in trust (other than by a transfer in trust by a gift, bequest, or devise) the basis shall be the same as it would be in the hands of the grantor, increased in the amount of gain or decreased in the amount of loss recognized to the grantor upon such transfer under the law applicable to the year in which the transfer was made.

* * * * *

(5) Property transmitted at death.

If the property was acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent, the basis shall be the fair market value of such property at the time of such acquisition. In the case of property transferred in trust to pay the income for life to or upon the order or direction of the grantor, with the right reserved to the grantor at all times prior to his death to revoke the trust, the basis of such property in the hands of the persons entitled under the terms of the trust instrument to the property after the grantor's death shall, after such death, be the same as if the trust instrument had been a will executed on the day of the grantor's death. For the purpose of this paragraph property passing without full and adequate consideration under a general power of appointment exercised by will shall be deemed to be property passing from the individual exercising such power by bequest or devise. If the property was acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent, and if the decedent died after August 26, 1937, and if the property consists of stock or securities of a foreign corporation, which with respect to its taxable year next preceding the date of the decedent's death was, under the law applicable to such year, a foreign personal holding company, then the basis shall be the fair market value of such property at the time of such acquisition or the basis in the hands of the decedent, whichever is lower. In the case of an election made by the executor under section 811 (j), the time of acquisition of the property shall, for the purpose of this paragraph, be the applicable valuation date of the property prescribed by such section in determining the value of the gross estate.

(6) Tax-free exchanges generally.

If the property was acquired, after February 28 1913, upon an exchange described in section 112 (b) to (e), inclusive, or section 112 (*l*), the basis (except as provided in paragraphs (15), (17), or (18) of this subsection) shall be the same as in the case of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized upon such exchange under the law applicable to the year in which the exchange was made. If the property so acquired consisted in part of the type of property permitted by section 112 (b) or section 112 (*l*) to be received without the recognition of gain or loss, and in part of other property, the basis provided in this paragraph shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. Where as part of the consideration to the taxpayer another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer prop-

erty subject to a liability, such assumption or acquisition (in the amount of the liability) shall, for the purposes of this paragraph, be considered as money received by the taxpayer upon the exchange. This paragraph shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it.

* * * * *

(11) Property acquired during affiliation.

In the case of property acquired by a corporation, during a period of affiliation, from a corporation with which it was affiliated, the basis of such property, after such period of affiliation, shall be determined, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, without regard to inter-company transactions in respect of which gain or loss was not recognized For the purposes of this paragraph, the term "period of affiliation" means the period during which such corporations were affiliated (determined in accordance with the law applicable thereto) but does not include any taxable year beginning on or after January 1, 1922, unless a consolidated return was made, nor any taxable year after the taxable year 1928. The basis in case of property acquired by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return is made by such corporation under section 141 of this chapter or the Revenue Act of 1928, 45 Stat 831, or the Revenue Act of 1932, 47 Stat. 213, or the Revenue Act of 1934, 48 Stat. 720, or the Revenue Act of 1936, 49 Stat. 1698, or the Revenue Act of 1938, 52 Stat 508, shall be determined in accordance with regulations prescribed under section 141 (b) of this chapter or the Revenue Act of 1928 or the Revenue Act of 1932 or the Revenue Act of 1934 or the Revenue Act of 1936 or the Revenue Act of 1938. The basis in the case of property held by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return is made by such corporation under section 141 of this chapter or the Revenue Act of 1928 or the Revenue Act of 1932 or the Revenue Act of 1934 or the Revenue Act of 1936 or the Revenue Act of 1938, shall be adjusted in respect of any items relating to such period, in accordance with regulations prescribed under section 141 (b) of this chapter or the Revenue Act of 1928 or the Revenue Act of 1932 or the Revenue Act of 1934 or the Revenue Act of 1936 or the Revenue Act of 1938, applicable to such period.

* * * * *

(17) Property acquired in connection with exchanges and distributions in obedience to certain orders of the Securities and Exchange Commission.

If the property was acquired in a taxable year beginning before January 1, 1942, in any manner described in section 372 prior to its amendment by the Revenue Act of 1942,[1] the basis shall be that prescribed in such section (prior to its amendment by such Act[1]) with respect to such property. If the property was acquired in a taxable year beginning after December 31, 1941, in any manner described in section 372 (other than subsection (a) (2)) after its amendment by such Act,[1] the basis shall be that prescribed in such section (after its amendment by such Act[1]) with respect to such property.

(18) Property received in certain corporate liquidations.

If the property was acquired by a shareholder in the liquidation of a corporation in cancellation or redemption of stock with respect to which gain was realized, but with respect to which, as the result of an election made by him under paragraph (7) of section 112 (b) of this chapter or of the Revenue Act of 1938, 52 Stat. 487, the extent to which gain was recognized was determined under such paragraph, then the basis shall be the same as the basis of such stock cancelled or redeemed in the liquidation, decreased in the amount of any money received by him, and increased in the amount of gain recognized to him.

* * * * *

(20) Property acquired by railroad corporation.

If the property of a railroad corporation, as defined in section 77m of the National Bankruptcy Act, as amended,[2] was acquired after December 31, 1938, in pursuance of an order of the court having jurisdiction of such corporation—

(A) in a receivership proceeding, or

(B) in a proceeding under section 77 of the National Bankruptcy Act, as amended,[3]

and the acquiring corporation is a railroad corporation, as defined in section 77m of the National Bankruptcy Act, as amended,[2] organized or made use of to effectuate a plan or reorganization approved by the court in such proceeding, the basis shall be the same as it would be in the hands of the railroad corporation whose property was so acquired. The term "reorganization", as used in this paragraph, shall not be limited by the definition of such term in section 112 (g).

(21) Property acquired by street, suburban, or interurban electric railway corporation.

If the property of any street, suburban, or interurban electric railway corporation engaged as a common carrier in the transportation of persons or property in interstate commerce was acquired after December 31, 1934, in pursuance of an order of the court having jurisdiction of such corporation in a proceeding under section 77B of the National Bankruptcy Act, as amended,[4] and the acquiring corporation is a street, suburban, or interurban electric railway engaged as a common carrier in the transportation of persons or property in interstate commerce, organized or made use of to effectuate a plan of reorganization approved by the court in such proceeding, then, notwithstanding the provisions of section 270 of Chapter X of the National Bankruptcy Act, as amended,[5] the basis, for any taxable year beginning after December 31, 1939, shall be the same as it would be in the hands of the corporation whose property was so acquired. The term "reorganization", as used in this paragraph, shall not be

limited by the definition of such term in section 112 (g).

(22) Property acquired on reorganization of certain corporations.

If the property was acquired by a corporation upon a transfer to which section 112 (b) (10), or so much of section 112 (d) or (e) as relates to section 112 (b) (10), is applicable, then, notwithstanding the provisions of section 270 of the National Bankruptcy Act, as amended,[5] the basis in the hands of the acquiring corporation shall be the same as it would be in the hands of the corporation whose property was so acquired, increased in the amount of gain recognized to the corporation whose property was so acquired under the law applicable to the year in which the acquisition occurred, and such basis shall not be adjusted under subsection (b) (3) by reason of a discharge of indebtedness pursuant to the plan of reorganization under which such transfer was made.

(b) Adjusted basis.

* * * * *

(1) General rule.

* * * * *

(A) For expenditures, receipts, losses, or other items, properly chargeable to capital account but no such adjustment shall be made for taxes or other carrying charges for which deductions have been taken by the taxpayer in determining net income for the taxable year or prior taxable years;

* * * * *

(H) in the case of any bond (as defined in section 125) the interest on which is wholly exempt from the tax imposed by this chapter, to the extent of the amortizable bond premium disallowable as a deduction pursuant to section 125 (a) (2), and in the case of any other bond (as defined in such section) to the extent of the deductions allowable pursuant to section 125 (a) (1) with respect thereto.

* * * * *

(4) Adjustment of capital structure prior to September 22, 1938.

Where a plan of reorganization of a corporation, approved by the court in a proceeding under section 77B of the National Bankruptcy Act, as amended,[4] is consummated by adjustment of the capital or debt structure of such corporation without the transfer of its assets to another corporation, and a final judgment or decree in such proceeding has been entered prior to September 22, 1938, then the provisions of section 270 of the National Bankruptcy Act, as amended,[5] shall not apply in respect of the property of such corporation. For the purposes of this paragraph the term "reorganization" shall not be limited by the definition of such term in section 112 (g).

(c) Property on which lessee has made improvements.

Neither the basis nor the adjusted basis of any portion of real property shall, in the case of the lessor of such property, be increased or diminished on account of income derived by the lessor in respect of such property and excludible from gross income under section 22 (b) (11). If an amount representing any part of the value of real property attributable to buildings erected or other improvements made by a lessee in respect of such property was included in gross income of the lessor for any taxable year beginning before January 1, 1942, the basis of each portion of such property shall be properly adjusted for the amount so included in gross income. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 44; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 115 (b), 126 (c), 130 (b), 142 (b, c), 143, 144 (a), 171 (h), 56 Stat. 812, 824, 827, 839, 840, 883; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, §§ 120 (b), 121 (c), 122 (a), 126 (b), 58 Stat. 41–43, 46.)

[1] Act Oct 21, 1942, cited to text

[2] Probably should read "77 (m)" which is section 205 (m) of Title 11, Bankruptcy.

[3] Section 205 of Title 11, Bankruptcy

[4] Former section 207 of Title 11, Bankruptcy.

[5] Section 670 of Title 11, Bankruptcy.

AMENDMENTS

1944—Subsec. (a) (6) amended by act Feb. 25, 1944, cited to text, which inserted "or section 112 (*l*)" following "112 (b) to (e), inclusive" in the first sentence, and following "property permitted by section 112 (b)" in second sentence

Subsec. (a) (18) amended by act Feb. 25, 1944, cited to text, which inserted "of this Chapter or" following "paragraph (7) of section 112 (b)" and struck out the comma preceding "of the Revenue Act of 1938".

Subsec (a) (20) amended by act Feb 25, 1944, cited to text, which struck out "1939" and inserted "1938".

Subsec (a) (22) was added by act Feb. 25, 1944, cited to text.

Subsec (b) (4) was added by act Feb. 25, 1944, cited to text

1942—Subsecs (a) (2, 3, 5, 17) and (b) (1) (A) were amended and subsecs (a) (20, 21), (b) (1) (H), and (c) were added by act Oct 21, 1942, cited to text

1941—Subsec (a) (11) was amended by res Mar. 17, 1941, cited to text, eff Feb 11, 1939

EFFECTIVE DATE

Amendment of subsec (a) (6) and addition of subsec. (a) (22) by act Feb 25, 1944, § 121 (c) (1-3), was made effective by section 121 (e) thereof, which provided as follows: "Provisions having the effect of the amendments made by subsection (a) [to section 112 (b)], subsection (c) (3) [to section 113 (a)], and subsection (d) (2), (3), (4), (5), and (6) [to section 112 (d), (e), (g), (k), and section 718], shall be deemed to be included in the revenue laws respectively applicable to taxable years beginning after December 31, 1933, but shall not affect any tax liability for any taxable year beginning prior to January 1, 1943 Provisions having the effect of the amendments made by subsection (b) [to section 112], subsection (c) (1) [to section 113 (a)], and (2) [to section 113 (a)], and subsection (d) (1) [to section 112 (c)], shall be deemed to be included in the revenue laws respectively applicable to taxable years beginning after December 31, 1931"

Amendment of subsec. (a) (18) by act Feb 25, 1944, § 120 (b), cited to text, was made applicable to taxable years ending after Dec 31, 1943, by section 120 (c) thereof

Amendment of subsec (a), adding pars. (20), (21), by act Oct. 21, 1942, § 142 (b), citing to text, was made applicable to taxable years beginning after Dec 31, 1938, by section 142 (d) thereof, as amended by act Feb 25, 1944, § 126 (c), cited to text

Amendment of subsec. (b) by act Feb. 25, 1944, § 122 (a), was made applicable to taxable years beginning after Dec. 31, 1935, by section 122 (b) thereof, which provided: "A provision having the effect of the amendment made by subsection (a) [to section 113 (b)] shall be deemed to be included in the revenue laws respectively

applicable to taxable years beginning after December 31, 1935."

Amendments to subsecs. (a) (2, 3, 5, 17), (b) (1) (A, H), and (c) by act Oct 21, 1942, §§ 143, 144 (a), 171 (h), 130 (b), 126 (c), 115 (b), cited to text, were made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof

Amendment of subsec (a), adding pars. (20, 21) by act Oct 21, 1942, § 142 (b, c), cited to text, was made applicable to taxable years beginning after Dec. 31, 1939, by section 142 (d) thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States" This provision was repeated in section 136 of act Feb 25, 1944, also cited

PROPERTY TRANSMITTED AT DEATH

Act Oct 21, 1942, cited to text, was made applicable only to property includible in the gross estate of a decedent dying after Oct 21, 1942, 4:30 p. m., E W. T., by section 144 (b) thereof

CROSS REFERENCES

Exemption from stamp tax on certain transactions, see section 1804 of this title.

§ 114. Basis for depreciation and depletion.

* * * * *

(b) Basis for depletion.

* * * * *

(2) Discovery value in case of mines.

In the case of mines (other than metal, coal, fluorspar, flake graphite, vermiculite, beryl, feldspar, mica, talc, lepidolite, spodumene, barite, potash, ball and sagger clay, rock asphalt, or sulphur mines) discovered by the taxpayer after February 28, 1913, the basis for depletion shall be the fair market value of the property at the date of discovery or within thirty days thereafter, if such mines were not acquired as the result of purchase of a proven tract or lease, and if the fair market value of the property is materially disproportionate to the cost. The depletion allowance under section 23 (m) based on discovery value provided in this paragraph shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property upon which the discovery was made, except that in no case shall the depletion allowance under section 23 (m) be less than it would be if computed without reference to discovery value. Discoveries shall include minerals in commercial quantities contained within a vein or deposit discovered in an existing mine or mining tract by the taxpayer after February 28, 1913, if the vein or deposit thus discovered was not merely the uninterrupted extension of a continuing commercial vein or deposit already known to exist, and if the discovered minerals are of sufficient value and quantity that they could be separately mined and marketed at a profit.

* * * * *

(4) Percentage depletion for coal, fluorspar, flake graphite, vermiculite, beryl, feldspar, mica, talc, lepidolite, spodumene, barite, ball and sagger clay, rock asphalt, and metal mines, potash, and sulphur.

(A) In general.

The allowance for depletion under section 23 (m) shall be, in the case of coal mines, 5 per centum, in the case of metal mines, fluorspar, flake graphite, vermiculite, beryl, feldspar, mica, talc, lepidolite, spodumene, barite, ball and sagger clay, or rock asphalt mines, and potash mines or deposits, 15 per centum, and in the case of sulphur mines or deposits, 23 per centum, of the gross income from the property during the taxable year, excluding from such gross income an amount equal to any rents or royalties paid or incurred by the taxpayer in respect of the property. Such allowance shall not exceed 50 per centum of the net income of the taxpayer (computed without allowance for depletion) from the property, except that in no case shall the depletion allowance under section 23 (m) be less than it would be if computed without reference to this paragraph.

(B) Definition of gross income from property.

As used in this paragraph the term "gross income from the property" means the gross income from mining. The term "mining", as used herein, shall be considered to include not merely the extraction of the ores or minerals from the ground but also the ordinary treatment processes normally applied by mine owners or operators in order to obtain the commercially marketable mineral product or products. The term "ordinary treatment processes", as used herein, shall include the following: (i) In the case of coal—cleaning, breaking, sizing, and loading for shipment; (ii) in the case of sulphur—pumping to vats, cooling, breaking, and loading for shipment; (iii) in the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and minerals which are customarily sold in the form of a crude mineral product—sorting, concentrating, and sintering to bring to shipping grade and form, and loading for shipment; and (iv) in the case of lead, zinc, copper, gold, silver, or fluorspar ores, potash, and ores which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including as an ordinary treatment process electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used in the separation or extraction of the product or products from the ore, including the furnacing of quicksilver ores. The principles of this subparagraph shall also be applicable in determining gross income attributable to mining for the purposes of sections 731 and 735. (As amended Oct. 21, 1942, 4:30 p m., E W T., ch. 619, title I, § 145, 56 Stat. 840; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 124 (a–c), 58 Stat. 44, 45.)

AMENDMENTS

1944—Subsec (b) (2) amended by act Feb 25, 1944, cited to text, which inserted "flake graphite * * * potash" following "fluorspar"

Subsec. (b) (4) amended by act Feb. 25, 1944, cited to text, which changed catchline, added subpar catchline "(A) In general", amended first sentence of subpar (A), and added subpar (B)

1942—Subsec. (b) (2, 4) was amended by act Oct. 21, 1942, cited to text

EFFECTIVE DATE

Section 124 (d) of act Feb. 25, 1944, cited to text, provided as follows "The amendments made by subsections (a) and (b) inserting flake graphite in section 114 (b) (2) and (4) of the Internal Revenue Code shall be applicable with respect to taxable years beginning after December 31, 1942 A provision having the effect of the amendment made by subsection (c) shall be deemed to be included in the revenue laws respectively applicable to taxable years beginning after December 31, 1931 "

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof

TERMINATION DATE

Section 124 (e) of act Feb. 25, 1944, cited to text, provided as follows: "The amendments made by subsections (a) and (b) [to section 114 (b) (2) and (4)] (except as they relate to potash) and the amendments made to section 114 of the Internal Revenue Code by section 145 of the Revenue Act of 1942 (providing percentage depletion for fluorspar, ball and sagger clay, and rock asphalt), shall not apply with respect to any taxable year beginning on or after the date of the termination of hostilities in the present war. For the purposes of this subsection the term 'date of the termination of hostilities in the present war' means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier."

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States " This provision was repeated in section 136 of act Feb 25, 1944, also cited.

§ 115. Distributions by corporations—(a) Definition of dividend.

The term "dividend" when used in this chapter (except in section 201 (c) (5), section 204 (c) (11) and section 207 (a) (2) and (b) (3) (where the reference is to dividends of insurance companies paid to policy holders)) means any distribution made by a corporation to its shareholders, whether in money or in other property, (1) out of its earnings or profits accumulated after February 28, 1913, or (2) out of the earnings or profits of the taxable year (computed as of the close of the taxable year without diminution by reason of any distributions made during the taxable year), without regard to the amount of the earnings and profits at the time the distribution was made. Such term also means any distribution (to the extent of its subchapter A net income, whether or not a dividend as defined in the preceding sentence) to its shareholders, whether in money or in other property, made by a corporation which, under the law applicable to the taxable year in which the distribution is made, is a personal holding company, or which, for the taxable year in respect of which the distribution is made under section 504 (c) or section 506 or a corresponding provision of a prior income tax law, is a personal holding company under the law applicable to such taxable year.

(b) Source of distributions.

For the purposes of this chapter every distribution is made out of earnings or profits to the extent thereof, and from the most recently accumulated earnings or profits Any earnings or profits accumulated, or increase in value of property accrued, before March 1, 1913, may be distributed exempt from tax, after the earnings and profits accumulated after February 28, 1913, have been distributed, but any such tax-free distribution shall be applied against and reduce the adjusted basis of the stock provided in section 113. The preceding sentence shall not apply to a distribution which is a dividend within the meaning of the last sentence of subsection (a).

(c) Distributions in liquidation.

Amounts distributed in complete liquidation of a a corporation shall be treated as in full payment in exchange for the stock, and amounts distributed in partial liquidation of a corporation shall be treated as in part or full payment in exchange for the stock. The gain or loss to the distributee resulting from such exchange shall be determined under section 111, but shall be recognized only to the extent provided in section 112. In the case of amounts distributed (whether before January 1, 1939, or on or after such date) in partial liquidation (other than a distribution to which the provisions of subsection (h) of this section are applicable) the part of such distribution which is properly chargeable to capital account shall not be considered a distribution of earnings or profits. If any distribution in partial liquidation or in complete liquidation (including any one of a series of distributions made by the corporation in complete cancellation or redemption of all its stock) is made by a foreign corporation which with respect to any taxable year beginning on or before, and ending after, August 26, 1937, was a foreign personal holding company, and with respect to which a United States group (as defined in section 331 (a) (2)) existed after August 26, 1937, and before January 1, 1938, then, despite the foregoing provisions of this subsection, the gain recognized resulting from such distribution shall be considered as a gain from the sale or exchange of a capital asset held for not more than 6 months.

* * * * *

***(l)* Effect on earnings and profits of gain or loss and of receipt of tax-free distributions.**

The gain or loss realized from the sale or other disposition (after February 28, 1913) of property by a corporation—

(1) for the purpose of the computation of earnings and profits of the corporation, shall be determined, except as provided in paragraph (2), by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain, except that no regard shall be had to the value of the property as of March 1, 1913; but

(2) for the purpose of the computation of earnings and profits of the corporation for any period beginning after February 28, 1913, shall be determined by using as the adjusted basis the adjusted basis (under the law applicable to the year in which the sale or other disposition was made) for determining gain.

Gain or loss so realized shall increase or decrease the earnings and profits to, but not beyond, the extent to which such a realized gain or loss was recognized in computing net income under the law

applicable to the year in which such sale or disposition was made. Where in determining the adjusted basis used in computing such realized gain or loss the adjustment to the basis differs from the adjustment proper for the purpose of determining earnings or profits, then the latter adjustment shall be used in determining the increase or decrease above provided. For the purposes of this subsection, a loss with respect to which a deduction is disallowed under section 118, or a corresponding provision of a prior income-tax law, shall not be deemed to be recognized. Where a corporation receives (after February 28, 1913) a distribution from a second corporation which (under the law applicable to the year in which the distribution was made) was not a taxable dividend to the shareholders of the second corporation, the amount of such distribution shall not increase the earnings and profits of the first corporation in the following cases:

(1) No such increase shall be made in respect of the part of such distribution which (under such law) is directly applied in reduction of the basis of the stock in respect of which the distribution was made.

(2) No such increase shall be made if (under such law) the distribution causes the basis of the stock in respect of which the distribution was made to be allocated between such stock and the property received (As amended Oct. 8, 1940, 11 p. m., E. S. T., ch. 757, title V, § 501 (a) (b), 54 Stat. 1004; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 146 (a), 147, 166, 186 (a) (1), (b), 56 Stat. 841, 875, 895, 896; Feb. 25, 1944, 12 49 p. m., E. W. T., ch. 63, title V, § 512 (a), 58 Stat. 75.)

* * * * *

AMENDMENTS

1944—Subsec. (a) amended by act Feb. 25, 1944, cited to text, which inserted "(to the extent of its subchapter A net income, whether or not a dividend as defined in the preceding sentence)" following "distribution" where first appearing in last sentence.

1942—Subsecs. (a) and (b), second sentences, and subsec. (*l*), fourth sentence, were added and subsec. (a), first sentence was amended by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Amendment of subsec. (a) by act Feb. 25, 1944, § 512 (a), cited to text, was made effective for all taxable years beginning after Dec. 31, 1941, by section 512 (b) thereof.

Amendment of subsec. (a) by act Oct. 21, 1942, § 166, cited to text, affecting first sentence, and amendment of subsec. (c) by section 147 of said act were made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

Amendments of subsecs. (a) and (b) by act Oct. 21, 1942, § 186 (a) and (b), adding last sentences to each subsection, were made effective by section 186 (f) and (g) thereof as follows:

"(f) The amendments made by subsections (a) to (e), inclusive (to section 28 (d) (1), 115 (a, b), 504 (c) (1, 2) and 506 (c) (1)) shall be effective as of the date of enactment of the laws amended thereby.

"(g) The amendments made by subsections (a) to (d), inclusive (to sections 115 (a, b), 504 (c) (1, 2) and 506 (c) (1)), shall not apply with respect to any distribution, which is a dividend solely by reason of the last sentence of section 115 (a) of the applicable revenue law, made prior to the date of enactment of this Act (Oct. 21, 1942, 4 30 p. m. E. W. T.) by a corporation which, under the law applicable to the taxable year in which the distribution is made, is a personal holding company, or which, for the taxable year in respect of which it is made under section 504 (c) or section 506 (of title 26) or a corresponding provision of a prior income tax law, is a personal holding company under the law applicable to such taxable year, unless—

"(1) The corporation (under regulations prescribed by the Commissioner with the approval of the Secretary) files, within one year after the date of the enactment of this Act, a claim for the benefit of this section on account of such distribution.

"(2) Such claim is accompanied by signed consents made under oath by each person to whom the corporation made such distribution agreeing to the inclusion of the amount of such distribution to him in his gross income as a taxable dividend. If any such person is no longer in existence or is under disability then the consent may be made by his legal representative; and

"(3) Each such consent filed is accompanied by cash, or such other medium of payment as the Commissioner may by regulations authorize, in an amount equal to the amount that would be required by section 143 (b) or 144 of the applicable revenue law to be deducted and withheld by the corporation if the amount of the distribution to the shareholder had been paid to the shareholder in cash as a dividend. The amount accompanying such consent shall be credited against the tax under the applicable revenue law imposed by section 211 (a) or 231 (a) (of title 26) upon the shareholder."

Amendment of subsec. (*l*) by act Oct. 21, 1942, § 146 (a), was made effective by section 146 (b) thereof as follows: "The amendment made by this section shall be effective as if it were made by section 501 of the Second Revenue Act of 1940 (eff. Oct. 8, 1940, 11 p. m., E. S. T., applicable to taxable years beginning after Dec. 31, 1938)."

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 116. Exclusions from gross income.

* * * * *

(a) Earned income from sources without the United States—(1) Foreign resident for entire taxable year.

In the case of an individual citizen of the United States, who establishes to the satisfaction of the Commissioner that he is a bona fide resident of a foreign country or countries during the entire taxable year, amounts received from sources without the United States (except amounts paid by the United States or any agency thereof) if such amounts constitute earned income as defined in paragraph (3); but such individuals shall not be allowed as a deduction from his gross income any deductions properly allocable to or chargeable against amounts excluded from gross income under this subsection.

(2) Taxable year of change of residence to United States.

In the case of an individual citizen of the United States, who has been a bona fide resident of a foreign country or countries for a period of at least two years before the date on which he changes his residence from such country to the United States, amounts received from sources without the United States (except amounts paid by the United States or any agency thereof), which are attributable to that part of such period of foreign residence before such date, if such amounts constitute earned income as defined in paragraph (3); but such individual shall not be allowed as a deduction from his gross income

any deductions properly allocable to or chargeable against amounts excluded from gross income under this subsection.

(3) Definition of earned income.

For the purposes of this subsection, "earned income" means wages, salaries, professional fees, and other amounts received as compensation for personal services actually rendered, but does not include that part of the compensation derived by the taxpayer for personal services rendered by him to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered. In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income producing factors, under regulations prescribed by the Commissioner with the approval of the Secretary, a reasonable allowance as compensation for the personal services rendered by the taxpayer, not in excess of 20 per centum of his share of the net profits of such trade or business, shall be considered as earned income.

* * * * *

(c) Income of foreign governments and of international organizations.

The income of foreign governments or international organizations received from investments in the United States in stocks, bonds, or other domestic securities, owned by such foreign governments or by international organizations, or from interest on deposits in banks in the United States of moneys belonging to such foreign governments or international organizations, or from any other source within the United States.

* * * * *

(h) Compensation of employees of foreign governments or of the Commonwealth of the Philippines—(1) Rule for exclusion.

Wages, fees, or salary of any employee of a foreign government or of an international organization or of the Commonwealth of the Philippines (including a consular or other officer, or a nondiplomatic representative), received as compensation for official services to such government, international organization, or such Commonwealth—

(A) If such employee is not a citizen of the United States, or is a citizen of the Commonwealth of the Philippines (whether or not a citizen of the United States); and

(B) If, in the case of an employee of a foreign government or of the Commonwealth of the Philippines, the services are of a character similar to those performed by employees of the Government of the United States in foreign countries or in the Commonwealth of the Philippines, as the case may be; and

(C) If, in the case of an employee of a foreign government or the Commonwealth of the Philippines, the foreign government or the Commonwealth grants an equivalent exemption to employees of the Government of the United States performing similar services in such foreign country or such Commonwealth, as the case may be.

(2) Certificate by Secretary of State.

The Secretary of State shall certify to the Secretary of the Treasury the names of the foreign countries which grant an equivalent exemption to the employees of the Government of the United States performing services in such foreign countries, and the character of the services performed by employees of the Government of the United States in foreign countries. If the Commonwealth of the Philippines grants an equivalent exemption to the employees of the United States performing services in such Commonwealth the Secretary of State shall certify such fact to the Secretary of the Treasury and the character of the services performed by employees of the Government of the United States in such Commonwealth.

* * * * *

[j. Cost-of-living allowances paid to civilian officers and employees stationed outside of continental United States.]

In the case of a clerk or employee in the Foreign Service of the United States, amounts received as cost-of-living allowances under authority of section 3, as amended, of the Act of February 23, 1931 [1]; and in the case of an ambassador, minister, diplomatic, consular, or Foreign Service officer, amounts received as post allowances under the authority of section 12, as amended and renumbered, of the Act of May 24, 1924 [2]; and in the case of other civilian officers or employees of the Government of the United States stationed outside continental United States, amounts received as cost-of-living allowances in accordance with regulations approved by the President. (As amended Oct. 21, 1942, 4:30 p. m., E W. T., ch 619, title I, §§ 148 (a), 149 (a), 56 Stat. 841, 842; Feb. 25, 1944, 12:49 p. m., E W. T., ch. 63, title I, § 107 (b), 125 (a), 58 Stat. 32, 46; Dec. 29, 1945, ch. 652, title I, § 4 (a, b), 59 Stat. 670.)

[1] Section 23c of Title 22, Foreign Relations and Intercourse

[2] Section 12 of Title 22, Foreign Relations and Intercourse

AMENDMENTS

1945—Subsec. (c) amended by act Dec. 29, 1945, § 4 (a), cited to text, which inserted "or international organizations" wherever appearing

Subsec (h) (1) amended by act Dec. 29, 1945, § 4 (b), cited to text, which inserted "or of an international organization" and "or an international organization", where appearing in par. (1), and inserted ", in the case of an employee of a foreign government or of the Commonwealth of the Philippines" following "If" in pars (1) (B) and (1) (C).

1944—Subsec. (a) was amended by act Feb. 25, 1944, cited to text, which struck out "if such amounts would constitute earned income as defined in section 25 (a) if received from sources within the United States" and inserted in lieu thereof "if such amounts constitute earned income as defined in paragraph (3)" in both pars (1), and (2), and added par. (3).

Subsec (j) was added by act Feb 25, 1944, cited to text. It was enacted without catchline which has been supplied by the editor.

1942—Subsecs (a, h) were amended by act Oct 21, 1942, cited to text.

EFFECTIVE DATE

Amendment of subsec. (c) by act Dec. 29, 1945, § 4 (a), cited to text, was made applicable to taxable years after Dec. 31, 1943, by section 4 (a) thereof.

Amendment of subsec. (h) (1) by act Dec. 29, 1945, § 4 (b), cited to text, was made effective to taxable years after Dec. 31, 1943, by section 4 (b) thereof.

Amendment of subsec. (a) by act Feb 25, 1944, § 107 (b), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 101 thereof

Addition of subsec. (j) by act Feb. 25, 1944, § 125 (a) cited to text, was made applicable to taxable years beginning after Dec. 31, 1942, by section 125 (b).

Amendment of subsec. (a) by act Oct. 21, 1942, § 148 (a), cited to text, was made effective by section 148 (b) thereof as follows: "(b) The amendment made by subsection (a) (to section 116 (a)) shall be applicable with respect to taxable years beginning after December 31, 1942, and so much of the amendment made by subsection (a) as inserts paragraph (2) in section 116 (a) shall also be applicable to taxable years beginning in 1942."

Amendment of subsec. (h) by act Oct. 21, 1942, § 149 (a), cited to text, was made applicable to taxable years beginning after Dec. 31, 1939, by section 149 (b) thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States" This provision was repeated in section 136 of act Feb. 25, 1944, also cited.

§ 117. Capital gains and losses—(a) Definitions.

* * * * *

(1) Capital assets.

The term "capital assets" means property held by the taxpayer (whether or not connected with his trade or business), but does not include stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business, or property, used in the trade or business, of a character which is subject to the allowance for depreciation provided in section 23 (*l*), or an obligation of the United States or any of its possessions, or of a State or Territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue, or real property used in the trade or business of the taxpayer;

(2) Short-term capital gain.

The term "short-term capital gain" means gain from the sale or exchange of a capital asset held for not more than 6 months, if and to the extent such gain is taken into account in computing net income;

(3) Short-term capital loss.

The term "short-term capital loss" means loss from the sale or exchange of a capital asset held for not more than 6 months, if and to the extent such loss is taken into account in computing net income;

(4) Long-term capital gain.

The term "long-term capital gain" means gain from the sale or exchange of a capital asset held for more than 6 months, if and to the extent such gain is taken into account in computing net income;

(5) Long-term capital loss.

The term "long-term capital loss" means loss from the sale or exchange of a capital asset held for more than 6 months, if and to the extent such loss is taken into account in computing net income;

(6) Net short-term capital gain.

The term "net short-term capital gain" means the excess of short-term capital gains for the taxable year over the short-term capital losses for such year;

* * * * *

(10) Net capital gain.

(A) Corporations.

In the case of a corporation, the term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges; and

(B) Other taxpayers.

In the case of a taxpayer other than a corporation, the term "net capital gain" means the excess of (i) the sum of the gains from sales or exchanges of capital assets, plus net income of the taxpayer or $1,000, whichever is smaller, over (ii) the losses from such sales or exchanges. For purposes of this subparagraph, net income shall be computed without regard to gains or losses from sales or exchanges of capital assets. If the tax is to be computed under Supplement T, "net income" as used in this subparagraph shall be read as "adjusted gross income".

(11) Net capital loss.

The term "net capital loss" means the excess of the losses from sales or exchanges of capital assets over the sum allowed under subsection (d). For the purpose of determining losses under this paragraph, amounts which are short-term capital losses under subsection (e) (1) shall be excluded.

(b) Percentage taken into account.

In the case of a taxpayer, other than a corporation, only the following percentages of the gain or loss recognized upon the sale or exchange of a capital asset shall be taken into account in computing net capital gain, net capital loss, and net income:

100 per centum if the capital asset has been held for not more than 6 months;

50 per centum if the capital asset has been held for more than 6 months.

(c) Alternative taxes—(1) Corporations.

If for any taxable year the net long-term capital gain of any corporation exceeds the net short-term capital loss, there shall be levied, collected, and paid, in lieu of the tax imposed by sections 13, 14, 15, 204, 207 (a) (1) or (3), and 500, a tax determined as follows, if and only if such tax is less than the tax imposed by such sections:

A partial tax shall first be computed upon the net income reduced by the amount of such excess, at the rates and in the manner as if this subsection had not been enacted, and the total tax shall be the partial tax plus 25 per centum of such excess.

(2) Other taxpayers.

If for any taxable year the net long-term capital gain of any taxpayer (other than a corporation) exceeds the net short-term capital loss, there shall be levied, collected, and paid, in lieu of the tax imposed by sections 11 and 12, a tax determined as

follows, if and only if such tax is less than the tax imposed by such sections:

A partial tax shall first be computed upon the net income reduced by the amount of such excess, at the rates and in the manner as if this subsection had not been enacted, and the total tax shall be the partial tax plus 50 per centum of such excess.

(d) Limitation on capital losses—(1) Corporations.

In the case of a corporation, losses from sales or exchanges of capital assets shall be allowed only to the extent of gains from such sales or exchanges

(2) Other taxpayers.

In the case of a taxpayer, other than a corporation, losses from sales or exchanges of capital assets shall be allowed only to the extent of the gains from such sales or exchanges, plus the net income of the taxpayer of [1] $1,000, whichever is smaller. For purposes of this paragraph, net income shall be computed without regard to gains or losses from sales or exchanges of capital assets. If the tax is to be computed under Supplement T, "net income" as used in this paragraph shall be read as "adjusted gross income".

(e) Capital loss carry-over—(1) Method of computation.

If for any taxable year beginning after December 31, 1941, the taxpayer has a net capital loss, the amount thereof shall be a short-term capital loss in each of the five succeeding taxable years to the extent that such amount exceeds the total of any net capital gains of any taxable years intervening between the taxable year in which the net capital loss arose and such succeeding taxable year. For purposes of this paragraph a net capital gain shall be computed without regard to such net capital loss or to any net capital losses arising in any such intervening taxable years.

(2) Rule for application of capital loss carry-over from 1941.

The amount of the net short-term capital loss of the last taxable year beginning in 1941 (computed without regard to amounts treated as short-term capital losses from the preceding taxable year), which is not in excess of the net income for such taxable year, shall, to the extent of the net short-term capital gain for the succeeding taxable year (computed without regard to this paragraph), be a short-term capital loss of such succeeding taxable year.

* * * * *

(h) Determination of period for which held.

For the purpose of this section—

(1) In determining the period for which the taxpayer has held property received on an exchange there shall be included the period for which he held the property exchanged, if under the provisions of section 113, the property received has, for the purpose of determining gain or loss from a sale or exchange, the same basis in whole or in part in his hands as the property exchanged. For the purposes of this paragraph, an involuntary conversion described in section 112 (f) shall be considered an exchange of the property converted for the property acquired.

* * * * *

(6) In determining the period for which the taxpayer has held stock or securities acquired from a corporation by the exercise of rights to acquire such stock or securities, there shall be included only the period beginning with the date upon which the right to acquire was exercised.

(i) Bond, etc., losses of banks.

For the purposes of this chapter, in the case of a bank, as defined in section 104, if the losses of the taxable year from sales or exchanges of bonds, debentures, notes, or certificates, or other evidence of indebtedness issued by any corporation (including one issued by a government or political subdivision thereof) with interest coupons or in registered form, exceed the gains of the taxable year from such sales or exchanges, no such sale or exchange shall be considered a sale or exchange of a capital asset.

(j) Gains and losses from involuntary conversion and from the sale or exchange of certain property used in the trade or business—(1) Definition of property used in the trade or business.

For the purposes of this subsection, the term "property used in the trade or business" means property used in the trade or business, of a character which is subject to the allowance for depreciation provided in section 23 (*l*), held for more than 6 months, and real property used in the trade or business, held for more than 6 months, which is not (A) property of a kind which would properly be includible in the inventory of the taxpayer if on hand at the close of the taxable year, or (B) property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business. Such term also includes timber with respect to which subsection (k) (1) or (2) is applicable.

(2) General rule.

If, during the taxable year, the recognized gains upon sales or exchanges of property used in the trade or business, plus the recognized gains from the compulsory or involuntary conversion (as a result of destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof) of property used in the trade or business and capital assets held for more than 6 months into other property or money, exceed the recognized losses from such sales, exchanges, and conversions, such gains and losses shall be considered as gains and losses from sales or exchanges of capital assets held for more than 6 months. If such gains do not exceed such losses, such gains and losses shall not be considered as gains and losses from sales or exchanges of capital assets. For the purposes of this paragraph:

(A) In determining under this paragraph whether gains exceed losses, the gains and losses described therein shall be included only if and to the extent taken into account in computing net income, except that subsections (b) and (d) shall not apply.

(B) Losses upon the destruction, in whole or in part, theft or seizure, or requisition or condemnation of property used in the trade or business or capital assets held for more than 6 months shall be considered losses from a compulsory or involuntary conversion.

(k) Gain or loss upon the cutting of timber.

(1) If the taxpayer so elects upon his return for a taxable year, the cutting of timber (for sale or for use in the taxpayer's trade or business) during such year by the taxpayer who owns, or has a contract right to cut, such timber (providing he has owned such timber or has held such contract right for a period of more than six months prior to the beginning of such year) shall be considered as a sale or exchange of such timber cut during such year. In case such election has been made, gain or loss to the taxpayer shall be recognized in an amount equal to the difference between the adjusted basis for depletion of such timber in the hands of the taxpayer and the fair market value of such timber. Such fair market value shall be the fair market value as of the first day of the taxable year in which such timber is cut, and shall thereafter be considered as the cost of such cut timber to the taxpayer for all purposes for which such cost is a necessary factor. If a taxpayer makes an election under this paragraph such election shall apply with respect to all timber which is owned by the taxpayer or which the taxpayer has a contract right to cut and shall be binding upon the taxpayer for the taxable year for which the election is made and for all subsequent years, unless the Commissioner, on showing of undue hardship, permits the taxpayer to revoke his election; such revocation, however, shall preclude any further elections under this paragraph except with the consent of the Commissioner.

(2) In the case of the disposal of timber (held for more than six months prior to such disposal) by the owner thereof under any form or type of contract by virtue of which the owner retains an economic interest in such timber, the difference between the amount received for such timber and the adjusted depletion basis thereof shall be considered as though it were a gain or loss, as the case may be, upon the sale of such timber. (As amended Sept. 20, 1941, 12:15 p. m., E. S T., ch. 412, title I, § 115 (b), 55 Stat 693; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 150 (a-d), 151 (a, b), (c) (1), 152, 56 Stat 844–847; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 127 (a, b), 58 Stat. 46, 47; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 8 (d), 58 Stat. 236.)

[1] So in original. Probably should read "or."

AMENDMENTS

1944—Subsec. (a) (10) (B) amended by act May 29, 1944, cited to text, which added last sentence beginning "If the tax".

Subsec. (d) (2) amended by act May 29, 1944, cited to text, which added last sentence beginning "If the tax".

Subsec (j) (1) amended by act Feb. 25, 1944, cited to text, which added last sentence.

Subsec (k) added by act Feb. 25, 1944, cited to text

1942—Subsecs (a) (1–6), (b–e), and (h) (1) were amended and subsecs. (a) (10, 11), (b) (6) and (i, j) were added by act Oct. 21, 1942, cited to text

1941—Subsec. (a) (1) was amended by act Sept 20, 1941, cited to text, which substituted matter beginning ", or an obligation of the United States * * *" for semicolon formerly at end.

EFFECTIVE DATE

Amendment of subsecs. (a) (10) (B) and (d) (2) by act May 29, 1944, § 8 (d) (1), (2), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Section 127 (c) of act Feb. 25, 1944, cited to text, provided as follows "A provision having the effect of section 117 (k) (2) of the Internal Revenue Code inserted by the amendment made by subsection (a) shall be deemed to be included in the revenue laws respectively applicable to taxable years beginning after February 28, 1913 The amendment made by subsection (b) [to subsec. (j) (1)] shall be effective as if it were made by section 151 of the Revenue Act of 1942"

Amendments of subsecs (a) (1–6, 10, 11) (b-e), (h) (6), (i, j) by act Oct. 21, 1942, §§ 150 (a d), 151 (a, b), 152, cited to text, were made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Amendment of subsec. (h) (1) by act Oct 21, 1942, § 151 (c) (1), cited to text, was made applicable to taxable years beginning after Dec. 31, 1938, by section 151 (c) (2) thereof

Act Sept 20, 1941, § 115 (b), cited to text, which amended subsec (a) (1) of this section, was made applicable with respect to taxable years ending after Feb 28, 1941, by section 115 (c) thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States." This provision was repeated in section 109 of act Oct 21, 1942, also cited. This provision was repeated in section 136 of act Feb. 25, 1944, also cited.

§ 119. Income from sources within United States—
(a) Gross income from sources in United States.

* * * * *

(1) Interest.

Interest from the United States, any Territory, any political subdivision of a Territory, or the District of Columbia, and interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise, not including—

(A) interest on deposits with persons carrying on the banking business paid to persons not engaged in business within the United States, or

(B) interest received from a resident alien individual, a resident foreign corporation, or a domestic corporation, when it is shown to the satisfaction of the Commissioner that less than 20 per centum of the gross income of such resident payor or domestic corporation has been derived from sources within the United States, as determined under the provisions of this section, for the three-year period ending with the close of the taxable year of such payor preceding the payment of such interest, or for such part of such period as may be applicable, or

(C) income derived by a foreign central bank of issue from bankers' acceptances;

(As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 160 (c), 56 Stat. 861.)

* * * * *

AMENDMENTS

1942—Subsec. (a) (1) was amended by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 122. Net operating loss deduction—(a) Definition of net operating loss.

As used in this section, the term "net operating loss" means the excess of the deductions allowed by this chapter over the gross income, with the exceptions, additions, and limitations provided in subsection (d).

(b) Amount of carry-back and carry-over—(1) Net operating loss carry-back.

If for any taxable year beginning after December 31, 1941, the taxpayer has a net operating loss, such net operating loss shall be a net operating loss carry-back for each of the two preceding taxable years, except that the carry-back in the case of the first preceding taxable year shall be the excess, if any, of the amount of such net operating loss over the net income for the second preceding taxable year computed (A) with the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and (B) by determining the net operating loss deduction for such second preceding taxable year without regard to such net operating loss.

(2) Net operating loss carry-over.

If for any taxable year the taxpayer has a net operating loss, such net operating loss shall be a net operating loss carry-over for each of the two succeeding taxable years, except that the carry-over in the case of the second succeeding taxable year shall be the excess, if any, of the amount of such net operating loss over the net income for the intervening taxable year computed (A) with the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and (B) by determining the net operating loss deduction for such intervening taxable year without regard to such net operating loss and without regard to any net operating loss carry-back. For the purposes of the preceding sentence, the net operating loss for any taxable year beginning after December 31, 1941 shall be reduced by the sum of the net income for each of the two preceding taxable years (computed for each such preceding taxable year with the exceptions, additions, and limitations provided in subsection (d) (1), (2), (4), and (6), and computed by determining the net operating loss deduction without regard to such net operating loss or to the net operating loss for the succeeding taxable year).

(c) Amount of net operating loss deduction.

The amount of the net operating loss deduction shall be the aggregate of the net operating loss carry-overs and of the net operating loss carry-backs to the taxable year reduced by the amount, if any, by which the net income (computed with the exceptions and limitations provided in subsection (d) (1), (2), (3), and (4)) exceeds, in the case of a taxpayer other than a corporation, the net income (computed without such deduction), or, in the case of a corporation, the normal-tax net income (computed without such deduction and without the credit provided in section 26 (e));

(d) Exceptions, additions, and limitations.

The exceptions, additions, and limitations referred to in subsections (a), (b), and (c) shall be as follows:

(1) The deduction for depletion shall not exceed the amount which would be allowable if computed without reference to discovery value or to percentage depletion under section 114 (b) (2), (3), or (4);

(2) There shall be included in computing gross income the amount of interest received which is wholly exempt from the taxes imposed by this chapter, decreased by the amount of interest paid or accrued which is not allowed as a deduction by section 23 (b), relating to interest on indebtedness incurred or continued to purchase or carry certain tax-exempt obligations;

(3) No net operating loss deduction shall be allowed;

(4) Gains and losses from sales or exchanges of capital assets shall be taken into account without regard to the provisions of section 117 (b). As so computed the amount deductible on account of such losses shall not exceed the amount includible on account of such gains.

(5) Deductions otherwise allowed by law not attributable to the operation of a trade or business regularly carried on by the taxpayer shall (in the case of a taxpayer other than a corporation) be allowed only to the extent of the amount of the gross income not derived from such trade or business. For the purposes of this paragraph deductions and gross income shall be computed with the exceptions, additions, and limitations specified in paragraphs (1) to (4) of this subsection.

(6) There shall be allowed as a deduction the amount of tax imposed by Subchapter E of Chapter 2 paid or accrued within the taxable year, subject to the following rules—

(A) No reduction in such tax shall be made by reason of the credit for income, war-profits, or excess-profits taxes paid to any foreign country or possession of the United States;

(B) Such tax shall be computed without regard to the adjustments provided in section 734; and

(C) Such tax, in the case of a consolidated return for excess-profits tax purposes, shall be allocated to the members of the affiliated group under regulations prescribed by the Commissioner, with the approval of the Secretary.

(e) No carry-back to year prior to 1941.

As used in this section, the term "preceding taxable year" and the term "preceding taxable years" do not include any taxable year beginning prior to January 1, 1941. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 105 (e) (3), 150 (e), 153 (a–c), 56 Stat. 807, 844, 847 848.)

AMENDMENTS

1942—Subsecs. (a–c), (d) (opening par., and 4, 5), (e) were amended and subsec. (d) (6) was added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Amendments of subsecs (a) and (d) by act Oct. 21, 1942, §§ 105 (e), 150 (e), cited to text, were made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

Amendments of subsecs. (b, c), and (e) by act Oct. 21, 1942, § 153 (a–c), cited to text, were made applicable to taxable years beginning after Dec 31, 1940, by section 153 (e) thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 123. Commodity credit loans.

* * * * *

(c) The election provided for in subsection (a) with respect to taxable years beginning after December 31, 1938, and before January 1, 1942, may be exercised by the taxpayer at, or at any time prior to, the time prescribed for the filing of the taxpayer's return for the taxable year of the taxpayer beginning in 1942, or if there is more than one taxable year of the taxpayer beginning in 1942, for the last taxable year so beginning, provided the records of the taxpayer are sufficient to permit an accurate computation of income for such years, and the taxpayer consents in writing to the assessment, within such period as may be agreed upon, of any deficiency for such years, even though the statutory period for the assessment of any such deficiency had expired prior to the filing of such consent. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 154 (a), 56 Stat 848.)

AMENDMENTS

1942—Subsec. (c) was added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 124. Amortization deduction—(a) General rule.

Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any emergency facility (as defined in subsection (e)), based on a period of sixty months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction above provided with respect to any month shall, except to the extent provided in subsection (g) of this section, be in lieu of the deduction with respect to such facility for such month provided by section 23 (*l*), relating to exhaustion, wear and tear, and obsolescence. The sixty-month period shall begin as to any emergency facility, at the election of the taxpayer, with the month following the month in which the facility was completed or acquired, or with the succeeding taxable year.

(b) Election of amortization.

The election of the taxpayer to take the amortization deduction and to begin the sixty-month period with the month following the month in which the facility was completed or acquired shall (except as provided in subsection (d) (3)) be made only by a statement to that effect in its return for the taxable year in which the facility was completed or acquired. Its election to take the amortization deduction and to begin such period with the taxable year succeeding such year shall be made only by a statement to that effect in its return for such succeeding taxable year. In the case of an emergency facility completed or acquired (1) after December 31, 1939, and before June 11, 1940, by a corporation, or (2) after December 31, 1939, and before January 1, 1942, by a person other than a corporation, the taxpayer's election to take the amortization deduction and to begin such period with either the month following the month in which the facility was completed or acquired or with the succeeding taxable year shall be made only by a statement in writing to that effect to the Commissioner and shall be made before the expiration of six months after the date of enactment of the Revenue Act of 1942.[1]

* * * * *

(d) Termination of amortization period.

* * * * *

(3) In the case of a taxpayer which has not elected, in the manner prescribed in subsection (b), to take an amortization deduction with respect to an emergency facility, if the date of the proclamation or the date specified in the certificate, referred to in paragraph (1) of this subsection, whichever is earlier, is before the expiration of sixty months from the last day of the month in which such emergency facility was completed or acquired, then the taxpayer may elect (in accordance with paragraph (4) of this subsection) the amortization deduction provided in subsection (a), using an amortization period beginning with the month following the month in which the emergency facility was completed or acquired and ending as of the end of the month within which such proclamation was issued or within which occurred the date specified in such certificate, whichever is the earlier.

* * * * *

(6) In the case of a taxpayer which has not elected, in the manner prescribed in subsection (b), to take an amortization deduction with respect to an emergency facility, if the date of the proclamation referred to in paragraph (1) of this subsection or the date specified in the certificate referred to in paragraph (1) of this subsection is before the completion of such emergency facility, then the taxpayer may elect (in accordance with paragraph (4) of this subsection) the amortization deduction provided in subsection (a), using an amortization period beginning with the month in which the con-

struction, reconstruction, erection, or installation of the emergency facility was begun and ending as of the end of the month within which such proclamation was issued or within which occurred the date specified in the certificate referred to in paragraph (1) of this subsection, whichever is the earlier.

(e) Definitions—(1) Emergency facility.

As used in this section, the term "emergency facility" means any facility, land, building, machinery, or equipment, or part thereof, the construction, reconstruction, erection, installation, or acquisition of which was completed after December 31, 1939, and with respect to which a certificate under subsection (f) has been made. For the purposes of this section, the part of any facility which was constructed, reconstructed, erected, or installed by any person after December 31, 1939, and not earlier than six months prior to the filing of an application for a certificate under subsection (f), and with respect to which part a certificate under subsection (f) has been made, shall be deemed to be an emergency facility, notwithstanding that the other part of such facility was constructed, reconstructed, erected, or installed earlier than six months prior to the filing of such application. For the purposes of this section, the part of any facility which was constructed, reconstructed, erected, or installed by a corporation after December 31, 1939, and before June 11, 1940, and with respect to which part a certificate under subsection (f) has been made, shall be deemed to be an emergency facility and to have been completed on June 10, 1940, notwithstanding that the entire facility was not completed until after June 10, 1940

(2) Emergency period.

As used in this section, the term "emergency period" means the period beginning January 1, 1940, and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities with respect to which certifications under subsection (f) have been made is no longer required in the interest of national defense.

(f) Determination of adjusted basis of emergency facility.

* * * * *

(1) There shall be included only so much of the amount otherwise constituting such adjusted basis as is properly attributable to such construction, reconstruction, erection, installation, or acquisition after December 31, 1939, as either the Secretary of War or the Secretary of the Navy has certified as necessary in the interest of national defense during the emergency period, which certification shall be under such regulations as may be prescribed from time to time by the Secretary of War and the Secretary of the Navy, with the approval of the President.

* * * * *

(3) The certificate provided for in paragraph (1) shall have no effect unless an application therefor is filed before the expiration of six months after the beginning of such construction, reconstruction, erection, or installation or the date of such acquisition, or before December 1, 1941, whichever is later, except that—

(A) in the case of an emergency facility completed or acquired by a corporation after December 31, 1939, and before June 11, 1940, such certificate shall have no effect unless an application therefor is filed before the expiration of six months after the date of the enactment of the Revenue Act of 1942,[1] and

(B) in the case of an emergency facility completed or acquired after December 31, 1939, by a person other than a corporation, such certificate shall have no effect unless an application therefor is filed before the expiration of six months after the beginning of such construction, reconstruction, erection, or installation or the date of such acquisition, or before the expiration of six months after the date of the enactment of the Revenue Act of 1942,[1] whichever is later.

In no event and notwithstanding any of the other provisions of this section, no amortization deduction shall be allowed in respect of any emergency facility for any taxable year—

(C) unless a certificate in respect thereof under paragraph (1) shall have been made (i) prior to the filing of the taxpayer's return for such taxable year, or prior to the making of an election pursuant to subsection (d) (3) or subsection (d) (6) of this section to take the amortization deduction, or (ii) before December 1, 1941, whichever is later; or

(D) in the case of an emergency facility completed or acquired by a corporation after December 31, 1939, and before June 11, 1940, unless a certificate in respect thereof under paragraph (1) shall have been made prior to the expiration of twelve months after the date of enactment of the Revenue Act of 1942;[1] or

(E) in the case of an emergency facility completed or acquired after December 31, 1939, and before January 1, 1943, by a person other than a corporation, unless a certificate in respect thereof under paragraph (1) shall have been made (i) prior to the expiration of nine months after the last date upon which an application for such certificate may be filed, or (ii) prior to the expiration of twelve months after the date of enactment of the Revenue Act of 1942,[1] whichever is later.

* * * * *

(i) Life tenant and remainderman.

In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

(j) Application for tentative adjustment.

Any taxpayer who has filed a statement of election as prescribed in paragraph (4) of subsection (d) may, within ninety days from the date such statement is filed, or within ninety days from the date of enactment of this Act, whichever is the later, file an application for tentative adjustment with respect to the taxes for taxable years prior to the taxable year in which such application is filed

which are to be computed as required by paragraph (4) of subsection (d) as the result of such election. Such application shall be verified in the manner prescribed by section 51 or section 52 in the case of a return of such taxpayer and shall be made in such manner and form as shall be required by regulations prescribed by the Commissioner with the approval of the Secretary, and shall set forth, in such detail and with such supporting data and explanation as such regulations shall require, the recomputation of such taxes required by paragraph (4) of subsection (d) except that the tax for each taxable year to be recomputed shall be the tax for such year previously determined, ascertained in accordance with the method prescribed in section 3801 (d). If an application under section 3780 (a) for tentative carry-back adjustment has been previously filed, but such adjustment has not been previously determined, then for the purpose of subsection (j) and (k), the assessments, applications, credits, and refunds provided in section 3780 (b) shall be considered as having been previously made upon the basis of such application under section 3780 (a). Such recomputation of tax shall be made on the basis of the items on the basis of which the tax to be recomputed was determined. Such application shall also set forth the unpaid amount of each tax recomputed and such other information for the purpose of carrying out the provisions of subsections (j) and (k) as may be required by such regulations. An application under this subsection shall not constitute a claim for credit or refund.

(k) Allowance of adjustment

Within a period of ninety days from the filing of an application under subsection (j), the Commissioner shall make, to the extent he deems practical in such period, a limited examination of the application for omissions and errors of computation, and shall determine the amount of the increase or decrease in each tax to which such application relates, on the basis of the application and the examination, except that the Commissioner may disallow, without further action, any application which he finds contains material omissions, or errors of computation which he deems cannot be corrected by him within such ninety-day period. Each increase shall be deemed determined as a deficiency and assessed, without regard to the restrictions on assessment in section 272. Each decrease shall be applied against any unpaid amount of the tax decreased, and any remainder shall be credited against the deficiencies (and interest or additions to the tax) assessed under this subsection, and any remainder shall, within such ninety-day period, be either credited against any other income, war profits, or excess profits tax, or instalment thereof, due from the taxpayer, or refunded to the taxpayer. The application, credit, or refund of a decrease determined under this subsection shall be deemed a credit or refund of an overpayment within the meaning of section 781 (b). (Added Oct. 8, 1940, 11 p. m., E. S. T., ch. 757, title III, § 302, 54 Stat. 999, as amended Jan. 31, 1941, ch. 3, §§ 1–3, 55 Stat. 4; Oct 30, 1941, ch. 464, §§ 1–3, 55 Stat. 757; Feb. 6, 1942, ch. 41, 56 Stat. 50; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 155 (a–f), 56 Stat. 849–851; July 31, 1945, ch. 340, § 7, 59 Stat. 525.)

[1] Revenue act of 1942 was enacted Oct. 21, 1942, 4:30 p. m., E. W. T.

AMENDMENTS

1945—Subsec. (j) and (k) added by act July 31, 1945, cited to text.

1942—Subsecs. (a, b), (d) (3), (e), (f) (1, 3) were amended and subsecs. (d) (6), and (i) were added by act Oct 21, 1942, cited to text.

Former subsec. (i), which related to protection of the United States with reference to use and disposition of emergency facilities, was repealed by res Feb. 6, 1942, cited to text.

1941—Subsecs (f) (1), (f) (3), and (i) were amended by res Jan 31, 1941, §§ 1-3, respectively, and res. Oct. 30, 1941, §§ 1–3, respectively, both cited to text.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, amending subsecs. (a, b), (d) (3, 6), (e), (f) (1, 3), and (i) of this section, was made effective as of Oct. 8, 1940, by section 155 (i) thereof.

Section 4 of said res Jan 31, 1941, cited to text, provided as follows "The amendments made by this joint resolution to section 124 of the Internal Revenue Code shall be applicable as if they were a part of such section on the date of the enactment of the Second Revenue Act of 1940 (Oct. 8, 1940, 11 p m., E. S. T.)." Repeated in section 4 of res Oct 30, 1941, also cited.

SHORT TITLE

Section 1 of act July 31, 1945, cited to text, provided: "That this act [sections 124, 141, 276, 292, 294, 322, 710, 729, 780, 781, 783, 784, 3771, 3777, 3779–3781 of this title] may be cited as the 'Tax Adjustment Act of 1945'."

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows. "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

OVERPAYMENTS

Section 155 (j) of act Oct. 21, 1942, cited to text, provided as follows: "(j) Where a tax paid under Chapter 1, Chapter 2B, or Chapter 2E of the Internal Revenue Code is in excess of the tax which would have been paid had section 124 of the Internal Revenue Code, as previously amended, been enacted on October 8, 1940, to read as amended by this section, then credit or refund of such excess may be made without interest, in accordance with the provisions of law applicable in the case of erroneous or illegal assessment or collection or overpayment of the tax."

EX. ORD NO. 9486 TRANSFER OF FUNCTIONS WITH RESPECT TO NON-NECESSITY CERTIFICATES FROM THE SECRETARIES OF WAR AND NAVY TO WAR PRODUCTION BOARD CHAIRMAN

Ex. Ord No 9486, Oct. 2, 1944, 9 F R 11987, provided. By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (55 Stat 838) [sections 601–605 of Appendix to Title 50], and as President of the United States, and in order to enable the Chairman of the War Production Board more effectively to carry out his responsibilities with respect to the regulation of production and supply of materials, articles, and equipment, and services required for the national defense, it is ordered as follows.

The functions, powers, and duties conferred upon the Secretary of War and the Secretary of the Navy with regard to the certification pursuant to section 124 (d) of the Internal Revenue Code [this section], that an emergency facility ceased, on the date specified in the certificate, to be necessary in the interest of national defense during the emergency period, are hereby transferred from the Secretary of War and the Secretary of the Navy to the Chairman of the War Production Board.

EX. ORD. NO. 9487. REGULATIONS GOVERNING ISSUANCE OF NON-NECESSITY CERTIFICATES UNDER THIS SECTION

Ex Ord. No. 9487, Oct 2, 1944, 9 F. R 11987, as corrected Ex. Ord No 9487, Oct. 13, 1944, 9 F. R 12403, as amended Ex. Ord. No 9676, Jan. 15, 1946, 11 F R 627, provided:

WHEREAS the functions, powers, and duties of the Secretary of War and the Secretary of the Navy with regard to certification pursuant to section 124 (d) of the Internal Revenue Code [this section] that an emergency facility ceased, on the date specified in the certificate, to be necessary in the interest of national defense during the emergency period, have been transferred to the Chairman of the War Production Board by Executive order of this date [Ex Ord No 9486, set out as a note under this section].

NOW, THEREFORE, by virtue of the authority vested in me by section 124 (d) of the Internal Revenue Code [this section], I hereby prescribe the following regulations governing the issuance of Non-Necessity Certificates under section 124 (d) of the Internal Revenue Code [this section]

1. *Definitions.* As used throughout these regulations:

(a) "Emergency facility" means any facility, land, building, machinery, or equipment, or part thereof, the construction, reconstruction, erection, installation, or acquisition of which was completed after December 31, 1939, and with respect to which a Necessity Certificate has been made

(b) "Necessity Certificate" means a certificate made pursuant to section 124 (f) of the Internal Revenue Code [this section], as amended, certifying that the construction, reconstruction, erection, installation, or acquisition of the facility, referred to in the certificate, is necessary in the interest of national defense during the emergency period

(c) "Emergency period" means the period beginning January 1, 1940, and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities with respect to which certifications under section 124 (f) of the Internal Revenue Code [this section] have been made is no longer required in the interest of national defense

(d) "Non-Necessity Certificate" means a certificate made pursuant to section 124 (d) of the Internal Revenue Code [this section], certifying that an emergency facility ceased, on the date specified in the certificate, to be necessary in the interest of national defense during the emergency period

(e) "Certifying authority" means the Chairman of the War Production Board or his duly authorized representative

2 *Determination of non-necessity.* An emergency facility shall be considered as having ceased to be necessary in the interest of national defense during the emergency period and a Non-Necessity Certificate with respect thereto shall be promptly issued by the certifying authority upon proper application therefor where, in view of the condition, location and ownership of such emergency facility, the certifying authority has determined that no presently foreseeable substantial need for such emergency facility exists in the interests of national defense

3. *Procedure* The certifying authority is empowered to obtain reports and recommendations from such government agencies as it may designate

4 *Date to be specified in certificate* The certificate will specify the date on which the emergency facility ceased to be necessary in the interest of national defense.

5 *Form of application* An application for a Non-Necessity Certificate shall be in the form prescribed by the certifying authority

6 *Place of filing application* An application for a Non-Necessity Certificate shall be filed with the War Production Board in Washington, D C, or at any other office designated by the certifying authority.

7 *Terminal Date for Filing Application.* A Non-Necessity Certificate shall be issued only if application therefor is filed in conformity with the provisions of these regulations.

EX. ORD NO. 9490. TRANSFER OF FUNCTIONS OF THE SECRETARIES OF WAR AND NAVY UNDER THIS SECTION TO THE CHAIRMAN OF THE WAR PRODUCTION BOARD

Ex. Ord No 9490, Oct. 21, 1944, 9 F. R 12707, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (55 Stat 838) [sections 601–605 of Appendix to Title 50], and as President of the United States, and in order to enable the Chairman of the War Production Board more effectively to carry out his responsibilities with respect to the regulation of production and supply of materials, articles, equipment, and services, required for the national defense, it is ordered as follows.

1 There are hereby transferred to the Chairman of the War Production Board all functions, powers, and duties, not heretofore transferred, of the Secretary of War and the Secretary of the Navy under (a) section 124 of the Internal Revenue Code [this section], (b) regulations and all amendments thereof issued under such section, and (c) any Executive order relating to such section, including particularly, but not by way of limitation, the functions, powers, and duties with respect to amending necessity certificates issued pursuant to section 124 (f) of the Internal Revenue Code [this section], and with respect to certification pursuant to section 124 (h) of the Internal Revenue Code [this section].

2 So much as the Director of the Bureau of the Budget shall determine of the appropriations, allocations, and other funds available for, and of the records, property, and civilian personnel used primarily in, the administration of the functions, powers, and duties transferred by this order, shall be transferred from the War and Navy Departments to the War Production Board

3 All prior Executive orders in conflict with this order are amended accordingly

EX ORD NO 9491 REGULATIONS CONCERNING THE ISSUANCE OF PAYMENT CERTIFICATES UNDER THIS SECTION

Ex Ord No 9491, Oct 21, 1944, 9 F R 12707, provided.

WHEREAS the President of the United States is authorized by the provisions of section 124 (h) of the Internal Revenue Code [this section] to prescribe regulations governing the issuance of payment certificates under said section, and

WHEREAS the functions, powers and duties of the Secretary of War and the Secretary of the Navy with respect to such certificates have been transferred to the Chairman of the War Production Board by Executive order of this date

NOW, THEREFORE, by virtue of the authority so vested in me as President, the following regulations are hereby prescribed:

1 *Definitions.* As used throughout these regulations—

a "Emergency facility" means any facility, land, building, machinery, or equipment, or part thereof, the construction reconstruction, erection, or installation of which was completed after December 31, 1939, or which was acquired after such date, and with respect to which a necessity certificate has been made pursuant to section 124 (f) of the Internal Revenue Code [this section].

b "Payment certificate" means a certificate made pursuant to section 124 (h) of the Internal Revenue Code [this section]

c "Certifying authority" means the Chairman of the War Production Board or his duly authorized representative

d "Contracting agency" means any Government agency which has been or hereafter may be authorized to make contracts pursuant to section 201 of the First War Powers Act, 1941 [section 611 of Appendix to Title 50], and includes the Reconstruction Finance Corporation and any corporation organized pursuant to the Reconstruction Finance Corporation Act (47 Stat 5), as amended [sections 601-617 of Title 15], the Smaller War Plants Corporation, and the War Production Board

2 *Circumstances under which a Payment Certificate may be issued* The certifying authority may issue a payment certificate when it is determined that a payment has been made by the United States with respect to an emergency facility, as compensation to the taxpayer

for the unamortized cost of the emergency facility because—

a A contract with the United States involving the use of the facility has been terminated by its terms or by cancellation, or,

b. The taxpayer had reasonable grounds (either from provisions of a contract with the United States involving the use of the facility, or from written or oral representations made under authority of the United States) for anticipating future contracts involving the use of the facility, which future contracts have not been made

3. *Procedure* The certifying authority is empowered to obtain a certified statement from the officer of the contracting agency who authorized the payment (or his successor in office or duly authorized representative) as proof of—

a the date of payment,

b. the amount of payment,

c. the facility for which the payment was made, and

d the fact that the payment was made as compensation for the unamortized cost of an emergency facility for one of the reasons stated in paragraph 2 hereof

4 *Administrative matters.* The certifying authority may from time to time issue supplemental rules relating to payment certificates, including rules with respect to the form of application, the time and place of filing, and other administrative matters pertaining to such certificates

§ 125. Amortizable bond premium—(a) General rule.

In the case of any bond, as defined in subsection (d), the following rules shall apply to the amortizable bond premium (determined under subsection (b)) on the bond for any taxable year beginning after December 31, 1941:

(1) Interest wholly or partially taxable.

In the case of a bond (other than a bond the interest on which is excludible from gross income), the amount of the amortizable bond premium for the taxable year shall be allowed as a deduction.

(2) Interest wholly tax-exempt.

In the case of any bond the interest on which is excludible from gross income, no deduction shall be allowed for the amortizable bond premium for the taxable year.

(3) Adjustment of credit in case of interest partially tax-exempt.

In the case of any bond the interest on which is allowable as a credit against net income, the credit provided in section 25 (a) (1) or (2), or section 26 (a), as the case may be, shall be reduced by the amount of the amortizable bond premium for the taxable year.

(For adjustment to basis on account of amortizable bond premium, see section 113 (b) (1) (H)).

(b) Amortizable bond premium—(1) Amount of bond premium.

For the purposes of paragraph (2), the amount of bond premium, in the case of the holder of any bond, shall be determined with reference to the amount of the basis (for determining loss on sale or exchange) of such bond, and with reference to the amount payable on maturity or on earlier call date, with adjustments proper to reflect unamortized bond premium with respect to the bond, for the period prior to the date as of which subsection (a) becomes applicable with respect to the taxpayer with respect to such bond.

(2) Amount amortizable.

The amortizable bond premium of the taxable year shall be the amount of the bond premium attributable to such year.

(3) Method of determination.

The determinations required under paragraphs (1) and (2) shall be made—

(A) in accordance with the method of amortizing bond premium regularly employed by the holder of the bond, if such method is reasonable;

(B) in all other cases, in accordance with regulations prescribing reasonable methods of amortizing bond premium, prescribed by the Commissioner with the approval of the Secretary.

(c) Election on taxable and partially taxable bonds—(1) Eligibility to elect and bonds with respect to which election permitted.

This section shall apply with respect to the following classes of taxpayers with respect to the following classes of bonds only if the taxpayer has elected to have this section apply.

(A) Partially tax-exempt.

In the case of a taxpayer other than a corporation, bonds with respect to the interest on which the credit provided in section 25 (a) (1) or (2) is allowable; and

(B) Wholly taxable.

In the case of any taxpayer, bonds the interest on which is not excludible from gross income but with respect to which the credit provided in section 25 (a) (1) or (2), or section 26 (a), as the case may be, is not allowable.

(2) Manner and effect of election.

The election authorized under this subsection shall be made in accordance with such regulations as the Commissioner with the approval of the Secretary shall prescribe. If such election is made with respect to any bond (described in paragraph (1)) of the taxpayer, it shall also apply to all such bonds held by the taxpayer at the beginning of the first taxable year to which the election applies and to all such bonds thereafter acquired by him and shall be binding for all subsequent taxable years with respect to all such bonds of the taxpayer, unless, upon application by the taxpayer, the Commissioner permits him, subject to such conditions as the Commissioner deems necessary, to revoke such election. The election authorized under this subsection in the case of a member of a partnership shall be exercisable with respect to bonds of the partnership only by the partnership. In the case of bonds held by a common trust fund, as defined in section 169, or by a foreign personal holding company, as defined in section 331, the election authorized under this subsection shall be exercisable with respect to such bonds only by the common trust fund or foreign personal holding company.

(d) Definition of bond.

As used in this section, the term "bond" means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by any corporation and bearing interest (including any like obligation

issued by a government or political subdivision thereof), with interest coupons or in registered form, but does not include any such obligation which constitutes stock in trade of the taxpayer or any such obligation of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or any such obligation held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 126 (b), 56 Stat. 822.)

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows. "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 126. Income in respect of decedents—(a) Inclusion in gross income—(1) General rule.

The amount of all items of gross income in respect of a decedent which are not properly includible in respect of the taxable period in which falls the date of his death or a prior period shall be included in the gross income, for the taxable year when received, of:

(A) the estate of the decedent, if the right to receive the amount is acquired by the decedent's estate from the decedent;

(B) the person who, by reason of the death of the decedent, acquires the right to receive the amount, if the right to receive the amount is not acquired by the decedent's estate from the decedent; or

(C) the person who acquires from the decedent the right to receive the amount by bequest, devise, or inheritance, if the amount is received after a distribution by the decedent's estate of such right.

(2) Income in case of sale, etc.

If a right, described in paragraph (1), to receive an amount is transferred by the estate of the decedent or a person who receives such right by reason of the death of the decedent or by bequest, devise, or inheritance from the decedent, there shall be included in the gross income of the estate or such person, as the case may be, for the taxable period in which the transfer occurs, the fair market value of such right at the time of such transfer plus the amount by which any consideration for the transfer exceeds such fair market value. For the purposes of this paragraph, the term "transfer" includes sale, exchange, or other disposition, but does not include a transfer to a person pursuant to the right of such person to receive such amount by reason of the death of the decedent or by bequest, devise, or inheritance from the decedent.

(3) Character of income determined by reference to decedent.

The right, described in paragraph (1), to receive an amount shall be treated, in the hands of the estate of the decedent or any person who acquired such right by reason of the death of the decedent, or by bequest, devise, or inheritance from the decedent, as if it had been acquired by the estate or such person in the transaction by which the decedent acquired such right; and the amount includible in gross income under paragraph (1) or (2) shall be considered in the hands of the estate or such person to have the character which it would have had in the hands of the decedent if the decedent had lived and received such amount.

(b) Allowance of deductions and credit.

The amount of any deduction specified in section 23 (a), (b), (c), or (m) (relating to deductions for expenses, interest, taxes, and depletion) or credit specified in section 31 (foreign tax credit), in respect of a decedent which is not properly allowable to the decedent in respect of the taxable period in which falls the date of his death, or a prior period, shall be allowed:

(1) Expenses, interest, and taxes.

In the case of a deduction specified in section 23 (a), (b), or (c) and a credit specified in section 31, in the taxable year when paid,—

(A) to the estate of the decedent; except that

(B) if the estate of the decedent is not liable to discharge the obligation to which the deduction or credit relates, to the person who, by reason of the death of the decedent or by bequest, devise, or inheritance acquires, subject to such obligation, from the decedent an interest in property of the decedent.

(2) Depletion.

In the case of the deduction specified in section 23 (m), to the person described in subsection (a) (1) (A), (B), or (C) who, in the manner described therein, receives the income to which the deduction relates, in the taxable year when such income is received.

(c) Deduction for estate tax—(1) Allowance of deduction.

A person who includes an amount in gross income under subsection (a) shall be allowed, for the same taxable year, as a deduction an amount which bears the same ratio to the estate tax attributable to the net value for estate tax purposes of all the items described in subsection (a) (1) as the value for estate tax purposes of the items of gross income or portions thereof in respect of which such person included the amount in gross income (or the amount included in gross income, whichever is lower) bears to the value for estate tax purposes of all the items described in subsection (a) (1).

(2) Method of computing deduction.

For the purposes of paragraph (1):

(A) The term "estate tax" means the tax imposed upon the estate of the decedent under section 810 or 860, reduced by the credits against such tax, plus the tax imposed upon the estate of the decedent under section 935, reduced by the credits against such tax.

(B) The net value for estate tax purposes of all the items described in subsection (a) (1) shall be the excess of the value for estate tax purposes of all the items described in subsection (a) (1) over the deductions from the gross estate in respect of claims

which represent the deductions and credit described in subsection (b).

(C) The estate tax attributable to such net value shall be an amount equal to the excess of the estate tax over the estate tax computed without including in the gross estate such net value. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 134 (e), 56 Stat. 831.)

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years ending after Dec 31, 1942, by section 134 (f) thereof.

COMPUTATION OF TAXES BETWEEN 1933 AND 1943

Section 134 (g) of act Oct. 21, 1942, cited to text, provided as follows:

"(g) In case the taxable period in which falls the date of the death of the decedent began after December 31, 1933, and before January 1, 1943, the tax for such taxable period shall be computed as if provisions corresponding to the provisions of sections 42 (a) and 43 of the Internal Revenue Code, as amended by subsections (a) and (b) of this section, were a part of the Revenue Act of 1934, the Revenue Act of 1936, the Revenue Act of 1938, or the Internal Revenue Code, whichever is applicable to such taxable period. In the case of the estate of such a decedent and of each person who acquires by reason of the death of such decedent or by bequest, devise, or inheritance from such decedent the right to receive the amount of items of gross income of the decedent which upon the application of the preceding sentence are not properly includible in respect of the taxable period in which falls the date of the decedent's death or a prior period, the tax for each taxable period ending on or after the date on which the decedent died shall be computed by including in gross income the amounts with respect to such decedent which would be includible, and by allowing as deductions and credits the amounts with respect to such decedent which would be allowable, if provisions corresponding to the provisions of the section inserted in the Internal Revenue Code (section 126) by subsection (e) of this section were a part of the law applicable to such taxable period The provisions of this subsection shall not be applicable unless there are filed with the Commissioner (in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, and at the time prescribed by such regulations) signed consents made under oath by the fiduciary representing the estate and by each such person (or if any such person is no longer in existence or is under disability, by his legal representative) that with respect to such amounts the tax of the estate, or the tax of such person, as the case may be, shall be computed under the provisions of this subsection for each taxable period ending on or after the date of the death of the decedent and the tax of the decedent shall be computed under such provisions for the taxable period of the decedent in which falls the date of his death If such consent is filed after the time for the filing of the return with respect to any such taxable period, the deficiency resulting from the failure to compute the tax for such taxable period in accordance with such consent shall be paid on the date of the filing of the consent with the Commissioner, or on the date prescribed for the payment of the tax for the taxable period, whichever is later, and the period of limitations provided in sections 275 and 276 of the Internal Revenue Code or a corresponding provision of a prior revenue law on the making of assessments and the beginning of distraint or a proceeding in court for collection shall with respect to such deficiency include one year immediately after the date the consent was filed, and such assessment and collection may be made notwithstanding any provision of the internal revenue laws or any rule of law which would otherwise prevent such assessment and collection. The period within which claim for credit or refund may be filed, or credit or refund allowed or made if no claim is filed, with respect to any overpayment resulting from the failure to compute the tax for any such taxable period (except the taxable period of the decedent in which falls the date of his death) in accordance with such consent shall include one year immediately after the date of the filing of the consent, and credit or refund may be allowed or made notwithstanding any provision of the internal revenue laws or any rule of law which would otherwise prevent such credit or refund, but no interest shall be allowed or paid with respect to any such overpayment. The provisions of section 322 (b) (2) and (3) of the Internal Revenue Code or a corresponding provision of a prior revenue law shall not apply to the refund of any such overpayment. If the application of this subsection to the taxable period of the decedent in which falls the date of his death results in a deficiency for such taxable period, and if the income tax of the decedent for such period was deducted in computing the net estate of the decedent under Chapter 3 of the Internal Revenue Code or under a corresponding title of a prior revenue law, and if at the time such deficiency is assessed credit or refund of any resulting overpayment in respect of the taxes imposed by such Chapter 3 or corresponding title upon such net estate is prevented by any provision of the internal revenue laws or by any rule of law, then the amount of such deficiency which is assessed and collected shall be reduced by the amount of such resulting overpayment under such Chapter 3 or corresponding title which would be credited or refunded if credit or refund thereof were not so prevented This subsection shall not be deemed to change any provision of law limiting the allowance of refund or credit with respect to overpayments for the taxable period of the decedent in which falls the date of his death, and no interest shall be allowed or paid with respect to any overpayment resulting from the application of this subsection to such taxable period If the application of this subsection to the taxable period of the decendent [decedent] in which falls the date of his death results in an overpayment for such taxable period, and if such overpayment was included as part of the income tax of the decedent which was deducted in computing the net estate of the decedent under Chapter 3 of the Internal Revenue Code or under a corresponding title of a prior revenue law, and if, at the time such overpayment is credited or refunded the assessment and collection of deficiencies in respect of the taxes imposed by such Chapter 3 or corresponding title upon such net estate is prevented by any provision of the internal revenue laws or by any rule of law, then the amount of such overpayment which is credited or refunded shall be reduced by the amount of the resulting deficiencies under such Chapter 3 or corresponding title which would be assessable if the assessment and collection thereof were not so prevented."

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows. "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 127. War losses—(a) Cases in which loss deemed sustained, and time deemed sustained.

For the purposes of this chapter—

(1) Property not in enemy countries.

Property destroyed or seized on or after December 7, 1941, in the course of military or naval operations by the United States or any other country engaged in the present war shall be deemed to have been destroyed or seized on a date chosen by the taxpayer in the manner provided in paragraph (4), which falls between—

(A) the latest date, as established to the satisfaction of the Commissioner, on which such property may be considered as not destroyed or seized, and

(B) the earliest date, as established to the satisfaction of the Commissioner on which such property may be considered as having already been destroyed or seized.

For the purposes of this paragraph property within an area which comes under the control of a country at war with the United States after the date war with such country is declared by the United States shall be deemed to have been destroyed or seized in the course of military or naval operations by such country, and the date specified in subparagraph (A) shall not be later than the latest date determined by the Commissioner as the date on which such area was under the control of the United States or a country not at war with the United States, and the date specified in subparagraph (B) shall not be later than the earliest date determined by the Commissioner as the date on which such area may be considered under the control of the country which is at war with the United States.

(2) Property in enemy countries.

Property within any country at war with the United States, or within an area under the control of any such country on the date war with such country was declared by the United States, shall be deemed to have been destroyed or seized on the date war with such country was declared by the United States.

(3) Investments referable to destroyed or seized property.

Any interest in, or with respect to, property described in paragraph (1) or (2) (including any interest represented by a security as defined in section 23 (g) (3) or section 23 (k) (3)) which becomes worthless shall be considered to have been destroyed or seized (and the loss therefrom shall be considered a loss from the destruction or seizure) on the date chosen by the taxpayer which falls between the dates specified in paragraph (1), or on the date prescribed in paragraph (2), as the case may be, when the last property (described in the applicable paragraph) to which the interest relates would be deemed destroyed or seized under the applicable paragraph. This paragraph shall apply only if the interest would have become worthless if the property had been destroyed. For the purposes of this paragraph, an interest shall be deemed to have become worthless notwithstanding the fact that such interest has a value if such value is attributable solely to the possibility of recovery of the property, compensation (other than insurance or similar indemnity) on account of its destruction or seizure, or both. Section 23 (g) (2) and (k) (2) shall not apply to any interest which under this paragraph is considered to have been destroyed or seized. Under regulations prescribed by the Commissioner with the approval of the Secretary, a taxpayer which owns 100 per centum (excluding qualifying shares) of each class of stock of a corporation may elect to determine the worthlessness of its interest, described in this paragraph, in or with respect to the property of the corporation, without regard to the amount of the property of such corporation which would be excluded under subsection (e) (2) (A) in determining the adjusted basis of all the assets of the corporation for the purposes of subsection (e), but such amount shall be treated under subsection (b) (1) as a recovery by the taxpayer in the taxable year with respect to such interest.

(4) Choice of date.

The taxpayer's choice of a date under paragraph (1) or (3) shall be effective only if made within such time and in such manner as may be prescribed by regulations prescribed by the Commissioner with the approval of the Secretary.

(b) Amount of loss on destroyed or seized property.

In the case of any property or interest in or with respect to property deemed to be destroyed or seized under subsection (a)—

(1) The amount of the loss on account of such property or interest shall be determined with regard to any recoveries with respect thereto in the taxable year but without regard to any possibility of recovering such property or interest, or of receiving any compensation (other than insurance or similar indemnity) on account of such property or interest in the taxable year or in any future taxable year.

(2) The taxpayer may choose to decrease the amount of the loss by all obligations or liabilities of the taxpayer with respect to such property or interest discharged or satisfied out of the property or interest upon its destruction or seizure, if the Commissioner is satisfied that such obligations or liabilities are so discharged or satisfied in a subsequent taxable year, or that the taxpayer is unable to determine whether or not such obligations or liabilities are in fact discharged or satisfied.

No loss shall be deemed to have been sustained upon the destruction or seizure of such property or interest to the extent that it is compensated for by the discharge or satisfaction of obligations and liabilities of the taxpayer out of such property or interest in the taxable year in which such destruction or seizure is deemed to have occurred. The taxpayer's choice under this subsection shall be effective only if made within such time and in such manner as may be prescribed by regulations prescribed by the Commissioner with the approval of the Secretary.

(c) Recoveries included in gross income—(1) General rule.

Upon the recovery in the taxable year of any money or property in respect of property considered under subsection (a) as destroyed or seized in any prior taxable year, the amount of such recovery shall be included in gross income to the extent provided in paragraph (2).

(2) Amount of gain includible.

The amount of the recovery of any money or property in respect of property considered under subsection (a) as destroyed or seized shall be an amount equal to the aggregate of such money and the fair market value of such property, determined as of the date of the recovery. To the extent that such amount plus the aggregate of the amounts of previous such recoveries do not exceed that part of the aggregate of the allowable deductions in prior

taxable years on account of the destruction or seizure of property described in subsection (a) which did not result in a reduction of any tax of the taxpayer under this chapter, such amount shall not be includible in gross income and shall not be deemed gain upon the involuntary conversion of property as a result of its destruction or seizure. To the extent that such amount plus the aggregate of the amounts of previous such recoveries exceed that part of the aggregate of such deductions which did not result in a reduction of any tax of the taxpayer under this chapter and do not exceed that part of the aggregate of such deductions which did result in a reduction of any tax of the taxpayer under this chapter, such amount shall be included in gross income but shall not be deemed a gain upon the involuntary conversion of property as a result of its destruction or seizure. To the extent that such amount plus the aggregate of the amounts of previous such recoveries exceed the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of property described in subsection (a), such amount shall be considered a gain upon the involuntary conversion of property as a result of its destruction or seizure and shall be recognized or not recognized as provided in section 112 (f). If for any previous taxable year the taxpayer chooses under subsection (b) to treat any obligations and liabilities as discharged or satisfied out of the property or interest described in subsection (a), and if such obligations and liabilities were not so discharged or satisfied, the amount of such obligations and liabilities treated as discharged or satisfied under subsection (b) shall be considered for the purposes of this section as a deduction by reason of this section which did not result in a reduction of any tax of the taxpayer under this chapter. For the purposes of this paragraph an allowable deduction for any taxable year on account of the destruction or seizure of property described in subsection (a) shall, to the extent not allowed in computing the tax of the taxpayer for such taxable year, be considered an allowable deduction which did not result in a reduction of any tax of the taxpayer under this chapter.

(3) Restoration of value of investments referable to destroyed or seized property.

For the purposes of paragraphs (1) and (2), the restoration in whole or in part of the value of any interest described in subsection (a) (3) by reason of any recovery of money or property in respect of property to which such interest related and which was considered under subsection (a) (1) or (2) as destroyed or seized shall be deemed a recovery of property in respect of property considered under subsection (a) as destroyed or seized.

(d) Basis of recovered property.

The unadjusted basis of property recovered in respect of property considered destroyed or seized under subsection (a) shall be determined under this subsection. Such basis shall be an amount equal to the fair market value of such property, determined as of the date of the recovery, reduced by an amount equal to the excess of the aggregate of such fair market value and the amounts of previous recoveries of money or property in respect of property considered under subsection (a) as destroyed or seized over the aggregate of the allowable deductions in prior taxable years on account of the destruction or seizure of property described in subsection (a), and increased by that portion of the amount of the recovery which under subsection (c) is treated as a recognized gain from the involuntary conversion of property. Upon application of the taxpayer, the aggregate of the bases (determined under the preceding sentence) of any properties recovered in respect of properties considered under subsection (a) as destroyed or seized may be allocated among the properties so recovered in such manner as the Commissioner may determine under regulations prescribed by him with the approval of the Secretary, and the amounts so allocated to any such property so recovered shall be the unadjusted basis of such property in lieu of the unadjusted basis of such property determined under the preceding sentence.

(e) Partial worthlessness of certain investments in destroyed or seized property—(1) Destruction or seizure of investment.

If a taxpayer owns not less than 50 per centum of each class of stock of a corporation, if such corporation has property described in subsection (a) (1) or (2) deemed to be destroyed or seized, the adjusted basis for determining loss of which is at least 75 per centum of the adjusted basis for determining loss of all such corporation's property, and if such corporation completely liquidates (by distributing all the assets which it is able to distribute and all its rights to assets which it is not able to distribute, including the right to the recovery of the property described in subsection (a) (1) and (2)) within one year after such property is deemed to be destroyed or seized, or within six months after the date of the enactment of the Revenue Act of 1942,[1] whichever is the later, then that part of the loss by the taxpayer on such liquidation which would be attributable to the destruction or seizure of such property, as established to the satisfaction of the Commissioner, shall be treated for the purposes of this chapter as a loss by the taxpayer upon the destruction or seizure of the part of the stock or other interest of the taxpayer to which such loss is allocable. Such part of the stock or other interest of the taxpayer shall be treated for the purposes of subsections (b), (c), and (d) as property described in subsection (a) (3).

(2) Application of paragraph (1).

For the purposes of paragraph (1)—

(A) In determining the adjusted basis of all the property of the corporation, there shall be excluded money in the United States, bank deposits, the right to receive money from any person not situated in a country at war with the United States or in a territory under the control of such a country, and obligations issued or guaranteed as to principal or interest by the United States, except that there shall

not be excluded any such property which is destroyed or seized as described in subsection (a) within or before the taxable period.

(B) The adjusted basis of property of such corporation shall be determined as of the date immediately preceding the first date on which any property was destroyed or seized, as described in subsection (a), or as of any later date falling within or before the taxable period on the basis of which such determination will produce a greater amount.

(f) Determination of tax benefits.

The determination as to whether and to what extent an allowable deduction on account of the destruction or seizure of property described in subsection (a) did or did not result in a reduction of any tax of the taxpayer under this chapter shall be made in accordance with regulations prescribed by the Commissioner with the approval of the Secretary. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 156 (a), 56 Stat. 852.)

[1] Revenue Act of 1942 was enacted Oct. 21, 1942, 4 30 p m, E W. T.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1940, by section 156 (b) thereof

EXPIRATION OF THREE-YEAR LIMITATION PERIOD OF SECTION 322

Act Dec 20, 1944, ch. 616, § 3, 58 Stat. 831, provided: "If a claim for credit or refund under the internal revenue laws relates to an overpayment on account of the deductibility by the taxpayer of a loss in respect of property considered destroyed or seized under section 127 (a) of the Internal Revenue Code (relating to war losses) [this section] for a taxable year beginning in 1941, the three-year period of limitation prescribed in section 322 (b) (1) of the Internal Revenue Code [section 322 (b) (1) of this title] shall in no event expire prior to December 31, 1945 In the case of such a claim filed on or before December 31, 1945, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in section 322 (b) (2) or (3) of such code [section 322 (b) (2) or (3) of this title], whichever is applicable, to the extent of the amount of the overpayment attributable to the deductibility of the loss described in this section."

EXTENSION OF TIME FOR CLAIMING CREDIT OR REFUND WITH RESPECT TO WAR LOSSES.

Section 201 of act Dec 29, 1945, ch. 652, title II, 59 Stat 673, provided: "If a claim for credit or refund under the internal revenue laws relates to an overpayment on account of the deductibility by the taxpayer of a loss in respect of property considered destroyed or seized under section 127 (a) of the Internal Revenue Code [this section] (relating to war losses) for a taxable year beginning in 1941 or 1942, the three-year period of limitation prescribed in section 322 (b) (1) of the Internal Revenue Code [section 322 (b) (1) of this title] shall in no event expire prior to December 31, 1946 In the case of such a claim filed on or before December 31, 1946, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in section 322 (b) (2) or (3) of such code [section 322 (b) (2) or (3) of this title], whichever is applicable, to the extent of the amount of the overpayment attributable to the deductibility of the loss described in this section "

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 128. Recovery of unconstitutional federal taxes.

Income (excluding interest) attributable to the recovery during the taxable year of a tax imposed by the United States which has been held unconstitutional, and in respect of which a deduction was allowed in a prior taxable year may be excluded from gross income for the taxable year, and the deduction allowed in respect thereof in such prior taxable year treated as not having been allowable, if—

(a) The taxpayer elects in writing (at such time and in such manner as may be prescribed by regulations prescribed by the Commissioner with the approval of the Secretary) to treat such deduction as not having been allowable for such prior taxable year, and

(b) The taxpayer consents in writing to the assessment, within such period as may be agreed upon, of any deficiencies resulting from such treatment, even though the statutory period for the assessment of any such deficiency had expired prior to the filing of such consent (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 157 (a), 56 Stat. 856.)

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1940, by section 157 (b) thereof

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States "

§ 129. Acquisitions made to evade or avoid income or excess profits tax.

(a) Disallowance of deduction, credit, or allowance.

If (1) any person or persons acquire, on or after October 8, 1940, directly or indirectly, control of a corporation, or (2) any corporation acquires, on or after October 8, 1940, directly or indirectly, property of another corporation, not controlled, directly or indirectly, immediately prior to such acquisition, by such acquiring corporation or its stockholders, the basis of which property, in the hands of the acquiring corporation, is determined by reference to the basis in the hands of the transferor corporation, and the principal purpose for which such acquisition was made is evasion or avoidance of Federal income or excess profits tax by securing the benefit of a deduction, credit, or other allowance which such person or corporation would not otherwise enjoy, then such deduction, credit, or other allowance shall not be allowed. For the purposes of clauses (1) and (2), control means the ownership of stock possessing at least 50 per centum of the total combined voting power of all classes of stock entitled to vote or at least 50 per centum of the total value of shares of all classes of stock of the corporation.

(b) Power of Commissioner to allow deduction, etc., in part.

In any case to which subsection (a) is applicable the Commissioner is authorized—

(1) to allow as a deduction, credit, or allowance any part of any amount disallowed by such subsection, if he determines that such allowance will not result in the evasion or avoidance of Federal in-

come and excess profits tax for which the acquisition was made; or

(2) to distribute, apportion, or allocate gross income, and distribute, apportion, or allocate the deductions, credits, or allowances the benefit of which was sought to be secured, between or among the corporations, or properties, or parts thereof, involved, and to allow such deductions, credits, or allowances so distributed, apportioned, or allocated, but to give effect to such allowance only to such extent as he determines will not result in the evasion or avoidance of Federal income and excess profits tax for which the acquisition was made; or

(3) to exercise his powers in part under paragraph (1) and in part under paragraph (2). (Added Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 128 (a), 58 Stat 47.)

EFFECTIVE DATE

Section 128 (c) of act Feb. 25, 1944, cited to text, provided as follows: "The amendments made by this section [to section 45, and adding section 129] shall be effective with respect to taxable years beginning after December 31, 1943. The determination of the law applicable to prior taxable years shall be made as if this section had not been enacted and without inferences drawn from the fact that the amendment made by this section is not expressly made applicable to prior taxable years."

TREATY OBLIGATIONS

Section 136 of act Feb. 25, 1944, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 130. Limitation on deductions allowable to individuals in certain cases.

(a) Recomputation of net income.

If the deductions (other than taxes and interest) allowable to an individual (except for the provisions of this section) and attributable to a trade or business carried on by him for five consecutive taxable years have, in each of such years, exceeded by more than $50,000 the gross income derived from such trade or business, the net income of such individual for each of such years shall be recomputed. For the purpose of such recomputation in the case of any such taxable year, such deductions shall be allowed only to the extent of $50,000 plus the gross income attributable to such trade or business, except that the net operating loss deduction, to the extent attributable to such trade or business, shall not be allowed.

(b) Redetermination of tax.

Upon the basis of the net income computed under the provisions of subsection (a) for each of the five consecutive taxable years specified in such subsection, the tax imposed by this chapter shall be redetermined for each such taxable year. If for any such taxable year assessment of a deficiency is prevented (except for the provisions of sections 3801 and 3807) by the operation of any law or rule of law (other than section 3761, relating to compromises) any increase in the tax previously determined for such taxable year shall be considered a deficiency for the purposes of this section. For the purposes of this section the term "tax previously determined" shall have the meaning assigned to such term by section 3801 (d).

(c) Extension of statute of limitations.

Notwithstanding any law or rule of law (other than section 3761, relating to compromises), any amount determined as a deficiency under subsection (b), or which would be so determined if assessment were prevented in the manner described in subsection (b), with respect to any taxable year may be assessed as if on the date of the expiration of the time prescribed by law for the assessment of a deficiency for the fifth taxable year of the five consecutive taxable years specified in subsection (a), one year remained before the expiration of the period of limitation upon assessment for any such taxable year. (Added Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 129 (a), 58 Stat. 48.)

EFFECTIVE DATE

Section 129 (b) of act Feb. 25, 1944, cited to text, provided as follows: "The amendment made by subsection (a) [adding this section] shall be applicable to taxable years beginning after December 31, 1939, but shall not affect any tax liability for any taxable year beginning prior to January 1, 1944."

TREATY OBLIGATIONS

Section 136 of act Feb 25, 1944, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

SUPPLEMENT C.—CREDITS AGAINST TAX

§ 131. Taxes of foreign countries and possessions of United States—(a) Allowance of credit.

If the taxpayer chooses to have the benefits of this section, the tax imposed by this chapter, except the tax imposed under section 102, shall be credited with:

(1) Citizens and domestic corporations.

In the case of a citizen of the United States and of a domestic corporation, the amount of any income, war-profits, and excess-profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and

(2) Resident of United States.

In the case of a resident of the United States, the amount of any such taxes paid or accrued during the taxable year to any possession of the United States; and

(3) Alien resident of United States.

In the case of an alien resident of the United States, the amount of any such taxes paid or accrued during the taxable year to any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country; and

(4) Partnerships and estates.

In the case of any such individual who is a member of a partnership or a beneficiary of an estate or trust, his proportionate share of such taxes of the partnership or the estate or trust paid or accrued during the taxable year to a foreign country or to any possession of the United States, as the case may be.

Such choice may be made or changed at any time prior to the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter.

(b) Limit on credit.

The amount of the credit taken under this section shall be subject to each of the following limitations:

(1) The amount of the credit in respect of the tax paid or accrued to any country shall not exceed, in the case of a taxpayer other than a corporation, the same proportion of the tax against which such credit is taken, which the taxpayer's net income from sources within such country bears to his entire net income for the same taxable year, or in the case of a corporation, the same proportion of the tax against which such credit is taken, which the taxpayer's normal-tax net income from sources within such country bears to its entire normal-tax net income for the same taxable year; and

(2) The total amount of the credit shall not exceed, in the case of a taxpayer other than a corporation, the same proportion of the tax against which such credit is taken, which the taxpayer's net income from sources without the United States bears to his entire net income for the same taxable year, or, in the case of a corporation, the same proportion of the tax against which such credit is taken, which the taxpayer's normal-tax net income from sources without the United States bears to its entire normal-tax net income for the same taxable year; and

* * * * *

(f) Taxes of foreign subsidiary—(1) Foreign subsidiary of domestic corporation.

For the purposes of this section, a domestic corporation which owns a majority of the voting stock of a foreign corporation from which it receives dividends in any taxable year shall be deemed to have paid the same proportion of any income, war-profits, or excess-profits taxes paid or deemed to be paid by such foreign corporation to any foreign country or to any possession of the United States, upon or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits. The term "accumulated profits" when used in this subsection in reference to a foreign corporation, means the amount of its gains, profits, or income in excess of the income, war-profits, and excess-profits taxes imposed upon or with respect to such profits or income; and the Commissioner with the approval of the Secretary shall have full power to determine from the accumulated profits of what year or years such dividends were paid; treating dividends paid in the first sixty days of any year as having been paid from the accumulated profits of the preceding year or years (unless to his satisfaction shown otherwise), and in other respects treating dividends as having been paid from the most recently accumulated gains, profits, or earnings. In the case of a foreign corporation, the income, war-profits, and excess-profits taxes of which are determined on the basis of an accounting period of less than one year, the word "year" as used in this subsection shall be construed to mean such accounting period.

(2) Foreign subsidiary of foreign corporation.

If such foreign corporation owns all the voting stock (except qualifying shares) of another foreign corporation from which it receives dividends in any taxable year it shall be deemed to have paid the same proportion of any income, war-profits, or excess-profits taxes paid by such other foreign corporation to any foreign country or to any possession of the United States, upon or with respect to the accumulated profits of the corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits.

* * * * *

(h) Credit for taxes in lieu of income, etc., taxes.

For the purposes of this section and section 23 (c) (1), the term "income, war-profits, and excess-profits taxes" shall include a tax paid in lieu of a tax upon income, war-profits, or excess-profits otherwise generally imposed by any foreign country or by any possession of the United States.

(i) Tax withheld at source.

For the purposes of this supplement the tax imposed by this chapter shall be ~~the~~ tax computed without regard to the credit provided in section 32 and section 35. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 158 (a), (d–f), 172 (d), 56 Stat 856, 857, 893, Feb. 25, 1944, 12.49 p m., E. W. T., ch. 63, title I, § 130 (a, b), 58 Stat. 49; May 29, 1944, 7 p. m. E W. T., ch 210, part I, § 6 (b) (4, 5), 58 Stat. 234; Nov. 8, 1945, 5:17 p. m., E. S T., ch. 453, title I, § 122 (g) (6), 59 Stat. 570.)

AMENDMENTS

1945—Subsec (b) was amended by act Nov. 8, 1945, § 122 (g) (6), cited to text, which struck out paragraph (3) thereof

1944—Subsec (a) amended by act May 29, 1944, cited to text, which struck out "or section 450" following "section 102" in first par.

Subsec (b) amended by act Feb. 25, 1944, cited to text, which among other changes added par (3)

Subsec (f) amended by act Feb 25, 1944, cited to text, which omitted proviso to first sentence

Subsec (i) amended by act May 29, 1944, cited to text, which struck out "466 (e)" and inserted in lieu thereof "35"

1942—Subsecs (a, b), (f) were amended and subsecs (h) and (i) were added by act Oct 21, 1942, cited to text

EFFECTIVE DATE

Amendment of subsec (b) by act Nov 8, 1945, § 122 (g) (6), cited to text, was made applicable to taxable years beginning after Dec 31, 1945

Amendment of subsecs (a) and (i) by act May 25 1944, § 6 (b) (4), (5), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Section 130 (c) of act Feb 25, 1944, cited to text, provided as follows: "The amendment made by subsection (a) [to subsec (b)] shall be effective for all taxable years beginning after December 31, 1941 The amendment made by subsection (b) [to subsec. (f)] shall be effective with respect to all taxable years beginning after December 31, 1939"

Amendment of subsec. (a) by act Oct 21, 1942, § 158 (a), cited to text, was made applicable to taxable years beginning after Dec. 31, 1940, by section 158 (c) thereof.

Amendment of subsecs. (b), (f), and (h) by act Oct. 21, 1942, §§ 158 (d-f), cited to text, were made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

Amendment by act Oct. 21, 1942, § 172 (d), cited to text, adding subsec. (i), was made effective Jan. 1, 1943, applicable to all wages as defined in section 465 of this title paid on or after such date, by section 172 (g) of said act.

FISCAL YEAR TAXPAYERS

For taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

SUPPLEMENT D.—RETURNS AND PAYMENT OF TAX

§ 141. Consolidated returns—(a) Privilege to file consolidated income and excess-profits-tax returns.

An affiliated group of corporations shall, subject to the provisions of this section, have the privilege of making consolidated income and excess-profits-tax returns for the taxable year in lieu of separate returns The making of consolidated returns shall be upon the condition that the affiliated group shall make both a consolidated income-tax return and a consolidated excess-profits-tax return for the taxable year, and that all corporations which at any time during the taxable year have been members of the affiliated group making a consolidated income-tax return consent to all the consolidated income- and excess-profits-tax regulations prescribed under subsection (b) prior to the last day prescribed by law for the filing of such return. The making of a consolidated income-tax return shall be considered as such consent. In the case of a corporation which is a member of the affiliated group for a fractional part of the year, the consolidated returns shall include the income of such corporation for such part of the year as it is a member of the affiliated group. In the case of a corporation which is not a member of the affiliated group after March 31, 1942, of the last taxable year of such group which begins before April 1, 1942, such corporation shall not be considered a member of the affiliated group for consolidated income-tax-return purposes for such year but shall be considered a member of such group for consolidated excess-profits-tax-return purposes for such year, and the consent required in the case of such corporation shall relate only to the consolidated excess-profits-tax regulations.

(b) Regulations.

The Commissioner, with the approval of the Secretary, shall prescribe such regulations as he may deem necessary in order that the tax liability of any affiliated group of corporations making consolidated income- and excess-profits-tax returns and of each corporation in the group, both during and after the period of affiliation, may be returned, determined, computed, assessed, collected, and adjusted, in such manner as clearly to reflect the income- and excess-profits-tax liability and the various factors necessary for the determination of such liability, and in order to prevent avoidance of such tax liability. Such regulations shall prescribe the amount of the net operating loss deduction of each member of the group which is attributable to a deduction allowed for a taxable year beginning in 1941 on account of property considered as destroyed or seized under section 127 (relating to war losses), and the allowance of the amount so prescribed as a deduction in computing the net income of the group shall not be limited by the amount of the net income of such member.

(c) Computation and payment of tax.

In any case in which consolidated income-tax and excess-profits-tax returns are made or are required to be made, the taxes shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under subsection (b) prescribed prior to the last day prescribed by law for the filing of such returns; except that the tax imposed under section 15 or section 204 shall be increased by 2 per centum of the consolidated corporation surtax net income of the affiliated group of includible corporations. Only one specific exemption as provided in section 710 (b) (1) shall be allowed for the entire affiliated group of corporations for the purposes of the tax imposed by Subchapter E of Chapter 2.

(d) Definition of "affiliated group".

As used in this section, an "affiliated group" means one or more chains of includible corporations connected through stock ownership with a common parent corporation which is an includible corporation if—

(1) Stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class of the nonvoting stock of each of the includible corporations (except the common parent corporation) is owned directly by one or more of the other includible corporations; and

(2) The common parent corporation owns directly stock possessing at least 95 per centum of the voting power of all classes of stock and at least 95 per centum of each class of the nonvoting stock of at least one of the other includible corporations.

As used in this subsection, the term "stock" does not include nonvoting stock which is limited and preferred as to dividends.

(e) Definition of "includible corporation".

As used in this section, the term "includible corporation" means any corporation except—

(1) Corporations exempt under section 101 from the tax imposed by this chapter.

(2) Insurance companies subject to taxation under section 201 or 207.

(3) Foreign corporations.

(4) Corporations entitled to the benefits of section 251, by reason of receiving a large percentage of their income from sources within possessions of the United States.

(5) Corporations organized under the China Trade Act, 1922.[1]

(6) Regulated investment companies subject to tax under Supplement Q.

(7) Any corporation described in section 725 (a), or in section 727 (e), (g), or (h) (without regard to the exception in the initial clause of section 727) but not including such a corporation which has made and filed a consent, for the taxable year or any prior taxable year beginning after December 31, 1943, to be treated as an includible corporation. Such consent shall be made and filed at such time and in such manner as may be prescribed by the Commissioner with the approval of the Secretary.

(f) Includible insurance companies.

Despite the provisions of paragraph (2) of subsection (e), two or more domestic insurance companies each of which is subject to taxation under the same section of this chapter shall be considered as includible corporations for the purpose of the application of subsection (d) to such insurance companies alone.

(g) Subsidiary formed to comply with foreign law.

In the case of a domestic corporation owning or controlling, directly or indirectly, 100 per centum of the capital stock (exclusive of directors' qualifying shares) of a corporation organized under the laws of a contiguous foreign country and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, such foreign corporation may, at the option of the domestic corporation, be treated for the purpose of this chapter and of Subchapter E of Chapter 2 as a domestic corporation.

(h) Suspension of running of statute of limitations.

If a notice under section 272 (a) in respect of a deficiency for any taxable year is mailed to a corporation, the suspension of the running of the statute of limitations, provided in section 277, shall apply in the case of corporations with which such corporation made a consolidated return for such taxable year.

(i) Allocation of income and deductions.

For allocation of income and deductions of related trades or businesses, see section 45. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch 619, title I, § 159 (a), 56 Stat. 858; Feb. 25, 1944, 12:49 p. m., E W. T., ch. 63, title I, § 131, title II, § 204 (c), 58 Stat. 50, 54; July 31, 1945, ch. 340, § 2 (c), 59 Stat. 518)

[1] Section 141 et seq of Title 15, Commerce and Trade.

AMENDMENTS

1945—Subsec. (c) amended by act July 31, 1945, cited to text, which struck out "$10,000" and inserted in lieu thereof "as" in last sentence.

1944—Subsec. (c) amended by act Feb. 25, 1944, cited to text, which struck out "$5000" and inserted in lieu thereof "$10,000".

Subsec (e) amended by act Feb 25 1944, cited to text, which added par (7)

1942—Act Oct 21, 1942, cited to text, amended section in its entirety.

EFFECTIVE DATE

Act July 31, 1945, § 2 (c), cited to text, was made applicable to taxable years beginning after Dec 31, 1945, and to taxable years beginning in 1945 and ending in 1946, by section 2 (d) of said Act.

Act Feb. 25, 1944, § 204 (c), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 201 thereof

Act Feb 25, 1944, § 131, cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 101 thereof.

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States" This provision was repeated in section 136 of act Feb 25, 1944, also cited.

§ 142. Fiduciary returns—(a) Requirement of return.

Every fiduciary (except a receiver appointed by authority of law in possession of part only of the property of an individual) shall make under oath a return for any of the following individuals, estates, or trusts for which he acts, stating specifically the items of gross income thereof and the deductions and credits allowed under this chapter and such other information for the purpose of carrying out the provisions of this chapter as the Commissioner with the approval of the Secretary may by regulations prescribe—

(1) Every individual having a gross income for the taxable year of $500 or over;

(2) Every estate the gross income of which for the taxable year is $500 or over;

(3) Every trust the net income of which for the taxable year is $100 or over, or the gross income of which for the taxable year is $500 or over, regardless of the amount of net income;

(4) Every estate or trust of which any beneficiary is a nonresident alien.

(As amended Sept. 20, 1941, 12:15 p. m., E S T, ch. 412, title I, § 112 (b), 55 Stat 696; Oct. 21, 1942, 4:30 p. m., E. W T., ch. 619, title I, § 131 (c) (2), 56 Stat. 828; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 11 (c), 58 Stat. 241.)

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AMENDMENTS

1944—Subsec. (a) amended by act May 29, 1944, cited to text, which struck out pars (1)–(5) and inserted new pars. (1)–(4)

1942—Subsec (a) was amended by act Oct 21, 1942, cited to text, which substituted "$500" for "$750" in pars (1), (3), and (4), and "$1,200" for "$1,500" in par (2).

1941—Subsec (a) was amended by act Sept. 20, 1941 cited to text

EFFECTIVE DATE

Act May 29, 1944, § 11 (c), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, and section 109 of act Oct 21, 1942, also cited

§ 143. Withholding of tax at source—(a) Tax-free covenant bonds—(1) Requirement of withholding.

In any case where bonds, mortgages, or deeds of trust, or other similar obligations of a corporation, issued before January 1, 1934, contain a contract or provision by which the obligor agrees to pay any portion of the tax imposed by this chapter upon the obligee, or to reimburse the obligee for any portion of the tax, or to pay the interest without deduction for any tax which the obligor may be required or permitted to pay thereon, or to retain therefrom under any law of the United States, the obligor shall deduct and withhold a tax equal to 2 per centum of the interest upon such bonds, mortgages, deeds of trust, or other obligations, whether such interest is payable annually or at shorter or longer periods, if payable to an individual, a partnership, or a foreign corporation not engaged in trade or business within the United States: *Provided*, That if the liability assumed by the obligor does not exceed 2 per centum of the interest, then the deduction and withholding shall be at the following rates: (A) 30 per centum in the case of a nonresident alien individual (except that such rate shall be reduced, in the case of a resident of any country in North, Central, or South America, or in the West Indies, or of Newfoundland, to such rate, not less than 5 per centum, as may be provided by treaty with such country), or of any partnership not engaged in trade or business within the United States and composed in whole or in part of nonresident aliens, (B) in the case of such a foreign corporation, 30 per centum, and (C) 2 per centum in the case of other individuals and partnerships: *Provided further*, That if the owners of such obligations are not known to the withholding agent the Commissioner may authorize such deduction and withholding to be at the rate of 2 per centum, or, if the liability assumed by the obligor does not exceed 2 per centum of the interest, then at the rate of 30 per centum.

(2) Benefit of credits against net income.

Such deduction and withholding shall not be required in the case of a citizen or resident entitled to receive such interest, if he files with the withholding agent on or before February 1 a signed notice in writing claiming the benefit of the exemptions provided in section 25 (b); nor in the case of a nonresident alien individual if so provided for in regulations prescribed by the Commissioner under section 215.

* * * * *

(b) Nonresident aliens.

All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, employers, and all officers and employees of the United States, having the control, receipt, custody, disposal, or payment of interest (except interest on deposits with persons carrying on the banking business paid to persons not engaged in business in the United States), dividends, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income (but only to the extent that any of the above items constitutes gross income from sources within the United States), of any nonresident alien individual, or of any partnership not engaged in trade or business within the United States and composed in whole or in part of nonresident aliens, shall (except in the cases provided for in subsection (a) of this section and except as otherwise provided in regulations prescribed by the Commissioner under section 215) deduct and withhold from such annual or periodical gains, profits, and income a tax equal to 30 per centum thereof, except that such rate shall be reduced, in the case of a nonresident alien individual a resident of any country in North, Central, or South America, or in the West Indies, or of Newfoundland, to such rate (not less than 5 per centum) as may be provided by treaty with such country: *Provided*, That no such deduction or withholding shall be required in the case of dividends paid by a foreign corporation unless (1) such corporation is engaged in trade or business within the United States, and (2) more than 85 per centum of the gross income of such corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of section 119: *Provided further*, That the Commissioner may authorize such tax to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding agent: *Provided further*, That the deduction and withholding in the case of interest on bonds, mortgages, or deeds of trust or other similar obligations of a corporation, within the provisions of subsection (a) (1) of this section were it not for the fact that the maturity date of such obligations has been extended on or after January 1, 1934, and the liability assumed by the debtor exceeds 27½ per centum of the interest, shall not exceed the rate of 27½ per centum per annum. Under regulations prescribed by the Commissioner, with the approval of the Secretary, there may be exempted from such deduction and withholding the compensation for personal services of nonresident alien individuals who enter and leave the United States at frequent intervals. In respect of the compensation for services performed by nonresident alien individuals brought into the United States under the authority of the War Manpower Commission for temporary employment essential to the war effort and subject to withholding under this subsection, the deduction and withholding shall be at the rate of 10 per centum, and there shall be no deduction or withholding under section 1622.

* * * * *

(h) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 107 (b), 55 Stat. 695.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, §§ 107 (a), (b), 109 (a), 55 Stat. 695; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 108 (a) (b), 160 (a) (1, 2), 56 Stat. 808, 860, 861; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 132

(a), 58 Stat. 50; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 10 (d), 58 Stat. 239; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 102 (b) (5), 59 Stat. 558.)

AMENDMENTS

1945—Subsec (a) (2) amended by act Nov. 8, 1945, § 102 (b) (5), cited to text, which struck out "normal tax exemption provided in section 25 (a) (3) and the surtax".

1944—Subsec. (a) (2) amended by act May 29, 1944, cited to text, which struck out "credits provided in section 25 (b)" preceding semi-colon, and inserted in lieu thereof "normal tax exemption provided in section 25 (a) (3) and the surtax exemption provided in section 25 (b)".

Subsec. (b) amended by act Feb. 25, 1944, cited to text, which added last sentence

1942—Subsecs. (a) and (b) were amended by act Oct. 21, 1942, cited to text.

1941—Subsec. (a) (1) was amended by act Sept. 20, 1941, §§ 107 (a), 109 (a), cited to text

Subsec (b) was amended by act Sept 20, 1941, §§ 107 (a), 109 (a), cited to text

Subsec (h), relating to rates until January 1945, was repealed by act Sept. 20, 1941, § 107 (b), cited to text.

EFFECTIVE DATE

Act Nov. 8, 1945, § 102 (b) (5), cited to text, was made applicable to taxable years beginning after Dec 31, 1945, by section 102 (c) thereof For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title

Amendment of subsec (a) (2) by act May 29, 1944, § 10 (d), cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 2 thereof

Amendment of subsec (b) by act Feb 25, 1944, § 132 (a), cited to text, made effective by section 132 (b) thereof which provided as follows: "The amendment made by subsection (a) shall be applicable to all compensation paid on or after the tenth day after the date of the enactment of this Act [Feb 25, 1944, 12:49 P M. E W T]"

Amendment of subsecs (a) and (b) by act Oct 21, 1942, cited to text, inserting "30 per centum" in lieu of "27½ per centum", was made applicable to the period beginning with the tenth day after Oct 21, 1942, 4:30 p m., E W T, by section 108 (c) thereof

Amendments of subsecs. (a) and (b) by act Oct 21, 1942, § 160 (a) (1, 2), cited to text, striking out references to not having any office or place of business, were made applicable to the period beginning with the tenth day after Oct 21, 1942, 4 30 p. m , E W T, by section 160 (a) (4) thereof.

Amendment of subsec (b) by act Oct. 21, 1942, § 108 (b), cited to text, inserting third proviso in first sentence, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Act Sept 20, 1941, § 107 (a), (b), cited to text, which affected subsecs (a), (b), and (h) of this section, was made applicable only with respect to the period beginning the tenth day after the date of enactment of that act, by section 107 (c) thereof.

Act Sept. 20, 1941, § 109 (a) cited to text, which affected subsecs. (a) (1) and (b) of this section, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept 20, 1941; section 109 of act Oct. 21, 1942, and section 136 of act Feb. 25, 1944, also cited.

TAX ON ALIEN FARMERS

Payments made to alien farm laborers under provisions of Act April 29, 1943, ch. 82, 57 Stat. 70, as exempt from taxes, see section 1355 of Appendix to Title 50, War.

§ 144. Payment of corporation income tax at source.

In the case of foreign corporations subject to taxation under this chapter not engaged in trade or business within the United States, there shall be deducted and withheld at the source in the same manner and upon the same items of income as is provided in section 143 a tax equal to 30 per centum thereof, except that in the case of corporations organized under the laws of any country in North, Central, or South America, or in the West Indies, or of Newfoundland such rate with respect to dividends shall be reduced to such rate (not less than 5 per centum) as may be provided by treaty with such country; and such tax shall be returned and paid in the same manner and subject to the same conditions as provided in that section: *Provided*, That in the case of interest described in subsection (a) of that section (relating to tax-free covenant bonds) the deduction and withholding shall be at the rate specified in such subsection (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, §§ 107 (a), 109 (a), 55 Stat. 695; Oct. 21, 1942, 4:30 p. m., E. W. T., ch 619, title I, §§ 108 (a), 160 (a) (3), 56 Stat. 808, 861.)

AMENDMENTS

1942—Words "and not having any office or place of business therein" were struck out by act Oct 21, 1942, § 160 (a) (3), cited to text Figure "30" was substituted for "27½" by section 108 (a) of said act

1941—Act Sept 20, 1941, § 107 (a), cited to text, substituted "27½ per centum" for "15 per centum" wherever occurring

Act Sept 20, 1941, § 109 (a), cited to text, substituted "any country in North, Central, or South America, or in the West Indies, or of Newfoundland" for "a contiguous country"

EFFECTIVE DATE

Amendment by act Oct 21, 1942, § 108 (a), cited to text, inserting "30" per centum in lieu of "27½" per centum, was made applicable to the period beginning with the tenth day after Oct 21, 1942, 4:30 p m., E. W T., by section 108 (c) thereof.

Amendment by act Oct 21, 1942, § 160 (a) (3), cited to text, striking out words "and not having any office or place of business therein" was made applicable to the period beginning with the tenth day after Oct 21, 1942, 4 30 p m, E W T, by section 160 (a) (4) thereof

Act Sept 20, 1941, § 107 (a), cited to text, was made applicable only with respect to the period beginning the tenth day after the date of enactment of that act, by section 107 (c) thereof

Act Sept 20, 1941, § 109 (a), cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept 20, 1941, and section 109 of act Oct. 21, 1942, also cited.

§ 145. Penalties.

(a) Failure to file returns, submit information, or pay tax.

Any person required under this chapter to pay any estimated tax or tax, or required by law or regulations made under authority thereof to make a return or declaration, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any estimated tax or tax imposed by this chapter, who willfully fails to pay such estimated tax or tax, make such return or declaration, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000,

or imprisoned for not more than one year, or both, together with the costs of prosecution.

* * * * *

(c) Any individual who willfully makes and subscribes a return which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be subject to the penalties prescribed for perjury in section 125 of the Criminal Code.

(d) Person defined.

The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

(e) [Cross references].

For penalties for failure to file information returns with respect to foreign personal holding companies and foreign corporations, see section 340

As amended Oct 21, 1942, 4:30 p. m., E W. T., ch. 619, title I, §§ 136 (b, c), 172 (f) (3), 56 Stat. 836, 893; June 9, 1943, 7 p. m., E. W. T., ch. 120, § 5 (c), 57 Stat. 144, May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 6 (b) (6), 58 Stat. 234.

AMENDMENTS

1944—Subsec (e) amended by act May 29, 1944, cited to text, which omitted subd number "(1)" preceding "For penalties", and subd (2) entirely

1943—Subsec. (a) amended by act June 9, 1943, cited to text, which inserted "or declaration", and "estimated tax or", wherever appearing

1942—Subsec (c) was added by act Oct. 21, 1942, § 136 (b), cited to text Former subsecs (c) and (d) were redesignated (d) and (e) respectively by section 136 (c) of said act

Subsec (e), formerly (d) was amended by act Oct. 21, 1942, § 172 (f) (3), cited to text, which numbered first par (1), and added par (2)

EFFECTIVE DATE

Amendment of subsec. (e) by act May 29, 1944, § 6 (b) (6), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Amendment of subsec (a) by act June 9, 1943, cited to text, was made effective with respect to taxable years beginning after December 31, 1942, by section 5 (f) thereof

Amendment of subsec (c) by act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Amendment of subsec (d) by act Oct 21, 1942, § 172 (f), cited to text, adding par (2), was made effective Jan 1, 1943, applicable to all wages (as defined in Part II of Subchapter D) paid on or after such date, by section 172 (g) of said act.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 147. Information at source—(a) Payments of $500 or more.

All persons, in whatever capacity acting, including lessees or mortgagors of real or personal property, fiduciaries, and employers, making payment to another person, of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in section 148 (a) or 149), of $500 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Commissioner, under such regulations and in such form and manner and to such extent as may be prescribed by him with the approval of the Secretary, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment.

(b) Returns regardless of amount of payment.

Such returns may be required, regardless of amounts, (1) in the case of payments of interest upon bonds, mortgages, deeds of trust, or other similar obligations of corporations, (2) in the case of payments of interest upon obligations of the United States or any agency or instrumentality thereof, and (3) in the case of collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest upon the bonds of and dividends from foreign corporations by persons undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

* * * * *

(d) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 116 (a), 55 Stat. 698.

(As amended Sept. 20, 1941, 12 15 p. m., E. S T., ch. 412, title I, §§ 112 (c), 116 (a), (b), 55 Stat 697, 698; Oct. 21, 1942, 4:30 p m., E W. T., ch. 619, title I, § 131 (c) (3), 56 Stat. 828.)

AMENDMENTS

1942—Subsec (a) was amended by act Oct. 21, 1942, cited to text, which substituted "$500" for "$750"

1941—Subsec. (a) was amended by act Sept. 20, 1941, § 112 (c), cited to text, which substituted "$750" for "$800" wherever occurring therein

Subsec (b) was amended by act Sept 20, 1941, § 116 (b), cited to text, which renumbered former clause (2) to be "(3)" and added a new clause (2).

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

Act Sept. 20, 1941, § 112 (c), cited to text, which amended subsec. (a) of this section, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof.

Act Sept. 20, 1941, § 116 (a), (b), cited to text, which repealed subsec. (d) and amended subsec. (b) of this section, took effect upon the day after the date of enactment of that act, by virtue of section 116 (c) thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, and section 109 of act Oct. 21, 1942, also cited.

§ 152. Pan-American trade corporations.

INAPPLICABILITY TO TAXABLE YEARS BEGINNING AFTER 1941

Act Oct. 21, 1942, 4.30 p m., E. W. T., ch. 619, title I, § 159 (b), 56 Stat 860, provided that this section "shall not apply with respect to any taxable year beginning after December 31, 1941."

SUPPLEMENT E.—ESTATES AND TRUSTS

§ 162. Net income.

* * * * *

(b) There shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is to be distributed currently by the fiduciary to the legatees, heirs, or beneficiaries, but the amount so allowed as a deduction shall be included in computing the net income of the legatees, heirs, or beneficiaries whether distributed to them or not. As used in this subsection, "income which is to be distributed currently" includes income for the taxable year of the estate or trust which, within the taxable year, becomes payable to the legatee, heir, or beneficiary. Any amount allowed as a deduction under this paragraph shall not be allowed as a deduction under subsection (c) of this section in the same or any succeeding taxable year;

(c) In the case of income received by estates of deceased persons during the period of administration or settlement of the estate, and in the case of income which, in the discretion of the fiduciary, may be either distributed to the beneficiary or accumulated, there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year, which is properly paid or credited during such year to any legatee, heir, or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir, or beneficiary;

(d) Rules for application of subsections (b) and (c).[1]

For the purposes of subsections (b) and (c)—

(1) Amounts distributable out of income or corpus.

In cases where the amount paid, credited, or to be distributed can be paid, credited, or distributed out of other than income, the amount paid, credited, or to be distributed (except under a gift, bequest, devise, or inheritance not to be paid, credited, or distributed at intervals) during the taxable year of the estate or trust shall be considered as income of the estate or trust which is paid, credited, or to be distributed if the aggregate of such amounts so paid, credited, or to be distributed does not exceed the distributable income of the estate or trust for its taxable year. If the aggregate of such amounts so paid, credited, or to be distributed during the taxable year of the estate or trust in such cases exceeds the distributable income of the estate or trust for its taxable year, the amount so paid, credited, or to be distributed to any legatee, heir, or beneficiary shall be considered income of the estate or trust for its taxable year which is paid, credited, or to be distributed in an amount which bears the same ratio to the amount of such distributable income as the amount so paid, credited, or to be distributed to the legatee, heir, or beneficiary bears to the aggregate of such amounts so paid, credited, or to be distributed to legatees, heirs, and beneficiaries for the taxable year of the estate or trust. For the purposes of this paragraph "distributable income" means either (A) the net income of the estate or trust computed with the deductions allowed under subsections (b) and (c) in cases to which this paragraph does not apply, or (B) the income of the estate or trust minus the deductions provided in subsections (b) and (c) in cases to which this paragraph does not apply, whichever is the greater. In computing such distributable income the deductions under subsections (b) and (c) shall be determined without the application of paragraph (2).

(2) Amounts distributable out of income of prior period.

In cases, other than cases described in paragraph (1), if on a date more than 65 days after the beginning of the taxable year of the estate or trust, income of the estate or trust for any period becomes payable, the amount of such income shall be considered income of the estate or trust for its taxable year which is paid, credited, or to be distributed to the extent of the income of the estate or trust for such period, or if such period is a period of more than 12 months, the last 12 months thereof.

(3) Distributions in first 65 days of taxable year—(A) General rule.

If within the first 65 days of any taxable year of the estate or trust, income of the estate or trust, for a period beginning before the beginning of the taxable year, becomes payable, such income, to the extent of the income of the estate or trust for the part of such period not falling within the taxable year or, if such part is longer than 12 months, the last 12 months thereof, shall be considered, paid, credited, or to be distributed on the last day of the preceding taxable year. This subparagraph shall not apply with respect to any amount with respect to which subparagraph (B) applies.

(B) Payable out of income or corpus.

If within the first 65 days of any taxable year of the estate or trust, an amount which can be paid at intervals out of other than income becomes payable, there shall be considered as paid, credited, or to be distributed on the last day of the preceding taxable year the part of such amount which bears the same ratio to such amount as the part of the interval not falling within the taxable year bears to the period of the interval. If the part of the interval not falling within the taxable year is a period of more than 12 months, the interval shall be considered to begin on the date 12 months before the end of the taxable year.

(4) Excess deductions.

If for any taxable year of an estate or trust the deductions allowed under subsection (b) or (c) solely by reason of paragraph (2) or (3) (A) in respect of any income which becomes payable to a legatee, heir, or beneficiary exceed the net income of the estate or trust for such year, computed without such deductions, the amount of such excess shall not be included in computing the net income of such legatee, heir, or beneficiary under subsection (b) or (c). In cases where the income deductible solely by reason of paragraph (2) or (3) (A) becomes payable

to two or more legatees, heirs, or beneficiaries, the benefit of such exclusion shall be divided among such legatees, heirs, and beneficiaries, in the proportions in which they share in such income. In any case where the estate or trust is entitled to a deduction by reason of paragraph (1), in the determination of the net income of the estate or trust for the purposes of this paragraph the amount of such deduction shall be determined with the application of paragraph (3) (A).

(e) Amounts allowable under section 812 (b) as a deduction in computing the net estate of a decedent shall not be allowed as a deduction under section 23, except subsection (w), in computing the net income of the estate unless there is filed, within the time and in the manner and form prescribed by the Commissioner, a statement that the items have not been claimed or allowed as deductions under section 812 (b) and a waiver of the right to have such items allowed at any time as deductions under section 812 (b).

(f) The standard deduction provided in section 23 (aa) shall not be allowed. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 111 (b, c), 161 (a), 56 Stat. 809, 861; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 133 (a), 58 Stat. 50; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 9 (b) (1), 58 Stat. 237.)

[1] So in original. Subsecs (a), (b), (c), and (e) were enacted without a catchline.

AMENDMENTS

1944—Subsec (d) amended by act Feb 25, 1944, cited to text, which added par (4)

Subsec. (f) added by act May 29, 1944, cited to text.

1942—Subsecs (b) and (c) were amended and subsecs. (d) and (e) were added by act Oct 21, 1942, cited to text.

EFFECTIVE DATE

Amendment adding subsec. (f) by act May 29, 1944, § 9 (b) (1), cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 2 thereof.

Amendment of subsec. (d) by act Feb. 25, 1944, § 133 (a), cited to text, was made effective by section 133 (b) thereof as follows. "The amendment made by subsection (a) shall be effective as if it were a part of section 111 of the Revenue Act of 1942 [sections 22, 162, 164 and notes thereto of this title] on the date of its enactment. [Oct. 21, 1942, 4 30 P. M., E. W T.]"

Amendment of subsecs. (b–d) by act Oct. 21, 1942, § 111 (b, c), cited to text, was made effective by section 111 (e) thereof as follows: "(e) The amendments made by this section (to sections 22 (b) (3), 162 (b–d) and 164) shall be applicable only with respect to taxable years beginning after December 31, 1941; except that in the case of income paid, credited or to be distributed or amounts paid, credited or to be distributed by an estate or trust the amendments made by this section shall be applicable only with respect to such income and such amounts paid, credited or to be distributed on or after the beginning of the first taxable year of the estate or trust, as the case may be, beginning after December 31, 1941."

Amendment by act Oct 21, 1942, § 161 (a), cited to text, adding subsec (e), was made effective by section 161 (b) thereof as follows: "(b) The amendment made by subsection (a) (to subsec. (e)) insofar as it relates to section 23 (a) (2) shall be applicable with respect to the same taxable years and the same revenue laws as the amendments made by section 121 (relating to non-trade or non-business deductions) of this Act (sections 23 (a) (*l*) and 24 (a) (5) and notes thereunder); and the other provisions shall be applicable to taxable years beginning after December 31, 1941."

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows. "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States." This provision was repeated in section 136 of act Feb. 25, 1944, also cited.

§ 163. Credits against net income.

(a) Credits of estate of trust.

(1) For the purpose of the normal tax and the surtax, an estate shall be allowed, in lieu of the exemptions under section 25 (b) (1), a credit of $500 against net income, and a trust shall be allowed, in lieu of the exemptions under section 25 (b) (1), a credit of $100 against net income.

* * * * *

(c) Credits of estate or trust and beneficiary in case of bond premium.

If the estate or trust elects under section 125 to treat the premium on bonds, the interest on which is allowable as a credit under section 25 (a) (1) or (2), as amortizable,

(1) For the purposes of subsection (a) (2), the credits allowed by section 25 (a) shall be reduced as provided in section 125 (a) (3);

(2) for the purposes of subsection (b), the proportionate share of the legatee, heir, or beneficiary of such interest shall be his proportionate share of such interest (determined without regard to this paragraph) reduced by so much of the deduction under section 23 (v) as is attributable to such share. The remainder of such deduction, for the purposes of the last sentence of subsection (b), shall be applied in reduction of such credits of the estate or trust. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 126 (d), 56 Stat. 824; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 10 (e), 58 Stat. 239; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 102 (b) (6), 59 Stat. 559.)

AMENDMENTS

1945—Subsec (a) (1) amended generally by act Nov 8, 1945, § 102 (b) (6), cited to text

1944—Subsec (a) (1) amended generally by act May 29, 1944, cited to text, which incorporated technical changes necessitated by the amendment of section 25 of this title.

1942—Subsec. (c) was added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Nov. 8, 1945, § 102 (b) (6), cited to text, was made applicable to taxable years beginning after Dec 31, 1945, by section 102 (c) thereof For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title.

Act May 29, 1944, § 10 (e), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 164. Different taxable years.

If the taxable year of a legatee, heir, or beneficiary is different from that of the estate or trust, the amount which he is required, under section 162 (b), to include in computing his net income, shall be

based upon the income of the estate or trust for any taxable year of the estate or trust (whether beginning on, before, or after January 1, 1939) ending within or with his taxable year. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 111 (d), 56 Stat. 810)

AMENDMENTS

1942—Act Oct 21, 1942, cited to text, amended section by inserting "legatee, heir, or beneficiary" in lieu of "beneficiary"

EFFECTIVE DATE

Section 111 (e) of act Oct. 21, 1942, cited to text, provided as follows. "(e) The amendments made by this section (to sections 23 (b) (3), 162 (b–d), and 164) shall be applicable only with respect to taxable years beginning after December 31, 1941, except that in the case of income paid, credited or to be distributed or amounts paid, credited or to be distributed by an estate or trust the amendments made by this section shall be applicable only with respect to such income and such amounts paid, credited or to be distributed on or after the beginning of the first taxable year of the estate or trust, as the case may be, beginning after December 31, 1941."

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 165. Employees' trusts—(a) Exemption from tax.

A trust forming part of a stock bonus, pension, or profit-sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries shall not be taxable under this supplement and no other provision of this supplement shall apply with respect to such trust or to its beneficiary—

(1) if contributions are made to the trust by such employer, or employees, or both, for the purpose of distributing to such employees or their beneficiaries the corpus and income of the fund accumulated by the trust in accordance with such plan;

(2) if under the trust instrument it is impossible, at any time prior to the satisfaction of all liabilities with respect to employees and their beneficiaries under the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, purposes other than for the exclusive benefit of his employees or their beneficiaries;

(3) if the trust, or two or more trusts, or the trust or trusts and annuity plan or plans are designated by the employer as constituting parts of a plan intended to qualify under this subsection which benefits either—

(A) 70 per centum or more of all the employees, or 80 per centum or more of all the employees who are eligible to benefit under the plan if 70 per centum or more of all the employees are eligible to benefit under the plan, excluding in each case employees who have been employed not more than a minimum period prescribed by the plan, not exceeding five years, employees whose customary employment is for not more than twenty hours in any one week, and employees whose customary employment is for not more than five months in any calendar year, or

(B) such employees as qualify under a classification set up by the employer and found by the Commissioner not to be discriminatory in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees; and

(4) If the contributions or benefits provided under the plan do not discriminate in favor of employees who are officers, shareholders, persons whose principal duties consist in supervising the work of other employees, or highly compensated employees.

(5) A classification shall not be considered discriminatory within the meaning of paragraphs (3) (B) or (4) of this subsection merely because it excludes employees the whole of whose remuneration constitutes "wages" under section 1426 (a) (1) (relating to the Federal Insurance Contributions Act) or merely because it is limited to salaried or clerical employees. Neither shall a plan be considered discriminatory within the meaning of such provisions merely because the contributions or benefits of or on behalf of the employees under the plan bear a uniform relationship to the total compensation, or the basic or regular rate of compensation, of such employees, or merely because the contributions or benefits based on that part of an employee's remuneration which is excluded from "wages" by section 1426 (a) (1) differ from the contributions or benefits based on employee's remuneration not so excluded, or differ because of any retirement benefits created under State or Federal law.

(6) A plan shall be considered as meeting the requirements of paragraph (3) of this subsection during the whole of any taxable year of the plan if on one day in each quarter it satisfied such requirements.

(b) Taxability of beneficiary.

The amount actually distributed or made available to any distributee by any such trust shall be taxable to him, in the year in which so distributed or made available, under section 22 (b) (2) as if it were an annuity the consideration for which is the amount contributed by the employee, except that if the total distributions payable with respect to any employee are paid to the distributee within one taxable year of the distributee on account of the employee's separation from the service, the amount of such distribution to the extent exceeding the amounts contributed by the employee, shall be considered a gain from the sale or exchange of a capital asset held for more than 6 months.

(c) Treatment of beneficiary of trust not exempt under subsection (a).

Contributions to a trust made by an employer during a taxable year of the employer which ends within or with a taxable year of the trust for which the trust is not exempt under section 165 (a) shall be included in the gross income of an employee for the taxable year in which the contribution is made to the trust in the case of an employee whose beneficial interest in such contribution is nonforfeitable at the time the contribution is made. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 162 (a), 56 Stat. 862.)

AMENDMENTS

1942—Act Oct 21, 1942, cited to text, amended section in its entirety, adding pars (3–6) to subsec. (a), substi-

tuting new provisions in subsec. (b), and adding subsec. (c).

EFFECTIVE DATE

Section 162 (d) of act Oct. 21, 1942, cited to text, as amended by acts Dec. 17, 1943, ch 346, § 3, 57 Stat. 602; Dec 20, 1944, ch. 616, § 2, 58 Stat. 830, provided as follows:

"(d) The amendments made by this section (to sections 22 (b) (2) (B), 23 (p), this section, and section 80a-3 (c) (13) of Title 15) shall be applicable as to both the employer and employees only with respect to taxable years of the employer beginning after December 31, 1941, except that—

"(1) In the case of a stock bonus, pension, profit-sharing, or annuity plan in effect on or before September 1, 1942,

"(A) such a plan shall not become subject to the requirements of section 165 (a) (3), (4), (5), and (6) until the beginning of the first taxable year beginning after December 31, 1942,

"(B) such a plan shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the beginning of the first taxable year following December 31, 1942, and ending June 30, 1945, if the provisions thereof satisfy such requirements by June 30, 1945, and if by that time all provisions of such plan which are necessary to satisfy such requirements are in effect and have been made effective for all purposes with respect to the portion of such period after December 31, 1943

"(C) if the contribution of an employer to such a plan in the employer's taxable year beginning in 1942 exceeds the maximum amount deductible for such year under section 23 (p) (1), as amended by this section, the amount deductible in such year shall be not less than the sum of—

"(i) the amount paid in such taxable year prior to September 1, 1942, and deductible under section 23 (a) or 23 (p) prior to amendment by this section, and

"(ii) with respect to the amount paid in such taxable year on or after September 1, 1942 that proportion of the amount deductible for the taxable year under section 23 (p) (1), as amended by this section, which the number of months after August 31, 1942, in the taxable year bears to twelve

"(2) A stock bonus, pension, profit-sharing, or annuity plan—

"(A) put into effect after September 1, 1942, and prior to January 1, 1945, shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the date on which it was put into effect and ending with June 30, 1945, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the portion of such period after December 31, 1943,

"(B) put into effect after December 31, 1944, shall be considered as satisfying the requirements of section 165 (a) (3) (4), (5), and (6) for the period beginning with the date on which it was put into effect and ending with the 15th day of the third month following the close of the taxable year of the employer in which the plan was put in effect, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period."

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows. "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 167. Income for benefit of grantor.

* * * * *

(c) Income of a trust shall not be considered taxable to the grantor under subsection (a) or any other provision of this chapter merely because such income, in the discretion of another person, the trustee, or the grantor acting as trustee or cotrustee, may be applied or distributed for the support or maintenance of a beneficiary whom the grantor is legally obligated to support or maintain, except to the extent that such income is so applied or distributed. In cases where the amounts so applied or distributed are paid out of corpus or out of other than income for the taxable year, such amounts shall be considered paid out of income to the extent of the income of the trust for such taxable year which is not paid, credited, or to be distributed under section 162 and which is not otherwise taxable to the grantor. (As amended Feb. 25, 1944, 12.49 p. m., E. W. T., ch. 63, title I, § 134 (a), 58 Stat. 51.)

AMENDMENTS

1944— Subsec. (c) added by act Feb 25, 1944, cited to text

EFFECTIVE DATE

Section 134 (b) of act Feb 25, 1944, cited to text, provided as follows:

"(1) General Rule—Except as provided in paragraph (2), the amendments made by subsection (a) shall be applicable with respect to taxable years beginning after December 31, 1942, unless a taxable year of the trust beginning in 1942 ends within a taxable year of the grantor beginning in 1943, in which case, except as provided in paragraph (2), such amendments shall not be applicable to such taxable year of the grantor.

"(2) Retroactive effect—The amendments made by subsection (a) shall also be applicable with respect to all taxable years to which such amendments are not made applicable under paragraph (1), in the same manner as if such amendments had been a part of the revenue laws applicable to such taxable years, but only if there are filed with the Commissioner (in accordance with regulations prescribed by him with the approval of the Secretary) at such time and by such persons as may be prescribed under such regulations, signed consents that there shall be paid, at such time as the Commissioner may prescribe, all of the taxes under Chapter 1 of the Internal Revenue Code or under the corresponding provisions of prior revenue laws which would have been paid for the taxable years concerned if such amendments had been a part of the revenue laws applicable to such taxable years

"(3) Deficiencies and overpayments—The period of limitations provided in sections 275 and 276 of the Internal Revenue Code or corresponding provisions of a prior revenue law on making of assessments and the beginning of distraint or a proceeding in court for collection shall with respect to any deficiency resulting from any such consents include one year immediately after the date such consents were filed, and such assessment and collection may be made notwithstanding any provision of the internal revenue laws or any rule of law which would otherwise prevent such assessment and collection The period within which claim for credit or refund may be filed, or credit or refund allowed or made if no claim is filed, with respect to any overpayment by the grantor resulting from the consents shall include one year immediately after the date of the filing of the consents, and credit or refund may be allowed or made notwithstanding any provision or rule of law (other than this subsection, section 3760 of the Internal Revenue Code or a corresponding provision of prior law, relating to closing agreements, and section 3761 of the Internal Revenue Code or a corresponding provision of prior law, relating to compromises) which would otherwise prevent such credit or refund No interest shall be allowed or paid on any overpayment, or assessed on any deficiency, resulting from the application of paragraph (2) of this subsection"

TREATY OBLIGATIONS

Section 136 of act Feb 25, 1944, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 169. Common trust funds.

* * * * *

(c) Income of participants in fund—(1) Inclusions in net income.

* * * * *

(A) As part of its gains and losses from sales or exchanges of capital assets held for not more than 6 months, its proportionate share of the gains and losses of the common trust fund from sales or exchanges of capital assets held for not more than 6 months.

(B) As part of its gains and losses from sales or exchanges of capital assets held for more than 6 months, its proportionate share of the gains and losses of the common trust fund from sales or exchanges of capital assets held for more than 6 months.

* * * * *

(2) Credit for partially exempt interest.

The proportionate share of each participant in the amount of interest specified in section 25 (a) received by the common trust fund shall for the purposes of this Supplement be considered as having been received by such participant as such interest. If the common trust fund elects under section 125 to treat the premium on bonds, the interest on which is allowable as a credit under section 25 (a) (1) or (2), as amortizable, for the purposes of the preceding sentence the proportionate share of the participant of such interest received by the common trust fund shall be his proportionate share of such interest (determined without regard to this sentence) reduced by so much of the deduction under section 23 (v) as is attributable to such share.

(d) Computation of common trust fund income.

The net income of the common trust fund shall be computed in the same manner and on the same basis as in the case of an individual, except that—

(1) There shall be segregated the gains and losses from sales or exchanges of capital assets;

(2) After excluding all items of gain and loss from sales or exchanges of capital assets, there shall be computed—

(A) An ordinary net income which shall consist of the excess of the gross income over deductions; or

(B) An ordinary net loss which shall consist of the excess of the deductions over the gross income;

* * * * *

(4) The standard deduction provided in section 23 (aa) shall not be allowed. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 126 (e), 150 (f), 56 Stat. 824, 825; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 9 (b) (2), 58 Stat. 238.)

* * * * *

AMENDMENTS

1944—Subsec. (d) amended by act May 29, 1944, cited to text, which added subd. (4).

1942—Subsecs. (c) (1) (A, B), (2) and (d) (1, 2) were amended by act Oct 21, 1942, cited to text.

EFFECTIVE DATE

Act May 29, 1944, § 9 (b) (2), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 171. Income of an estate or trust in case of divorce, etc.—(a) Inclusion in gross income.

There shall be included in the gross income of a wife who is divorced or legally separated under a decree of divorce or of separate maintenance the amount of the income of any trust which such wife is entitled to receive and which, except for the provisions of this section, would be includible in the gross income of her husband, and such amount shall not, despite section 166, section 167, or any other provision of this chapter, be includible in the gross income of such husband. This subsection shall not apply to that part of any such income of the trust which the terms of the decree or trust instrument fix, in terms of an amount of money or a portion of such income, as a sum which is payable for the support of minor children of such husband. In case such income is less than the amount specified in the decree or instrument, for the purpose of applying the preceding sentence, such income, to the extent of such sum payable for such support, shall be considered a payment for such support.

(b) Wife considered a beneficiary.

For the purposes of computing the net income of the estate or trust and the net income of the wife described in section 22 (k) or subsection (a) of this section, such wife shall be considered as the beneficiary specified in this supplement. A periodic payment under section 22 (k) to any part of which the provisions of this supplement are applicable shall be included in the gross income of the beneficiary in the taxable year in which under this supplement such part is required to be included. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 120 (c), 56 Stat. 817.)

EFFECTIVE DATE

Section 120 (g) of act Oct 21, 1942, cited to text, provided as follows: "(g) The amendments made by this section (to sections 22 (b) (2), (k), 23 (u), 25 (b) (2) (A), 171 and 3797 (a) (17)) shall be applicable only with respect to taxable years beginning after December 31, 1941; except that if the first taxable year beginning after December 31, 1941, of the husband does not begin on the same day as the first taxable year beginning after December 31, 1941, of the wife, such amendments shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1941, regardless of the taxable year of the husband in which such day falls."

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 172. Allowance of amortization deduction.

The benefit of the deduction for amortization of emergency facilities allowed by section 23 (t) shall be allowed to estates and trusts in the same manner and to the same extent as in the case of an indi-

vidual. The allowable deduction shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Commissioner with the approval of the Secretary. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 155 (g), 56 Stat. 851.)

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made effective as of Oct. 8, 1940, by section 155 (i) thereof

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

SUPPLEMENT F.—PARTNERSHIPS

§ 182. Tax of partners.

* * * * *

(a) As part of his gains and losses from sales or exchanges of capital assets held for not more than 6 months, his distributive share of the gains and losses of the partnership from sales or exchanges of capital assets held for not more than 6 months.

(b) As part of his gains and losses from sales or exchanges of capital assets held for more than 6 months, his distributive share of the gains and losses of the partnership from sales or exchanges of capital assets held for more than 6 months. (As amended Oct 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 150 (g) (1), 56 Stat. 845.)

* * * * *

AMENDMENTS

1942—Subsecs (a) and (b) were amended by act Oct 21, 1942, cited to text

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 183. Computation of partnership income.

(a) General rule.

The net income of the partnership shall be computed in the same manner and on the same basis as in the case of an individual, except as provided in subsections (b), (c), and (d).

(b) Segregation of items—(1) Capital gains and losses.

There shall be segregated the gains and losses from sales or exchanges of capital assets.

(2) Ordinary net income or loss.

After excluding all items of gain and loss from sales or exchanges of capital assets, there shall be computed—

(A) An ordinary net income which shall consist of the excess of the gross income over the deductions; or

(B) An ordinary net loss which shall consist of the excess of the deductions over the gross income.

* * * * *

(d) Standard deduction.

In computing the net income of the partnership, the standard deduction provided in section 23 (aa) shall not be allowed. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 150 (g) (2) (A), 56 Stat. 845; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 9 (c), 58 Stat. 238.)

AMENDMENTS

1944—Subsec. (a) amended by act May 29, 1944, cited to text, which struck out "(b) and (c)" and inserted in lieu thereof "(b), (c), and (d)".

Subsec. (d) added by act May 29, 1944, cited to text

1942—Subsec. (b) (1, 2) was amended by act Oct 21, 1942, cited to text.

EFFECTIVE DATE

Act May 29, 1944, § 9 (c), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 184. Credits against net income.

The partner shall, for the purpose of the normal tax, be allowed as a credit against his net income, in addition to the credits allowed to him under section 25, his proportionate share of such amounts (not in excess of the net income of the partnership) of interest specified in section 25 (a) as are received by the partnership. If the partnership elects under section 125 to treat the premium on bonds, the interest on which is allowable as a credit under section 25 (a) (1) or (2), as amortizable, for the purposes of the preceding sentence the partner's proportionate share of the interest received by the partnership shall be his proportionate share of such interest (determined without regard to this sentence) reduced by so much of the deduction under section 23 (v) as is attributable to such share. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 126 (f), 56 Stat 825.)

AMENDMENTS

1942—Act Oct. 21, 1942, cited to text, amended section by adding second sentence.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 185. Repealed. Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 107 (a), 58 Stat. 31.

EFFECTIVE DATE

The repeal of this section by act Feb. 25, 1944, § 107 (a), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 101 thereof

§ 190. Allowance of amortization deduction.

In the case of emergency facilities of a partnership, the benefit of the deduction for amortization allowed by section 23 (t) shall not be allowed to the mem-

bers of a partnership but shall be allowed to the partnership in the same manner and to the same extent as in the case of an individual. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 155 (h), 56 Stat. 851.)

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made effective as of Oct 8, 1940, by section 155 (i) thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

SUPPLEMENT G.—INSURANCE COMPANIES

§ 201. Life insurance companies—(a) Imposition of tax—(1) In general.

There shall be levied, collected, and paid for each taxable year upon the adjusted normal-tax net income (as defined in section 202) and upon the adjusted corporation surtax net income (as defined in section 203) of every life insurance company taxes at the rates provided in section 13 or section 14 (b) and in section 15 (b).

(2) Foreign life insurance companies.

A foreign life insurance company carrying on a life insurance business within the United States if with respect to its United States business it would qualify as a life insurance company under subsection (b) shall be taxable in the same manner as a domestic life insurance company except that the determinations necessary for the purposes of this chapter shall be made on the basis of the income, disbursements, assets, and liabilities reported in the annual statement for the taxable year of the United States business of such company on the form approved for life insurance companies by the National Association of Insurance Commissioners.

(3) No United States insurance business.

Foreign life insurance companies not carrying on an insurance business within the United States shall not be taxable under this section but shall be taxable as other foreign corporations.

(b) Definition of life insurance company.

When used in this chapter, the term "life insurance company" means an insurance company which is engaged in the business of issuing life insurance and annuity contracts (either separately or combined with health and accident insurance), or noncancellable contracts of health and accident insurance, and the life insurance reserves (as defined in subsection (c) (2)) plus unearned premiums and unpaid losses on noncancellable life, health, or accident policies not included in life insurance reserves, of which comprise more than 50 per centum of its total reserves. For the purpose of this subsection, total reserves means life insurance reserves, unearned premiums and unpaid losses not included in life insurance reserves, and all other insurance reserves required by law. For taxable years beginning after December 31, 1943, a burial or funeral benefit insurance company engaged directly in the manufacture of funeral supplies or the performance of funeral services shall not be taxable under this section but shall be taxable under section 204 or section 207.

(c) Other definitions.

In the case of a life insurance company—

(1) Gross income.

The term "gross income" means the gross amount of income received during the taxable year from interest, dividends, and rents.

(2) Life insurance reserves.

The term "life insurance reserves" means amounts which are computed or estimated on the basis of recognized mortality or morbidity tables and assumed rates of interest, and which are set aside to mature or liquidate, either by payment or reinsurance, future unaccrued claims arising from life insurance, annuity, and noncancellable health and accident insurance contracts (including life insurance or annuity contracts combined with noncancellable health and accident insurance) involving, at the time with respect to which the reserve is computed, life, health, or accident contingencies. Such life insurance reserves, except in the case of policies covering life, health, and accident insurance combined in one policy issued on the weekly premium payment plan, continuing for life and not subject to cancellation and except as hereinafter provided in the case of assessment life insurance, must also be required by law. In the case of an assessment life insurance company or association the term "life insurance reserves" includes sums actually deposited by such company or association with State or Territorial officers pursuant to law as guaranty or reserve funds, and any funds maintained under the charter or articles of incorporation or association, or bylaws approved by State Insurance Commissioner of such company or association exclusively for the payment of claims arising under certificates of membership or policies issued upon the assessment plan and not subject to any other use.

(3) Adjusted reserves.

The term "adjusted reserves" means life insurance reserves plus 7 per centum of that portion of such reserves as are computed on a preliminary term basis.

(4) Reserve earnings rate.

The term "reserve earnings rate" means a rate computed by adding 2.1125 per centum (65 per centum of 3¼ per centum) to 35 per centum of the average rate of interest assumed in computing life insurance reserves. Such average rate shall be calculated by multiplying each assumed rate of interest by the means of the amounts of the adjusted reserves computed at that rate at the beginning and end of the taxable year and dividing the sum of the products by the mean of the total adjusted reserves at the beginning and end of the taxable year.

(5) Reserve for deferred dividends.

The term "reserve for deferred dividends" means sums held at the end of the taxable year as a reserve for dividends (other than dividends payable during the year following the taxable year) the payment of

which is deferred for a period of not less than five years from the date of the policy contract.

(6) Interest paid.

The term "interest paid" means—

(A) All interest paid within the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this chapter, and

(B) All amounts in the nature of interest, whether or not guaranteed, paid within the taxable year on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time of payment, life, health, or accident contingencies.

(7) Net income.

The term "net income" means the gross income less—

(A) Tax-free interest.

The amount of interest received during the taxable year which under section 22 (b) (4) is excluded from gross income;

(B) Investment expenses.

Investment expenses paid during the taxable year. If any general expenses are in part assigned to or included in the investment expenses, the total deduction under this subparagraph shall not exceed one-fourth of 1 per centum of the mean of the book value of the invested assets held at the beginning and end of the taxable year plus one-fourth of the amount by which net income computed without any deduction for investment expenses allowed by this subparagraph, or for tax-free interest allowed by subparagraph (A), exceeds 3¾ per centum of the book value of the mean of the invested assets held at the beginning and end of the taxable year;

(C) Real estate expenses.

Taxes and other expenses paid during the taxable year exclusively upon or with respect to the real estate owned by the company, not including taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and not including any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property. The deduction allowed by this paragraph shall be allowed in the case of taxes imposed upon a shareholder of a company upon his interest as shareholder, which are paid by the company without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes;

(D) Depreciation.

A reasonable allowance, as provided in section 23 (*l*), for the exhaustion, wear and tear of property, including a reasonable allowance for obsolescence.

(d) Rental value of real estate.

The deduction under subsection (c) (7) (C) or (c) (7) (D) of this section on account of any real estate owned and occupied in whole or in part by a life insurance company, shall be limited to an amount which bears the same ratio to such deduction (computed without regard to this subsection) as the rental value of the space not so occupied bears to the rental value of the entire property.

(e) Amortization of premium and accrual of discount.

The gross income, the deduction provided in section 201 (c) (7) (A) and the credit allowed against net income in section 26 (a) shall each be decreased by the appropriate amortization of premium and increased by the appropriate accrual of discount attributable to the taxable year on bonds, notes, debentures or other evidences of indebtedness held by a life insurance company. Such amortization and accrual shall be determined (1) in accordance with the method regularly employed by such company, if such method is reasonable, and (2) in all other cases, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

(f) Double deductions.

Nothing in this section or in section 202 or 203 shall be construed to permit the same items to be twice deducted.

(g) Credits under section 26.

For the purposes of this section, in computing normal tax net income and corporation surtax net income, the credits provided in section 26 shall be allowed in the manner and to the extent provided in sections 13 (a) and 15 (a). (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 163 (a), 56 Stat. 867.)

AMENDMENTS

1942—Act Oct 21, 1942, cited to text, amended section in its entirety, affecting provisions of former subsecs. (a) and (b) and adding new subsecs. (c-g).

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 202. Adjusted normal-tax net income—(a) Definition.

For the purposes of section 201, the term "adjusted normal-tax net income" means the normal-tax net income minus the reserve and other policy liability credit provided in subsection (b) and plus the amount of the adjustment for certain reserves provided in subsection (c).

(b) Reserve and other policy liability credit.

As used in this section the term "reserve and other policy liability credit" means an amount computed by multiplying the normal-tax net income by a figure, to be determined and proclaimed by the Secretary for each taxable year. This figure shall be based on such data with respect to life insurance companies for the preceding taxable year as the Secretary considers representative and shall be computed in accordance with the following formula: The ratio which (1) the aggregate of the sums of (A) 2 per centum of the reserves for deferred

dividends, (B) interest paid, and (C) the product of (i) the mean of the adjusted reserves at the beginning and end of the taxable year and (ii) the reserve earnings rate bears to (2) the aggregate of the excess of net incomes computed without any deduction for tax-free interest, over the adjustment for certain reserves provided in subsection (c).

(c) Adjustment for certain reserves.

In the case of a life insurance company writing contracts other than life insurance or annuity contracts (either separately or combined with noncancellable health and accident insurance), the term "adjustment for certain reserves" means an amount equal to 3¼ per centum of the unearned premiums and unpaid losses on such other contracts which are not included in life insurance reserves. For the purposes of this subsection such unearned premiums shall not be considered to be less than 25 per centum of the net premiums written during the taxable year on such other contracts. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 163 (a), 56 Stat 867.)

AMENDMENTS

1942—Act Oct 21, 1942, cited to text, amended section in its entirety.

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 203. Adjusted corporation surtax net income—(a) Definition.

For the purposes of section 201, the term "adjusted corporation surtax net income" means the corporation surtax net income minus the reserve and other policy liability credit and plus the adjustment for certain reserves provided in section 202 (c).

(b) Reserve and other policy liability credit.

As used in this section, the term "reserve and other policy liability credit" means an amount computed by multiplying the corporation surtax net income by the figure determined and proclaimed under section 202 (b). (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 163 (a), 56 Stat. 867.)

AMENDMENTS

1942—Act Oct 21, 1942, cited to text, amended section in its entirety.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 204. Insurance companies other than life or mutual—(a) Imposition of tax—(1) In general.

There shall be levied, collected, and paid for each taxable year upon the normal-tax net income and upon the corporation surtax net income of every insurance company (other than a life or mutual insurance company) and every mutual marine insurance company and every mutual fire insurance company exclusively issuing either perpetual policies, or policies for which the sole premium charged is a single deposit which (except for such deduction of underwriting costs as may be provided) is refundable upon cancellation or expiration of the policy taxes at the rates specified in section 13 or section 14 (b) and in section 15 (b).

(2) Normal-tax and corporation surtax net income of foreign insurance companies other than life or mutual and foreign mutual marine.

In the case of a foreign insurance company (other than a life or mutual insurance company) and a foreign mutual marine insurance company and a foreign mutual fire insurance company described in paragraph (1) of this subsection, the normal tax net income shall be the net income from sources within the United States minus the credit provided in section 26 (a) and the credit provided in section 26 (b), and the corporation surtax net income shall be the net income from sources within the United States minus the credit provided in section 26 (b).

(3) No United States insurance business.

Foreign insurance companies (other than a life or mutual insurance company) and foreign mutual marine insurance companies and foreign mutual fire insurance companies described in paragraph (1) of this subsection not carrying on an insurance business within the United States shall not be taxable under this section but shall be taxable as other foreign corporations.

(b) Definition of income, etc.

In the case of an insurance company subject to the tax imposed by this section—

(1) Gross income.

"Gross income" means the sum of (A) the combined gross amount earned during the taxable year, from investment income and from underwriting income as provided in this subsection, computed on the basis of the underwriting and investment exhibit of the annual statement approved by the National Convention of Insurance Commissioners, and (B) gain during the taxable year from the sale or other disposition of property, and (C) all other items constituting gross income under section 22; except that in the case of a mutual fire insurance company described in paragraph (1) of subsection (a) of this section, the amount of single deposit premiums paid to such company shall not be included in gross income;

* * * * *

(5) Premiums earned.

"Premiums earned on insurance contracts during the taxable year" means an amount computed as follows:

From the amount of gross premiums written on insurance contracts during the taxable year, deduct

return premiums and premiums paid for reinsurance. To the result so obtained add unearned premiums on outstanding business at the end of the preceding taxable year and deduct unearned premiums on outstanding business at the end of the taxable year. For the purposes of this subsection, unearned premiums shall include life insurance reserves, as defined in section 201 (c) (2), pertaining to the life, burial, or funeral insurance, or annuity business of an insurance company subject to the tax imposed by this section and not qualifying as a life insurance company under section 201 (b);

* * * * *

(c) Deductions allowed.

* * * * *

(5) Capital losses.

Capital losses to the extent provided in section 117 plus losses from capital assets sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. Capital assets shall be considered as sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders to the extent that the gross receipts from their sale or exchange are not greater than the excess, if any, for the taxable year of the sum of dividends and similar distributions paid to policyholders in their capacity as such, losses paid, and expenses paid over the sum of interest, dividends, rents, and net premiums received. In the application of section 117 (c) for the purposes of this section, the net capital loss for the taxable year shall be the amount by which losses for such year from sales or exchanges of capital assets exceeds the sum of the gains from such sales or exchanges and whichever of the following amounts is the lesser:

(A) the corporation surtax net income (computed without regard to gains or losses from sales or exchanges of capital assets); or

(B) losses from the sale or exchange of capital assets sold or exchanged to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders.

(6) Debts in the nature of agency balances and bills receivable which become worthless within the taxable year;

* * * * *

(10) Deductions (other than those specified in this subsection) as provided in section 23;

(11) Dividends and similar distributions paid or declared to policyholders in their capacity as such, except in the case of a mutual fire insurance company described in paragraph (1) of subsection (a) of this section. The term "paid or declared" shall be construed according to the method of accounting regularly employed in keeping the books of the insurance company.

(d) Deductions of foreign corporations.

In the case of a foreign corporation the deductions allowed in this section shall be allowed to the extent provided in Supplement I in the case of a foreign corporation engaged in trade or business within the United States.

* * * * *

(f) Credits under section 26.

For the purposes of this section, in computing normal tax net income and corporation surtax net income, the credits provided in section 26 shall be allowed in the manner and to the extent provided in sections 13 (a) and 15 (a). (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 124 (b), 160 (d), 164 (a–d), 56 Stat. 821, 861, 870–872; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 135 (a)–(c), 58 Stat. 52; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 122 (g) (7), 59 Stat. 570.)

AMENDMENTS

1945—Subsec. (a) (2) was amended generally by act Nov 8, 1945, § 122 (g) (7), cited to text.

1944—Subsec. (a) (1), (2), (3), respectively, amended by act Feb 25, 1944, cited to text. Par (1) amended by inserting "and every mutual fire insurance company * * * of the policy" following "every mutual marine insurance company". Par. (2) amended by adding "and a foreign mutual fire insurance company described in paragraph (1) of this subsection" following "a foreign mutual marine insurance company". Par. (3) amended by adding "and foreign mutual fire insurance companies described in paragraph (1) of this subsection" following "foreign mutual marine insurance companies".

Subsecs. (b) (1) and (c) (11) amended by act Feb 25, 1944, cited to text. Subsec. (b) (1) amended by inserting after the semicolon the following "except that in * * * included in gross income;". Subsec. (c) (11) amended by striking period at end thereof and inserting ", except in the case of a mutual fire insurance company described in paragraph (1) of subsection (a) of this section.".

1942—Subsecs. (a), (b) (5), (c) (5, 6), and (d) were amended and subsecs. (c) (11), and (f) were added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Amendment to subsec (a) (2) by act Nov. 8, 1945, cited to text, was made applicable to taxable years beginning after Dec 31, 1945, thereof.

Amendments to subsecs. (a) (1, 2, 3), (b) (1), and (c) (11) by act Feb. 25, 1944, § 135 (a, b, c), cited to text, were made applicable to taxable years beginning after Dec 31, 1941 by section 135 (f) thereof.

Amendments of subsecs (a), (b) (5), (c) (5, 11) (d), and (f) by act Oct 21, 1942, §§ 164 (a–c), 160 (d), 164 (d), cited to text, were made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Amendment of subsec (c) (6) by act Oct. 21, 1942, cited to text, was made effective with respect to taxable years beginning after Dec. 31, 1938, by section 124 (d) thereof.

FISCAL YEAR TAXPAYERS

For taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States" This provision was repeated in section 136 of act Feb. 25, 1944, also cited.

CROSS REFERENCES

Stamp tax on policies written by foreign insurers, see section 1804 of this title.

§ 207. Mutual insurance companies other than life or marine—(a) Imposition of tax.

There shall be levied, collected, and paid for each taxable year upon the income of every mutual insurance company (other than a life or a marine insurance company or a fire insurance company subject

to the tax imposed by section 204 and other than an interinsurer or reciprocal underwriter) a tax computed under paragraph (1) or paragraph (2) whichever is the greater and upon the income of every mutual insurance company (other than a life or a marine insurance company or a fire insurance company subject to the tax imposed by section 204) which is an interinsurer or reciprocal underwriter, a tax computed under paragraph (3):

(1) If the corporation surtax net income is over $3,000 a tax computed as follows:

(A) Normal tax.

A normal tax on the normal-tax net income, computed at the rates provided in section 13 or section 14 (b), or 30 per centum of the amount by which the normal-tax net income exceeds $3,000, whichever is the lesser; plus

(B) Surtax.

A surtax on the corporation surtax net income, computed at the rates provided in section 15 (b), except that if the corporation surtax net income is not more than $6,000 the surtax shall be 12 per centum of the amount by which the corporation surtax net income exceeds $3,000.

(2) If for the taxable year the gross amount of income from interest, dividends, rents, and net premiums, minus dividends to policy holders, minus the interest which under section 22 (b) (4) is excluded from gross income, exceeds $75,000, a tax equal to the excess of—

(A) 1 per centum of the amounts so computed, or 2 per centum of the excess of the amount so computed over $75,000, whichever is the lesser, over

(B) the amount of the tax imposed under Subchapter E of Chapter 2.

(3) In the case of an interinsurer or reciprocal underwriter, if the corporation surtax net income is over $50,000 a tax computed as follows:

(A) Normal tax.

A normal tax on the normal-tax net income, computed at the rates provided in section 13 or section 14 (b), or 48 per centum of the amount by which the normal-tax net income exceeds $50,000, whichever is the lesser; plus

(B) Surtax.

A surtax on the corporation surtax net income, computed at the rates provided in section 15 (b), or 28 per centum of the amount by which the corporation surtax net income exceeds $50,000, whichever is the lesser.

(4) Gross amount received over $75,000 but less than $125,000.

If the gross amount received during the taxable year from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 but less than $125,000, the amount ascertained under paragraph (1), paragraph (2) (A), and paragraph (3) shall be an amount which bears the same proportion to the amount ascertained under such paragraph, computed without reference to this paragraph, as the excess over $75,000 of such gross amount received bears to $50,000.

(5) Foreign mutual insurance companies other than life or marine.

In the case of a foreign mutual insurance company (other than a life or marine insurance company or a fire insurance company subject to the tax imposed by section 204), the net income shall be the net income from sources within the United States and the gross amount of income from interest, dividends, rents, and net premiums shall be the amount of such income from sources within the United States.

(6) No United States insurance business.

Foreign mutual insurance companies (other than a life or marine insurance company or a fire insurance company subject to the tax imposed by section 204) not carrying on an insurance business within the United States shall not be taxable under this section but shall be taxable as other foreign corporations.

(b) Definition of income, etc.

In the case of an insurance company subject to the tax imposed by this section—

(1) Gross investment income.

"Gross investment income" means the gross amount of income during the taxable year from interest, dividends, rents, and gains from sales or exchanges of capital assets to the extent provided in section 117;

(2) Net premiums.

"Net premiums" means gross premiums (including deposits and assessments) written or received on insurance contracts during the taxable year less return premiums and premiums paid or incurred for reinsurance. Amounts returned where the amount is not fixed in the insurance contract but depends upon the experience of the company or the discretion of the management shall not be included in return premiums but shall be treated as dividends to policyholders under paragraph (3);

(3) Dividends to policyholders.

"Dividends to policyholders" means dividends and similar distributions paid or declared to policyholders. The term "paid or declared" shall be construed according to the method regularly employed in keeping the books of the insurance company;

(4) Net income.

The term "net income" means the gross investment income less—

(A) Tax-free interest.

The amount of interest which under section 22 (b) (4) is excluded for the taxable year from gross income;

(B) Investment expenses.

Investment expenses paid or accrued during the taxable year. If any general expenses are in part assigned to or included in the investment expenses, the total deduction under this subparagraph shall not exceed one-fourth of 1 per centum of the mean of the book value of the invested assets held at the beginning and end of the taxable year plus one-fourth of the amount by which net income computed without any deduction for investment expenses allowed by this subparagraph, or for tax-free interest allowed by subsection (b) (4) (A), ex-

ceeds 3¾ per centum of the book value of the mean of the invested assets held at the beginning and end of the taxable year;

(C) Real estate expenses.

Taxes and other expenses paid or accrued during the taxable year exclusively upon or with respect to the real estate owned by the company, not including taxes assessed against local benefits of a kind tending to increase the value of the property assessed, and not including any amount paid out for new buildings, or for permanent improvements or betterments made to increase the value of any property. The deduction allowed by this paragraph shall be allowed in the case of taxes imposed upon a shareholder of a company upon his interest as shareholder, which are paid or accrued by the company without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes;

(D) Depreciation.

A reasonable allowance, as provided in section 23 (*l*), for the exhaustion, wear and tear of property, including a reasonable allowance for obsolescence;

(E) Interest paid or accrued.

All interest paid or accrued within the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations (other than obligations of the United States issued after September 24, 1917, and originally subscribed for by the taxpayer) the interest upon which is wholly exempt from taxation under this chapter.

(F) Capital losses.

Capital losses to the extent provided in section 117 plus losses from capital assets sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders. Capital assets shall be considered as sold or exchanged in order to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders to the extent that the gross receipts from their sale or exchange are not greater than the excess, if any, for the taxable year of the sum of dividends and similar distributions paid to policyholders, losses paid, and expenses paid over the sum of interest, dividends, rents, and net premiums received. In the application of section 117 (e) for the purposes of this section, the net capital loss for the taxable year shall be the amount by which losses for such year from sales or exchanges of capital assets exceeds the sum of the gains from such sales or exchanges and whichever of the following amounts is the lesser:

(i) the corporation surtax net income (computed without regard to gains or losses from sales or exchanges of capital assets); or

(ii) losses from the sale or exchange of capital assets sold or exchanged to obtain funds to meet abnormal insurance losses and to provide for the payment of dividends and similar distributions to policyholders

(c) Rental value of real estate.

The deduction under subsection (b) (4) (C) or (b) (4) (D) of this section on account of any real estate owned and occupied in whole or in part by a mutual insurance company subject to the tax imposed by this section, shall be limited to an amount which bears the same ratio to such deduction (computed without regard to this subsection) as the rental value of the space not so occupied bears to the rental value of the entire property.

(d) Amortization of premium and accrual of discount.

The gross amount of income during the taxable year from interest, the deduction provided in subsection (b) (4) (A), and the credit allowed against net income in section 26 (a) shall each be decreased by the appropriate amortization of premium and increased by the appropriate accrual of discount attributable to the taxable year on bonds, notes, debentures or other evidences of indebtedness held by a mutual insurance company subject to the tax imposed by this section. Such amortization and accrual shall be determined (1) in accordance with the method regularly employed by such company, if such method is reasonable, and (2) in all other cases, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

(e) Deductions of foreign corporations.

In the case of a foreign corporation the deductions allowed in this section shall be allowed to the extent provided in Supplement I in the case of a foreign corporation engaged in trade or business within the United States.

(f) Double deductions.

Nothing in this section shall be construed to permit the same item to be twice deducted.

(g) Credits under section 26.

For the purposes of this section, in computing normal tax net income and corporation surtax net income, the credits provided in section 26 shall be allowed in the manner and to the extent provided in sections 13 (a) and 15 (a). (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 165 (b), 56 Stat. 872; Feb 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 135 (d), (e), 58 Stat. 52, 53; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 121 (b), 59 Stat. 568.)

AMENDMENTS

1945—Subsec (a) (1) (B) amended generally by act Nov 8, 1945, § 121 (b) (1), cited to text

Subsec. (a) (3) (B) amended by act Nov 8, 1945, § 121 (b) (2), cited to text, which struck out "32 per centum" and inserted in lieu thereof "28 per centum".

1944—Subsecs (a), (c) and (d) amended by act Feb 25, 1944, cited to text Subsec (a) amended by inserting "or a fire insurance company subject to the tax imposed by section 204" following "other than a life or a marine insurance company" and "other than a life or marine insurance company" wherever appearing Subsecs. (c) and (d) amended by striking out "other than life and marine" wherever appearing and inserting in lieu thereof "subject to the tax imposed by this section".

1942—Act Oct 21, 1942, cited to text, amended section in its entirety.

EFFECTIVE DATE

Act Nov. 8, 1945, § 121 (b), cited to text, were made applicable with respect to taxable years beginning after

Dec. 31, 1945, by section 121 (d) thereof. For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title.

Act Feb. 25, 1944, § 135 (d, e), cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 135 (f) thereof.

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States." This provision was repeated in section 136 of act Feb. 25, 1944, also cited

CROSS REFERENCES

Stamp tax on policies written by foreign insurers, see section 1804 of this title

§ 208. Repealed. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 163 (b) (2), 56 Stat. 870.

Section related to benefit of deduction allowed to insurance companies for net operating losses

EFFECTIVE DATE

The repeal of this section by act Oct. 21, 1942, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

SUPPLEMENT H.—NONRESIDENT ALIEN INDIVIDUALS

§ 211. Tax on nonresident alien individuals—(a) No United States business or office—(1) General rule—(A) Imposition of tax.

There shall be levied, collected, and paid for each taxable year, in lieu of the tax imposed by sections 11 and 12 upon the amount received, by every nonresident alien individual not engaged in trade or business within the United States, from sources within the United States as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, a tax of 30 per centum of such amount, except that such rate shall be reduced, in the case of a resident of any country in North, Central, or South America, or in the West Indies, or of Newfoundland, to such rate (not less than 5 per centum) as may be provided by treaty with such country.

* * * * *

(2) Aggregate more than $15,400.

The tax imposed by paragraph (1) shall not apply to any individual if the aggregate amount received during the taxable year from the sources therein specified is more than $15,400.

(3) Residents of certain countries.

The provisions of paragraph (2) shall not apply to a resident of any country in North, Central, or South America, or in the West Indies, or of Newfoundland, so long as there is in effect with such country a treaty which provides otherwise.

(b) United States business or office.

A nonresident alien individual engaged in trade or business in the United States shall be taxable without regard to the provisions of subsection (a). As used in this section, section 119, section 143, section 144, and section 231, the phrase "engaged in trade or business within the United States" includes the performance of personal services within the United States at any time within the taxable year, but does not include the performance of personal services for a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, by a nonresident alien individual temporarily present in the United States for a period or periods not exceeding a total of ninety days during the taxable year and whose compensation for such services does not exceed in the aggregate $3,000. Such phrase does not include the effecting, through a resident broker, commission agent, or custodian, of transactions in the United States in commodities (if of a kind customarily dealt in on an organized commodity exchange, if the transaction is of the kind customarily consummated at such place, and if the alien, partnership, or corporation has no office or place of business in the United States at any time during the taxable year through which or by the direction of which such transactions in commodities are effected), or in stocks or securities.

(c) No United States business or office and gross income of more than $15,400.

A nonresident alien individual not engaged in trade or business within the United States who has a gross income for any taxable year of more than $15,400 from the sources specified in subsection (a) (1), shall be taxable without regard to the provisions of subsection (a) (1), except that—

(1) The gross income shall include only income from the sources specified in subsection (a) (1);

(2) The deductions (other than the so-called "charitable deduction" provided in section 213 (c)) shall be allowed only if and to the extent that they are properly allocable to the gross income from the sources specified in subsection (a) (1);

(3) The aggregate of the normal and surtax under sections 11 and 12 shall, in no case, be less than 30 per centum of the gross income from the sources specified in subsection (a) (1); and

(4) This subsection shall not apply to a resident of any country in North, Central, or South America, or in the West Indies, or of Newfoundland, so long as there is in effect with such country a treaty which provides otherwise. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, §§ 105, 109, 55 Stat. 694, 695; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 106, 160 (d, e), 167, 56 Stat. 807, 808, 861, 875.)

AMENDMENTS

1942—Subsecs (a), (1) (A), (2), (b) and (c) were amended by act Oct 21, 1942, cited to text

1941—Subsec. (a) (1) amended by act Sept. 20, 1941, §§ 105 (a), 109 (a), cited to text. Said section 105 (a) affected only par (A).

Subsec (a) (2) amended by act Sept 20, 1941, § 105 (b), cited to text.

Subsec (a) (3) amended by act Sept. 20, 1941, § 109 (b), cited to text.

Subsec. (c) amended by act Sept. 20, 1941, §§ 105 (c), 109 (c), cited to text. Said section 109 (c) affected only par. (4).

EFFECTIVE DATE

Amendment of subsec. (a) (1) (A) by act Oct. 21, 1942, § 106 (a), cited to text, substituting "30 per centum" for "27½ per centum", was made applicable with respect to amounts received after the ninth day after Oct. 21, 1942, 4:30 p. m., E. W. T., regardless of whether the taxable year of the recipient begins before Jan. 1, 1942, or after Dec. 31, 1941, by section 106 (a) of said act Oct. 21, 1942

Amendment of subsec. (a) (2) by act Oct 21, 1942, § 106 (b), cited to text, substituting "$15,400" for "$23,000", was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

Amendments of subsecs. (a) (1) (A) and (c), striking out "and not having an office or place of business therein", and subsec. (b) affecting last sentence, by act Oct 21, 1942, §§ 160 (e), 167, cited to text, were made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

In the application of the amendment to subsec. (c) by act Oct. 21, 1942, § 106 (c) cited to text, substituting "$15,400" for "$23,000" and "30" for "27½", it was provided that the rate should be 27½ per centum with respect to the period ending with the ninth day after Oct. 21, 1942, 4:30 p. m., E. W. T., and should be 30 per centum with respect to the period after such day.

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, and section 109 of act Oct 21, 1942, also cited

§ 213. Deductions.

* * * * *

(d) Standard deduction.

The standard deduction provided in section 23 (aa) shall not be allowed. (As amended May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 9 (d), 58 Stat. 238.)

AMENDMENTS

1944—Subsec. (d) added by act May 29, 1944, cited to text.

EFFECTIVE DATE

Amendment adding subsec. (d) by act May 29, 1944, § 9 (d), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

§ 214. Credits against net income.

In the case of a nonresident alien individual who is not a resident of a contiguous country, only one exemption under section 25 (b) shall be allowed. (As amended Sept 20, 1941, 12:15 p. m., E S T., ch. 412, title I, § 111 (b), 55 Stat. 696; Oct. 21, 1942, 4:30 p. m., E W. T., ch. 619, title I, § 131 (a) (2), 56 Stat. 828; May 29, 1944, 7 p. m., E W. T., ch. 210, part I, § 10 (f), 58 Stat. 239; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 102 (b) (7), 59 Stat. 559.)

AMENDMENTS

1945—Act Nov. 8, 1945, § 102 (b) (7), cited to text, amended section generally.

1944—Act May 29, 1944, cited to text, amended section generally to provide that the normal tax exemption and the surtax exemption shall each be $500, and the exemption for dependents shall not be allowed unless the alien is a resident of a contiguous country.

1942—Act Oct. 21, 1942, cited to text, amended section in its entirety.

1941—Act Sept 20, 1941, cited to text, substituted "$750" for "$800".

EFFECTIVE DATE

Act Nov 8, 1945, § 102 (b) (7), cited to text, was made applicable to taxable years beginning after Dec. 31, 1945, by section 102 (c) thereof. For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title.

Act May 29, 1944, § 10 (f), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept 20, 1941, and section 109 of act Oct. 21, 1942, also cited.

§ 215. Allowance of deductions and credits.

* * * * *

(b) Tax withheld at source.

The benefit of the exemptions under section 25 (b) may, in the discretion of the Commissioner and under regulations prescribed by him with the approval of the Secretary, be received by a nonresident alien individual entitled thereto, by filing a claim therefor with the withholding agent. (As amended May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 10 (g), 58 Stat. 240; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 102 (b) (8), 59 Stat. 559.)

AMENDMENTS

1945—Subsec (b) amended by act Nov. 8, 1945, § 102 (b) (8), cited to text, which substituted "the exemptions under section 25 (b)" for "normal tax exemption and the surtax exemptions".

1944—Subsec (b) amended by act May 29, 1944, cited to text, which struck out "the personal exemption and credit for dependents", and inserted in lieu thereof "the normal tax exemption and the surtax exemptions".

EFFECTIVE DATE

Act Nov. 8, 1945, § 102 (b) (8), cited to text, was made applicable to taxable years beginning after Dec 31, 1945, by section 102 (c) thereof. For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title

Act May 29, 1944, § 10 (g), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof

§ 217. Returns—(a) Requirement.

In the case of a nonresident alien individual with respect to whose wages, as defined in section 1621 (a), withholding under Subchapter D of Chapter 9 is not made applicable, the return, in lieu of the time prescribed in section 53 (a) (1), shall be made on or before the fifteenth day of the sixth month following the close of the fiscal year, or, if the return is made on the basis of the calendar year, then on or before the fifteenth day of June. (As amended June 9, 1943, 7 p. m., E. W. T., ch. 120, § 5 (e) (1), 57 Stat. 144.)

* * * * *

AMENDMENTS

1943—Subsec. (a) amended by act June 9, 1943, cited to text, which inserted "with respect to * * * is not made applicable"

EFFECTIVE DATE

Amendment of subsec (a) by act June 9, 1943, cited to text, was made effective with respect to taxable years beginning after December 31, 1942, by section 5 (f) thereof.

§ 218. Payment of tax—(a) Time of payment.

In the case of a nonresident alien individual with respect to whose wages, as defined in section 1621 (a), withholding under Subchapter D of Chapter 9 is not made applicable, the total amount of tax imposed by this chapter shall be paid, in lieu of the time prescribed in section 56 (a), on the fifteenth day of June following the close of the calendar year, or, if the return should be made on the basis of a fiscal year, then on the fifteenth day of the sixth month following the close of the fiscal year. (As amended June 9, 1943, 7 p. m., E. W. T., ch. 120, § 5 (e) (2), 57 Stat. 144.)

* * * * *

AMENDMENTS

1943—Subsec. (a) amended by act June 9, 1943, cited to text, which inserted "with respect to * * * is not made applicable".

EFFECTIVE DATE

Amendment of subsec (a) by act June 9, 1943, cited to text, was made effective with respect to taxable years beginning after December 31, 1942, by section 5 (f) thereof.

§ 219. Partnerships.

For the purpose of this chapter, a nonresident alien individual shall be considered as being engaged in a trade or business within the United States if the partnership of which he is a member is so engaged. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 160 (f), 56 Stat. 861.)

AMENDMENTS

1942—Words "and as having an office or place of business within the United States if the partnership of which he is a member has such an office or place of business", were omitted by act Oct. 21, 1942, cited to text

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

SUPPLEMENT I.—FOREIGN CORPORATIONS

§ 231. Tax on foreign corporations—(a) Nonresident corporations—(1) Imposition of tax.

There shall be levied, collected, and paid for each taxable year, in lieu of the tax imposed by sections 13 and 14, upon the amount received by every foreign corporation not engaged in trade or business within the United States, from sources within the United States as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income, a tax of 30 per centum of such amount, except that in the case of corporations organized under the laws of any country in North, Central, or South America, or in the West Indies, or of Newfoundland such rate with respect to dividends shall be reduced to such rate (not less than 5 per centum) as may be provided by treaty with such country.

* * * * *

(b) Resident corporations.

A foreign corporation engaged in trade or business within the United States shall be taxable as provided in section 14 (c) (1) and section 15. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, §§ 104 (d), 106, 109 (a), 55 Stat. 694, 695; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 107, 160 (d, e), 56 Stat. 808, 861.)

* * * * *

AMENDMENTS

1942—Subsecs. (a) and (b) were amended by act Oct. 21, 1942, cited to text.

1941—Subsec. (a) (1) was amended by act Sept 20, 1941, §§ 106, 109 (a), cited to text.

Subsec (b) was amended by act Sept. 20, 1941, § 104 (d), cited to text.

EFFECTIVE DATE

Amendment of subsec (a), substituting "30" per centum for "27½", by act Oct. 21, 1942, § 107, cited to text, was made applicable with respect to amounts received after the ninth day after Oct 21, 1942, 4:30 p m, E W. T., regardless of whether the taxable year of the recipient begins before Jan. 1, 1942, or after Dec 31, 1941, by section 107 of said act Oct. 21, 1942.

Amendments of subsecs (a) and (b), striking out "and not having an office or place of business therein" from subsec (a), and "or having an office or place of business therein" from subsec (b), by act Oct. 21, 1942, § 160 (d, e), cited to text, were made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept 20, 1941, and section 109 of act Oct. 21, 1942, also cited

§ 238. Repealed. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 159 (c), 56 Stat. 860.

Section related to affiliation of foreign corporation with any other corporation.

EFFECTIVE DATE

The repeal of this section by act Oct 21, 1942, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

SUPPLEMENT J.—POSSESSIONS OF THE UNITED STATES

§ 251. Income from sources within possessions of United States.

* * * * *

(c) Tax in case of corporations—(1) Corporation tax.

A domestic corporation entitled to the benefits of this section shall be subject to tax under section 13 or section 14 (b), and under section 15.

* * * * *

(e) Deductions.

(1) Citizens of the United States entitled to the benefits of this section shall have the same deductions as are allowed by Supplement H in the case of a nonresident alien individual engaged in trade or business within the United States.

(2) Domestic corporations entitled to the benefits of this section shall have the same deductions as are allowed by Supplement I in the case of a foreign

corporation engaged in trade or business within the United States.

(f) Credits against net income.

A citizen of the United States entitled to the benefits of this section shall be allowed only one exemption under section 25 (b).

* * * * *

(i) Repealed. Oct 21, 1942, 4:30 p.m., E. W. T., ch. 619, title I, § 159 (d), 56 Stat. 860.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, §§ 104 (e), 111 (c), 55 Stat. 694, 696; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 131 (a) (3), 159 (d), 160 (d), 56 Stat. 828, 860, 861; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 10 (h), 58 Stat. 240; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 102 (b) (9), 59 Stat. 559.)

AMENDMENTS

1945—Subsec. (f) amended generally by act Nov. 8, 1945, § 102 (b) (9), cited to text.

1944—Subsec (f) amended generally by act May 29, 1944, cited to text, to incorporate the normal tax exemption and surtax exemption of $500 each

1942—Subsecs (e) and (f) were amended and (i) repealed by act Oct 21, 1942, cited to text.

1941—Subsec (c) (1) was amended by act Sept. 20, 1941, § 104 (e), cited to text

Subsec. (f) was amended by act Sept 20, 1941, § 111 (c), cited to text, which substituted "$750", for "$800".

EFFECTIVE DATE

Act Nov. 8, 1945, § 102 (b) (9), cited to text, was made applicable to taxable years beginning after Dec. 31, 1945, by section 102 (c) thereof. For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title

Act May 29, 1944, § 10 (h), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept 20, 1941, and section 109 of act Oct. 21, 1942, also cited

SUPPLEMENT K—CHINA TRADE ACT CORPORATIONS

§ 261. Taxation in general—(a) Corporation tax.

A corporation organized under the China Trade Act, 1922 (42 Stat. 849; U. S. C., 1934 ed., title 15, ch. 4), shall be subject to tax under section 13 or section 14 (b), and under section 15. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 104 (f) (1), 55 Stat. 694.)

* * * * *

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 262. Credit against net income—(a) Allowance of credit.

For the purpose only of the taxes imposed by sections 13, 14, 15, and 600 of this title and section 106 of the Revenue Act of 1935 there shall be allowed, in the case of a corporation organized under the China Trade Act, 1922, in addition to the credits against net income otherwise allowed such corporation, a credit against the net income of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 119) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by (1) persons resident in China, the United States, or possessions of the United States, and (2) individual citizens of the United States or China wherever resident, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: *Provided*, That in no case shall the diminution, by reason of such credit, of the tax imposed by such section 13, 14, or 15 (computed without regard to this section) exceed the amount of the special dividend certified under subsection (b) of this section; and in no case shall the diminution, by reason of such credit, of the tax imposed by such section 106 or 600 (computed without regard to this section) exceed the amount by which such special dividend exceeds the diminution permitted by this section in the tax imposed by such section 13, 14, or 15. (As amended Sept 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 104 (f) (2), 55 Stat. 694.)

* * * * *

AMENDMENTS

1941—Subsec (a) was amended by act Sept 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 264. Repealed. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 159 (e), 56 Stat. 860.

Section related to affiliation of China Trade Act corporations, with other corporations

EFFECTIVE DATE

The repeal of this section by act Oct. 21, 1942, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

SUPPLEMENT L.—ASSESSMENT AND COLLECTION OF DEFICIENCIES

§ 271. Definition of deficiency.

(a) In general.

As used in this chapter in respect of a tax imposed by this chapter, "deficiency" means the amount by which the tax imposed by this chapter exceeds the excess of—

(1) the sum of (A) the amount shown as the tax by the taxpayer upon his return, if a return was made by the taxpayer and an amount was shown as the tax by the taxpayer thereon, plus (B) the amounts previously assessed (or collected without assessment) as a deficiency, over—

(2) the amount of rebates, as defined in subsection (b) (2), made.

(b) Rules for application of subsection (a).

For the purposes of this section—

(1) The tax imposed by this chapter and the tax shown on the return shall both be determined without regard to payments on account of estimated tax, without regard to the credit under section 35, and without regard to so much of the credit under section 32 as exceeds 2 per centum of the interest on obligations described in section 143 (a);

(2) The term "rebate" means so much of an abatement, credit, refund, or other repayment, as was made on the ground that the tax imposed by this chapter was less than the excess of the amount specified in subsection (a) (1) over the amount of rebates previously made; and

(3) The computation by the collector, pursuant to section 51 (f), of the tax imposed by this chapter shall be considered as having been made by the taxpayer and the tax so computed considered as shown by the taxpayer upon his return. (As amended May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 14 (a), 58 Stat. 245)

AMENDMENTS

1944—Section amended generally by act May 29, 1944, cited to text, which among other changes omitted subd (b) and inserted in lieu thereof a new subsec. (b).

EFFECTIVE DATE

Act May 29, 1944, § 14, cited to text, provided in part "The amendments made by subsections (a), (c), and (d) [to sections 271, 292 (a), and 322 (d), respectively], shall be applicable with respect to taxable years beginning after December 31, 1942. In the application of the amendments made by this section in the case of taxable years beginning in 1943, 'section 35' in the amendment made by subsection (a) [to this section] shall be read as 'section 35' and section 466 (e)"

§ 272. Procedure in general—(a) (1) Petition to Board of Tax Appeals.

If in the case of any taxpayer, the Commissioner determines that there is a deficiency in respect of the tax imposed by this chapter, the Commissioner is authorized to send notice of such deficiency to the taxpayer by registered mail. Within ninety days after such notice is mailed (not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the ninetieth day) the taxpayer may file a petition with the Board of Tax Appeals for a redetermination of the deficiency. No assessment of a deficiency in respect of the tax imposed by this chapter and no distraint or proceeding in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the taxpayer, nor until the expiration of such ninety-day period, nor, if a petition has been filed with the Board, until the decision of the Board has become final. Notwithstanding the provisions of section 3653 (a) the making of such assessment or the beginning of such proceeding or distraint during the time such prohibition is in force may be enjoined by a proceeding in the proper court. In the case of a joint return filed by husband and wife such notice of deficiency may be a single joint notice, except that if the Commissioner has been notified by either spouse that separate residences have been established, then, in lieu of the single joint notice, duplicate originals of the joint notice must be sent by registered mail to each spouse at his last known address. If the notice is addressed to a person outside the States of the Union and the District of Columbia, the period specified in this paragraph shall be one hundred and fifty days in lieu of ninety days. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 168 (a), 56 Stat. 876; Dec. 29, 1945, ch. 652, title II, § 203 (a), 59 Stat. 673.)

* * * * *

AMENDMENTS

1945—Subsec. (a) (1) amended by act Dec 29, 1945, cited to text, which inserted "Saturday," preceding "Sunday" within parenthesis in the second sentence.

1942—Subsec. (a) (1) was amended by act Oct. 21, 1942, cited to text, which added sentence beginning "If the notice is addressed"

EFFECTIVE DATE

Act Dec. 29, 1945, § 203 (a), cited to text, was made effective as of Sept 8, 1945, by section 203 (b) thereof.

Act Oct. 21, 1942, cited to text, was made applicable with respect to notices of deficiency mailed after Oct. 21, 1942, 4:30 p m, E W. T., by section 168 (b) thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title

§§ 273, 274.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

§ 275. Period of limitation upon assessment and collection.

CROSS REFERENCES

Filing of consents as affecting limitation period, see par (3) of Effective date note under section 167 of this title.

§ 276. Same—Exceptions.

* * * * *

(d) Net operating loss carry-backs and unused excess profits credit carry-backs.

In the case of a deficiency attributable to the application to the taxpayer of a net operating loss carry-back or an unused excess profits credit carry-back, including deficiencies which may be assessed pursuant to the provisions of section 3780 (b) or (c), such deficiency may be assessed—

(1) in case a return was required under subchapter E of chapter 2 for the taxable year of the net operating loss or unused excess profits credit resulting in the carry-back, at any time before the expiration of the period within which (under section 275 or subsection (a) or (b) of this section) a deficiency (with respect to tax imposed either by chapter 1 or by subchapter B or E of chapter 2) for such taxable year (whichever is the longer period) may be assessed; or

(2) in case a return was not required under subchapter E of chapter 2 for the taxable year of the net operating loss or unused excess profits credit resulting in the carry-back, at any time before the expiration of the period within which (under section 275 or subsection (a) or (b) of this section) a deficiency (with respect to tax imposed either by chapter 1 or by subchapter A or B of chapter 2) for such taxable year (whichever is the longer period) may be assessed. (As amended July 31, 1945, ch. 340, § 5 (e), 59 Stat. 525; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 122 (f) (1), 59 Stat. 569.)

AMENDMENTS

1945—Subsec. (d) added by act July 31, 1945, cited to text and amended generally by act Nov. 8, 1945, cited to text.

EFFECTIVE DATE

Amendment to subsec. (d) by act Nov. 8, 1945, cited to text, is made applicable with respect to all taxable years beginning after Dec 31, 1940, by section 122 (f) (2) thereof.

Section 5 (f) of act July 31, 1945, cited to text, provided: "The amendments made by this section [to sections 276 and 322 of this title] shall be applicable with respect to all taxable years beginning after December 31, 1940, except that the amendment made by subsection (d) [adding subsec. (g) to section 322 of this title] shall not be applicable to any taxable year with respect to which the taxpayer and the Commissioner have entered into a closing agreement under the provisions of section 3760, prior to the date of enactment of this Act [July 31, 1945], in any case in which it is expressly provided in such closing agreement that the tax liability for such taxable year is not to be affected by a net operating loss carry-back or by an unused excess profits credit carry-back."

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title.

CROSS REFERENCES

Filing of consents as affecting limitation period, see par. (3) of effective date note under section 167 of this title.

§ 277. Suspension of running of statute.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

SUPPLEMENT M.—INTEREST AND ADDITIONS TO THE TAX

§ 291. Failure to file return.

(a) In case of any failure to make and file return required by this chapter, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the tax: 5 per centum if the failure is for not more than thirty days with an additional 5 per centum for each additional thirty days or fraction thereof during which such failure continues, not exceeding 25 per centum in the aggregate. The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, in which case the amount so added shall be collected in the same manner as the tax. The amount added to the tax under this section shall be in lieu of the 25 per centum addition to the tax provided in section 3612 (d) (1).

(b) Repealed. May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 6 (b) (7), 58 Stat. 235.

(As amended Oct. 21, 1942; 4:30 p. m., E. W. T., ch. 619, title I, § 172 (f) (4), 56 Stat. 893; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 6 (b) (7), 58 Stat. 235.)

AMENDMENTS

1944—Subsec. (b) repealed by act May 29, 1944, cited to text.

1942—Subsec (a) was so designated and subsec. (b) was added by act Oct 21, 1942, cited to text

EFFECTIVE DATE

Act May 29, 1944, § 6 (b) (7), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Act Oct. 21, 1942, cited to text, was made effective Jan 1, 1943, applicable to all wages (as defined in Part II of Subchapter D) paid on or after such date, by section 172 (g) thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 292. Interest on deficiencies.

(a) General rule.

Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 6 per centum per annum from the date prescribed for the payment of the tax (or, if the tax is paid in installments, from the date prescribed for the payment of the first installment) to the date the deficiency is assessed, or, in the case of a waiver under section 272 (d), to the thirtieth day after the filing of such waiver or to the date the deficiency is assessed whichever is the earlier. If any portion of the deficiency assessed is not to be collected by reason of a prior satisfaction, in whole or in part, of the tax, proper adjustment shall be made with respect to the interest on such portion.

(b) Deficiency resulting from relief under section 722.

If any part of a deficiency for a taxable year beginning prior to January 1, 1942, is determined by the Commissioner to be attributable to the final determination of an application for relief or benefit under section 722 for any taxable year, no interest shall be assessed or paid with respect to such part of the deficiency. If any part of a deficiency for a taxable year beginning after December 31, 1941, is determined by the Commissioner to be attributable to the final determination of an application for relief or benefit under section 722 for any taxable year (excluding any portion of a deficiency of excess profits taxes constituting a deficiency by reason of deferment of tax under section 710 (a) (5), and excluding, in case the taxpayer has availed itself of the benefits of section 710 (a) (5), such portion of a deficiency under Chapter 1 as may be determined by the Commissioner to exceed any refund or credit of excess profits tax arising from the operation of section 722), no interest shall be assessed or paid with respect to such part of the deficiency for

any period prior to one year after the filing of such application, or September 16, 1945, whichever is the later.

(c) Deficiency resulting from carry-back and related matters.

If any part of a deficiency is determined by the Commissioner to be attributable (A) to a carry-back to which an overpayment described in section 3771 (e), or a decrease determined under section 3780 (b), in any other tax is attributable, or (B) to an error in the amount or effect of a carry-back which resulted in a credit or refund of an overpayment with interest computed pursuant to section 3771 (e), or in a decrease determined under section 3780 (b), no interest shall be assessed or paid under subsection (a) with respect to such part of the deficiency for any period during which interest was not allowed with respect to such overpayment or for a period prior to the application of such decrease. (As amended Dec. 17, 1943, ch. 346, § 2 (a), 57 Stat. 602; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 14 (c), 58 Stat. 246; July 31, 1945, ch. 340, § 6 (a), 59 Stat. 525)

AMENDMENTS

1945—Subsec. (c) added by act July 31, 1945, cited to text.

1944—Subsec. (a) amended by act May 29, 1944, cited to text, which inserted last sentence.

1943—Act Dec 17, 1943, cited to text, amended section by inserting "(a) General rule" immediately preceding the first par. and by adding subsec. (b).

EFFECTIVE DATE

Subsec. (e) of act May 29, 1944, § 14, cited to text, provided in part: "The amendments made by subsections (a), (c), (d) [to sections 271, 292 (a), and 322 (d)], shall be applicable with respect to taxable years beginning after December 31, 1942"

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title.

§ 294. Additions to the tax in case of nonpayment—
(a) Tax shown on return.

* * * * *

(3–5) Stricken.

* * * * *

(d) Estimated tax.

(1) Failure to file declaration or pay installment of estimated tax. (A) Failure to file declaration.

In the case of a failure to make and file a declaration of estimated tax within the time prescribed, unless such failure is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect, there shall be added to the tax 5 per centum of each installment due but unpaid, and in addition, with respect to each such installment due but unpaid, 1 per centum of the unpaid amount thereof for each month (except the first) or fraction thereof during which such amount remains unpaid. In no event shall the aggregate addition to the tax under this subparagraph with respect to any installment due but unpaid, exceed 10 per centum of the unpaid portion of such installment. For the purposes of this subparagraph the amount and due date of each installment shall be the same as if a declaration had been filed within the time prescribed showing an estimated tax equal to the correct tax reduced by the credits under sections 32 and 35.

(B) Failure to pay installments of estimated tax declared.

Where a declaration of estimated tax has been made and filed within the time prescribed, or where a declaration of estimated tax has been made and filed after the time prescribed and the Commissioner has found that failure to make and file such declaration within the time prescribed was due to reasonable cause and not to willful neglect, in the case of a failure to pay an installment of the estimated tax within the time prescribed, unless such failure is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect, there shall be added to the tax 5 per centum of the unpaid amount of such installment, and in addition 1 per centum of such unpaid amount for each month (except the first) or fraction thereof during which such amount remains unpaid. In no event shall the aggregate addition to the tax under this subparagraph with respect to any installment due but unpaid, exceed 10 per centum of the unpaid portion of such installment.

(2) Substantial underestimate of estimated tax.

If 80 per centum of the tax (determined without regard to the credits under sections 32 and 35), in the case of individuals other than farmers exercising an election under section 60 (a), or 66⅔ per centum of such tax so determined in the case of such farmers, exceeds the estimated tax (increased by such credits), there shall be added to the tax an amount equal to such excess, or equal to 6 percentum of the amount by which such tax so determined exceeds the estimated tax so increased, whichever is the lesser. This paragraph shall not apply to the taxable year in which falls the death of the taxpayer, nor, under regulations prescribed by the Commissioner with the approval of the Secretary, shall it apply to the taxable year in which the taxpayer makes a timely payment of estimated tax within or before each quarter (excluding, in case the taxable year begins in 1943, any quarter beginning prior to July 1, 1943) of such year (or in the case of farmers exercising an election under section 60 (a), within the last quarter) in an amount at least as great as though computed (under such regulations) on the basis of the taxpayer's status with respect to the personal exemption and credit for dependents on the date of the filing of the declaration for such taxable year (or in the case of any such farmer, or in case the fifteenth day of the third month of the taxable year occurs after July 1, on July 1 of the taxable year) but otherwise on the basis of the facts shown on his return for the preceding taxable year.

(e) Substantial overstatement of expected carry-backs.

If the time for payment of any tax or taxes for any taxable year is extended under section 3779, there shall be added to such tax or taxes an amount equal to 5 per centum of the penalty portion, if any, of the amount to which such extension relates, unless the taxpayer establishes to the satisfaction of the Commissioner that, as of the end of the tax-

able year in which such extension was made, there was reasonable cause to expect there would be no such penalty portion. The penalty portion shall be the excess of the amount to which such extension relates which is not paid by the end of the taxable year in which such extension is made over 125 per centum of the amount to which such extension relates which is satisfied by applying thereto a decrease in tax in respect of an application under section 3780 (a) less any amounts assessed in respect of such application which are not so satisfied. (As amended June 9, 1943, 7 p. m., E. W. T., ch. 120, § 5 (b), 57 Stat. 144; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 118 (a), 58 Stat. 37; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, §§ 6 (b) (8), 13 (b), 58 Stat. 235, 244; July 31, 1945, ch. 340, § 4 (b), 59 Stat. 523.)

AMENDMENTS

1945—Subsec. (e) added by act July 31, 1945, cited to text.

1944—Subsec. (a) amended by act Feb 25, 1944, cited to text, which struck out pars (3), (4), and (5).

Subsec. (d) was added by act Feb. 25, 1944, cited to text.

Subsec. (d) (1) (A) amended by act May 29, 1944, which changed last sentence generally to read as now set out

Subsection (d) (2) amended by act May 29, 1944, cited to text, which struck out ", 35, and 466 (e)" following "sections 32" and inserted in lieu thereof "and 35".

1943—Subsec. (a) amended by act June 9, 1943, cited to text, which added pars (3)–(5).

EFFECTIVE DATE

Amendment of subsecs (d) (1) (A) and (d) (2), by act May 29, 1944, §§ 6 (b) (8), 13 (b), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Amendment of section by act Feb. 25, 1944, § 118 (a), cited to text, was made applicable to taxable years beginning after Dec. 31, 1942, by section 118 (c) thereof.

Section 5 (f) of act June 9, 1943, cited to text, provided: "The amendments made by this section [affecting sections 56 (b), 58–60, 145 (a), 217 (a), 218 (a), 294 (a)] shall be effective with respect to taxable years beginning after December 31, 1942, except that section 294 (a) (5) of the Internal Revenue Code shall not be applicable to a taxable year beginning in 1943 in the case of an individual not required to make a declaration under section 58 of the Internal Revenue Code for such year"

Certain portions of increase in 1943 tax not part of estimated tax in applying provisions for relief from double payments in 1943, see note under section 1622 of this title.

SHORT TITLE

Short tile of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title.

UNDERESTIMATING 1944 TAX

Section 13 (e) of act May 25, 1929, cited to text, provided "For the purposes of section 294 (d) (2) (relating to underestimate of estimated tax), in the case of a taxpayer filing a declaration for a taxable year beginning in the calendar year 1944 the term '80 per centum of the tax' as appearing in such subsection shall be taken to refer to 80 per centum of whichever of the following is the lesser: (1) a tax computed under the law applicable to such taxable year without regard to the amendments made by this Act [act May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 13 (b), 58 Stat. 244], and (2) a tax computed under such law as amended by this Act [act May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 13 (b), 58 Stat. 244]."

TREATY OBLIGATIONS

Section 136 of act Feb. 25, 1944, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

SUPPLEMENT O.—OVERPAYMENTS

§ 322. Refunds and credits—(a) Authorization—(1) Overpayment.

Where there has been an overpayment of any tax imposed by this chapter, the amount of such overpayment shall be credited against any income, war-profits, or excess-profits tax or installment thereof then due from the taxpayer, and any balance shall be refunded immediately to the taxpayer.

(2) Excessive withholding.

Where the amount of the tax withheld at the source under Subchapter D of Chapter 9 exceeds the taxes imposed by this chapter against which the tax so withheld may be credited under section 35, the amount of such excess shall be considered an overpayment.

(3) Credits against estimated tax.

The Commissioner is authorized to prescribe, with the approval of the Secretary, regulations providing for the crediting against the estimated tax for any taxable year of the amount determined by the taxpayer or the Commissioner to be an overpayment of the tax for a preceding taxable year.

(b) Limitation on allowance.

* * * * *

(2) Limit on amount of credit or refund.

The amount of the credit or refund shall not exceed the portion of the tax paid—

(A) If a return was filed by the taxpayer, and the claim was filed within three years from the time the return was filed, during the three years immediately preceding the filing of the claim.

(B) If a claim was filed, and (i) no return was filed, or (ii) if the claim was not filed within three years from the time the return was filed by the taxpayer, during the two years immediately preceding the filing of the claim.

(C) If no claim was filed and the allowance of credit or refund is made within three years from the time the return was filed by the taxpayer, during the three years immediately preceding the allowance of the credit or refund.

(D) If no claim was filed, and (i) no return was filed or (ii) the allowance of the credit or refund is not made within three years from the time the return was filed by the taxpayer, during the two years immediately preceding the allowance of the credit or refund.

(3) Exceptions in the case of waivers.

If both the Commissioner and the taxpayer have, within the period prescribed in paragraph (1) for the filing of a claim for credit or refund, agreed in writing under the provisions of section 276 (b) to extend beyond the period prescribed in section 275 the time within which the Commissioner may make an assessment, the period within which a claim for credit or refund may be filed, or credit or refund allowed or made if no claim is filed, shall be the period within which the Commissioner may make an assessment pursuant to such agreement or any extension thereof, and six months thereafter, except that the provisions of paragraph (1) shall

apply to any claim filed, or credit or refund allowed or made, before the execution of such agreement. The amount of the credit or refund shall not exceed the total of the portions of tax paid (A) during the two years immediately preceding the execution of such agreement, or, if such agreement was executed within three years from the time the return was filed, during the three years immediately preceding the execution of such agreement, (B) after the execution of the agreement and before the expiration of the period within which the Commissioner might make an assessment pursuant to such agreement or any extension thereof, and (C) during six months after the expiration of such period, except that the provisions of paragraph (2) shall apply to any claim filed, or credit or refund allowed, before the execution of the agreement. If any portion of the tax is paid after the expiration of the period within which the Commissioner might make an assessment pursuant to such agreement, and if no claim for credit or refund is filed after the time of such payment and before the end of six months after the expiration of such period, then credit or refund may be allowed or made if a claim therefor is filed by the taxpayer within six months from the time of such payment, or, if no claim is filed within such six-month period after the payment, if the credit or refund is allowed or made within such period, but the amount of the credit or refund shall not exceed the portion of the tax paid during the six months immediately preceding the filing of the claim, or, if no claim was filed (and the credit or refund is allowed after six months after the expiration of the period within which the Commissioner might make an assessment), during the six months immediately preceding the allowance of the credit or refund.

(4) Return considered filed on due date.

For the purposes of this subsection, a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day. For the purposes of paragraphs (2) and (3) of this subsection, and for the purposes of subsection (d) of this section, an advance payment of any portion of the tax made at the time such return was filed shall be considered as made on the last day prescribed by law for the payment of the tax or, if the taxpayer elected to pay the tax in installments, on the last day prescribed for the payment of the first installment. For the purposes of this paragraph, the last day prescribed by law for filing the return or paying the tax shall be determined without regard to any extension of time granted the taxpayer.

(5) Special period of limitation with respect to bad debts and worthless securities.

If the claim for credit or refund relates to an overpayment on account of—

(A) the deductibility by the taxpayer, under section 23 (k) (1), section 23 (k) (4), or section 204 (c), of a debt as a debt which became worthless, or, under section 23 (g) (2) or (k) (2), of a loss from worthlessness of a security, or

(B) the effect that the deductibility of a debt or loss described in subparagraph (A) has on the application to the taxpayer of a carry-over,

in lieu of the three-year period of limitation prescribed in paragraph (1), the period shall be 7 years from the date prescribed by law for filing the return for the year with respect to which the claim is made. If the claim for credit or refund relates to an overpayment on account of the effect that the deductibility of such a debt or loss has on the application to the taxpayer of a carry-back, the period shall be either seven years from the date prescribed by law for filing the return for the year of the net operating loss or the unused excess profits credit which results in such carry-back or the period prescribed in paragraph (6), whichever expires the later. In the case of a claim described in this paragraph, the amount of the credit or refund may exceed the portion of the tax paid within the period prescribed in paragraph (2) or (3), whichever is applicable, to the extent of the amount of the overpayment attributable to the deductibility of items described in this paragraph.

(6) Special period of limitation with respect to net operating loss carrybacks and unused excess profits credit carry-backs.

If the claim for credit or refund relates to an overpayment attributable to a net operating loss carryback or to an unused excess profits credit carry-back, in lieu of the three-year period of limitation prescribed in paragraph (1), the period shall be that period which ends with the expiration of the fifteenth day of the thirty-ninth month following the end of the taxable year of the net operating loss or the unused excess profits credit which results in such carry-back, or the period prescribed in paragraph (3) in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in paragraph (2) or (3), whichever is applicable, to the extent of the amount of the overpayment attributable to such carry-back.

* * * * *

(d) Overpayment found by Board.

If the Board finds that there is no deficiency and further finds that the taxpayer has made an overpayment of tax in respect of the taxable year in respect of which the Commissioner determined the deficiency, or finds that there is a deficiency but that the taxpayer has made an overpayment of tax in respect of such taxable year, the Board shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the Board has become final, be credited or refunded to the taxpayer. No such credit or refund shall be made of any portion of the tax unless the Board determines as part of its decision (1) that such portion was paid (A) within two years before the filing of the claim, the mailing of the notice of deficiency, or the execution of an agreement by both the Commissioner and the taxpayer pursuant to section 276 (b) to extend beyond the time prescribed in

section 275 the time within which the Commissioner might assess the tax, whichever is earliest, or (B) within three years before the filing of the claim, the mailing of the notice of deficiency, or the execution of the agreement, whichever is earliest, if the claim was filed, the notice of deficiency mailed, or the agreement executed within three years from the time the return was filed by the taxpayer, or (C) after the execution of such an agreement and before the expiration of the period within which the Commissioner might make an assessment pursuant to such agreement or any extension thereof, or (D) after the mailing of the notice of deficiency; or (2), if such portion was not paid within the period described in clause (1), but the notice of deficiency was mailed within seven years from the time prescribed for the filing of the return, or a claim described in subsection (b) (5) was filed, that such portion does not exceed the amount of the overpayment attributable to the deductibility of items described in subsection (b) (5); or (3), if such portion was not paid within the period described in clause (1), but the notice of deficiency was mailed within the period prescribed in subsection (b) (6) for the filing of a claim for credit or refund of an overpayment attributable to a carry-back, or such a claim was filed, that such portion does not exceed the amount of the overpayment attributable to a carry-back.

(e) Presumption as to date of payment.

For the purposes of this section, any tax actually deducted and withheld at the source during any calendar year under Subchapter D of Chapter 9 shall, in respect of the recipient of the income, be deemed to have been paid by him not earlier than the fifteenth day of the third month following the close of his taxable year with respect to which such tax is allowable as a credit under section 35. For the purposes of this section, any amount paid as estimated tax for any taxable year shall be deemed to have been paid not earlier than the fifteenth day of the third month following the close of such taxable year.

(f) Tax withheld at source.

For refund or credit in case of withholding agent, see section 143 (f). For refund or credit in case of employer required to deduct and withhold tax on wages see section 1622 (f).

(g) Overpayments attributable to net operating loss carry-backs and unused excess profits credit carry-backs.

If the allowance of a credit or refund of an overpayment of tax attributable to a net operating loss carry-back or to an unused excess profits credit carry-back is otherwise prevented by the operation of any law or rule of law other than section 3761, relating to compromises, such credit or refund may be allowed or made, if claim therefor is filed within the period provided in subsection (b) (6). If the allowance of an application, credit or refund of a decrease in tax determined under section 3780 (b) is otherwise prevented by the operation of any law or rule of law other than section 3761, such application, credit or refund may be allowed or made if application for a tentative carry-back adjustment is made within the period provided in section 3780 (a). In the case of any such claim for credit or refund or any such application for a tentative carry-back adjustment, the determination by any court, including The Tax Court of the United States, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the net operating loss deduction and the unused excess profits credit adjustment, and the effect of such deduction or adjustment, to the extent that such deduction or adjustment is affected by a carry-back which was not in issue in such proceeding. (As amended Oct 21, 1942, 4:30 p. m., E W. T., ch. 619, title I, §§ 169 (a, b), 172 (e), 56 Stat. 876, 877, 893; June 9, 1943, 7 p. m., E. W. T., ch. 120, §§ 2 (b), (2), 4 (a, b), 57 Stat. 139, 140; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 6 (b), (9, 10), 14 (d), 58 Stat. 235, 246; July 31, 1945, ch. 340, § 5 (a–d), 59 Stat 523; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 122 (e) (1), 59 Stat. 569.)

AMENDMENTS

1945—Subsec (b) (5) (B) amended by act July 31, 1945, cited to text, which struck out "or of a carry-back" in first sentence, and struck out second sentence and inserted in lieu thereof a new second sentence

Subsec (b) (6) added by act July 31, 1945, cited to text and first sentence amended generally by act Nov 8, 1945, cited to text

Subsec (d) amended by act July 31, 1945, cited to text, which struck out period following "(b) (5)" and inserted in lieu thereof a semicolon and the text following it

Subsec (g) added by act July 31, 1945, cited to text

1944—Subsec. (a) (2) amended by act May 29, 1944, cited to text, which struck out "Part II of Subchapter D or" following "the source under", and "or 466 (e)" following "under section 35".

Subsec (d) amended by act May 29, 1944, cited to text, which inserted "or finds that there is a deficiency * * * of such taxable year," following "in respect of which the Commissioner determined the deficiency,".

Subsec (e) amended by act May 29, 1944, cited to text, which struck out "Part II of Subchapter D or" following "calendar year under", and "or section 466 (e)" following "under section 35".

1943—Subsec (a) amended by act June 9, 1943, cited to text, which affected par. (2) and added par (3).

Subsec (c) amended by act June 9, 1943, cited to text

Subsec (f) amended by act June 9, 1943, cited to text, which omitted reference "and 466 (f)" from first sentence and added second sentence

1942—Subsecs. (a), (b) (2–5), (d) and (f) were amended and subsec. (e) amended and redesignated (f) and new subsec (e) inserted by act Oct 21, 1942, cited to text.

EFFECTIVE DATE

Amendment to first sentence of subsec. (b) (6) by act Nov. 8, 1945, cited to text, was made applicable to claims for credit or refund with respect to taxable years beginning after Dec 31, 1940, by section 122 (e) (2) thereof

Section 5 (f) of act July 31, 1945, cited to text, provided: "The amendments made by this section [to sections 276 and 322 of this title] shall be applicable with respect to all taxable years beginning after December 31, 1940, except that the amendment made by subsection (d) [adding subsec. (g) to section 322 of this title] shall not be applicable to any taxable year with respect to which the taxpayer and the Commissioner have entered into a closing agreement under the provisions of section 3760, prior to the date of enactment of this Act [July 31, 1945], in any case in which it is expressly provided in such closing agreement that the tax liability for such taxable

year is not to be affected by a net operating loss carry-back or by an unused excess profits credit carry-back "

Amendment of subsecs (a) (2), (e) by act May 29, 1944, § 6 (b) (9), (10), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Subsec. (e) of act May 29, 1944, § 14, cited to text, provided in part: "The amendments made by subsections (a), (c), (d) [to sections 271, 292 (a), and 322 (d)], shall be applicable with respect to taxable years beginning after December 31, 1942."

Amendment of subsec. (b) by act Oct. 21, 1942, § 169 (b), cited to text, inserting par. (5), was made applicable by section 169 (c) thereof, as amended by act Feb 25, 1944, ch. 63, §§ 504, 509 (a), which provided as follows: "The amendment inserting paragraph (5) of section 322 (b) shall be applicable to taxable years beginning after Dec 31, 1937. A provision having the effect of the amendment inserting section 322 (b) (3) of the Internal Revenue Code, and a provision having the effect of the amendment made by subsection (b) of this section, shall be deemed to be included in the revenue laws respectively applicable to taxable years beginning after December 31, 1923, but such amendments shall be effective with respect to taxable years beginning prior to January 1, 1942, only if on or at some time after the date of the enactment of the Revenue Act of 1943 the Commissioner may assess the tax for such taxable year solely by reason of having made (either before, on, or after the date of the enactment of the Revenue Act of 1943) an agreement with the taxpayer pursuant to section 276 (b) of the Internal Revenue Code or the corresponding provision of the applicable prior revenue law to extend beyond the time prescribed in section 275 or the corresponding provision of such prior revenue law the date within which the Commissioner may assess the tax."

Amendment to section by act June 9, 1943, cited to text, as effective July 1, 1943, see note under section 476 of this title

Amendments of subsecs (a), (e) and (f) by act Oct 21, 1942, § 172 (e), cited to text, were made effective Jan 1, 1943, applicable to all wages (as defined in Part II of Subchapter D) paid on or after such date, by section 172 (g) thereof

Amendment of subsec (b) by act Oct 21, 1942, § 169 (b), cited to text, inserting par (5), was made applicable to taxable years beginning after Dec 31, 1938, by section 169 (c) thereof

Amendments of subsecs (b) (2-5) and (d) by act Oct 21, 1942, § 169 (a) (b), cited to text, were made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

TRANSFEREE AGREEMENTS

Section 509 (b) of act Feb 25, 1944, title V, ch 63, 58 Stat. 74, provided as follows: "If a transferee of a taxpayer and the Commissioner executed an agreement to extend the time within which the liability with respect to the tax of the taxpayer for a taxable year beginning in 1936 might be assessed against such transferee, any overpayment of the tax of the taxpayer with respect to such taxable year which The Tax Court of the United States finds has been paid by such transferee shall, when the decision of The Tax Court of the United States has become final, be credited or refunded to such transferee Such credit or refund shall not exceed the amount paid by the transferee with respect to the tax of the taxpayer for such taxable year within the four years immediately preceding the execution of such agreement."

CROSS REFERENCES

Expiration of three-year limitation period with respect to war losses, see note set out under section 127 of this title.

§ 336. Supplement P net income.

* * * * *

(c) 1941 capital loss carry-over denied.

The net income shall be computed without regard to section 117 (e) (2).

(d) Income not placed on annual basis.

The net income shall be computed without regard to section 47 (c). (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 135 (b) (2), 150 (h), 56 Stat. 835, 845.)

AMENDMENTS

1942—Subsec. (c) was amended and subsec. (d) was added by act Oct 21, 1942, cited to text

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 337. Corporation income taxed to United States shareholders.

* * * * *

(c) Credit for obligations of United States and its instrumentalities.

Each United States shareholder shall be allowed a credit against net income, for the purpose of the tax imposed by sections 11, 13, 14, 201, 204, 207, or 362, of his proportionate share of the interest specified in section 25 (a) (1) or (2) which is included in the gross income of the company otherwise than by the application of the provisions of section 334 (b) (relating to the inclusion in the gross income of a foreign personal holding company of its distributive share of the undistributed Supplement P net income of another foreign personal holding company in which it is a shareholder). If the foreign personal holding company elects under section 125 to treat the premium on bonds, the interest on which is allowable as a credit under section 25 (a) (1) or (2), as amortizable, for the purposes of the preceding sentence each United States shareholder's proportionate share of such interest received by the foreign personal holding company shall be his proportionate share of such interest (determined without regard to this sentence) reduced by so much of the deduction under section 23 (v) as is attributable to such share. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 126 (g), 56 Stat. 825.)

* * * * *

AMENDMENTS

1942—Subsec. (c) was amended by act Oct 21, 1942, cited to text, which inserted new sentence at end thereof

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows. "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

SUPPLEMENT Q.—REGULATED INVESTMENT COMPANIES

AMENDMENTS

Title of supplement was amended by act Oct 21, 1942, § 170 (a), which substituted "Regulated" for "Mutual."

§ 361. Definition—(a) In general.

For the purposes of this chapter, the term "regulated investment company" means any domestic corporation (whether chartered or created as an investment trust, or otherwise), other than a personal holding company as defined in section 501, which at all times during the taxable year is registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U. S. C., 1940 ed. secs. 80 a–1 to 80 b–2),[1] or that Act, as amended,[1] either as a management company or as a unit investment trust, or which is a common trust fund or similar fund excluded by section 3 (c) (3) of such Act[2] from the definition of "investment company" and is not included in the definition of "common trust fund" by section 169.

(b) Limitations.

Despite the provisions of subsection (a), a corporation shall not be considered a regulated investment company for any taxable year unless—

(1) At least 90 per centum of its gross income is derived from dividends, interest, and gains from the sale or other disposition of stock or securities; and

(2) Less than 30 per centum of its gross income is derived from the sale or other disposition of stock or securities held for less than three months; and

(3) At the close of each quarter of the taxable year (A) at least 50 per centum of the value of its total assets is represented by cash and cash items (including receivables), Government securities, securities of other regulated investment companies, and other securities for the purposes of this calculation limited in respect of any one issuer to an amount not greater in value than 5 per centum of the value of the total assets of the taxpayer and to not more than 10 per centum of the outstanding voting securities of such issuer, and (B) not more than 25 per centum of the value of its total assets is invested in the securities (other than Government securities or the securities of other regulated investment companies) of any one issuer, or of two or more issuers which the taxpayer controls and which are determined, under regulations prescribed by the Commissioner with the approval of the Secretary, to be engaged in the same or similar trades or businesses or related trades or businesses. For the purposes of clause (B), in ascertaining the value of the taxpayer's investment in the securities of an issuer, there shall be included its proper proportion of the investment of any other corporation, a member of a controlled group, in the securities of such issuer, as determined under regulations prescribed by the Commissioner and approved by the Secretary. The term "controls", as used in this paragraph, means the ownership in a corporation of 20 per centum or more of the total combined voting power of all classes of stock entitled to vote. The term "controlled group", as used in this paragraph, means one or more chains of corporations connected through stock ownership with the taxpayer if (i) 20 per centum or more of the total combined voting power of all classes of stock entitled to vote of each of the corporations (except the taxpayer) is owned directly by one or more of the other corporations, and (ii) the taxpayer owns directly 20 per centum or more of the total combined voting power of all classes of stock entitled to vote, of at least one of the other corporations. The term "value" as used in this paragraph means, with respect to securities (other than those of majority-owned subsidiaries) for which market quotations are readily available, the market value of such securities; and with respect to other securities and assets, fair value as determined in good faith by the board of directors, except that in the case of securities of majority-owned subsidiaries which are investment companies such fair value shall not exceed market value or asset value, whichever is higher. All other terms used in the preceding provisions of this paragraph shall have the same meaning as when used in the Investment Company Act of 1940, or that Act as amended.[1] A corporation which meets the foregoing requirements of this paragraph at the close of any quarter shall not lose its status as a regulated investment company because of a discrepancy during a subsequent quarter between the value of its various investments and such requirements unless such discrepancy exists immediately after the acquisition of any security or other property and is wholly or partly the result of such acquisition. A corporation which does not meet such requirements at the close of any quarter by reason of a discrepancy existing immediately after the acquisition of any security or other property which is wholly or partly the result of such acquisition during such quarter shall not lose its status for such quarter as a regulated investment company if such discrepancy is eliminated within thirty days after the close of such quarter and in such cases it shall be considered to have met such requirements at the close of such quarter for the purposes of applying the preceding sentence. A corporation which meets such requirements at the close of its first full quarter after the date of the enactment of the Revenue Act of 1942,[3] or eliminates any discrepancy between the value of its investments and such requirements existing at the close of such quarter within thirty days thereafter, shall be deemed to have met such requirements at all previous times; and

(4) It files with its return for the taxable year an election to be a regulated investment company or has made such election for a previous taxable year which began after December 31, 1941. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 170 (a), 56 Stat. 878.)

[1] Investment Company Act of 1940 constitutes sections 80a–1 to 80a–52 of Title 15, and sections 72 (a), last sentence, and 107 (f) of Title 11

[2] Section 80a–3 (c) (3) of Title 15.

[3] Revenue Act of 1942 was enacted Oct. 21, 1942, 4:30 p. m., E. W. T

AMENDMENTS

1942—Act Oct. 21, 1942, cited to text, amended section in its entirety, making it applicable to regulated investment companies instead of mutual investment companies

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

RETROACTIVE PROVISIONS

Earnings and profits of a mutual investment company between Dec. 31, 1935, and Jan. 1, 1942, see note under section 362.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 362. Tax on regulated investment companies—(a) Earnings and profits.

The earnings and profits of a regulated investment company for any taxable year beginning after December 31, 1941 (but not its accumulated earnings and profits) shall not be reduced by any amount which is not allowable as a deduction in computing its net income for such taxable year.

(b) Method of taxation of companies and shareholders.

In the case of a regulated investment company which distributes during the taxable year to its shareholders as taxable dividends other than capital gain dividends an amount not less than 90 per centum of its net income for the taxable year computed without regard to net long-term and net short-term capital gains, and complies for such year with all rules and regulations prescribed by the Commissioner, with the approval of the Secretary, for the purpose of ascertaining the actual ownership of its outstanding stock:

(1) Its Supplement Q net income shall be its adjusted net income (computed by excluding the excess, if any, of the net long-term capital gain over the net short-term capital loss, and without the net operating loss deduction provided in section 23 (s)) minus the basic surtax credit (excluding capital gain dividends) computed under section 27 (b) without the application of paragraphs (2) and (3). For the purposes of this paragraph, the net income shall be computed without regard to section 47 (c).

(2) Its Supplement Q surtax net income shall be its net income (computed by excluding the excess, if any, of the net long-term capital gain over the net short-term capital loss, and without the net operating loss deduction provided in section 23 (s)) minus the dividends (other than capital gain dividends) paid during the taxable year increased by the consent dividends credit provided by section 28. For the purposes of this paragraph and paragraph (5) the amount of dividends paid shall be computed in the same manner as provided in subsections (d), (e), (f), (g), (h), and (i) of section 27 for the purpose of the basic surtax credit provided in section 27. For the purposes of this paragraph the net income shall be computed without regard to section 47 (c).

(3) There shall be levied, collected, and paid for each taxable year upon its Supplement Q net income a tax equal to 24 per centum of the amount thereof.

(4) There shall be levied, collected, and paid for each taxable year upon its Supplement Q surtax net income a tax equal to 14 per centum of the amount thereof.

(5) There shall be levied, collected, and paid for each taxable year a tax of 25 per centum of the excess, if any, of the net long-term capital gain over the sum of the net short-term capital loss and the amount of capital gain dividends paid during the year.

(6) A capital gain dividend shall be treated by the shareholders as gains from the sale or exchange of capital assets held for more than 6 months.

(7) A capital gain dividend means any dividend or part thereof which is designated by the company as a capital gain dividend in a written notice mailed to its shareholders at any time prior to the expiration of thirty days after close of its taxable year. If the aggregate amount so designated with respect to a taxable year of the company is greater than the excess of the net long-term capital gain over the net short-term capital loss of the taxable year, the portion of each distribution which shall be a capital gain dividend shall be only that proportion of the amount so designated which such excess of the net long-term capital gain over the net short-term capital loss bears to the aggregate amount so designated. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 103 (e), 55 Stat. 693; Oct. 21, 1942, 4:30 p. m., E W T., ch. 619, title I, § 170 (a), 56 Stat. 878; Nov. 8, 1945, 5:17 p. m., E S T., ch 453, title I, § 121 (c), 59 Stat. 568)

AMENDMENTS

1945—Subsec (b) (4) amended by act Nov 8, 1945, § 121 (c), cited to text, which struck out "16 per centum" and inserted in lieu thereof "14 per centum"

1942—Act Oct 21, 1942, cited to text, amended section in its entirety, making it applicable to regulated investment companies instead of mutual investment companies

1941—Subsec (b) was amended by act Sept 20, 1941, cited to text

EFFECTIVE DATE

Act Nov 8, 1945, cited to text, was made applicable with respect to taxable years beginning after Dec 31, 1945, by section 121 (d) thereof. For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title.

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Provisions of section 8 of act June 25, 1940, cited to text, were repeated in section 108 of act Sept. 20, 1941, and section 109 of act Oct. 21, 1942, also cited.

RETROACTIVE PROVISIONS RELATING TO EARNINGS AND PROFITS

Section 170 (c) of act Oct. 21, 1942, cited to text, provided as follows:

"(c) For any taxable year beginning after December 31, 1935, and before January 1, 1942, of a corporation which filed an income tax return as a mutual investment company, the earnings and profits of such corporation for such taxable year (but not its accumulated earnings and profits) shall not be reduced by any amount which is

not allowable as a deduction in computing its net income for such taxable year; except that this subsection shall not result in earnings and profits of the taxable year in excess of the aggregate of the distributions made by the corporation to its shareholders during the taxable year exclusive of the amounts, if any, which the corporation advised its shareholders to be nontaxable for Federal income tax purposes"

§ 363. Omitted. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 170 (a), 56 Stat. 878.

AMENDMENTS

Section, relating to surtax on mutual investment companies, was added to Supplement Q of this chapter by act Sept. 20, 1941, 12:15 p m, E S T., ch 412, title I, § 104 (b), 55 Stat 693. It was omitted from Supplement Q by the amendment thereof in its entirety by act Oct. 21, 1942, 4.30 p. m, E. W T, ch 619, title I, § 170 (a) 56 Stat 878.

EFFECTIVE DATE

The omission of this section by act Oct 21, 1942, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows. "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States." This provision was repeated in section 109 of act Oct. 21, 1942, also cited

SUPPLEMENT R—EXCHANGES AND DISTRIBUTIONS IN OBEDIENCE TO ORDERS OF SECURITIES AND EXCHANGE COMMISSION

§ 371. Nonrecognition of gain or loss.

* * * * *

(b) Exchanges and sales of property by corporations.

No gain shall be recognized to a transferor corporation which is a registered holding company or an associate company of a registered holding company, if such corporation, in obedience to an order of the Securities and Exchange Commission transfers property in exchange for property, and such order recites that such exchange by the transferor corporation is necessary or appropriate to the integration or simplification of the holding company system of which the transferor corporation is a member. If any such property so received is nonexempt property, gain shall be recognized unless such nonexempt property or an amount equal to the fair market value of such property at the time of the transfer is, within 24 months of the transfer, under regulations prescribed by the Commissioner with the approval of the Secretary, and in accordance with an order of the Securities and Exchange Commission, expended for property other than nonexempt property or is invested as a contribution to the capital, or as paid-in surplus, of another corporation, and such order recites that such expenditure or investment by the transferor corporation is necessary or appropriate to the integration or simplification of the holding company system of which the transferor corporation is a member. If the fair market value of such nonexempt property at the time of the transfer exceeds the amount expended and the amount invested, as required in the second sentence of this paragraph, the gain, if any, to the extent of such excess, shall be recognized. Any gain, to the extent that it cannot be applied in reduction of basis under section 372 (a) (2) shall be recognized. For the purposes of this subsection, a distribution in cancellation or redemption (except a distribution having the effect of a dividend) of the whole or a part of the transferor's own stock (not acquired on the transfer) and a payment in complete or partial retirement or cancellation of securities representing indebtedness of the transferor or a complete or partial retirement or cancellation of such securities which is a part of the consideration for the transfer, shall be considered an expenditure for property other than nonexempt property, and if, on the transfer, a liability of the transferor is assumed, or property of the transferor is transferred subject to a liability, the amount of such liability shall be considered to be an expenditure by the transferor for property other than nonexempt property. This subsection shall not apply unless the transferor corporation consents, at such time and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe, to the regulations prescribed under section 372 (a) (2) in effect at the time of filing its return for the taxable year in which the transfer occurs.

* * * * *

(e) Exchanges not solely in kind.

(1) If an exchange (not within any of the provisions of subsection (d) would be within the provisions of subsection (a) if it were not for the fact that property received in exchange consists not only of property permitted by such subsection to be received without the recognition of gain or loss, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property, and the loss, if any, to the recipient shall not be recognized.

(2) If an exchange is within the provisions of paragraph (1) of this subsection and if it includes a distribution which has the effect of the distribution of a taxable dividend, then there shall be taxed as a dividend to each distributee such an amount of the gain recognized under such paragraph (1) as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913. The remainder, if any, of the gain recognized under such paragraph (1) shall be taxed as a gain from the exchange of property.

(f) Application of section.

The provisions of this section shall not apply to an exchange, expenditure, investment, distribution, or sale unless (1) the order of the Securities and Exchange Commission in obedience to which such exchange, expenditure, investment, distribution, or sale was made recites that such exchange, expenditure, investment, distribution, or sale is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U. S. C., title 15,

sec. 79k (b)), (2) such order specifies and itemizes the stock and securities and other property which are ordered to be acquired, transferred, received, or sold upon such exchange, acquisition, expenditure, distribution, or sale, and, in the case of an investment, the investment to be made, and (3) such exchange, acquisition, expenditure, investment, distribution or sale was made in obedience to such order, and was completed within the time prescribed therefor. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 171 (a, b, g), 56 Stat. 881, 882, 883.)

• • • • •

AMENDMENTS

1942—Subsecs (b), (e) and (f) were amended by act Oct. 21, 1942, cited to text

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942 cited to text, provided as follows "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

CROSS REFERENCES

Exemption from stamp tax on certain transactions, see section 1804 of this title

§ 372. Basis for determining gain or loss—(a) Exchanges generally—(1) Exchanges subject to the provisions of section 371 (a).

If the property was acquired upon an exchange subject to the provisions of section 371 (a) or (e) the basis shall be the same as in the case of the property exchanged, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized upon such exchange under the law applicable to the year in which the exchange was made. If the property so acquired consisted in part of the type of property permitted by section 371 (a) to be received without the recognition of gain or loss, and in part of nonexempt property, the basis provided in this subsection shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such nonexempt property (other than money) an amount equivalent to its fair market value at the date of the exchange. This subsection shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it.

(2) Exchanges subject to the provisions of section 371 (b).

The gain not recognized upon a transfer by reason of section 371 (b) shall be applied to reduce the basis for determining gain or loss on sale or exchange of the following categories of property in the hands of the transferor immediately after the transfer, and property acquired within 24 months after such transfer by an expenditure or investment to which section 371 (b) relates on account of the acquisition of which gain is not recognized under such subsection, in the following order:

(1) Property of a character subject to the allowance for depreciation under section 23 (*l*);

(2) Property (not described in paragraph (1)) with respect to which a deduction for amortization is allowable under section 23 (t);

(3) Property with respect to which a deduction for depletion is allowable under section 23 (m) but not allowable under section 114 (b) (2), (3), or (4);

(4) Stock and securities of corporations not members of the system group of which the transferor is a member (other than stock or securities of a corporation of which the transferor is a subsidiary);

(5) Securities (other than stock) of corporations which are members of the system group of which the transferor is a member (other than securities of the transferor or of a corporation of which the transferor is a subsidiary);

(6) Stock of corporations which are members of the system group of which the transferor is a member (other than stock of the transferor or of a corporation of which the transferor is a subsidiary);

(7) All other remaining property of the transferor (other than stock or securities of the transferor or of a corporation of which the transferor is a subsidiary).

The manner and amount of the reduction to be applied to particular property within any of the categories described in paragraphs (1) to (7), inclusive, shall be determined under regulations prescribed by the Commissioner with the approval of the Secretary (As amended Oct 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 171 (c), 56 Stat. 882.)

• • • • •

AMENDMENTS

1942—Subsec. (a) (1) was amended and subsec (a) (2) was added by act, Oct 21, 1942, cited to text

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

CROSS REFERENCES

Exemption from stamp tax on certain transactions, see section 1804 of this title.

§ 373. Definitions.

• • • • •

(a) The term "order of the Securities and Exchange Commission" means an order issued after May 28, 1938, by the Securities and Exchange Com-

mission which requires, authorizes, permits, or approves transactions described in such order to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U. S. C., title 15, sec. 79k (b)), which has become or becomes final in accordance with law.

* * * * *

(e) * * *

(1) Any consideration in the form of evidences of indebtedness owed by the transferor or a cancellation or assumption of debts or other liabilities of the transferor (including a continuance of encumbrances subject to which the property was transferred);

* * * * *

(4) Stock or securities which were acquired from a registered holding company or an associate company of a registered holding company which acquired such stock or securities after February 28, 1938, unless such stock or securities (other than obligations described as nonexempt property in paragraph (1), (2), or (3)) were acquired in obedience to an order of the Securities and Exchange Commission or were acquired with the authorization or approval of the Securities and Exchange Commission under any section of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U. S. C., title 15, sec. 79k (b))[1];

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 117 (a), 55 Stat. 698; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 171 (d–f), 56 Stat 883.)

* * * * *

[1] Public Utility Holding Company Act of 1935 constitutes sections 79 to 79z–6 of Title 15, Commerce and Trade.

AMENDMENTS

1942—Subsecs (a) and (e) (1, 4) were amended by act Oct 21, 1942, cited to text

1941—Subsec (a) was amended by act Sept. 20, 1941, cited to text

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1939, by section 117 (b) thereof

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States." This provision was repeated in section 109 of act Oct 21, 1942, also cited

CROSS REFERENCES

Exemption from stamp tax on certain transactions, see section 1804 of this title

SUPPLEMENT S.—TAX OF SHAREHOLDERS OF PERSONAL SERVICE CORPORATIONS

§ 393. Supplement S net income.

* * * * *

For the purposes of this section, the net income shall be computed without regard to section 47 (c). (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch 619, title I, § 135 (b) (3), 56 Stat. 835.)

AMENDMENTS

1942—Act Oct 21, 1942, cited to text, amended section by adding last paragraph

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 394. Corporation income taxed to shareholders.

* * * * *

(c) Credit for obligations of the United States and its instrumentalities

Each such shareholder shall be allowed a credit against net income, for the purposes of the tax imposed by sections 11, 13, 14, 201, 204, 207, or 362, of his proportionate share of the interest specified in section 25 (a) (1) or (2) which is included in the gross income of the corporation For any taxable year of the corporation beginning after December 31, 1941, each such shareholder's proportionate share of such interest received by the corporation shall be his proportionate share of such interest (determined without regard to this sentence) reduced by so much of the deduction under section 23 (v) as is attributable to such share. (As amended Oct. 21, 1942, 4.30 p. m., E. W. T., ch. 619, title I, § 126 (h), 56 Stat. 825.)

* * * * *

AMENDMENTS

1942—Subsec. (c) was amended by act Oct. 21, 1942, cited to text, which inserted new sentence at end thereof.

EFFECTIVE DATE

Act Oct 21, 1942, cited to text was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

SUPPLEMENT T.—INDIVIDUALS WITH ADJUSTED GROSS INCOME OF LESS THAN $5,000 (NEW)

AMENDMENTS

1944—Act May 29, 1944, 7 p m., E W T., ch. 210, part II, § 5 (a), 58 Stat 232 amended "Supplement T" by striking "—Individuals With Gross Income From Certain Sources Of $3000 Or Less" and inserting in lieu thereof "Individuals with Adjusted Gross Income of Less than $5000".

CODIFICATION

Supplement T was added to Internal Revenue Code by act Sept 20, 1941, 12:15 p. m., E S. T., ch 412, title I, § 102 (a), 55 Stat. 689

§ 400. Imposition of tax.

In lieu of the taxes imposed by sections 11 and 12, there shall be levied, collected, and paid for each taxable year upon the net income of each individual

whose adjusted gross income for such year is less than $5,000, and who has elected to pay the tax imposed by this supplement for such year, the tax shown in the following table:

If the adjusted gross income is		And the number of exemptions is—			
At least	But less than	1	2	3	4 or more
		The tax shall be—			
$0	$550	$0	$0	$0	$0
550	575	1	0	0	0
575	600	5	0	0	0
600	625	10	0	0	0
625	650	14	0	0	0
650	675	18	0	0	0
675	700	23	0	0	0
700	725	27	0	0	0
725	750	31	0	0	0
750	775	35	0	0	0
775	800	40	0	0	0
800	825	44	0	0	0
825	850	48	0	0	0
850	875	52	0	0	0
875	900	57	0	0	0
900	925	61	0	0	0
925	950	65	0	0	0
950	975	70	0	0	0
975	1,000	74	0	0	0
1,000	1,025	78	0	0	0
1,025	1,050	82	0	0	0
1,050	1,075	87	0	0	0
1,075	1,100	91	0	0	0
1,100	1,125	95	0	0	0
1,125	1,150	100	5	0	0
1,150	1,175	104	9	0	0
1,175	1,200	108	13	0	0
1,200	1,225	112	17	0	0
1,225	1,250	117	22	0	0
1,250	1,275	121	26	0	0
1,275	1,300	125	30	0	0
1,300	1,325	129	34	0	0
1,325	1,350	134	39	0	0
1,350	1,375	138	43	0	0
1,375	1,400	142	47	0	0
1,400	1,425	147	52	0	0
1,425	1,450	151	56	0	0
1,450	1,475	155	60	0	0
1,475	1,500	159	64	0	0
1,500	1,525	164	69	0	0
1,525	1,550	168	73	0	0
1,550	1,575	172	77	0	0
1,575	1,600	176	81	0	0
1,600	1,625	181	86	0	0
1,625	1,650	185	90	0	0
1,650	1,675	189	94	0	0
1,675	1,700	194	99	4	0
1,700	1,725	198	103	8	0
1,725	1,750	202	107	12	0
1,750	1,775	206	111	16	0
1,775	1,800	211	116	21	0
1,800	1,825	215	120	25	0
1,825	1,850	219	124	29	0
1,850	1,875	223	128	33	0
1,875	1,900	228	133	38	0
1,900	1,925	232	137	42	0
1,925	1,950	236	141	46	0
1,950	1,975	241	146	51	0
1,975	2,000	245	150	55	0
2,000	2,025	249	154	59	0
2,025	2,050	253	158	63	0
2,050	2,075	258	163	68	0
2,075	2,100	262	167	72	0
2,100	2,125	266	171	76	0
2,125	2,150	271	176	81	0
2,150	2,175	275	180	85	0
2,175	2,200	279	184	89	0

If the adjusted gross income is		And the number of exemptions is—								
At least	But less than	1	2	3	4	5	6	7	8	9 or more
		The tax shall be—								
$2,200	$2,225	$283	$188	$93	$0	$0	$0	$0	$0	$0
2,225	2,250	288	193	98	3	0	0	0	0	0
2,250	2,275	292	197	102	7	0	0	0	0	0
2,275	2,300	296	201	106	11	0	0	0	0	0
2,300	2,325	300	205	110	15	0	0	0	0	0
2,325	2,350	305	210	115	20	0	0	0	0	0
2,350	2,375	309	214	119	24	0	0	0	0	0
2,375	2,400	313	218	123	28	0	0	0	0	0
2,400	2,425	318	223	128	33	0	0	0	0	0
2,425	2,450	322	227	132	37	0	0	0	0	0
2,450	2,475	326	231	136	41	0	0	0	0	0
2,475	2,500	330	235	140	45	0	0	0	0	0
2,500	2,525	335	240	145	50	0	0	0	0	0
2,525	2,550	339	244	149	54	0	0	0	0	0
2,550	2,575	343	248	153	58	0	0	0	0	0
2,575	2,600	347	252	157	62	0	0	0	0	0
2,600	2,625	352	257	162	67	0	0	0	0	0
2,625	2,650	356	261	166	71	0	0	0	0	0
2,650	2,675	360	265	170	75	0	0	0	0	0
2,675	2,700	365	270	175	80	0	0	0	0	0
2,700	2,725	369	274	179	84	0	0	0	0	0
2,725	2,750	373	278	183	88	0	0	0	0	0
2,750	2,775	377	282	187	92	0	0	0	0	0
2,775	2,800	382	287	192	97	2	0	0	0	0
2,800	2,825	387	291	196	101	6	0	0	0	0
2,825	2,850	391	295	200	105	10	0	0	0	0
2,850	2,875	396	299	204	109	14	0	0	0	0
2,875	2,900	401	301	209	114	19	0	0	0	0
2,900	2,925	405	308	213	118	23	0	0	0	0
2,925	2,950	410	312	217	122	27	0	0	0	0
2,950	2,975	415	317	222	127	32	0	0	0	0
2,975	3,000	419	321	226	131	36	0	0	0	0
3,000	3,050	427	327	232	137	42	0	0	0	0
3,050	3,100	436	336	241	146	51	0	0	0	0
3,100	3,150	445	344	249	154	59	0	0	0	0
3,150	3,200	455	353	258	163	68	0	0	0	0
3,200	3,250	464	361	266	171	76	0	0	0	0
3,250	3,300	474	370	275	180	85	0	0	0	0
3,300	3,350	483	379	284	189	94	0	0	0	0
3,350	3,400	492	388	292	197	102	7	0	0	0
3,400	3,450	502	397	301	206	111	16	0	0	0
3,450	3,500	511	407	309	214	119	24	0	0	0
3,500	3,550	521	416	318	223	128	33	0	0	0
3,550	3,600	530	425	326	231	136	41	0	0	0
3,600	3,650	539	435	335	240	145	50	0	0	0
3,650	3,700	549	444	343	248	153	58	0	0	0
3,700	3,750	558	454	352	257	162	67	0	0	0
3,750	3,800	568	463	361	266	171	76	0	0	0
3,800	3,850	577	472	369	274	179	84	0	0	0
3,850	3,900	586	482	378	283	188	93	0	0	0
3,900	3,950	596	491	387	291	196	101	6	0	0
3,950	4,000	605	501	396	300	205	110	15	0	0
4,000	4,050	615	510	406	308	213	118	23	0	0
4,050	4,100	624	520	415	317	222	127	32	0	0
4,100	4,150	633	529	424	325	230	135	40	0	0
4,150	4,200	643	538	434	334	239	144	49	0	0
4,200	4,250	652	548	443	342	247	152	57	0	0
4,250	4,300	662	557	453	351	256	161	66	0	0
4,300	4,350	671	567	462	360	265	170	75	0	0
4,350	4,400	680	576	471	368	273	178	83	0	0
4,400	4,450	690	585	481	377	282	187	92	0	0
4,450	4,500	699	595	490	386	290	195	100	5	0
4,500	4,550	709	604	500	395	299	204	109	14	0
4,550	4,600	718	614	509	405	307	212	117	22	0
4,600	4,650	727	623	518	414	316	221	126	31	0
4,650	4,700	737	632	528	423	324	229	134	39	0
4,700	4,750	746	642	537	433	333	238	143	48	0
4,750	4,800	756	651	547	442	342	247	152	57	0
4,800	4,850	765	661	556	452	350	255	160	65	0
4,850	4,900	774	670	565	461	359	264	169	74	0
4,900	4,950	784	679	575	470	367	272	177	82	0
4,950	5,000	793	689	584	480	376	281	186	91	

(Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 102 (a), 55 Stat. 689; amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 104 (a), 56 Stat. 803; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 102 (a), 58 Stat 26; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 5 (a), 58 Stat. 232; June 30, 1944, ch. 332, § 2 (a), 58 Stat. 647; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 103 (a), 59 Stat. 560.)

AMENDMENTS

1945—Tax table, including note at foot thereof, in this section amended generally by act Nov. 8, 1945, § 103 (a), cited to text

1944—Act June 30, 1944, cited to text, amended table by inserting "110" for "100" in third column immediately following "105".

Section amended generally by act May 29, 1944, cited to text, which among other changes made Supp. T applicable to adjusted gross incomes up to $5000 instead of $3000,

and through the use of the new concept of adjusted gross income made it applicable to individuals without regard to the source of the income.

Act Feb. 25, 1944, cited to text, amended section by adding "and 450" following "11, 12," and by rewording "is $3,000 or less" to read "is less than $3,000".

1942—Act Oct 21, 1942, cited to text, amended section in its entirety.

EFFECTIVE DATE

Act Nov. 8, 1945, § 103 (a), cited to text, was made applicable with respect to taxable years beginning after Dec 31, 1945, by section 103 (b) thereof. For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title.

Act June 30, 1944, § 2 (a), cited to text, was made applicable to the computation of income tax with respect to the taxable years beginning after Dec 31, 1943, by section 2 (b) thereof

Act May 29, 1944, § 5 (a), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Amendment of section by act Feb 25, 1944, § 102 (a), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 101 thereof.

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Section 108 of act Sept 20, 1941, cited to text, provided as follows "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States" This provision was repeated in section 109 of act Oct 21, 1942, and section 136 of act Feb 25, 1944, also cited.

§ 401. Definition of "exemption."

As used in the table in section 400, the term "number of exemptions" means the number of the exemptions allowed under section 25 (b) as credits against net income for the purpose of the normal tax and the surtax imposed by sections 11 and 12 (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 102 (a), 55 Stat. 691; amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 104 (b), 56 Stat. 805; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 5 (a), 58 Stat. 234; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 102 (b) (10), 59 Stat. 559.)

AMENDMENTS

1945—Act Nov 8, 1945, § 102 (b) (10), cited to text, amended section generally.

1944—Act May 29, 1944, cited to text, amended catchline and incorporated in section a definition of the term "surtax exemption".

1942—Act Oct. 21, 1942, cited to text, amended section in its entirety.

EFFECTIVE DATE

Act Nov. 8, 1945, § 102 (b) (10), cited to text, was made applicable to taxable years beginning after Dec. 31, 1945, by section 102 (c) thereof. For treatment of taxable years beginning in 1945 and ending in 1946, see sections 108 and 710 of this title

Act May 29, 1944, § 5 (a), cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 2 thereof

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States" This provision was repeated in section 109 of act Oct 21, 1942, also cited

§ 402. Manner and effect of election.

The election referred to in section 400 shall be exercised in the manner provided in regulations prescribed by the Commissioner with the approval of the Secretary. For cases in which election to take the standard deduction also constitutes an election to pay the tax imposed by this supplement, see section 23 (aa) (3) (D). For cases in which election to file a return without showing tax thereon constitutes an election to pay the tax imposed by this supplement, see section 51 (f). (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 102 (a), 55 Stat. 692; amended May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 5 (a), 58 Stat. 234.)

AMENDMENTS

1944—Act May 29, 1944, cited to text, amended catchline by inserting "And Effect", and amended section to provide that the manner of election to pay tax under Supp T should be exercised in the manner prescribed by the Commissioner

EFFECTIVE DATE

Act May 29, 1944, § 5 (a), cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 2 thereof

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Section 108 of act Sept 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 403. Credits not allowed.

For credits against tax and against net income not allowed, in the case of a taxpayer who elects to pay the tax imposed by this supplement, because of the fact that such election constitutes an election to take the standard deduction, see section 23 (aa). (Added Sept. 20, 1941, 12:15 p. m., E S. T, ch. 412, title I, § 102 (a), 55 Stat. 692; amended May 29, 1944, 7 p m, E. W T., ch. 210, part I, § 5 (a), 58 Stat 234)

AMENDMENTS

1944—Act May 29, 1944, cited to text, amended section generally to incorporate reference to standard deduction provided for in section 23aa

EFFECTIVE DATE

Act May 29, 1944, § 5 (a), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Section 108 of act Sept 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 404. Certain taxpayers ineligible.

This supplement shall not apply to a nonresident alien individual, to a citizen of the United States en-

titled to the benefits of section 251, to an estate or trust, or to an individual making a return for a period of less that twelve months on account of a change in the accounting period. For provisions making both husband and wife ineligible to elect to pay the tax imposed by this supplement if either does not elect to take the standard deduction, see section 23 (aa) (4). (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 102 (a), 55 Stat. 692; amended Oct. 21, 1942, 4:30 p m., E. W. T., ch. 619, title I, § 104 (c), 56 Stat. 805; Feb. 25, 1944, 12:49 p. m., E W. T., ch. 63, title I, § 102 (b), 58 Stat. 31; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 5 (a), 58 Stat. 234.)

AMENDMENTS

1944—Act May 29, 1944, cited to text, amended section by adding provision relating "to a citizen of the United States entitled to the benefits of section 251" and omitted provision relating to a married individual.

Act Feb 25, 1944, cited to text, amended section by adding "to a citizen of the United States entitled to the benefits of section 251," following "nonresident alien individual".

1942—Act Oct 21, 1942, cited to text, amended section in its entirety, adding all after "estate or trust".

EFFECTIVE DATE

Act May 29, 1944, § 5 (a), cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 2 thereof

Amendment of section by act Feb 25, 1944, § 102 (b), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 101 thereof

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States." This provision was repeated in section 109 of act Oct 21, 1942, and section 136 of act Feb 25, 1944, also cited.

SUPPLEMENT U—ABATEMENT OF TAX FOR MEMBERS OF ARMED FORCES UPON DEATH (NEW)

CODIFICATION

Supplement U added by act June 9, 1943, 7 p. m., E W T., ch 120, § 8, 57 Stat 149

§ 421. Abatement of tax for members of armed forces upon death.

In the case of any individual who dies on or after December 7, 1941, while in active service as a member of the military or naval forces of the United States or of any of the other United Nations and prior to the termination of the present war as proclaimed by the President, the tax imposed by this chapter shall not apply with respect to the taxable year in which falls the date of his death, and the tax under this chapter and under the corresponding title of each prior revenue law for preceding taxable years which is unpaid at the date of his death (including interest, additions to the tax, and additional amounts) shall not be assessed, and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 8, 57 Stat. 149.)

SUBCHAPTER D.—VICTORY TAX ON INDIVIDUALS

AMENDMENTS

This subchapter was added by act Oct. 21, 1942, 4:30 p. m., E W T., ch. 619, title I, § 172 (a), 56 Stat. 884.

EFFECTIVE DATE OF SUBCHAPTER

Section 172 (g) of act Oct. 21, 1942, cited to text, provided as follows:

"(g) The provisions of this section shall take effect on January 1, 1943, and shall be applicable to all wages (as defined in Part II of Subchapter D) paid on or after such date."

PART I.—RATE AND COMPUTATION OF TAX

§§ 450–452. Repealed. May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 6 (a), 58 Stat. 234.

CODIFICATION

Sections, relating to the imposition of the Victory tax, the net income, and specific exemptions thereunder, were added by act Oct 21, 1942, 4:30 p. m., E W T., ch. 619, title I, § 172 (a), 56 Stat. 885; and section 450 was amended by act Feb 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 106 (a), 58 Stat 31

EFFECTIVE DATE

Section 2 of act May 29, 1944, 7 p m., E W T., ch 210, part I, 58 Stat. 231, provided that amendments made by part I of said act should be applicable with respect to taxable years beginning after Dec. 31, 1943

§ 453. Repealed. Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 106 (b), 58 Stat. 31.

CODIFICATION

Section, relating to credit against victory tax, was added by act Oct. 21, 1942, 4:30 p m., E W T., ch 619, title I, § 172 (a), 56 Stat. 885, and amended by act Oct 28, 1943, ch 290, § 1, 57 Stat 584

EFFECTIVE DATE

The repeal of this section by act Feb 25, 1944, § 106 (b), was made applicable to taxable years beginning after Dec 31, 1943, by section 101 thereof

§ 454. Repealed. Oct. 28, 1943, ch. 290, § 2 (a), 57 Stat. 584.

CODIFICATION

Section was added by act Oct 21, 1942, 4:30 p m., E W T., ch. 619, title I § 172 (a), 56 Stat 886

EFFECTIVE DATE

Section 3 of act Oct 28, 1943, ch. 290, 57 Stat 586 provided that the amendments made by said Act should be applicable with respect to taxable years beginning after Dec 31, 1942

§§ 455, 456. Repealed. May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 6 (a), 58 Stat. 234.

CODIFICATION

Sections, relating to returns and limitations on the tax, were added by act Oct 21, 1942, 4:30 p m., E W T ch 619, title I, § 172 (a), 56 Stat 887; section 456 was amended by act Oct 28, 1943, ch 290, § 2 (c), 57 Stat 584 and Feb 25, 1944, 12.49 p. m., E W. T., ch. 63, title I, § 106 (c), 58 Stat 31

EFFECTIVE DATE

Section 2 of act May 29, 1944, 7 p m., E W T., ch. 210 part I, 58 Stat 231, provided that amendments made by part I of said act should be applicable with respect to taxable years beginning after Dec 31, 1943

PART II.—COLLECTION OF TAX AT SOURCE ON WAGES

§§ 465–470. Repealed. May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 6 (a), 58 Stat. 234.

CODIFICATION

Sections, relating to tax at source on wages, were added by act Oct. 21, 1942, 4.30 p m., E W. T., ch. 619, title I, § 172 (a), 56 Stat 887

EFFECTIVE DATE

Section 2 of act May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, 58 Stat. 231, provided that amendments made by part I of said act should be applicable with respect to taxable years beginning after Dec. 31, 1943

PART III.—EXPIRATION DATE AND DEFINITIONS

§§ 475, 476. Repealed. May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 6 (a), 58 Stat. 234.

CODIFICATION

Sections, relating to expiration date and definitions, were added by Act Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 172 (a), 56 Stat. 892. Section 476 was amended by act June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (c), 57 Stat. 139.

EFFECTIVE DATE

Section 2 of act May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, 58 Stat. 231, provided that amendments made by part I of said act should be applicable with respect to taxable years beginning after Dec. 31, 1943

Chapter 2.—ADDITIONAL INCOME TAXES

SUBCHAPTER B—EXCESS-PROFITS TAX

Sec.
605 Income-tax taxable year of less than twelve months (New).

SUBCHAPTER E—EXCESS PROFITS TAX

PART I

732 Review of abnormalities by board of tax appeals (New).
733. Capitalization of advertising, etc., expenditures (New)
734 Adjustment in case of position inconsistent with prior income tax liability (New)
735 Nontaxable income from certain mining and timber operations (New)
736 Relief for installment basis taxpayers and taxpayers with income from long-term contracts (New)

SUPPLEMENT C—INVESTED CAPITAL IN CONNECTION WITH CERTAIN EXCHANGES AND LIQUIDATIONS (NEW)

760. Exchanges
761. Invested capital adjustment at the time of tax-free intercorporate liquidations

PART III—POST-WAR REFUND OF EXCESS PROFITS TAX (NEW)

780 Post-war refund of excess profits tax
781 Special rules for application of section 780
782 Regulations
783. Credit for debt retirement
784 Ten per centum credit against excess profits tax (New).

SUBCHAPTER A.—PERSONAL HOLDING COMPANIES

§ 500. Surtax on personal holding companies.

There shall be levied, collected, and paid, for each taxable year beginning after December 31, 1938, upon the undistributed subchapter A net income of every personal holding company (in addition to the taxes imposed by chapter 1) a surtax equal to the sum of the following:

(1) 75 per centum of the amount thereof not in excess of $2,000; plus

(2) 85 per centum of the amount thereof in excess of $2,000. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 110 (a), 55 Stat. 695; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, § 181, 56 Stat. 894.)

AMENDMENTS

1942—Act Oct. 21, 1942, cited to text, substituted "75" for "71½" in par (1), and "85" for "82½" in par (2)

1941—Section was formerly composed of two subsections, designated "(a)" and "(b)" Act Sept 20, 1941 cited to text, struck out the heading of subsec (a), amended pars. (1) and (2), and repealed subsec. (b), which related to defense tax for five years

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof

TREATY OBLIGATIONS

Section 108 of act Sept 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States" This provision was repeated in section 109 of act Oct 21, 1942 also cited

§ 501. Definition of personal holding company.

* * * * *

(b) Exceptions.

The term "personal holding company" does not include—

(1) A corporation exempt from taxation under section 101.

(2) A bank as defined in section 104.

(3) A life insurance company.

(4) A surety company

(5) A foreign personal holding company as defined in section 331.

(6) A licensed personal finance company under State supervision, at least 80 per centum of the gross income of which is lawful interest received from individuals each of whose indebtedness to such company did not at any time during the taxable year exceed $300 in principal amount, if such interest is not payable in advance or compounded and is computed only on unpaid balances.

(7) A loan or investment corporation, a substantial part of the business of which consists of receiving funds not subject to check and evidenced by installment or fully paid certificates of indebtedness or investment, and making loans and discounts, and the loans to a person who is a shareholder in such corporation during such taxable year by or for whom 10 per centum or more in value of its outstanding stock is owned directly or indirectly (including in the case of an individual, stock owned by the members of his family as defined in section 503 (a) (2)) outstanding at any time during such year do not exceed $5,000 in principal amount.

(c) Corporations making consolidated returns.

If the common parent corporation of an affiliated group of corporations making a consolidated return under the provisions of section 141 satisfies the stock ownership requirement provided in section 501 (a) (2), and the income of such affiliated group, determined as provided in section 141, satisfies the gross income requirement provided in section 501 (a) (1), such affiliated group shall be subject to the surtax imposed by this subchapter. The preceding sentence shall apply only if the common parent corpo-

ration is a common parent of an affiliated group of railroad corporations which would be eligible to file consolidated returns under section 141 prior to its amendment by the Revenue Act of 1942.[1] (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 182 (a), 183, 56 Stat. 894, 895.)

* * * * *

[1] Act Oct. 21, 1942, cited to text.

AMENDMENTS

1942—Subsecs. (b) and (c) were amended by act Oct. 21, 1942, cited to text

EFFECTIVE DATE

Amendment of subsec (b) by act Oct. 21, 1942, § 182 (a), of this title, was made effective by section 182 (b) thereof as follows: "(b) The amendment made by this section (to section 501 (b)) shall be applicable to taxable years beginning after December 31, 1941, except that if a taxpayer, within the time and in the manner and subject to such regulations as the Commissioner with the approval of the Secretary prescribes, elects to have such amendments apply retroactively to all taxable years of the taxpayer beginning after December 31, 1938, and not beginning after December 31, 1941, such amendments shall be applicable to such taxable years."

Amendment of subsec (c) by act Oct. 21, 1942, § 183, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

§ 504. Undistributed Subchapter A net income.

* * * * *

(a) The amount of the dividends paid credit provided in section 27 (a) without the benefit of paragraphs (3) and (4) thereof (computed without its reduction, under section 27 (b) (1), by the amount of the credit provided in section 26 (a), relating to interest on certain obligations of the United States and Government corporations); but, in the computation of the dividends paid credit for the purposes of this subchapter, the amount allowed under subsection (c) of this section or of section 405 of the Revenue Act of 1938 in the computation of the tax under this subchapter or under Title IA of the Revenue Act of 1938 for any preceding taxable year beginning after December 31, 1937 shall be considered as a dividend paid in such preceding taxable year and not in the year of distribution;

(b) Amounts used or irrevocably set aside to pay or to retire indebtedness of any kind incurred prior to January 1, 1934, if such amounts are reasonable with reference to the size and terms of such indebtedness;

(c) Dividends paid after the close of the taxable year and before the 15th day of the third month following the close of the taxable year, if claimed under this subsection in the return, but only to the extent to which such dividends would have been includible in the computation of the basic surtax credit for the taxable year if distributed during such taxable year; but the amount allowed under this subsection shall not exceed either:

(1) The undistributed Subchapter A net income for the taxable year computed without regard to this subsection; or

(2) 10 per centum of the sum of—

(A) The dividends paid during the taxable year (reduced by the amount allowed under this subsection in the computation of the tax under this subchapter for the taxable year preceding the taxable year or, in the case of a taxable year beginning in 1939, by the amount allowed under section 405 (c) of the Revenue Act of 1938 in the computation of the tax under Title IA of such Act for a taxable year beginning prior to January 1, 1939); and

(B) The consent dividends credit for the taxable year.

(d) Amounts distributed before January 1, 1944, in redemption of preferred stock outstanding before January 1, 1934 (including any preferred stock issued after January 1, 1934, in lieu of such previously outstanding preferred stock) if such distributions are made by a corporation the aggregate of whose gross sales and gross receipts arising from manufacturing, commercial, processing, and service operations during the four-year period immediately before January 1, 1934, exceeded the aggregate of its gross receipts from dividends, interest, royalties, annuities, and gains from the sale or exchange of stock or securities during such period. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 44; Oct. 21, 1942, 4 30 p. m., E. W. T., ch. 619, title I, §§ 132 (d), 184 (a), 186 (c), 56 Stat 829, 895, 896.)

AMENDMENTS

1942—Subsecs (a) and (c) (1, 2) were amended and subsec (d) was added by act Oct 21, 1942, cited to text

1941—Subsecs (a), (b), and (c) (3) (A) were amended by res Mar 17, 1941, cited to text, eff. Feb 11, 1939

EFFECTIVE DATE

Act Mar 17, 1941, § 1, cited to text, affecting subsecs (a–c), was made effective Feb 10, 1939, by section 2 thereof.

Amendment of subsec (a) by act Oct 21, 1942, § 132 (d), cited to text, was made effective by section 132 (e) thereof as follows "(e) The amendments made by this section (to sections 26 (c) (1, 2), 27 (b–c) and 504 (a)) shall be applicable only with respect to taxable years beginning after December 31, 1939, but shall be applicable in the computations with respect to previous taxable years for the purpose of ascertaining the amount of any dividend carry-over from such previous taxable years."

Amendment of subsec (c) (1, 2) by act Oct 21, 1942, § 186 (c), cited to text, was made effective by section 186 (f, g) thereof as follows: "(f) The amendments made by subsections (a) to (e), inclusive (to sections 28 (d) (1), 115 (a, b), 504 (c) (1, 2) and 506 (c) (1)), shall be effective as of the date of enactment of the laws amended thereby.

"(g) The amendments made by subsections (a) to (d), inclusive (to sections 115 (a, b), 504 (c) (1, 2) and 506 (c) (1)), shall not apply with respect to any distribution, which is a dividend solely by reason of the last sentence of section 115 (a) of the applicable revenue law, made prior to the date of enactment of this Act (Oct 21, 1942, 4·30 p. m., E W T) by a corporation which, under the law applicable to the taxable year in which the distribution is made, is a personal holding company, or which, for the taxable year in respect of which it is made under section 504 (c) or section 506 (of title 26) or a corresponding provision of a prior income tax law, is a personal holding company under the law applicable to such taxable year, unless—

"(1) The corporation (under regulations prescribed by the Commissioner with the approval of the Secretary) files, within one year after the date of the enactment of this Act, a claim for the benefit of this section on account of such distribution;

"(2) Such claim is accompanied by signed consents made under oath by each person to whom the corpora-

tion made such distribution agreeing to the inclusion of the amount of such distribution to him in his gross income as a taxable dividend. If any such person is no longer in existence or is under disability then the consent may be made by his legal representative; and

"(3) Each such consent filed is accompanied by cash, or such other medium of payment as the Commissioner may by regulations authorize, in an amount equal to the amount that would be required by section 143 (b) or 144 of the applicable revenue law to be deducted and withheld by the corporation if the amount of the distribution to the shareholder had been paid to the shareholder in cash as a dividend. The amount accompanying such consent shall be credited against the tax under the applicable revenue law imposed by section 211 (a) or 231 (a) (of Title 26) upon the shareholder."

Amendment by act Oct 21, 1942, § 184a, cited to text, adding subsec. (d), was made applicable to taxable years beginning after Dec. 31, 1940, by section 184 (b) thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 505. Subchapter A Net Income.

* * * * *

(d) 1941 capital loss carry-over denied.

The net income shall be computed without regard to section 117 (e) (2).

(e) Income not placed on annual basis.

The net income shall be computed without regard to section 47 (c). (As amended Oct 21, 1942, 4:30 p. m., E. W T., ch. 619, title I, §§ 135 (b) (4), 150 (i), 56 Stat. 835, 846.)

AMENDMENTS

1942—Subsec (d) was amended and subsec. (e) was added by act Oct 21, 1942, cited to text

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States "

§ 506. Deficiency dividends—credits and refunds.

* * * * *

(c) Deficiency dividends—(1) Definition.

For the purposes of this subchapter, the term "deficiency dividends" means the amount of the dividends paid, on or after the date of the closing agreement or on or after the date the decision of the Board or the judgment becomes final, as the case may be, and prior to filing claim under subsection (d), which would have been includible in the computation of the basic surtax credit for the taxable year with respect to which the deficiency was asserted if distributed during such taxable year. No dividends shall be considered as deficiency dividends for the purposes of allowance of credit under subsection (a) unless (under regulations prescribed by the Commissioner with the approval of the Secretary) the corporation files, within thirty days after the date of the closing agreement, or the date upon which the decision of the Board or judgment becomes final, as the case may be, notification (which specifies the amount of the credit intended to be claimed) of its intention to have the dividends so considered.

(2) Effect on dividends paid credit—(A) For taxable year in which paid.

Deficiency dividends paid in any taxable year (to the extent of the portion thereof with respect to which the credit under subsection (a), or the credit or refund under subsection (b), or both, of this section or section 407 of the Revenue Act of 1938, are allowed) shall be subtracted from the basic surtax credit for such year, but only for the purpose of computing the tax under this subchapter for such year and succeeding years.

(B) For prior taxable year.

Deficiency dividends paid in any taxable year (to the extent of the portion thereof with respect to which the credit under subsection (a), or the credit or refund under subsection (b), or both, of this section or section 407 of the Revenue Act of 1938, are allowed) shall not be allowed under section 504 (c) in the computation of the tax under this subchapter for any taxable year preceding the taxable year in which paid.

* * * * *

(g) Rate for taxable years 1939, 1940, and 1941.

If the deficiency is established or determined for a taxable year which begins after December 31, 1939, and does not begin after December 31, 1941, the rates under subsections (a) and (b) used in determining the amount of the credit or refund shall be 71½ per centum in lieu of 65 per centum and 82½ per centum in lieu of 75 per centum.

(h) Rate for taxable years after 1941.

If the deficiency is established or determined for a taxable year which begins after December 31, 1941, the rates under subsections (a) and (b) used in determining the amount of the credit or refund shall be 75 per centum in lieu of 65 per centum and 85 per centum in lieu of 75 per centum.

(j) Additional credit or refund for prior taxable year—(1) Election to have a certain dividend considered as a deficiency dividend.

If a corporation was a personal holding company for any taxable year beginning after December 31, 1936, and prior to January 1, 1942, and its adjusted net income, Title 1A net income or Subchapter A net income, in the case of a tax imposed by Titles 1A of the Revenue Acts of 1936 and 1938,[1] or Subchapter A of the Internal Revenue Code, as the case may be, exceeds the sum of (A) the earnings and profits accumulated after February 28, 1913, as of the beginning of the taxable year and (B) the earnings and profits of the taxable year (computed as of the close of the taxable year without diminution by reason of any distributions made during the taxable year) and if prior to the date of enactment of the Revenue Act of 1942,[2] the corporation paid all or any portion of the tax imposed by Title 1A or Subchapter A for any such taxable year or years then the corporation may elect, within six months after the date of enactment of the Revenue Act of 1942[2] to have the amount of a dividend paid within such six-month period considered as a deficiency dividend. Such

election must be made by the filing of a claim (under regulations prescribed by the Commissioner with the approval of the Secretary) within such six-month period and after the payment of the dividend, specifying the taxable year or years with respect to which such dividend applies, setting forth the amount of the dividend to be apportioned to each taxable year, and claiming the benefit of this subsection by reason of such dividend.

(2) Effect of election.

If the corporation exercises the election authorized under paragraph (1) of this subsection—

(A) The credit or refund shall be computed, and credited or refunded without interest, as provided in subsection (b) and at the rates provided therein or in subsection (g), as the case may be, but shall be subject to the limitations in subsection (f). In any case where a dividend is apportioned to more than one taxable year the credit or refund shall be determined for each taxable year on the basis of the amount of the dividend apportioned thereto; and

(B) The dividends paid credit for the taxable year in which paid and for a prior taxable year or years shall be determined as provided in subsection (c) (2). (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 185, 186 (d) (1), (l), 56 Stat. 895, 896, 898.)

[1] Acts June 22, 1936, ch. 690, Title IA, § 351 et seq., 49 Stat. 1732; May 28, 1938, ch. 289, Title IA, § 401 et seq., 52 Stat. 557

[2] Oct. 21, 1942, 4 30 p m, E W T

AMENDMENTS

1942—Subsec (c) (1) was amended and subsecs (g, h, and j) were added by act Oct 21, 1942 cited to text Subsecs (g, h, and j) were added without using the letter (i)

1941—Subsec (c) (2) was amended by res Mar. 17, 1941, cited to text, eff Feb 11, 1939

EFFECTIVE DATE

Amendments of subsec (c) (2 A, B), by act Mar. 17, 1941, § 1, cited to text, were made effective as of Feb 10 1939, by section 2 of said act

Amendment of subsec. (c) (1) by act Oct 21, 1942, § 186 (d) (1), cited to text, was made effective by section 186 (f) and (g) thereof as follows.

"(f) The amendments made by subsections (a) to (e), inclusive (to sections 28 (d) (1), 115 (a, b), 504 (c) (1, 2) and 506 (c) (1)), shall be effective as of the date of enactment of the laws amended thereby

"(g) The amendments made by subsections (a) to (d), inclusive (to sections 115 (a, b), 504 (c) (1, 2) and 506 (c) (1)), shall not apply with respect to any distribution, which is a dividend solely by reason of the last sentence of section 115 (a) of the applicable revenue law, made prior to the date of enactment of this Act (Oct 21, 1942, 4:30 p m, E W T) by a corporation which, under the law applicable to the taxable year in which the distribution is made, is a personal holding company, or which, for the taxable year in respect of which it is made under section 504 (c) or section 506 (of Title 26) or a corresponding provision of a prior income tax law, is a personal holding company under the law applicable to such taxable year, unless—

"(1) The corporation (under regulations prescribed by the Commissioner with the approval of the Secretary) files, within one year after the date of the enactment of this Act, a claim for the benefit of this section on account of such distribution;

"(2) Such claim is accompanied by signed consents made under oath by each person to whom the corporation made such distribution agreeing to the inclusion of the amount of such distribution to him in his gross income as a taxable dividend. If any such person is no longer in existence or is under disability then the consent may be made by his legal representative; and

"(3) Each such consent filed is accompanied by cash or such other medium of payment as the Commissioner may by regulations authorize, in an amount equal to the amount that would be required by section 143 (b) or 144 of the applicable revenue law to be deducted and withheld by the corporation if the amount of the distribution to the shareholder had been paid to the shareholder in cash as a dividend. The amount accompanying such consent shall be credited against the tax under the applicable revenue law imposed by section 211 (a) or 231 (a) (of Title 26) upon the shareholder."

Subsecs (g), (h), and (j) as added by act Oct. 21, 1942, §§ 185 and 186, cited to text, were made applicable to taxable years beginning after Dec 31, 1941, by section 101 thereof.

TREATY OBLIGATIONS

Section 109 of act Oct 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States"

SUBCHAPTER B—DECLARED VALUE EXCESS-PROFITS TAX

REPEAL OF DECLARED VALUE EXCESS PROFITS TAX

The Revenue Act of 1945 (act Nov. 8, 1945, ch 453, § 202, 59 Stat 574) repealed the declared value excess profits tax, effective with respect to income-tax taxable years ending after June 30 1946

§ 600. Rate of tax—(a) In general.

If any corporation is taxable under section 1200 with respect to any year ending June 30, there shall be imposed upon its net income for the income-tax taxable year ending after the close of such year, an [1] declared value excess-profits tax equal to the sum of the following:

6⅔ per centum of such portion of its net income for such income-tax taxable year as is in excess of 10 per centum and not in excess of 15 per centum of the declared value;

13⅓ per centum of such portion of its net income for such income-tax taxable year as is in excess of 15 per centum of the declared value.

(b) Alternative tax.

If the net income for the taxable year includes any amount on account of war loss recoveries under section 127 (c), then, in lieu of the tax computed under subsection (a), the tax shall be a tax computed as follows:

(1) An amount computed under subsection (a), after excluding from net income the amount of the war loss recoveries, plus

(2) One and one-quarter per centum of the amount of the war loss recoveries included in the net income or of such portion of the net income as would be subject to the tax imposed by subsection (a) in the absence of this subsection, whichever is the lesser. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch 412, title III, § 302 (a), 55 Stat. 704; Oct. 21, 1942, 4.30 p. m., E. W. T., ch. 619, title III, § 302 (a) (1), 56 Stat. 940; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title II, § 203, 59 Stat. 574.)

[1] So in original. Probably should read "a".

AMENDMENTS

1945—Act Nov. 8, 1945, § 203, cited to text, amended section by inserting "(a) In general" before the first paragraph and adding new subsec. (b).

1942—Act Oct. 21, 1942, cited to text, amended subsec. (a) by striking out word "adjusted" wherever it occurred therein.

1941—Section was formerly composed of two subsections, designated "(a)" and "(b)" Act Sept 20, 1941, cited to text, struck out the heading of subsec. (a), amended the rate schedule, and repealed subsec. (b), which related to defense tax for five years

EFFECTIVE DATE

Act Nov. 8, 1945, cited to text, was made effective with respect to taxable years ending after June 30, 1945, and before July 1, 1946, by section 203 thereof.

Act Oct 21, 1942, cited to text, was made effective only with respect to income-tax taxable years ending after June 30, 1942, and succeeding years, by section 302 (b) thereof

Act Sept 20, 1941, cited to text, was made effective only with respect to income-tax taxable years ending after June 30, 1941, by section 302 (b) thereof.

REPEAL

Repeal of Declared Value Excess Profits Tax, see note preceding section 600 of this title.

§ 601. Declared value.

The declared value shall be determined as provided in section 1202 as of the close of the preceding income-tax taxable year (or as of the date of organization if it had no preceding income-tax taxable year). (As amended Oct 21, 1942, 4:30 p. m., E. W. T, ch 619, title III, §§ 302 (a) (2), 303 (a), 56 Stat. 940)

AMENDMENT

1942—Word "adjusted," preceding "declared," and former last sentence were both stricken by act Oct 21, 1942, cited to text

EFFECTIVE DATE

Section 302 (a) (2) of act Oct 21, 1942, cited to text, amending this section by striking therefrom the word "adjusted," was made effective only with respect to income-tax taxable years ending after June 30, 1942, and succeeding years by subsec (b) thereof

Section 303 (a) of act Oct 21 1942, cited to text, amending this section by striking out last sentence, was made applicable to taxable years beginning after Dec. 31, 1939, by subsec (c) thereof

REPEAL

Repeal of Declared Value Excess Profits Tax, see note preceding section 600 of this title.

§ 602. Net income.

For the purposes of this subchapter the net income shall be the same as the net income for income tax purposes for the year in respect of which the tax under section 600 is imposed, computed without the deduction of the tax imposed by section 600, but with a credit against net income equal to the credit for dividends received provided in section 26 (b) of Chapter 1, and by excluding therefrom the excess of the net long-term capital gain over the net short-term capital loss. (As amended Sept. 20, 1941, 12:15 p m, E S T, ch 412, title II, § 202 (h), 55 Stat. 701, Oct. 21, 1942, 4:30 p. m., E W. T., ch. 619, title III, § 304, 56 Stat. 941; Feb 25 1944, 12:49 p. m., E W T., ch. 63, title V, § 510 (a), 58 Stat. 74.)

AMENDMENTS

1944—Act Feb 25, 1944, cited to text, amended section by inserting before the period at the end thereof the following, "and by excluding therefrom the excess of the net long-term capital gain over the net short-term capital loss".

1942—Act Oct 21, 1942, cited to text, amended section in its entirety

1941—Act Sept 20, 1941, cited to text, inserted words "or the tax imposed by Subchapter E of Chapter 2".

EFFECTIVE DATE

Act Feb 25, 1944, § 510 (a), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 510 (b) thereof.

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 205 thereof.

REPEAL

Repeal of Declared Value Excess Profits Tax, see note preceding section 600 of this title.

§§ 603, 604.

REPEAL

Repeal of Declared Value Excess Profits Tax, see note preceding section 600 of this title.

§ 605. Income-tax taxable year of less than twelve months—(a) General rule.

If the income-tax taxable year is a period of less than twelve months on account of a change in the accounting period of the taxpayer, the net income determined under section 602 for such income-tax taxable year (referred to in this section as the "short taxable year") shall be placed on an annual basis by multiplying the amount thereof by the number of days in the twelve months ending with the close of the short taxable year and dividing by the number of days in the short taxable year. The tax shall be such part of the tax computed on such annual basis as the number of days in the short taxable year is of the number of days in the twelve months ending with the close of the short taxable year.

(b) Exception.

If the taxpayer establishes the amount of the tax under section 600 for the period of twelve months beginning with the first day of the short taxable year, computed as if such twelve-month period were an income-tax taxable year, under the law applicable to the short taxable year, and using the adjusted declared value applicable in determining the tax for such short taxable year, then the tax determined under subsection (a) for the short taxable year shall be reduced to an amount which is such part of the tax computed for the twelve-month period as the net income for the short taxable year is of the net income established for such twelve-month period. The taxpayer (other than a taxpayer to which the next sentence applies) shall compute the tax and file its return without the application of this subsection If, prior to one year from the date of the beginning of the short taxable year, the taxpayer has disposed of substantially all its assets, in lieu of the twelve-month period provided in the preceding provision of this subsection, the twelve-month period ending with the close of the short taxable year shall be used. For the purposes of this subsection, the net income for the short taxable year shall not be placed on an annual basis under the provisions of subsection (a), and the net income for the twelve-month period used shall in no case be considered less than the net income for the short taxable year. The benefits of this subsection shall not be allowed unless the taxpayer,

at such time as regulations prescribed hereunder require, makes application therefor in accordance with such regulations, and such application, in the case of a taxpayer required to file return without regard to this subsection, shall be considered a claim for credit or refund. The Commissioner, with the approval of the Secretary, shall prescribe such regulations as he may deem necessary for the application of this subsection. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title III, § 303 (b), 56 Stat. 940.)

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, made this section applicable to taxable years beginning after December 31, 1939, by section 303 (c) thereof.

REPEAL

Repeal of Declared Value Excess Profits Tax, see note preceding section 600 of this title

SUBCHAPTER E.—EXCESS PROFITS TAX

PART I

REPEAL OF EXCESS PROFITS TAX IN 1946

The Revenue Act of 1945 (act Nov. 8, 1945, ch. 453, § 122 (a), 59 Stat. —), provided that this tax "shall not apply to any taxable year beginning after December 31, 1945"

§ 710. Imposition of tax—(a) Imposition.—(1) General rule.

There shall be levied, collected, and paid, for each taxable year, upon the adjusted excess-profits net income, as defined in subsection (b), of every corporation (except a corporation exempt under section 727) a tax equal to whichever of the following amounts is the lesser:

(A) 95 per centum of the adjusted excess profits net income, or

(B) an amount which when added to the tax imposed for the taxable year under Chapter 1 (other than section 102) equals 80 per centum of the corporation surtax net income, computed under section 15 or Supplement G, as the case may be, but without regard to the credit provided in section 26 (c) (relating to income subject to the tax imposed by this subchapter), and without regard to 80 per centum of the credit provided in section 26 (h) (relating to credit for dividends paid on certain preferred stock).

(2) Repealed. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 229 (a) (2), 56 Stat. 931, eff. as of Oct. 8, 1940.

(3) Taxable years beginning in 1941 and ending after June 30, 1942.

In the case of a taxable year beginning in 1941 and ending after June 30, 1942, the tax shall be an amount equal to the sum of—

(A) that portion of a tentative tax under this subchapter, computed as if the law applicable to taxable years beginning on January 1, 1941, were applicable to such taxable year, which the number of days in such taxable year before July 1, 1942, bears to the total number of days in such taxable year, plus

(B) that portion of a tentative tax under this subchapter, computed as if the law applicable to taxable years beginning on January 1, 1941, were applicable to such taxable year, but as if the amendments made by sections 105 (a), (b) (other than those relating to dividends on the preferred stock of public utilities), (c), (d), and (e) (1), 202, and 206 of the Revenue Act of 1942 [1] were applicable to such taxable year, which the number of days in such taxable year after June 30, 1942, bears to the total number of days in such taxable year.

(4) Mutual insurance companies.

In the case of a mutual insurance company other than life or marine, if the gross amount received from interest, dividends, rents, and premiums (including deposits and assessments) is over $75,000 but less than $125,000, the tax imposed under this section shall be an amount which bears the same proportion to the amount ascertained under this section, computed without reference to this paragraph, as the excess over $75,000 of such gross amount received bears to $50,000.

(5) Deferment of payment in case of abnormality.

If the adjusted excess profits net income (computed without reference to section 722) for the taxable year of a taxpayer which claims on its return, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, the benefits of section 722, is in excess of 50 per centum of its normal tax net income for such year, computed without the credit provided in section 26 (e) (relating to adjusted excess profits net income), the amount of tax payable at the time prescribed for payment may be reduced by an amount equal to 33 per centum of the amount of the reduction in the tax so claimed. For the purposes of section 271, if the tax payable is the tax so reduced, the tax so reduced shall be considered the amount shown on the return.

(6) Taxable years beginning in 1943 and ending in 1944.

In the case of a taxable year beginning in 1943 and ending in 1944, the tax shall be an amount equal to the sum of—

(A) that portion of a tentative tax, computed as if the law applicable to taxable years beginning on January 1, 1943, were applicable to such taxable year, which the number of days in such taxable year prior to January 1, 1944, bears to the total number of days in such taxable year, plus

(B) that portion of a tentative tax, computed as if the law applicable to taxable years beginning on January 1, 1944, were applicable to such taxable year, which the number of days in such taxable year after December 31, 1943, bears to the total number of days in such taxable year.

(7) Taxable years beginning in 1945 and ending in 1946.

In the case of a taxable year beginning in 1945 and ending in 1946, the tax shall be an amount equal to that portion of a tentative tax, computed as if the law applicable to taxable years beginning on January 1, 1945, were applicable to such taxable year, which the number of days in such taxable year prior to January 1, 1946, bears to the total number of days in such taxable year.

(b) Definition of adjusted excess profits net income.

As used in this section, the term "adjusted excess profits net income" in the case of any taxable year means the excess profits net income (as defined in section 711) minus the sum of:

(1) Specific exemption.

A specific exemption of $10,000, and in the case of a mutual insurance company (other than life or marine) which is an interinsurer or reciprocal underwriter a specific exemption of $50,000;

* * * * *

(3) Unused excess profits credit.

The amount of the unused excess profits credit adjustment for the taxable year, computed in accordance with subsection (c).

(c) Unused excess profits credit adjustment—(1) Computation of unused excess profits credit adjustment.

The unused excess profits credit adjustment for any taxable year shall be the aggregate of the unused excess profits credit carry-overs and unused excess profits credit carry-backs to such taxable year.

(2) Definition of unused excess profits credit.

The term "unused excess profits credit" means the excess, if any, of the excess profits credit for any taxable year beginning after December 31, 1939, over the excess profits net income for such taxable year, computed on the basis of the excess profits credit applicable to such taxable year. For such purpose the excess profits credit and the excess profits net income for any taxable year beginning in 1940 shall be computed under the law applicable to taxable years beginning in 1941. The unused excess profits credit for a taxable year of less than twelve months shall be an amount which is such part of the unused excess profits credit determined under the first sentence of this paragraph as the number of days in the taxable year is of the number of days in the twelve months ending with the close of the taxable year. There shall be no unused excess profits credit for a taxable year beginning after December 31, 1946 The unused excess profits credit for a taxable year beginning in 1946 and ending in 1947 shall be an amount which is such part of the unused excess profits credit determined under the preceding provisions of this paragraph as the number of days in such taxable year prior to January 1, 1947, is of the total number of days in such taxable year.

(3) Amount of unused excess profits credit carry-back and carry-over—(A) Unused excess profits credit carry-back.

If for any taxable year beginning after December 31, 1941, the taxpayer has an unused excess profits credit, such unused excess profits credit shall be an unused excess profits credit carry-back for each of the two preceding taxable years, except that the carry-back in the case of the first preceding taxable year shall be the excess, if any, of the amount of such unused excess profits credit over the adjusted excess profits net income for the second preceding taxable year computed for such taxable year (i) by determining the unused excess profits credit adjustment without regard to such unused excess profits credit, and (ii) without the deduction of the specific exemption provided in subsection (b) (1).

(B) Unused excess profits credit carry-over.

If for any taxable year beginning after December 31, 1939, the taxpayer has an unused excess profits credit, such unused excess profits credit shall be an unused excess profits credit carry-over for each of the two succeeding taxable years, except that the carry-over in the case of the second succeeding taxable year shall be the excess, if any, of the amount of such unused excess profits credit over the adjusted excess profits net income for the intervening taxable year computed for such intervening taxable year (i) by determining the unused excess profits credit adjustment without regard to such unused excess profits credit or to any unused excess profits credit carry-back, and (ii) without the deduction of the specific exemption provided in subsection (b) (1). For the purposes of the preceding sentence, the unused excess profits credit for any taxable year beginning after December 31, 1941, shall first be reduced by the sum of the adjusted excess profits net income for each of the two preceding taxable years (computed for each such preceding taxable year (i) by determining the unused excess profits credit adjustment without regard to such unused excess profits credit or to the unused excess profits credit for the succeeding taxable year, and (ii) without the deduction of the specific exemption provided in subsection (b) (1))

(4) No carry-back to year prior to 1941.

As used in this subsection, the term "preceding taxable year" and the term "preceding taxable years" do not include any taxable year beginning prior to January 1, 1941 (As amended Mar. 7, 1941, ch. 10, § 2, 55 Stat. 17; Sept. 20, 1941, 12:15 p. m., E. S. T., ch 412, title II, §§ 201 (a), 202 (e), 55 Stat. 699, 701; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, §§ 202, 203 (a), 204 (a, b), 205 (a), (g) (1), 222 (b), 229 (a) (2), 56 Stat. 899, 900, 901, 902, 917, 931; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title II, § 202 (a), (b), 203 (a), (b), 204 (a), 58 Stat. 53, 54; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, §§ 122 (c), 131 (b), 59 Stat. 569, 571.)

[1] Revenue Act of 1942, §§ 105 (a–e (1)), 202, and 206, affected the following sections of this title: 13 (a) (2), (b) (2), 15, 23 (c) (1) (B), (c) (2), 26 (b), (e), (f), (g); 710 (a) (1); 711 (a) (1) (A), (a) (1) (G), (a) (2) (C), (a) (2) (I)

AMENDMENTS

1945—Subsec. (a) amended by act Nov. 8, 1945, § 131 (b) (1), cited to text, which added a new paragraph (7)

Subsec (b) (1) as amended by act July 31, 1945, ch 340, § 2 (a), 59 Stat 517, repealed as of the date of its enactment by act Nov 8, 1945, § 131 (b) (2), cited to text, with a provision that subsec. (b) (1) be restored to read as such paragraph read immediately prior to the enactment of act July 31, 1945, to be effective, as so restored, as if section 2 (a) of act July 31, 1945, had not been enacted.

Subsec. (c) (2) amended by act Nov. 8, 1945, § 122 (c), cited to text, which added the two sentences at the end of paragraph (2).

1944—Subsecs (a) (1) (A) and (a) (1) (B) amended by act Feb 25 1944, cited to text Subpar (A) amended by changing "90 per centum" to read "95 per centum" Subpar (B) amended by inserting before period at end

thereof the following, ("and without regard * * * preferred stock)".

Subsec. (a) (3) amended generally by act Feb 25, 1944, cited to text.

Subsec (a) amended by act Feb 25, 1944, cited to text, which added par. (6)

Subsec (b) (1) amended by act Feb. 25, 1944, cited to text, which struck out "$5000" and inserted in lieu thereof "$10,000"

1942—Subsecs (a) (1), (b) (1, 3) and (c) were amended, subsec (a) (2) was repealed, and subsec (a) (3-5) was added by act Oct 21, 1942, cited to text

1941—Subsec (a) was amended by act Sept 20, 1941, § 201 (a), cited to text

Subsec (b) (3) was amended by act Mar 7, 1941, § 2 (a), cited to text, eff Oct 8, 1940, 11 p m, E S T, by section 17 of that act

Subsec (c) was added by act Mar 7, 1941, § 2 (b), cited to text, eff Oct 8, 1940, 11 p m., E. S T, by section 17 of that act

Subsec (c) (1) was amended by act Sept 20, 1941, § 202 (e), cited to text, which added the last sentence thereto

EFFECTIVE DATE

Amendment of subsecs (a) (1) (A), (a) (1) (B), and (b) (1) by act Feb 25, 1944, §§ 202 (a, b), 204 (a), cited to text, was made applicable to taxable years beginning after Dec 31, 1943, by section 201 thereof

Amendment of subsecs. (a) (6) and (a) (3) by act Feb. 25, 1944, § 203 (a, b), were made applicable to taxable years by section 203 (c) thereof, which provided as follows "The amendment made by subsection (a) [adding subpar (6) to subsec (a)], shall be applicable only to taxable years beginning in 1943 and ending in 1944 The amendments made by subsection (b) [to subsec (a) (3)] shall be applicable only to taxable years beginning in 1941 and ending after June 30, 1942"

Amendments of subsecs (a), (1, 4, 5) and (b) (1, 2) by act Oct 21, 1942, §§ 202, 205 (a), 222 (b), cited to text, were made applicable to taxable years beginning after Dec 31, 1941, by section 201 thereof

Amendment of subsec (a) (3) by act Oct 21, 1942, § 203 (a), cited to text, was made applicable to taxable years beginning in 1941 and ending after June 30, 1942, by section 203 (b) thereof

Amendments of subsecs (b) (3), and (c) by act Oct 21, 1942, §§ 204 (a), 204 (b), cited to text, were made applicable to taxable years beginning after Dec 31, 1940, by section 204 (c) thereof.

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 205 thereof.

CARRY-BACKS FROM YEARS AFTER 1945, ETC.

Act Nov 8, 1945, § 122 (b, d), cited to text, read:

"(b) *Carry-backs from years after 1945, etc*—Despite the provisions of subsection (a) of this section the provisions of subchapter E of chapter 2 shall remain in force for the purposes of the determination of the taxes imposed by such subchapter for taxable years beginning before January 1, 1946, such determination to be made as if subsection (a) had not been enacted but with the application of the amendments made by subsection (c) of this section and section 131 of this Act."

"(d) *Affiliated groups*—Subsection (b) shall be applied in the case of corporations making or required to make a consolidated return under chapter 1 for any taxable year beginning after December 31, 1945, and in the case of a corporation making a separate return for any such taxable year which was a member of a group which made or was required to make a consolidated return for any prior taxable year, in such manner as may be prescribed in regulations prescribed by the Commissioner with the approval of the Secretary prior to the last day prescribed by law for the making of the return for the year beginning after December 31, 1945"

REPEAL

Repeal of Excess Profits Tax in 1946, see note preceding this section.

§ 711. Excess profits net income—(a) Taxable years beginning after December 31, 1939.

* * * * *

(1) Excess profits credit computed under income credit.

* * * * *

(A) Income subject to excess profits tax.

In computing such normal-tax net income the credit provided in section 26 (e) (relating to income subject to the tax imposed by this subchapter) shall not be allowed;

(B) Gains and losses from sales or exchanges of capital assets.

There shall be excluded gains and losses from sales or exchanges of capital assets held for more than 6 months.

(C) Income from retirement or discharge of bonds, and so forth.

There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

* * * * *

(G) Repealed. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 206 (b) (1), 56 Stat. 903.

(H) Life insurance companies.

In the case of a life insurance company, there shall be deducted from the normal tax net income, the excess of (1) the product of (i) the figure determined and proclaimed under section 202 (b) and (ii) the excess profits net income computed without regard to this subparagraph, over (2) the adjustment for certain reserves provided in section 202 (c).

(I) Nontaxable income of certain industries with depletable resources.

In the case of a producer of minerals, or a producer of logs or lumber from a timber block, or a lessor of mineral property, or a timber block, as defined in section 735, there shall be excluded nontaxable income from exempt excess output of mines and timber blocks provided in section 735; in the case of a natural gas company, as defined in section 735, there shall be excluded nontaxable income from exempt excess output provided in section 735; and in the case of a producer of minerals, or a producer of logs or lumber from a timber block, there shall be excluded nontaxable bonus income provided in section 735. In respect of nontaxable bonus income provided in section 735 (c), a corporation described in section 735 (c) (2) shall be deemed a producer of minerals for the purposes of this subparagraph.

(J) Net operating loss deduction adjustment.

The net operating loss deduction shall be adjusted as follows:

(i) In computing the net operating loss for any taxable year under section 122 (a), and the net income for any taxable year under section 122 (b),

no deduction shall be allowed for any excess profits tax imposed by this subchapter, and, if the excess profits credit for such taxable year was computed under section 714, the deduction for interest shall be reduced by the amount of any reduction under paragraph (2) (B) for such taxable year; and

(ii) In lieu of the reduction provided in section 122 (c), such reduction shall be in the amount by which the excess profits net income computed with the exceptions and limitations specified in section 122 (d) (1), (2), (3), and (4) and computed without regard to subparagraph (B), without regard to any credit for dividends received, and without regard to any credit for interest received provided in section 26 (a) exceeds the excess profits net income (computed without the net operating loss deduction).

(2) Excess profits credit computed under invested capital credit.

* * * * *

(A) Dividends received.

The credit for dividends received shall apply, without limitation, to all dividends on stock of all corporations, except that no credit for dividends received shall be allowed with respect to dividends (actual or constructive) on stock of foreign personal holding companies or dividends on stock which is not a capital asset.

* * * * *

(C) Income subject to excess profits tax.

In computing such normal-tax net income the credit provided in section 26 (e) (relating to income subject to the tax imposed by this subchapter) shall not be allowed;

(D) Gains and losses from sales or exchanges of capital assets.

There shall be excluded gains and losses from sales or exchanges of capital assets held for more than 6 months.

(E) Income from retirement or discharge of bonds, and so forth.

There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

* * * * *

(I) Repealed. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 206 (b) (2), 56 Stat. 903.

(J) In the case of a life insurance company, there shall be deducted from the normal tax net income, 50 per centum of the excess of (1) the product of (i) the figure determined and proclaimed under section 202 (b) and (ii) the excess profits net income computed without regard to this subparagraph, over (2) the adjustment for certain reserves provided in section 202 (c).

(K) Nontaxable income of certain industries with depletable resources.

In the case of a producer of minerals, or a producer of logs or lumber from a timber block, or a lessor of mineral property, or a timber block, as defined in section 735, there shall be excluded nontaxable income from exempt excess output of mines and timber blocks provided in section 735; in the case of a natural gas company, as defined in section 735, there shall be excluded nontaxable income from exempt excess output provided in section 735; and in the case of a producer of minerals, or a producer of logs or lumber from a timber block, there shall be excluded nontaxable bonus income provided in section 735. In respect of nontaxable bonus income provided in section 735 (c), a corporation described in section 735 (c) (2) shall be deemed a producer of minerals for the purposes of this subparagraph

(L) Net operating loss deduction adjustment.

The net operating loss deduction shall be adjusted as follows:

(i) In computing the net operating loss for any taxable year under section 122 (a), and the net income for any taxable year under section 122 (b), no deduction shall be allowed for any excess profits tax imposed by this subchapter, and, if the excess profits credit for such taxable year was computed under section 714, the deduction for interest shall be reduced by the amount of any reduction under subparagraph (B) of this paragraph for such taxable year; and

(ii) In lieu of the reduction provided in section 122 (c), such reduction shall be in the amount by which the excess profits net income computed with the exceptions and limitations provided in section 122 (d) (1), (2), (3), and (4) and computed without regard to subparagraph (D), without regard to any credit for dividends received, and without regard to any credit for interest received provided in section 26 (a) exceeds the excess profits net income (computed without the net operating loss deduction).

(3) Taxable year less than twelve months—(A) General rule.

If the taxable year is a period of less than twelve months the excess profits net income for such taxable year (referred to in this paragraph as the "short taxable year") shall be placed on an annual basis by multiplying the amount thereof by the number of days in the twelve months ending with the close of the short taxable year and dividing by the number of days in the short taxable year. The tax shall be such part of the tax computed on such annual basis as the number of days in the short taxable year is of the number of days in the twelve months ending with the close of the short taxable year.

(B) Exception.

If the taxpayer establishes its adjusted excess profits net income for the period of twelve months beginning with the first day of the short taxable year, computed as if such twelve-month period were a taxable year, under the law applicable to the short taxable year, and using the credits applicable in determining the adjusted excess profits net income for such short taxable year, then the tax for the short taxable year shall be reduced to an amount which is such part of the tax computed on such ad-

justed excess profits net income so established as the excess profits net income for the short taxable year is of the excess profits net income for such twelve-month period. The taxpayer (other than a taxpayer to which the next sentence applies) shall compute the tax and file its return without the application of this subparagraph. If, prior to one year from the date of the beginning of the short taxable year, the taxpayer has disposed of substantially all its assets, in lieu of the twelve-month period provided in the preceding provisions of this subparagraph, the twelve-month period ending with the close of the short taxable year shall be used. For the purposes of this subparagraph, the excess profits net income for the short taxable year shall not be placed on an annual basis as provided in subparagraph (A), and the excess profits net income for the twelve-month period used shall in no case be considered less than the excess profits net income for the short taxable year. The benefits of this subparagraph shall not be allowed unless the taxpayer, at such time as regulations prescribed hereunder require, makes application therefor in accordance with such regulations, and such application, in case the return was filed without regard to this subparagraph, shall be considered a claim for credit or refund. The Commissioner, with the approval of the Secretary, shall prescribe such regulations as he may deem necessary for the application of this subparagraph.

(b) Taxable years in base period.

(1) General rule and adjustments.

* * * * *

(A) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, § 202 (c) (2), 55 Stat. 701.

(B) Gains and losses from sales or exchanges of capital assets.

There shall be excluded gains and losses from sales or exchanges of capital assets held for more than 6 months.

(C) Income from retirement or discharge of bonds, and so forth.

There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge;

(D) Deductions on account of retirement or discharge of bonds, and so forth.

If during the taxable year the taxpayer retires or discharges any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than eighteen months, the following deductions for such taxable year shall not be allowed:

* * * * *

(G) Dividends received.

The credit for dividends received shall apply, without limitation, to dividends on stock of domestic corporations;

(H) Payment of judgments, and so forth.

Deductions attributable to any claim, award, judgment, or decree against the taxpayer, or interest on any of the foregoing, if abnormal for the taxpayer, shall not be allowed, and if normal for the taxpayer, but in excess of 125 per centum of the average amount of such deductions in the four previous taxable years, shall be disallowed in an amount equal to such excess;

(I) Intangible drilling and development costs.

Deductions attributable to intangible drilling and development costs paid or incurred in or for the drilling of wells or the preparation of wells for the production of oil or gas, and for development costs in the case of mines, if abnormal for the taxpayer, shall not be allowed, and if normal for the taxpayer, but in excess of 125 per centum of the average amount of such deductions in the four previous taxable years, shall be disallowed in an amount equal to such excess; and

(J) Abnormal deductions.

Under regulations prescribed by the Commissioner, with the approval of the Secretary, for the determination, for the purposes of this subparagraph, of the classification of deductions—

(i) Deductions of any class shall not be allowed if deductions of such class were abnormal for the taxpayer, and

(ii) If the class of deductions was normal for the taxpayer, but the deductions of such class were in excess of 125 per centum of the average amount of deductions of such class for the four previous taxable years, they shall be disallowed in an amount equal to such excess.

(K) Rules for application of subparagraphs (H), (I), and (J).

For the purposes of subparagraphs (H), (I), and (J)—

(i) If the taxpayer was not in existence for four previous taxable years, then such average amount specified in such subparagraphs shall be determined for the previous taxable years it was in existence and the succeeding taxable years which begin before the beginning of the taxpayer's second taxable year under this subchapter. If the number of such succeeding years is greater than the number necessary to obtain an aggregate of four taxable years there shall be omitted so many of such succeeding years, beginning with the last, as are necessary to reduce the aggregate to four.

(ii) Deductions shall not be disallowed under such subparagraphs unless the taxpayer establishes that the abnormality or excess is not a consequence of an increase in the gross income of the taxpayer in its base period or a decrease in the amount of some other deduction in its base period, and is not a consequence of a change at any time in the type, manner of operation, size, or condition of the business engaged in by the taxpayer.

(iii) The amount of deductions of any class to be disallowed under such subparagraphs with respect to any taxable year shall not exceed the amount by which the deductions of such class for such taxable

year exceed the deductions of such class for the taxable year for which the tax under this subchapter is being computed.

(2) Capital gains and losses.

For the purposes of this subsection the normal-tax net income and the special-class net income referred to in paragraph (1) shall be computed as if section 23 (g) (2), section 23 (k) (2), and section 117 were part of the revenue law applicable to the taxable year the excess profits net income of which is being computed, with the exception that the capital loss carry-over provided in subsection (e) (1) of section 117 shall be applicable to net capital losses for taxable years beginning after December 31, 1934. Such exception shall not apply for the purposes of computing the tax under this subchapter for any taxable year beginning before January 1, 1943. (As amended Mar. 7, 1941, ch. 10, §§ 3, 12 (b), 55 Stat. 18, 29, Sept. 20, 1941, 12:15 p m., E. S. T., ch. 412, title II, § 202 (c), (d), 55 Stat. 700, 701; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, §§ 205 (b, c), 206, 207 (a–g), 208, 209 (a, b), 210 (a, b), 211 (a), 213 (a), 56 Stat. 902, 904, 907, 908; Oct 26, 1943, ch 279, §§ 2, 3, 57 Stat 576; Feb 25, 1944, 12:49 p. m , E W. T., ch. 63, title II, § 208 (d) (e), 58 Stat. 57)

AMENDMENTS

1944—Subsec (a) (1) (I), (2) (K), amended generally by act Feb 25, 1944, cited to text

1943—Subsecs (a) (1) (I) and (a) (2) (K) were amended by act Oct 26, 1943, cited to text, which added the last sentence in each subsec

1942—Subsec (a) (1), pars (A–C) were amended by act Oct 21, 1942, cited to text

Subsec. (a) (1) (G) was repealed by act Oct. 21, 1942, cited to text

Subsec (a) (1), pars (H, I, J) were added by act Oct 21, 1942, cited to text

Subsec (a) (2), pars (A, C, D) were amended by act Oct 21, 1942, cited to text.

Subsec (a) (2), par (I) was repealed by act Oct 21, 1942, cited to text

Subsec (a) (2), pars (J, K, L) were added by act Oct 21, 1942, cited to text

Subsec (a) (3) was amended by act Oct 21, 1942, cited to text

Subsec (b) (1), pars. (B, C), (2) were amended by act Oct 21, 1942, cited to text

1941—Subsecs (a) (1) (A) and (a) (2) (C) were amended by act Sept 20, 1941, § 202 (c) (1), cited to text

Subsecs. (a) (1) (G) and (a) (2) (I) were added by act Sept. 20, 1941, § 202 (d) (1), (2), respectively, cited to text

Subsec. (a) (2) (A) was amended by act Mar 7, 1941, § 12 (b), cited to text, eff Oct. 8, 1940, 11 p m , E S T., by section 17 of that act

Subsec (b) (1) (A), relating to income taxes, was repealed by act Sept 20, 1941, § 202 (c) (2), cited to text.

Subsec (b) (1) (G), formerly (b) (1) (I), was reenacted as (b) (1) (G) by act Mar. 7, 1941, § 3, cited to text, eff. Oct 8, 1940, 11 p m , E S T., by section 17 of that act. Former (b) (1) (G) was relettered (b) (1) (H) by said act Mar. 7, 1941, § 3

Subsec (b) (1) (H), formerly (b) (1) (G), was relettered (b) (1) (H) and amended by act Mar 7, 1941, § 3, cited to text, eff Oct 8, 1940, 11 p m , E S T , by section 17 of that act Former (b) (1) (H) was relettered (b) (1) (I) by said act Mar 7, 1941, § 3

Subsec. (b) (1) (I), formerly (b) (1) (H), was relettered (b) (1) (I) and amended by act Mar. 7, 1941, § 3, cited to text, eff Oct 8, 1940, 11 p m , E S T., by section 17 of that act Former (b) (1) (I) was relettered (b) (1) (G) by said act Mar. 7, 1941, § 3

Subsecs. (b) (1) (J), (K), were added by act Mar. 7, 1941, § 3, cited to text, eff Oct 8, 1940, 11 p. m , E. S. T., by section 17 of that act

EFFECTIVE DATE

Section 208 (f) of act Feb. 25, 1944, cited to text, provided as follows: "The amendments made by this section [to sections 711 and 735] with respect to lessors of mineral properties which were in operation during the base period, and with respect to lessors of timber blocks, as defined without regard to the amendments made by this section, which were in operation during the base period, and with respect to natural gas companies, shall be applicable with respect to taxable years beginning after December 31, 1941."

Amendments of subsecs (a) (1) (I) and (a) (2) (K) by act Oct 26, 1943, cited to text, were made effective as if they were a part of section 209 of the Revenue Act of 1942 (subsecs. (a) (1) (I) and (a) (2) (K) of this section and section 735) on the date of its enactment (Oct. 21, 1942, 4 30 p m , E. W. T) by section 4 of said act.

Amendments of subsecs (a) (1) (A–C, G, H), (2) (C–E, J), and (b) (1) (B, C), (2) by act Oct 21, 1942, §§ 205 (b) (c), 206 (a) (b), 207 (a)–(g) and 209 (a), cited to text, were made applicable to taxable years beginning after Dec 31, 1941, by section 201 thereof

Amendments by act Oct 21, 1942, § 209 (a) (b), cited to text, adding subpars. (I) and (K), to subsecs. (a) (1) and (2) respectively, to the extent that they related to nontaxable bonus income were made applicable to taxable years beginning after Dec 31, 1940, by section 209 (d) thereof.

Amendments by act Oct 21, 1942, § 210 (a, b), cited to text, adding subpars (J) and (K) to subsec (a), pars (1, 2), respectively, was made effective as of Oct 8, 1940, 11.00 p m , E S. T , by section 210 (c) thereof.

Amendment of subsec (a) (2) (A) by act Oct 21, 1942, § 211a, cited to text, was made effective as of Oct 8, 1940, 11 p m , E S T , by section 211 (b) thereof.

Amendment of subsec (a) (3) by act Oct 21, 1942, cited to text, § 213 (a), was made applicable to taxable years beginning after Dec 31, 1939, by section 213 (b) thereof

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 205 thereof

TREATMENT OF INVOLUNTARY CONVERSIONS AS CAPITAL TRANSACTIONS FOR TAXABLE YEARS BEGINNING IN 1940, 1941

Act Oct 21, 1942, 4 30 p m., E W T , ch. 619, title II, § 208, 56 Stat 904, provided as follows: "Effective with respect to taxable years beginning after December 31, 1939, but not beginning after December 31, 1941, the second sentence of section 711 (a) (1) (B), section 711 (a) (2) (D), and section 711 (b) (1) (B) (of Title 26) is amended to read as follows: 'There shall be excluded the excess of the recognized gains from the sale, exchange, or involuntary conversion (as a result of destruction in whole or in part, theft or seizure, or an exercise of the power of requisition or condemnation or the threat or imminence thereof) of property held for more than eighteen months which is of a character which is subject to the allowance for depreciation provided in section 23 (*l*) over the recognized losses from the sale, exchange, or involuntary conversion of such property For the purposes of this subparagraph, section 117 (h) (1) and (2) shall apply in determining the period for which the taxpayer has held property which is of a character which is subject to the allowance for depreciation provided in section 23 (*l*).'"

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 712. Excess profits credit—allowance—(a) Domestic corporations.

In the case of a domestic corporation which was in existence before January 1, 1940, the excess profits credit for any taxable year shall be an amount com-

puted under section 713 or section 714, whichever amount results in the lesser tax under this subchapter for the taxable year for which the tax under this subchapter is being computed. In the case of all other domestic corporations the excess profits credit for any taxable year shall be an amount computed under section 714. (For allowance of excess profits credit in case of certain reorganizations of corporations, see section 741.)

(b) Foreign corporations.

In the case of a foreign corporation engaged in trade or business within the United States, the first taxable year of which under this subchapter begins on any date in 1940, which was in existence on the day forty-eight months prior to such date and which at any time during each of the taxable years in such forty-eight months was engaged in trade or business within the United States, the excess profits credit for any taxable year shall be an amount computed under section 713 or section 714, whichever amount results in the lesser tax under this subchapter for the taxable year for which the tax under this subchapter is being computed In the case of all other foreign corporations the excess profits credit for any taxable year shall be an amount computed under section 714.

(c) Repealed. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 224 (b), 56 Stat. 920.

(d) Special rule in connection with certain reorganizations.

For the existence of taxpayer through component corporation, see section 740 (f). (As amended Mar 7, 1941, ch. 10, § 13, 55 Stat. 29; Oct 21, 1942, 4.30 p. m., E. W. T., ch. 619, title II, §§ 212 (a), 224 (b), 228 (e) (1), 56 Stat 908, 920, 931.)

AMENDMENTS

1942—Subsec (b) was amended, subsec (c) was repealed and subsec (d) was added by act Oct 21, 1942 cited to text

1941—Subsecs (a) and (b) were amended by act Mar 7, 1941, cited to text, eff Oct 8, 1940, 11 p m, E S T, by section 17 of that act

Subsec (c) was added by act Mar 7, 1941, cited to text, eff Oct 8, 1940 11 p m, E S T, by section 17 of that act

EFFECTIVE DATE

Amendment of subsec (b) by act Oct 21, 1942, § 212 (a), cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof

Amendment by act Oct 21, 1942, § 224 (b), cited to text, repealing subsec (c) was made applicable with respect to taxable years beginning after Dec 31, 1939, by section 224 (c) thereof

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title

§ 713. Excess profits credit—based on income—(a) Amount of excess profits credit.

* * * * *

(1) Domestic corporations.

In the case of a domestic corporation—

(A) 95 per centum of the average base period net income,

(B) Plus 8 per centum of the net capital addition as defined in subsection (g), or

(C) Minus 6 per centum of the net capital reduction as defined in subsection (g).

* * * * *

(b) Base period—(1) Definition.

As used in this section the term "base period"—

(A) If the corporation was in existence during the whole of the forty-eight months preceding the beginning of its first taxable year under this subchapter, means the period commencing with the beginning of its first taxable year beginning after December 31, 1935, and ending with the close of its last taxable year beginning before January 1, 1940; and

(B) In the case of a corporation which was in existence during only part of the forty-eight months preceding the beginning of its first taxable year under this subchapter, means the forty-eight months preceding the beginning of its first taxable year under this subchapter.

(2) Division into halves.

For the purposes of subsections (d) and (f) the base period of the taxpayer shall be divided into halves, the first half to be composed of one-half the entire number of months in the base period and to begin with the beginning of the base period

(c) Deficit in excess profits net income.

For the purposes of this section the term "deficit in excess profits net income" with respect to any taxable year means the amount by which the deductions plus the credit for dividends received and the credit provided in section 26 (a) (relating to interest on certain obligations of the United States and its instrumentalities) exceeded the gross income. For the purposes of this subsection in determining whether there was such an excess and in determining the amount thereof, the adjustments provided in section 711 (b) (1) shall be made.

(d) Average base period net income—determination—(1) Definition.

For the purposes of this section the average base period net income of the taxpayer shall be the amount determined under subsection (e), subject to the exception that if the aggregate excess profits net income for the last half of its base period, reduced by the aggregate of the deficits in excess profits net income for such half, is greater than such aggregate so reduced for the first half, then the average base period net income shall be the amount determined under subsection (f), if greater than the amount determined under subsection (e).

(2) For the purposes of subsections (c) and (f), if the taxpayer was in existence during only part of the 48 months preceding the beginning of its first taxable year under this subchapter, its excess profits net income—

(A) for each taxable year of twelve months (beginning with the beginning of its base period) during which it was not in existence, shall be an amount equal to 8 per centum of the excess of—

(i) the daily invested capital for the first day of the taxpayer's first taxable year beginning after December 31, 1939, over

(ii) an amount equal to the same percentage of such daily invested capital as is applicable under

section 720 in reduction of the average invested capital of the preceding taxable year;

(B) for the taxable year of less than twelve months consisting of that part of the remainder of its base period during which it was not in existence, shall be the amount ascertained for a full year under subparagraph (A), multiplied by the number of days in such taxable year of less than twelve months and divided by the number of days in the twelve months ending with the close of such taxable year.

(3) In no case shall the average base period net income be less than zero.

(4) For the computation of average base period net income in the case of certain reorganizations, see section 742.

(e) Average base period net income—general average.

The average base period net income determined under this subsection shall be determined as follows:

(1) By computing the aggregate of the excess profits net income for each of the taxable years of the taxpayer in the base period, reduced by the sum of the deficits in excess profits net income for each of such years. If the excess profits net income (or deficit in excess profits net income) for one taxable year in the base period divided by the number of months in such taxable year is less than 75 per centum of the aggregate of the excess profits net income (reduced by deficits in excess profits net income) for the other taxable years in the taxpayer's base period divided by the number of months in such other taxable years (herein called "average monthly amount") the amount used for such one year under this paragraph shall be 75 per centum of the average monthly amount multiplied by the number of months in such one year, and the year increased under this sentence shall be the year the increase in which will produce the highest average base period net income;

(2) By dividing the amount ascertained under paragraph (1) by the total number of months in all such taxable years; and

(3) By multiplying the amount ascertained under paragraph (2) by twelve.

(f) Average base period net income—increased earnings in last half of base period.

The average base period net income determined under this subsection shall be determined as follows.

(1) By computing, for each of the taxable years of the taxpayer in its base period, the excess profits net income for such year, or the deficit in excess profits net income for such year;

(2) By computing for each half of the base period the aggregate of the excess profits net income for each of the taxable years in such half, reduced, if for one or more of such years there was a deficit in excess profits net income, by the sum of such deficits. For the purposes of such computation, if any taxable year is partly within each half of the base period there shall be allocated to the first half an amount of the excess profits net income or deficit in excess profits net income, as the case may be, for such taxable year, which bears the same ratio thereto as the number of months falling within such half bears to the entire number of months in such taxable year; and the remainder shall be allocated to the second half;

(3) If the amount ascertained under paragraph (2) for the second half is greater than the amount ascertained for the first half, by dividing the difference by two;

(4) By adding the amount ascertained under paragraph (3) to the amount ascertained under paragraph (2) for the second half of the base period;

(5) By dividing the amount found under paragraph (4) by the number of months in the second half of the base period and by multiplying the result by twelve;

(6) The amount ascertained under paragraph (5) shall be the average base period net income determined under this subsection, except that the average base period net income determined under this subsection shall in no case be greater than the highest excess profits net income for any taxable year in the base period. For the purpose of such limitation if any taxable year is of less than twelve months, the excess profits net income for such taxable year shall be placed on an annual basis by multiplying by twelve and dividing by the number of months included in such taxable year.

(7) For the purposes of this subsection, the excess profits net income for any taxable year ending after May 31, 1940, shall not be greater than an amount computed as follows:

(A) By reducing the excess profits net income by an amount which bears the same ratio thereto as the number of months after May 31, 1940, bears to the total number of months in such taxable year; and

(B) By adding to the amount ascertained under subparagraph (A) an amount which bears the same ratio to the excess profits net income for the last preceding taxable year as such number of months after May 31, 1940, bears to the number of months in such preceding year. The amount added under this subparagraph shall not exceed the amount of the excess profits net income for such last preceding taxable year.

(C) If the number of months in such preceding taxable year is less than such number of months after May 31, 1940, by adding to the amount ascertained under subparagraph (B) an amount which bears the same ratio to the excess profits net income for the second preceding taxable year as the excess of such number of months after May 31, 1940, over the number of months in such preceding taxable year bears to the number of months in such second preceding taxable year.

(g) Adjustments in excess profits credit on account of capital changes.

For the purposes of this section—

(1) The net capital addition for the taxable year shall be the excess, divided by the number of days in the taxable year, of the aggregate of the daily capital addition for each day of the taxable year over the aggregate of the daily capital reduction for each day of the taxable year.

(2) The net capital reduction for the taxable year shall be the excess, divided by the number of days

in the taxable year, of the aggregate of the daily capital reduction for each day of the taxable year over the aggregate of the daily capital addition for each day of the taxable year.

(3) The daily capital addition for any day of the taxable year shall be the aggregate of the amounts of money and property paid in for stock, or as paid-in surplus, or as a contribution to capital, after the beginning of the taxpayer's first taxable year under this subchapter and prior to such day. In determining the amount of any property paid in, such property shall be included in an amount determined in the manner provided in section 718 (a) (2). A distribution by the taxpayer to its shareholders in its stock or rights to acquire its stock shall not be regarded as money or property paid in for stock, or as paid-in surplus, or as a contribution to capital. The amount ascertained under this paragraph shall be reduced by the excess, if any, of the excluded capital for such day over the excluded capital for the first day of the taxpayer's first taxable year under this subchapter. For the purposes of this paragraph the excluded capital for any day shall be an amount equal to the sum of the following:

(A) The aggregate of the adjusted basis (for determining loss upon sale or exchange) as of the beginning of such day, of obligations held by the taxpayer at the beginning of such day, which are described in section 22 (b) (4) (A), (B), or (C) any part of the interest from which is excludible from gross income or allowable as a credit against net income; and

(B) The aggregate of the adjusted basis (for determining loss upon sale or exchange) as of the beginning of such day, of stock of domestic corporations held by the taxpayer at the beginning of such day.

The daily capital addition shall in no case be less than zero. (For daily capital additions and reductions in case of certain reorganizations, see section 743.)

(4) The daily capital reduction for any day of the taxable year shall be the aggregate of the amounts of distributions to shareholders, not out of earnings and profits, after the beginning of the taxpayer's first taxable year under this subchapter and prior to such day.

(5) If, on any day of the taxable year, the taxpayer and any one or more other corporations are members of the same controlled group, then the daily capital reduction of the taxpayer for such day shall be increased by whichever of the following amounts is the lesser:

(A) The aggregate of the adjusted basis (for determining loss upon sale or exchange) of stock in such other corporation (or if more than one, in such other corporations) acquired by the taxpayer after the beginning of the taxpayer's first taxable year under this subchapter, minus the aggregate of the adjusted basis (for determining loss upon sale or exchange) of stock in such other corporation (or if more than one, in such other corporations) disposed of by the taxpayer prior to such day and after the beginning of the taxpayer's first taxable year under this subchapter; or

(B) The excess of the aggregate of the adjusted basis (for determining loss upon sale or exchange) of stock in all domestic corporations and of obligations described in section 22 (b) (4), held by the taxpayer at the beginning of such day over the aggregate of the adjusted basis (for determining loss upon sale or exchange) of stock in all domestic corporations and of obligations described in section 22 (b) (4), held by the taxpayer at the beginning of its first taxable year under this subchapter.

If any stock or obligations described in subparagraph (A) or (B) was disposed of prior to such day, its basis shall be determined under the law applicable to the year in which so disposed of. The excluded capital of the taxpayer for such day shall be reduced by the amount by which the taxpayer's daily capital reduction for such day is increased under this paragraph. As used in this paragraph, a controlled group means one or more chains of corporations connected through stock ownership with a common parent corporation if (i) more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations and (ii) the common parent corporation owns directly more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of at least one of the other corporations. (As amended Mar. 7, 1941, ch. 10, § 4 (a)–(c), 55 Stat. 19–21; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, §§ 214 (a), 215, 216, 228 (e) (2), 56 Stat. 909, 910, 931.)

AMENDMENTS

1942—Subsecs (a) (1) (A), (c), (e) (1) were amended and subsec (g) (5) was added by act Oct. 21, 1942, cited to text.

1941—Subsec (a) (1) was amended by act Mar. 7, 1941, § 4 (a), cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

Subsecs. (b)–(f), formerly (b), were amended to be (b)–(f) by act Mar. 7, 1941, § 4 (b), cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act. Former (c) was relettered (g) by act Mar. 7, 1941, § 4 (c), cited to text.

Subsec (g), formerly (c), was relettered (g) by act Mar. 7, 1941, § 4 (c), cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

EFFECTIVE DATE

Amendments of subsecs. (c), (e) (1), and (g) (5) by act Oct. 21, 1942, §§ 214 (a), 215, 216, cited to text, were made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

Amendment of subsec. (a) (1) (A) by act Oct. 21, 1942, § 228 (e), (2), cited to text, was made applicable only to the computation of the tax for taxable years beginning after Dec. 31, 1941, by section 228 (f) thereof, with certain exceptions which are quoted in effective date note under section 740 of this title.

CROSS REFERENCES

Computation of base period income in case of certain reorganizations, see section 740 of this title.

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 714. Excess profits credit—based on invested capital.

The excess profits credit, for any taxable year, computed under this section, shall be the amount shown in the following table:

If the invested capital for the taxable year, determined under section 715, is:	*The credit shall be*
Not over $5,000,000	8% of the invested capital.
Over $5,000,000, but not over $10,000,000	$400,000, plus 6% of the excess over $5,000,000.
Over $10,000,000	$700,000, plus 5% of the excess over $10,000,000.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch 412, title II, § 201 (b), 55 Stat. 699; Oct 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 217, 56 Stat. 911; Feb. 25, 1944, 12:49 p. m , E. W T., ch. 63, title II, § 205, 58 Stat. 55.)

AMENDMENTS

1944- Act Feb 25, 1944, cited to text, amended section generally

1942—Act Oct 21, 1942, cited to text, amended section in its entirety

EFFECTIVE DATE

Amendment of section by act Feb. 25, 1944, § 205, cited to text was made applicable to taxable years beginning after Dec 31, 1943, by section 201 thereof

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 201 thereof.

Act Sept 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 205 thereof.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§§ 715–717.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 718. Equity invested capital—(a) Definition.

* * * * *

(2) Property paid in.

Property (other than money) previously paid in (regardless of the time paid in) for stock, or as paid-in surplus, or as a contribution to capital. Such property shall be included in an amount equal to its basis (unadjusted) for determining loss upon sale or exchange. If the property was disposed of before such taxable year, such basis shall be determined under the law applicable to the year of disposition, but without regard to the value of the property as of March 1, 1913. If the property was disposed of before March 1, 1913, its basis shall be considered to be its fair market value at the time paid in. If the unadjusted basis of the property is a substituted basis, such basis shall be adjusted, with respect to the period before the property was paid in, by an amount equal to the adjustments proper under section 115 (*l*) for determining earnings and profits;

* * * * *

(4) Earnings and profits at beginning of year.

The accumulated earnings and profits as of the beginning of such taxable year;

(5) Increase on account of gain on tax-free liquidation.

In the case of the previous receipt of property (other than property described in the last sentence of section 113 (a) (15)) by the taxpayer in complete liquidation of another corporation under section 112 (b) (6), or the corresponding provision of a prior revenue law, an amount, with respect to each such liquidation, equal to the amount by which the aggregate of the amount of the money so received and of the adjusted basis, at the time of receipt, of all property (other than money) so received, exceeds the sum of:

(A) The aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

(B) The aggregate of the liabilities of such other corporation assumed by the taxpayer in connection with the receipt of such property, of the liabilities (not assumed by the taxpayer) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the taxpayer for such property so received; and

(6) New capital.

An amount equal to 25 per centum of the new capital for such day. The term "new capital" for any day means so much of the amounts of money or property includible for such day under paragraphs (1) and (2) as was previously paid in during a taxable year beginning after December 31, 1940, and so much of the distributions in stock includible for such day under paragraph (3) as was previously made during a taxable year beginning after December 31, 1940, subject to the following limitations:

(A) There shall not be included money or property paid in by a corporation in an exchange to which section 112 (b) (3), (4), (5), or (10), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), (5) or (10) is applicable (or would be applicable except for section 371 (g)), or would have been applicable if the term "control" had been defined in section 112 (h) to mean the ownership of stock possessing more than 50 per centum of the total combined voting power of all classes of stock entitled to vote or more than 50 per centum of the total value of shares of all classes of stock.

(B) There shall not be included money or property paid in to the taxpayer by a transferor corporation if immediately after such transaction the transferor and the taxpayer are members of the same con-

trolled group. As used in this subparagraph and subparagraph (C), a controlled group means one or more chains of corporations connected through stock ownership with a common parent corporation if (i) more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations, and (ii) the common parent corporation owns directly more than 50 per centum of the total combined voting power of all classes of stock entitled to vote, or more than 50 per centum of the total value of shares of all classes of stock, of at least one of the other corporations.

(C) There shall not be included a distribution in stock described in paragraph (3) made to another corporation, if immediately after the distribution the taxpayer and the distributee are members of the same controlled group.

(D) *Increase in Inadmissible Assets.*—The new capital for any day of the taxable year, computed without the application of subparagraph (E), shall be reduced by the excess, if any, of the amount computed under section 720 (b) with respect to inadmissible assets held on such day, over the amount computed under section 720 (b) with respect to inadmissible assets held on the first day of the taxpayer's first taxable year beginning after December 31, 1940. For the purposes of this subparagraph, in determining whether obligations which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income are to be treated as admissible or inadmissible assets, such obligations shall be treated in the same manner as they are treated for the taxable year for which tax under this subchapter is being computed.

(E) *Maximum New Capital Allowable.*—The new capital for any day of the taxable year shall not be more than the amount, if any, by which—

(i) the sum of the equity invested capital (computed without regard to this paragraph) and the borrowed capital (as defined in section 719 (a)) of the taxpayer as of such day, reduced by the amount of money or property paid in which is excluded by reason of the limitation of subparagraph (A) or (B) of this paragraph, exceeds

(ii) the sum of such equity invested capital and borrowed capital as of the beginning of the first day of such taxpayer's first taxable year beginning after December 31, 1940, reduced by the amount, if any, by which the accumulated earnings and profits as of such first day of such first taxable year exceed the accumulated earnings and profits (computed without regard to distributions made in taxable years beginning after December 31, 1940) as of the beginning of the first day of the taxable year for which the tax under this subchapter is being computed.

(F) *Reduction on Account of Distributions Out of Pre-1941 Accumulated Earnings and Profits.*—The new capital for any day of the taxable year, computed without the application of subparagraph (E), shall be reduced by the amount which, after the beginning of the first taxable year which begins after December 31, 1940, has been distributed out of earnings and profits accumulated prior to the beginning of such first taxable year.

(7) Deficit in earnings and profits of another corporation.

In the case of a transferee, as defined in subsection (c) (5), an amount, determined under such paragraph, equal to the portion of the deficit in earnings and profits of a transferor attributable to property received previously to such day.

(b) Reduction in equity invested capital.

* * * * *

(5) Deficit in earnings and profits transferred to another corporation.

In the case of a transferor, as defined in subsection (c) (5), an amount, determined under such paragraph, equal to the portion of the deficit in earnings and profits of the transferor attributable to property transferred previously to such day.

(c) Rules for application of subsections (a) and (b).

* * * * *

(3) Computation of earnings and profits of taxable year.

For the purposes of subsections (a) (3) (B) and (b) (2) in determining whether a distribution is out of the earnings and profits of any taxable year, such earnings and profits shall be computed as of the close of such taxable year without diminution by reason of any distribution made during such taxable year or by reason of the tax under this subchapter or chapter 1 for such year and the determination shall be made without regard to the amount of earnings and profits at the time the distribution was made.

* * * * *

(5) Deficit in earnings and profits—earnings and profits of transferor and transferee.

If a corporation (hereinafter called "transferor") transfers substantially all its property to another corporation formed to acquire such property (hereinafter called "transferee"), if—

(A) the sole consideration for the transfer of such property is the transfer to the transferor or its shareholders of all the stock of all classes (except qualifying shares) of the transferee. (In determining whether the transfer is solely for stock, the assumption by the transferee of a liability of the transferor or the fact that the property acquired is subject to a liability shall be disregarded);

(B) the basis of the property, in the hands of the transferee, for the purposes of this subsection, is determined by reference to the basis of the property in the hands of the transferor;

(C) the transferor is forthwith completely liquidated in pursuance of the plan under which the acquisition of the property is made; and

(D) immediately after the liquidation the shareholders of the transferor own all such stock;

for the purposes of this subchapter, in computing the equity invested capital for any day after the date of the acquisition of the property, the earnings

and profits or deficit in earnings and profits of the transferee and the transferor shall be computed as if, immediately before the beginning of the taxable year in which such transfer occurs, the transferee had been in existence and sustained a recognized loss, and the transferor had realized a recognized gain, equal to the portion of the deficit in earnings and profits of the transferor attributable to such property.

(d) For special rules affecting computation of property paid in for stock in connection with certain exchanges and liquidations, see Supplement C.

* * * * *

(f) The reserves of an insurance company shall not be included in computing equity invested capital under this section but shall be treated as borrowed capital as provided in section 719. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, §§ 202 (f), 203, 55 Stat. 701, 702; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 205 (d), 218, 219 (a–c), 230 (b) (1), 56 Stat. 902, 911, 912, 936; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 121 (d) (6), 58 Stat. 43.)

[1] So in original. Period probably should have been omitted

AMENDMENTS

1944—Subsec (a) (6) (A) amended by act Feb. 25, 1944, cited to text, which struck out "112 (b) (3), (4), or (5), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), or (5)" and inserted in lieu thereof "section 112 (b) (3), (4), (5), or (10), or so much of section 112 (c), (d), or (e) as refers to section 112 (b) (3), (4), (5), or (10)".

1942—Subsecs. (a) (2) and (d) were amended and subsecs (a) (7), (b) (5), (c) (5) and (f) were added by act Oct 21, 1942, cited to text.

1941—Subsecs (a) (4) and (a) (5) were amended formally and subsec (a) (6) was added by act Sept 20, 1941, § 203, cited to text

Subsec. (c) (3) was amended by act Sept. 20, 1941, § 202 (f), cited to text

EFFECTIVE DATE

Section 121 (e) of act Feb. 25, 1944, cited to text, provided as follows: "Provisions having the effect of the amendments made by subsection (a) [to section 112 (b)], subsection (c) (3) [to section 113 (a)], and subsection (d) (2), (3), (4), (5), and (6) [to section 112 (d), (e), (g), (k), and section 718], shall be deemed to be included in the revenue laws respectively applicable to taxable years beginning after December 31, 1933, but shall not affect any tax liability for any taxable year beginning prior to January 1, 1943 Provisions having the effect of the amendments made by subsection (b) [to section 112], subsection (c) (1) [to section 113 (a)], and (2) [to section 113 (a)], and subsection (d) (1) [to section 112 (c)], shall be deemed to be included in the revenue laws respectively applicable to taxable years beginning after December 31, 1931"

Amendments of subsecs. (a) (2), (d), and (f) by act Oct. 21, 1942, §§ 218, 230 (b), cited to text, were made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

Amendments to subsecs (a) (7), (b) (5) and (c) (5) by act Oct 21, 1942, §§ 219 (a-c), cited to text, were made applicable to taxable years beginning after Dec 31, 1939, by section 219 (d) thereof.

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec. 31, 1940, by section 205 thereof.

RETROACTIVE EFFECT

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1939, by section 230 (d) thereof, when provisions of section 760 of this title are applied retroactively. See effective date note under said section 760

INAPPLICABILITY OF SUBSECS (A) (5), (B) (4), (C) (4) TO TAXABLE YEARS BEGINNING AFTER 1941

Act Oct 21, 1942, 4.30 p m, E W T, ch 619, title II, § 230 (c), 56 Stat. 936, provided that subsecs (a) (5), (b) (4), and (c) (4) of this section shall not apply to any taxable year beginning after Dec 31, 1941

TREATY OBLIGATIONS

Section 136 of act Feb. 25, 1944, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 719. Borrowed invested capital — (a) Borrowed capital.

The borrowed capital for any day of any taxable year shall be determined as of the beginning of such day and shall be the sum of the following:

(1) The amount of the outstanding indebtedness (not including interest) of the taxpayer which is evidenced by a bond, note, bill of exchange, debenture, certificate of indebtedness, mortgage, or deed of trust, plus,

(2) In the case of a taxpayer having a contract (made before the expiration of 30 days after the date of the enactment of the Second Revenue Act of 1940 [1]) with a foreign government to furnish articles, materials, or supplies to such foreign government, if such contract provides for advance payment and for repayment by the vendor of any part of such advance payment upon cancellation of the contract by such foreign government, the amount which would be required to be so repaid if cancellation occurred at the beginning of such day, but no amount shall be considered as borrowed capital under this paragraph which has been includible in gross income, plus,

(3) In the case of an insurance company, the mean of the amount of the pro rata unearned premiums determined at the beginning and end of the taxable year, plus,

(4) In the case of a life insurance company, the mean of the amount of the adjusted reserves, and the mean of the amount of the reserves on insurance or annuity contracts (or contracts arising out of insurance or annuity contracts) which do not involve, at the time with reference to which the computation was made, life, health, or accident contingencies, determined at the beginning and end of the taxable year. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, §§ 205 (e), 230 (b) (2), 56 Stat. 902, 936.)

* * * * *

[1] Second Revenue Act of 1940 was enacted Oct. 8, 1940, 11 p m, E S T

AMENDMENTS

1942—Subsec (a), pars (1, 2) were amended and pars. (3, 4) were added by act Oct 21, 1942, cited to text

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 201 thereof

RETROACTIVE EFFECT

Amendments to subsecs (a) (5), (b) (4), and (c) (4) by act Oct 28, 1942, cited to text, were made inapplicable to the computation of the tax for all taxable years beginning after Dec. 31, 1939, by section 230 (d) thereof, if the provisions of section 761 of this title were applied retroactively. See effective date note under said section 761

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 720. Admissible and inadmissible assets—(a) Definitions.

* * * * *

(1) * * *

(A) Stock in corporations except stock in a foreign personal-holding company, and except stock which is not a capital asset; and

* * * * *

(c) Computation if short-term capital gain.

If during the taxable year there has been a gain from the sale or exchange of a capital asset held for not more than 6 months with respect to an inadmissible asset, then so much of the amount attributable to such inadmissible asset under subsection (b) as bears the same ratio thereto as such gain bears to the sum of such gain plus the dividends and interest on such asset for such year, shall, for the purpose of determining the ratio of inadmissible assets to the total of admissible and inadmissible assets, be added to the total of admissible assets and subtracted from the total of inadmissible assets.

(d) Treatment of government obligations as admissible assets.

If the excess profits credit for any taxable year is computed under section 714, the taxpayer may in its return for such year elect to increase its normal-tax net income for such taxable year by an amount equal to the amount of the interest on, reduced by the amount of the amortizable bond premium under section 125 attributable to, all obligations held during the taxable year which are described in section 22 (b) (4) any part of the interest from which is excludible from gross income or allowable as a credit against net income. In such case, for the purposes of this section, the term "admissible assets" includes such obligations, and the term "inadmissible assets" does not include such obligations. (As amended Mar. 7, 1941, ch. 10, § 12 (a), 55 Stat. 29; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, §§ 207 (h), 220, 56 Stat. 904, 912.)

AMENDMENTS

1942—Subsecs (c) and (d) were amended by act Oct 21, 1942, cited to text

1941—Subsec (a) (1) (A) was amended by act Mar 7, 1941, cited to text, eff. Oct 8, 1940, 11 p. m., E S T., by section 17 of that act

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 721. Abnormalities in income in taxable period—(a) Definitions.

For the purposes of this section—

(1) Abnormal income.

The term "abnormal income" means income of any class includible in the gross income of the taxpayer for any taxable year under this subchapter if it is abnormal for the taxpayer to derive income of such class, or, if the taxpayer normally derives income of such class but the amount of such income of such class includible in the gross income of the taxable year is in excess of 125 per centum of the average amount of the gross income of the same class for the four previous taxable years, or, if the taxpayer was not in existence for four previous taxable years, the taxable years during which the taxpayer was in existence.

(2) Separate classes of income.

Each of the following subparagraphs shall be held to describe a separate class of income:

(A) Income arising out of a claim, award, judgment, or decree, or interest on any of the foregoing; or

(B) Income constituting an amount payable under a contract the performance of which required more than 12 months; or

(C) Income resulting from exploration, discovery, prospecting, research, or development of tangible property, patents, formulae, or processes, or any combination of the foregoing, extending over a period of more than 12 months; or

(D) Income includible in gross income for the taxable year rather than for a different taxable year by reason of a change in the taxpayer's accounting period or method of accounting; or

(E) In the case of a lessor of real property, income included in gross income for the taxable year by reason of the termination of the lease; or

(F) Income consisting of dividends on stock of foreign corporations, except foreign personal holding companies.

All the income which is classifiable in more than one of such subparagraphs shall be classified under the one which the taxpayer irrevocably elects. The classification of income of any class not described in subparagraphs (A) to (F), inclusive, shall be subject to regulations prescribed by the Commissioner with the approval of the Secretary.

(3) Net abnormal income.

The term "net abnormal income" means the amount of the abnormal income less, under regulations prescribed by the Commissioner with the approval of the Secretary, (A) 125 per centum of the average amount of the gross income of the same class determined under paragraph (1), and (B) an amount which bears the same ratio to the amount of any direct costs or expenses, deductible in determining the normal-tax net income of the taxable year, through the expenditure of which such abnormal income was in whole or in part derived as the excess of the amount of such abnormal income

over 125 per centum of such average amount bears to the amount of such abnormal income.

(b) Amount attributable to other years.

The amount of the net abnormal income that is attributable to any previous or future taxable year or years shall be determined under regulations prescribed by the Commissioner with the approval of the Secretary. In the case of amounts otherwise attributable to future taxable years, if the taxpayer either transfers substantially all its properties or distributes any property in complete liquidation, then there shall be attributable to the first taxable year in which such transfer or distribution occurs (or if such year is previous to the taxable year in which the abnormal income is includible in gross income, to such latter taxable year) all amounts so attributable to future taxable years not included in the gross income of a previous taxable year.

(c) Computation of tax for current taxable year.

The tax under this subchapter for the taxable year, in which the whole of such abnormal income would without regard to this section be includible, shall not exceed the sum of:

(1) The tax under this subchapter for such taxable year computed without the inclusion in gross income of the portion of the net abnormal income which is attributable to any other taxable year, and

(2) The aggregate of the increase in the tax under this subchapter for the taxable year (computed under paragraph (1)) and for each previous taxable year which would have resulted if, for each previous taxable year to which any portion of such net abnormal income is attributable, an amount equal to such portion had been included in the gross income for such previous taxable year.

(d) Computation of tax for future taxable year.

The amount of the net abnormal income attributable to any future taxable year shall, for the purposes of this subchapter, be included in the gross income for such taxable year.

(1) The tax under this subchapter for such future taxable year shall not exceed the sum of—

(A) the tax under this subchapter for such future taxable year computed without the inclusion in gross income of the portion of such net abnormal income which is attributable to such year, and

(B) the decrease in the tax under this subchapter for the previous taxable year in which the whole of such abnormal income would, without regard to this section, be includible which resulted by reason of the computation of such tax for such previous taxable year under the provisions of subsection (c); but the amount of such decrease shall be diminished by the aggregate of the increases in the tax under this subchapter for the future taxable year as computed under subparagraph (A) and for the taxable years intervening between such previous taxable year and such future taxable year which have resulted because of the inclusion of the portions of such net abnormal income attributable to such intervening years in the gross income for such intervening years.

(2) If, in the application of subsection (c), net abnormal income from more than one taxable year is attributable to any future taxable year, paragraph (1) of this subsection shall be applied with respect to such future taxable year in the order of the taxable years from which the net abnormal income is attributable beginning with the earliest, as if the portion of the net abnormal income from each such year was the only amount so attributable to such future taxable year, and (except in the case of the portion for the earliest previous taxable year) as if the tax under this subchapter for the future taxable year was the tax determined under paragraph (1) with respect to the portion for the next earlier previous taxable year.

(3) If in the application of paragraph (1) to any future taxable year it is determined that the decrease in tax computed under paragraph (1) (B) with respect to the net abnormal income, a portion of which is included in the gross income for the future taxable year, does not exceed the aggregate of the increases in tax computed under paragraph (1) (B) with respect to such net abnormal income, then the portions of such net abnormal income attributable to taxable years subsequent to such future taxable year shall not be included in the gross income for such subsequent taxable years. For the purpose of computing the tax under this subchapter for a taxable year subsequent to the future taxable year, the portion of net abnormal income attributable to the future taxable year shall not be included in the gross income for such future taxable year to the extent that the inclusion of such portion of net abnormal income in the gross income for such future taxable year did not result in an increase in tax for such future taxable year by reason of the provisions of paragraph (1).

(e) Application of section.

This section shall be applied only for the purpose of computing the tax under this subchapter as provided in subsections (c) and (d), and shall have no effect upon the computation of base period net income. For the purposes of subsections (c) and (d)—

(1) Net abnormal income means the aggregate of the net abnormal income of all classes for one taxable year.

(2) Under regulations prescribed by the Commissioner with the approval of the Secretary, the tax under this subchapter for previous taxable years shall be computed as if the portions of net abnormal income for each previous taxable year for which the tax was computed under this section were included in the gross income for the other previous taxable years to which such portions were attributable.

(3) If both subsections (c) and (d) are applicable to any current taxable year, subsection (d) shall be applied without regard to subsection (c), and subsection (c) shall be applied as if the tax under this subchapter, except for subsection (c), was the tax computed under subsection (d) and as if the gross income and the other amounts necessary to determine the adjusted excess profits net income were those amounts which would result in the tax computed under subsection (d).

(f) Abnormal income from exploration, etc.

If by reason of taking into account, in determining constructive average base period net income under section 722, exploration, discovery, prospecting, research, or development of tangible property, patents, formulae, or processes, or any combination of the foregoing, extending over a period of more than 12 months, such constructive average base period net income is higher than it would be without such taking into account, only such portion of the income in the taxable year resulting from such activity which is of a class described in subsection (a) (2) (C) as is attributable to another taxable year under this subchapter shall be deemed attributable to a year other than the taxable year. (As amended Mar. 7, 1941, ch. 10, § 5, 55 Stat. 21; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 221 (a), 56 Stat. 912.)

AMENDMENTS

1942—Subsecs (c) (2) and (d) were amended and subsecs (e) and (f) were added by act Oct. 21, 1942, cited to text.

Act Mar. 7, 1941, § 5, which amended section in its entirety, was made effective Oct. 8, 1940, 11 p. m., E. S. T., by section 17 thereof.

EFFECTIVE DATE

Amendments affecting subsecs. (c)–(f) by act Oct. 21, 1942, cited to text, were made applicable to taxable years beginning after Dec. 31, 1939, by section 221 (b) thereof.

INAPPLICABILITY OF SUBSEC (A) (2) (B) TO TAXABLE YEARS BEGINNING AFTER 1941

Act Oct. 21, 1942, § 222 (f), cited to text, provided as follows: "(f) Section 721 (a) (2) (B) (relating to abnormalities on account of long-term contracts) shall not apply with respect to any taxable year beginning after December 31, 1941."

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 722. General relief — Constructive average base period net income—(a) General rule.

In any case in which the taxpayer establishes that the tax computed under this subchapter (without the benefit of this section) results in an excessive and discriminatory tax and establishes what would be a fair and just amount representing normal earnings to be used as a constructive average base period net income for the purposes of an excess profits tax based upon a comparison of normal earnings and earnings during an excess profits tax period, the tax shall be determined by using such constructive average base period net income in lieu of the average base period net income otherwise determined under this subchapter. In determining such constructive average base period net income, no regard shall be had to events or conditions affecting the taxpayer, the industry of which it is a member, or taxpayers generally occurring or existing after December 31, 1939, except that, in the cases described in the last sentence of section 722 (b) (4) and in section 722 (c), regard shall be had to the change in the character of the business under section 722 (b) (4) or the nature of the taxpayer and the character of its business under section 722 (c) to the extent necessary to establish the normal earnings to be used as the constructive average base period net income.

(b) Taxpayers using average earnings method.

The tax computed under this subchapter (without the benefit of this section) shall be considered to be excessive and discriminatory in the case of a taxpayer entitled to use the excess profits credit based on income pursuant to section 713, if its average base period net income is an inadequate standard of normal earnings because—

(1) in one or more taxable years in the base period normal production, output, or operation was interrupted or diminished because of the occurrence, either immediately prior to, or during the base period, of events unusual and peculiar in the experience of such taxpayer,

(2) the business of the taxpayer was depressed in the base period because of temporary economic circumstances unusual in the case of such taxpayer or because of the fact that an industry of which such taxpayer was a member was depressed by reason of temporary economic events unusual in the case of such industry,

(3) the business of the taxpayer was depressed in the base period by reason of conditions generally prevailing in an industry of which the taxpayer was a member, subjecting such taxpayer to

(A) a profits cycle differing materially in length and amplitude from the general business cycle, or

(B) sporadic and intermittent periods of high production and profits, and such periods are inadequately represented in the base period,

(4) the taxpayer, either during or immediately prior to the base period, commenced business or changed the character of the business and the average base period net income does not reflect the normal operation for the entire base period of the business. If the business of the taxpayer did not reach, by the end of the base period, the earning level which it would have reached if the taxpayer had commenced business or made the change in the character of the business two years before it did so, it shall be deemed to have commenced the business or made the change at such earlier time. For the purposes of this subparagraph, the term "change in the character of the business" includes a change in the operation or management of the business, a difference in the products or services furnished, a difference in the capacity for production or operation, a difference in the ratio of nonborrowed capital to total capital, and the acquisition before January 1, 1940, of all or part of the assets of a competitor, with the result that the competition of such competitor was eliminated or diminished. Any change in the capacity for production or operation of the business consummated during any taxable year ending after December 31, 1939, as a result of a course of action to which the taxpayer was committed prior to January 1, 1940, or any acquisition before May 31, 1941, from a competitor engaged in the dissemination of information through the public press, of substantially all the assets of such competitor employed in such business with the result that competition between the taxpayer and the com-

petitor existing before January 1, 1940, was eliminated, shall be deemed to be a change on December 31, 1939, in the character of the business, or

(5) of any other factor affecting the taxpayer's business which may reasonably be considered as resulting in an inadequate standard of normal earnings during the base period and the application of this section to the taxpayer would not be inconsistent with the principles underlying the provisions of this subsection, and with the conditions and limitations enumerated therein.

(c) Invested capital corporations, etc.

The tax computed under this subchapter (without the benefit of this section) shall be considered to be excessive and discriminatory in the case of a taxpayer, not entitled to use the excess profits credit based on income pursuant to section 713, if the excess profits credit based on invested capital is an inadequate standard for determining excess profits, because—

(1) the business of the taxpayer is of a class in which intangible assets not includible in invested capital under section 718 make important contributions to income,

(2) the business of the taxpayer is of a class in which capital is not an important income-producing factor, or

(3) the invested capital of the taxpayer is abnormally low.

In such case for the purposes of this subchapter, such taxpayer shall be considered to be entitled to use the excess profits credit based on income, using the constructive average base period net income determined under subsection (a). For the purposes of section 713 (g) and section 743, the beginning of the taxpayer's first taxable year under this subchapter shall be considered to be that date after which capital additions and capital reductions were not taken into account for the purposes of this subsection.

(d) Application for relief under this section.

The taxpayer shall compute its tax, file its return, and pay the tax shown on its return under this subchapter without the application of this section, except as provided in section 710 (a) (5). The benefits of this section shall not be allowed unless the taxpayer within the period of time prescribed by section 322 and subject to the limitation as to amount of credit or refund prescribed in such section makes application therefor in accordance with regulations prescribed by the Commissioner with the approval of the Secretary. If a constructive average base period net income has been determined under the provisions of this section for any taxable year, the Commissioner may, by regulations approved by the Secretary, prescribe the extent to which the limitations prescribed by this subsection may be waived for the purpose of determining the tax under this subchapter for a subsequent taxable year.

(e) Rules for application of section.

For the purposes of this section—

(1) the tax imposed by this subchapter shall be the tax before the allowance of the foreign tax credit pursuant to section 729 (c) and (d);

(2) in the case of a taxpayer, the average base period net income of which is computed under Supplement A, for the period for which the income of any other person is included in the computation of the average base period net income of the taxpayer, the taxpayer shall be treated as if such other person's business were a part of the business of the taxpayer.

(f) Mining corporations.

In the case of a taxpayer to which section 711 (a) (1) (I) or section 711 (a) (2) (K) applies, if its constructive average base period net income is established under this section, there shall also be determined a fair and just amount to be used as normal output and normal unit profit for the purposes of section 735.

(g) [Compilation of cases where relief allowed.]

The Commissioner shall compile for each fiscal year beginning after June 30, 1941, by internal revenue districts, and alphabetically arranged, all cases in which relief has been allowed during such year under the provisions of this section by the Commissioner and by The Tax Court of the United States, as the case may be. Such compilation shall contain the name and address of each taxpayer to which relief has been so allowed, the business in which the taxpayer is engaged, the amount of the excess profits credit before such allowance, the increase in such credit claimed, the increase in such credit allowed, and the amount of the gross reduction in the tax under this subchapter and of the gross increase in the tax under Chapter 1, which results from the operation of this section. In the case of relief allowed by The Tax Court of the United States, the Commissioner shall also set forth the data previously reported under this subsection with respect to relief previously allowed in such case by the Commissioner. Such compilation shall be published in the Federal Register. (As amended Mar. 7, 1941, ch. 10, § 6, 55 Stat. 23; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, § 202 (g), 55 Stat. 701; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 222 (a), 56 Stat. 914; Mar. 31, 1943, ch. 31, § 1, 57 Stat. 56; Dec. 17, 1943, ch. 346, § 1 (a), 57 Stat. 601; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title II, § 206 (a), 58 Stat. 55.)

AMENDMENTS

1944—Subsec. (g) added by act Feb 25, 1944, cited to text It was enacted without a catchline which has been supplied by Editor.

1943—Subsec (d) was amended by acts Mar. 31, 1943, and Dec. 17, 1943, both cited to text Act Mar 31, 1943, substituted "prior to September 16, 1943" for "within six months after the date of the enactment of the Revenue Act of 1942," in first and second sentences. Act Dec. 17, 1943, amended subsec generally.

1942—Act Oct. 21, 1942, cited to text, amended section in its entirety.

1941—Section was amended generally by act Mar. 7, 1941, cited to text.

Subsec. (c) was amended by act Sept. 20, 1941, cited to text, which added last sentence thereto.

EFFECTIVE DATE

Section 206 (b) of act Feb. 25, 1944, cited to text, provided as follows: "The compilation of cases required by the amendment made by subsection (a) [adding subsec.

(g)] shall not be limited to cases relating to taxable years beginning after December 31, 1943."

Act Dec. 17, 1943, cited to text, was made applicable only with respect to taxable years beginning after Dec. 21, 1939, by subsec. (b) of section 1 thereof.

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1939, by section 222 (e) (1) thereof.

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 205 thereof

Act Mar. 7, 1941, § 6, cited to text, amending section in its entirety, was made effective Oct. 8, 1940, 11 p. m., E. S. T., by section 17 thereof

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 723. Equity invested capital in special cases.

(a) Where the Commissioner determines that the equity invested capital as of the beginning of the taxpayer's first taxable year under this subchapter cannot be determined in accordance with section 718, the equity invested capital as of the beginning of such year shall be an amount equal to the sum of (a) the money plus (b) the aggregate of the adjusted basis of the assets of the taxpayer held by the taxpayer at such time, such sum being reduced by the indebtedness outstanding at such time. The amount of the money, assets, and indebtedness at such time shall be determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary. In such case, the equity invested capital for each day after the beginning of the taxpayer's first taxable year under this subchapter shall be determined, in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary, using as the basic figure the equity invested capital as so determined.

(b) The equity invested capital of mutual insurance companies other than life, or marine, shall be the mean of the surplus, plus 50 per centum of the mean of all reserves required by law, both surplus and reserves being determined at the beginning and end of the taxable year. The surplus shall include all of the assets of the company other than reserves required by law. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 205 (f), 56 Stat. 902.)

AMENDMENTS

1942—Subsec (a) was so lettered and subsec. (b) was added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 724. Foreign corporations and corporations entitled to benefits of section 251—Invested capital.

Notwithstanding section 715, in the case of a foreign corporation engaged in trade or business within the United States, and in the case of a corporation entitled to the benefits of section 251, the invested capital for any taxable year shall be determined in accordance with rules and regulations prescribed by the Commissioner with the approval of the Secretary, under which—

(As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 212 (a), 56 Stat. 908.)

* * * * *

AMENDMENTS

1942—Opening par. was amended by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 725. Personal service corporations.

* * * * *

(b) Election as to taxability.

If a personal service corporation signifies, in its return under Chapter 1 for any taxable year, its desire not to be subject to the tax imposed under this subchapter for such taxable year, it shall be exempt from such tax for such year, and the provisions of Supplement S of Chapter 1 shall apply to the shareholders in such corporation who were such shareholders on the last day of such taxable year of the corporation. Such corporation shall not be exempt for such year if it is a member of an affiliated group of corporations filing consolidated returns under section 141. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 223 (b), 56 Stat. 920.)

AMENDMENTS

1942—Subsec. (b) was amended by act Oct. 21, 1942, cited to text, which inserted a new sentence at the end thereof.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 726. Corporations completing contracts under Merchant Marine Act, 1936.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 727. Exempt corporations.

The following corporations, except a member of an affiliated group of corporations filing consolidated returns under section 141, shall be exempt from the tax imposed by this subchapter:

* * * * *

(c) Regulated investment companies as defined in section 361 without the application of section 361 (b) (4).

(d) Omitted. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 223 (c), 56 Stat. 920.

* * * * *

(f) Foreign corporations not engaged in trade or business within the United States.

* * * * *

(h) Any corporation subject to the provisions of Title IV of the Civil Aeronautics Act of 1938,[1] in the gross income of which for any taxable year beginning after December 31, 1939, there is includible compensation received from the United States for the transportation of mail by aircraft if, after excluding from its gross income such compensation, its adjusted excess profits net income for such year is zero or less. Such exclusion from gross income for such year shall also be made in computing the unused excess profits credit adjustment for any other taxable year, but only for the purpose of determining whether the corporation is exempted by this subsection from the tax imposed by this chapter for such other taxable year. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, §§ 212 (b), 223 (a), (c), 56 Stat. 908, 920; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title II, § 209 (a), 58 Stat. 58.)

[1] Section 481 et seq. of Title 49, Transportation, and section 471 of Title 39, The Postal Service.

AMENDMENTS

1944—Subsec. (h) amended by act Feb. 25, 1944, cited to text, which added at end thereof sentence beginning "Such exclusion etc.".

1942—Opening par. and subsecs. (c) and (f) were amended and subsec. (d) was omitted by act Oct. 21, 1942, cited to text

EFFECTIVE DATE

Section 209 (b) of act Feb 25, 1944, cited to text, provided as follows: "The amendment made by this section [to this section] shall be effective as if it were a part of the Excess Profits Tax Act of 1940 [sections 710–731, 740–744, 750–752 of this title] on the date of the enactment of such Act. [Oct. 8, 1940, 11 p m., E. S. T.]"

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 728. Meaning of terms used.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 729. Laws applicable.

* * * * *

(b) Returns.

(1) Repealed. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 224 (a), 56 Stat. 920.

(2) No return required.

Notwithstanding subsection (a), no return under section 52 (a) shall be required to be filed by any taxpayer under this subchapter for any taxable year for which its excess profits net income, computed with the adjustments provided in section 711 (a) (2) and placed on an annual basis as provided in section 711 (a) (3), is not greater than the specific exemption provided in section 710 (b) (1).

(3) Consolidated returns.

For provisions relating to consolidated returns, see section 141. (As amended Mar. 7, 1941, ch. 10, § 16, 55 Stat. 30; Oct. 21, 1942, 4:30 p. m., E W. T., ch. 619, title II, §§ 205 (g) (2), 224 (a), 225 (b), 56 Stat. 902, 920; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title II, § 204 (b), 58 Stat. 54; July 31, 1945, ch. 340, § 2 (b), 59 Stat. 518.)

* * * * *

AMENDMENTS

1945—Subsec. (b) (2) amended by act July 31, 1945, cited to text, which struck out "$10,000 or, in the case * * * greater than $50,000" and insert in lieu thereof "the specific exemption provided in section 710 (b) (1)".

1944—Subsec. (b) (2) amended by act Feb. 25, 1944, cited to text, which struck out "$5000" and inserted in lieu thereof "$10,000".

1942—Subsec. (b) (1) was repealed, subsec. (b) (2) was amended and subsec. (b) (3) was added by act Oct. 21, 1942, cited to text.

1941—Subsec. (b) was amended by act Mar. 7, 1941, cited to text, eff. Oct 8, 1940, 11 p m., E S T., by section 17 of that act. Amendment added subsec. (b) (1) and renumbered former subsec (b) to be (b) (2).

EFFECTIVE DATE

Act July 31, 1945, § 2 (b), cited to text, was made applicable to taxable years beginning after Dec. 31, 1945, and to taxable years beginning in 1945 and ending in 1946, by section 2 (d) of said act.

Act Feb. 25, 1944, § 204 (b), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 201 thereof.

Act Oct. 21, 1942, § 224 (a), cited to text, repealing subsec. (b) (1), was made applicable with respect to taxable years beginning after Dec. 31, 1939, by section 224 (c) thereof.

Amendment of subsec. (b) (2, 3) by act Oct. 21, 1942, § 205 (g) (2), cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 201 thereof

Act Mar. 7, 1941, § 16, cited to text, amending subsec (b), was made effective Oct. 8, 1940, 11 p. m., E S. T., by section 17 thereof.

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 730. Consolidated returns.

* * * * *

(e) Definition of "includible corporation."

* * * * *

(6) Insurance companies subject to taxation under section 201 or 207. (As amended Mar. 7, 1941, ch. 10, § 7, 55 Stat. 25, eff. Oct. 8, 1940, 11 p. m., E. S. T.; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 225 (a), 56 Stat. 920.)

* * * * *

AMENDMENTS

1941—Subsec. (e) (6) was amended by act Mar. 7, 1941, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

TERMINATION OF APPLICABILITY OF SECTION

This section was made inapplicable with respect to any taxable year beginning after Dec. 31, 1940, by act Sept. 20, 1941, 12:15 p m., E S T., ch. 412, title II, § 204, 55 Stat 703.

INAPPLICABILITY TO TAXABLE YEARS BEGINNING AFTER 1941

Act Oct. 21, 1942, § 225a, cited to text, provided that this section shall not apply to any taxable year beginning after Dec. 31, 1941.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 731. Corporations engaged in mining of strategic minerals.

In the case of any domestic corporation engaged in the mining of antimony, chromite, manganese, nickel, platinum, quicksilver, sheet mica, tantalum, tin, tungsten, fluorspar, flake graphite, vermiculite, or vanadium, the portion of the adjusted excess profits net income attributable to such mining in the United States shall be exempt from the tax imposed by this subchapter. The tax on the remaining portion of such adjusted excess profits net income shall be an amount which bears the same ratio to the tax computed without regard to this section as such remaining portion bears to the entire adjusted excess profits net income. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 226 (a), 56 Stat. 920; amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title II, § 207 (a), 58 Stat. 55.)

AMENDMENTS

1944—Act Feb 25, 1944, cited to text, amended section by inserting "fluorspar, flake graphite, vermiculite," following "tungsten".

TERMINATION OF FORMER SECTION

Section 731, as added by act Oct 8, 1940, 11 p m, E S T, ch 757, title II, § 201, 54 Stat 990, was made inapplicable with respect to any taxable year beginning after Dec 31, 1940, by act Sept 20, 1941, 12:15 p. m, E. S. T., ch 412, title II, § 204, 55 Stat. 703

EFFECTIVE DATE

Section 207 (b) of act Feb 25, 1944, cited to text, provided as follows "The amendment made by subsection (a) [to section 731] insofar as it relates to flake graphite shall be applicable with respect to taxable years beginning after December 31, 1942"

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1940, by section 226 (b) thereof.

CROSS REFFRENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 732. Review of abnormalities by Board of Tax Appeals—(a) Petition to the Board.

If a claim for refund of tax under this subchapter for any taxable year is disallowed in whole or in part by the Commissioner, and the disallowance relates to the application of section 711 (b) (1) (H), (I), (J), or (K), section 721, or section 722, relating to abnormalities, the Commissioner shall send notice of such disallowance to the taxpayer by registered mail. Within ninety days after such notice is mailed (not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the ninetieth day) the taxpayer may file a petition with the Board of Tax Appeals for a redetermination of the tax under this subchapter. If such petition is so filed, such notice of disallowance shall be deemed to be a notice of deficiency for all purposes relating to the assessment and collection of taxes or the refund or credit of overpayments.

(b) Deficiency found by Board in case of claim.

If the Board finds that there is no overpayment of tax in respect of any taxable year in respect of which the Commissioner has disallowed, in whole or in part, a claim for refund described in subsection (a) and the Board further finds that there is a deficiency for such year, the Board shall have jurisdiction to determine the amount of such deficiency and such amount shall, when the decision of the Board becomes final, be assessed and shall be paid upon notice and demand from the collector.

(c) Finality of determination.

If in the determination of the tax liability under this subchapter the determination of any question is necessary solely by reason of section 711 (b) (1) (H), (I), (J), or (K), section 721, or section 722, the determination of such question shall not be reviewed or redetermined by any court or agency except the Board.

(d) Review by special division of Board.

The determinations and redeterminations by any division of the Board involving any question arising under section 721 (a) (2) (C) or section 722 with respect to any taxable year shall be reviewed by a special division of the Board which shall be constituted by the Chairman and consist of not less than three members of the Board. The decisions of such special division shall not be reviewable by the Board, and shall be deemed decisions of the Board. (Added Mar. 7, 1941, ch. 10, § 9, 55 Stat. 26, and amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 222 (c), 56 Stat. 917; June 30, 1945, ch. 211, § 2, 59 Stat. 295; Dec. 29, 1945, ch. 652, title II, § 203 (a), 59 Stat. 673.)

AMENDMENTS

1945—Subsec. (a) amended by act Dec 29, 1945, cited to text, which inserted "Saturday," preceding "Sunday" within parenthesis in second sentence.

Subsec. (d) amended by act June 30, 1945, cited to text, which inserted "with respect to any taxable year" following "or section 722".

1942—Subsec (d) was added by act Oct. 21, 1942, cited to text

EFFECTIVE DATE

Subsec. (a) as amended by act Dec. 29, 1945, § 203 (a), cited to text, was made effective as of Sept. 8, 1945, by section 203 (b) thereof.

Subsec (d) as added by act Oct. 21, 1942, § 222 (c), cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

Subsecs. (a)–(c) as added by act Mar 7, 1941, cited to text, were made effective as of Oct. 8, 1940, by section 17 thereof

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 733. Capitalization of advertising, etc., expenditures—(a) Election to charge to capital account.

For the purpose of computing the excess profits credit, a taxpayer may elect, within six months after

the date prescribed by law for filing its return for its first taxable year under this subchapter, to charge to capital account so much of the deductions for taxable years in its applicable base period on account of expenditures for advertising or the promotion of good will, as, under rules and regulations prescribed by the Commissioner with the approval of the Secretary, may be regarded as capital investments. Such election must be the same for all such taxable years, and must be for the total amount of such expenditures which may be so regarded as capital investments. In computing the excess profits credit, no amount on account of such expenditures shall be charged to capital account:

(1) For taxable years in the base period unless the election authorized in subsection (a) is exercised, or

(2) For any taxable year prior to the beginning of the base period.

(b) Effect of election.

If the taxpayer exercises the election authorized under subsection (a)—

(1) The net income for each taxable year in the base period shall be considered to be the net income computed with such deductions disallowed, and such deductions shall not be considered as having diminished earnings and profits. This paragraph shall be retroactively applied as if it were a part of the law applicable to each taxable year in the base period; and

(2) The treatment of such expenditures as deductions for a taxable year in the base period shall, for the purposes of section 734 (b) (2), be considered treatment which was not correct under the law applicable to such year. (Added Mar. 7, 1941, ch. 10, § 10 (a), 55 Stat. 26, eff. Oct. 8, 1940, 11 p. m., E. S. T.)

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 734. Adjustment in case of position inconsistent with prior income tax liability—(a) Definitions.

For the purposes of this section—

(1) Taxpayer.

The term "taxpayer" means any person subject to a tax under the applicable revenue Act.

(2) Income tax.

The term "income tax" means an income tax imposed by Chapter 1 or Chapter 2A of this title; Title I and Title IA of the Revenue Acts of 1938,[1] 1936,[2] and 1934[3]; Title I of the Revenue Acts of 1932[4] and 1928[5]; Title II of the Revenue Acts of 1926[6] and 1924[7]; Title II of the Revenue Acts of 1921[8] and 1918[9]; Title I of the Revenue Act of 1917[10]; Title I of the Revenue Act of 1916[11]; or section II of the Act of October 3, 1913[12]; a war profits or excess profits tax imposed by Title III of the Revenue Acts of 1921[13] and 1918[14]; or Title II of the Revenue Act of 1917[15]; or an income, war profits, or excess profits tax imposed by any of the foregoing provisions, as amended or supplemented.

(3) Prior taxable year.

A taxable year beginning after December 31, 1939, shall not be considered a prior taxable year.

(4) The term "predecessor of the taxpayer" means—

(A) A person which is a component corporation of the taxpayer within the meaning of section 740; and

(B) A person which on April 1, 1941, or at any time thereafter, controlled the taxpayer. The term "controlled" as herein used shall have the same meaning as "control" under section 112 (h), and

(C) Any person in an unbroken series ending with the taxpayer if subparagraph (A) or (B) would apply to the relationship between the parties.

(b) Circumstances of adjustment.

(1) If—

(A) in determining at any time the tax of a taxpayer under this subchapter an item affecting the determination of the excess profits credit is treated in a manner inconsistent with the treatment accorded such item in the determination of the income-tax liability of such taxpayer or a predecessor for a prior taxable year or years, and

(B) the treatment of such item in the prior taxable year or years consistently with the determination under this subchapter would effect an increase or decrease in the amount of the income taxes previously determined for such taxable year or years, and

(C) on the date of such determination of the tax under this subchapter correction of the effect of the inconsistent treatment in any one or more of the prior taxable years is prevented (except for the provisions of section 3801) by the operation of any law or rule of law (other than section 3761, relating to compromises),

then the correction shall be made by an adjustment under this section. If in a subsequent determination of the tax under this subchapter for such taxable year such inconsistent treatment is not adopted, then the correction shall not be made in connection with such subsequent determination.

(2) Such adjustment shall be made only if there is adopted in the determination a position maintained by the Commissioner (in case the net effect of the adjustment would be a decrease in the income taxes previously determined for such year or years) or by the taxpayer with respect to whom the determination is made (in case the net effect of the adjustment would be an increase in the income taxes previously determined for such year or years) which position is inconsistent with the treatment accorded such item in the prior taxable year or years which was not correct under the law applicable to such year.

(3) Burden of proof.

In any proceeding before the Board or any court the burden of proof in establishing that an inconsistent position has been taken (A) shall be upon the Commissioner, in case the net effect of the adjustment would be an increase in the income taxes previously determined for the prior taxable year or years, or (B) shall be upon the taxpayer, in case the net effect of the adjustment would be a decrease in

the income taxes previously determined for the prior taxable year or years.

(c) Method and effect of adjustment.

(1) The adjustment authorized by subsection (b), in the amount ascertained as provided in subsection (d), if a net increase shall be added to, and if a net decrease shall be subtracted from, the tax otherwise computed under this subchapter for the taxable year with respect to which such inconsistent position is adopted.

(2) If more than one adjustment under this section is made because more than one inconsistent position is adopted with respect to one taxable year under this subchapter, the separate adjustments, each an amount ascertained as provided in subsection (d), shall be aggregated, and the aggregate net increase or decrease shall be added to or subtracted from the tax otherwise computed under this subchapter for the taxable year with respect to which such inconsistent positions are adopted.

(3) If all the adjustments under this section, made on account of the adoption of an inconsistent position or positions with respect to one taxable year under this subchapter, result in an aggregate net increase, the tax imposed by this subchapter shall in no case be less than the amount of such aggregate net increase.

(4) If all the adjustments under this section, made on account of the adoption of an inconsistent position or positions with respect to a taxable year under this subchapter (hereinafter in this paragraph called the current taxable year), result in an aggregate net decrease, and the amount of such decrease exceeds the tax imposed by this subchapter (without regard to the provisions of this section) for the current taxable year, such excess shall be subtracted from the tax imposed by this subchapter for each succeeding taxable year, but the amount of the excess to be so subtracted shall be reduced by the reduction in tax for intervening taxable years which has resulted from the subtraction of such excess from the tax imposed for each such year.

(d) Ascertainment of amount of adjustment.

In computing the amount of an adjustment under this section there shall first be ascertained the amount of the income taxes previously determined for each of the prior taxable years for which correction is prevented. The amount of each such tax previously determined for each such taxable year shall be (1) the tax shown by the taxpayer, or by the predecessor, upon the return for such prior taxable year, increased by the amounts previously assessed (or collected without assessment) as deficiencies, and decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax; or (2) if no amount was shown as the tax by such taxpayer or such predecessor upon the return, or if no return was made by such taxpayer or such predecessor, then the amounts previously assessed (or collected without assessment) as deficiencies, but such amounts previously assessed, or collected without assessment, shall be decreased by the amounts previously abated, credited, refunded, or otherwise repaid in respect of such tax. There shall then be ascertained the increase or decrease in each such tax previously determined for each such year which results solely from the treatment of the item consistently with the treatment accorded such item in the determination of the tax liability under this subchapter. To the increase or decrease so ascertained for each such tax for each such year there shall be added interest thereon computed as if the increase or decrease constituted a deficiency or an overpayment, as the case may be, for such prior taxable year. Such interest shall be computed to the fifteenth day of the third month following the close of the excess profits tax taxable year with respect to which the determination is made. There shall be ascertained the difference between the aggregate of such increases, plus the interest attributable to each, and the aggregate of such decreases, plus the interest attributable to each, and the net increase or decrease so ascertained shall be the amount of the adjustment under this section with respect to the inconsistent treatment of such item.

(e) Interest in case of net increase or decrease.

(1) If an adjustment under this section results in a net decrease, or more than one adjustment results in an aggregate net decrease, the portion of such net decrease or aggregate net decrease, as the case may be, subtracted from the tax which represents interest shall be included in gross income of the taxable year in which falls the date prescribed for the payment of the tax under this subchapter.

(2) If an adjustment under this section results in a net increase, or more than one adjustment results in an aggregate net increase, the portion of such net increase or aggregate net increase, as the case may be, which represents interest shall be allowed as a deduction in computing net income for the taxable year in which falls the date prescribed for the payment of the tax under this subchapter. (Added Mar. 7, 1941, ch 10, § 11, 55 Stat. 27, and amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 227 (a), 56 Stat. 921.)

[1] May 28, 1938, ch 289, 52 Stat 452.
[2] June 22, 1936, ch 690, 49 Stat 1652.
[3] May 10, 1934, ch 227, 48 Stat. 683
[4] June 6, 1932, ch 209, 47 Stat. 173.
[5] May 29, 1928, ch 852, 46 Stat. 795.
[6] Feb 26, 1926, ch 27, 44 Stat 10
[7] June 2, 1924, ch 234, 43 Stat. 254.
[8] Nov. 23, 1921, ch 136, 42 Stat 227.
[9] Feb 24, 1919, ch. 18, 40 Stat. 1058.
[10] Mar 3, 1917, ch 159, 39 Stat 1000.
[11] Sept. 8, 1916, ch 463, 39 Stat. 756.
[12] Oct 3, 1913, ch. 16, 38 Stat 166.
[13] Nov 23, 1921, ch. 136, 42 Stat 271.
[14] Feb. 24, 1919, ch. 18, 40 Stat 1088.
[15] Mar. 3, 1917, ch 159, 39 Stat 1000.

AMENDMENTS

1942—Act Oct. 21, 1942, cited to text, amended section in its entirety

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1939, by section 227 (b) thereof

Act Mar. 7, 1941, § 11, was made effective Oct. 8, 1940, 11 p. m., E. S. T., by section 17 thereof

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 735. Nontaxable income from certain mining and timber operations and from natural gas properties—(a) Definitions.

For the purposes of this section, section 711 (a) (1) (I), and section 711 (a) (2) (K)—

(1) Producer; lessor; natural gas company.

The term "producer" means a corporation which extracts minerals from a mineral property, or which cuts logs from a timber block, in which an economic interest is owned by such corporation. The term "lessor" means a corporation which owns an economic interest in a mineral property or a timber block, and is paid in accordance with the number of mineral units or timber units recovered therefrom by the person to which such property or block is leased. The term "natural gas company" means a corporation engaged in the withdrawal, or transportation by pipe line, of natural gas.

(2) Mineral unit, natural gas unit, and timber unit.

The term "mineral unit" means a unit of metal, coal, or nonmetallic substance in the minerals recovered from the operation of a mineral property. The term "natural gas unit" means a unit of natural gas sold by a natural gas company. The term "timber unit" means a unit of timber recovered from the operation of a timber block.

(3) Excess output.

The term "excess output" means the excess of the mineral units, natural gas units, or timber units for the taxable year over the normal output.

(4) Normal output.

The term "normal output" means the average annual mineral units, or the average annual timber units, as the case may be, recovered in the taxable years beginning after December 31, 1935, and not beginning after December 31, 1939 (hereinafter called "base period"), of the person owning the mineral property or the timber block (whether or not the taxpayer). The term "normal output", in the case of a natural gas company, means the average annual natural gas units sold in the taxable years beginning after December 31, 1935, and not beginning after December 31, 1939 (hereinafter called "base period"), of the person owning the natural gas property (whether or not the taxpayer). The average annual mineral units, natural gas units, or timber units shall be computed by dividing the aggregate of such mineral units, natural gas units, or timber units for the base period by the number of months for which the mineral property, natural gas property, or timber block was in operation during the base period and by multiplying the amount so ascertained by twelve. In any case in which the taxpayer establishes, under regulations prescribed by the Commissioner with the approval of the Secretary, that the operation of any mineral property, natural gas property, or timber block is normally prevented for a specified period each year by physical events outside the control of the taxpayer, the number of months during which such mineral property, natural gas property, or timber block is regularly in operation during a taxable year shall be used in computing the average annual mineral units, natural gas units, or timber units, instead of twelve. Any mineral property, natural gas property, or timber block, which was in operation for less than six months during the base period, shall, for the purposes of this section, be deemed not to have been in operation during the base period.

(5) Natural gas property.

The term "natural gas property" means the property of a natural gas company used for the withdrawal, storage, and transportation by pipe line, of natural gas, excluding any part of such property which is an emergency facility under section 124.

(6) Mineral property.

The term "mineral property" means a mineral deposit, the development and plant necessary for the extraction of the deposit, and so much of the surface of the land as is necessary for purposes of such extraction.

(7) Minerals.

The term "minerals" means ores of the metals, coal, and such nonmetallic substances as abrasives, asbestos, asphaltum, barytes, borax, building stone, cement rock, clay, crushed stone, feldspar, fluorspar, fuller's earth, graphite, gravel, gypsum, limestone, magnesite, marl, mica, mineral pigments, peat, potash, precious stones, refractories, rock phosphate, salt, sand, silica, slate, soapstone, soda, sulphur, and talc.

(8) Timber block.

The term "timber block" means an operation unit which includes all the taxpayer's timber which would logically go to a single given point of manufacture.

(9) Normal unit profit.

The term "normal unit profit" means the average profit for the base period per mineral unit for such period, determined by dividing the net income with respect to minerals recovered from the mineral property (computed with the allowance for depletion computed in accordance with the basis for depletion applicable to the current taxable year) during the base period by the number of mineral units recovered from the mineral property during the base period.

(10) Estimated recoverable units.

The term "estimated recoverable units" means the estimated number of units of metal, coal, or nonmetallic substances in the estimated recoverable minerals from the mineral property at the end of the taxable year plus the excess output for such year. All estimates shall be subject to the approval of the Commissioner, the determinations of whom, for the purposes of this section, shall be final and conclusive.

(11) Exempt excess output.

The term "exempt excess output" for any taxable year means a number of units equal to the following percentages of the excess output for such year:

100 per centum if the excess output exceeds 50 per centum of the estimated recoverable units;

95 per centum if the excess output exceeds 33⅓ but not 50 per centum of the estimated recoverable units;

90 per centum if the excess output exceeds 25 but not 33⅓ per centum of the estimated recoverable units;

85 per centum if the excess output exceeds 20 but not 25 per centum of the estimated recoverable units;

80 per centum if the excess output exceeds 16⅔ but not 20 per centum of the estimated recoverable units;

60 per centum if the excess output exceeds 14⅔ but not 16⅔ per centum of the estimated recoverable units;

40 per centum if the excess output exceeds 12½ but not 14⅔ per centum of the estimated recoverable units;

30 per centum if the excess output exceeds 10 but not 12½ per centum of the estimated recoverable units;

20 per centum if the excess output exceeds 5 but not 10 per centum of the estimated recoverable units.

(12) Unit net income.

The term "unit net income" means the amount ascertained by dividing the net income (computed with the allowance for depletion) from the coal or iron ore or the timber recovered from the coal mining property, iron mining property, or timber block, as the case may be, during the taxable year by the number of units of coal or iron ore, or timber, recovered from such property in such year. In respect of a natural gas property, the term "unit net income" means the amount ascertained by dividing the net income, computed in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, from such property during the taxable year by the number of natural gas units sold in such year.

(b) Nontaxable income from exempt excess output—(1) General rule.

For any taxable year for which the excess output of mineral property which was in operation during the base period exceeds 5 per centum of the estimated recoverable units from such property, the nontaxable income from exempt excess output for such year shall be an amount equal to the exempt excess output for such year multiplied by the normal unit profit, but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the excess output for such year.

(2) Coal and iron mines.

For any taxable year, the nontaxable income from exempt excess output of a coal mining or iron mining property which was in operation during the base period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year, or an amount determined under paragraph (1), whichever the taxpayer elects in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

(3) Timber properties.

For any taxable year, the nontaxable income from exempt excess output of a timber block which was in operation during the base period shall be an amount equal to the excess output of such property for such year multiplied by one-half of the unit net income from such property for such year.

(4) Coal and iron mines and timber properties not in operation during base period.

For any taxable year, the nontaxable income from exempt excess output of a coal mining or iron mining property or a timber block, which was not in operation during the base period, shall be an amount equal to one-sixth of the net income for such taxable year (computed with the allowance for depletion) from the coal mining or iron mining property or from the timber block, as the case may be.

(5) Natural gas companies.

In the case of a natural gas company any of the natural gas property of which was in operation during the base period, the nontaxable income from exempt excess output for any taxable year shall be an amount equal to the excess output for such year multiplied by one-half of the unit net income for such year.

(c) Nontaxable bonus income.

The term "nontaxable bonus income" means the amount of the income derived from bonus payments made by any agency of the United States Government on account of the production in excess of a specified quota of:

(1) A mineral product or timber, the exhaustion of which gives rise to an allowance for depletion under section 23 (m), but such amount shall not exceed the net income (computed with the allowance for depletion) attributable to the output in excess of such quota; or

(2) A mineral product extracted or recovered from mine tailings by a corporation which owns no economic interest in the mineral property from which the ore containing such tailings was mined, but such amount shall not exceed the net income attributable to the output in excess of such quota

(d) Rule in case income from excess output includes bonus payment.

In any case in which the income attributable to the excess output includes bonus payments (as provided in subsection (c)), the taxpayer may elect, under regulations prescribed by the Commissioner with the approval of the Secretary, to receive either the benefits of subsection (b) or subsection (c) with respect to such income as is attributable to excess output above the specified quota. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 209 (c), 56 Stat. 905, amended Oct. 26, 1943, ch. 279, § 1, 57 Stat. 575; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title II, § 208 (a–c), 58 Stat. 55–57.)

AMENDMENTS

1944—Catchline amended by act Feb. 25, 1944, cited to text, which added, "and from natural gas properties".

Pars. (1), (2), (3), (4), and (5) of subsec. (a) amended generally by act Feb. 25, 1944, cited to text, which among other changes amended and renumbered pars. and catchlines.

Par. (8) of subsec. (a) amended by act Feb 25, 1944, cited to text, which omitted "existing as of December 31, 1941," following "operation unit", and "but shall not include any operation unit acquired after December 31, 1941" following "of manufacture".

Par. 12 of subsec. (a) amended by act Feb. 25, 1944, cited to text, which added sentence beginning "In respect etc.".

Subsec. (b) amended by act Feb. 25, 1944, cited to text, which added pars. (4) and (5).

1943—Subsec (c) was amended by act Oct. 26, 1943, cited to text, which added par (2)

EFFECTIVE DATE

Section 208 (f) of act Feb 25, 1944, cited to text, provided as follows: "The amendments made by this section [to sections 711 and 735] with respect to lessors of mineral properties which were in operation during the base period, and with respect to lessors of timber blocks, as defined without regard to the amendments made by this section, which were in operation during the base period, and with respect to natural gas companies, shall be applicable with respect to taxable years beginning after December 31, 1941"

Amendment of subsec (c) by act Oct 26, 1943, cited to text, was made effective as if it were a part of section 209 of the Revenue Act of 1942 (subsecs (a) (1) (I) and (a) (2) (K) of section 711 and this section) on the date of its enactment (Oct. 21, 1942, 4 30 p m, E. W. T.) by section 4 of said act.

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec 31, 1941, by section 201 thereof; except that subsec (c), to the extent it relates to nontaxable bonus income, was made applicable to taxable years beginning after Dec 31, 1940, by section 209 (d) of said act Oct 21, 1942

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 736. Relief for installment basis taxpayers and taxpayers with income from long-term contracts—(a) Election to accrue income.

In the case of any taxpayer computing income from installment sales under the method provided by section 44 (a), if such taxpayer establishes, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, that the average volume of credit extended to purchasers on the installment plan in the four taxable years preceding the first taxable year beginning after December 31, 1941, was more than 125 per centum of the volume of such credit extended to such purchasers in the taxable year, or the average outstanding installment accounts receivable at the end of each of the four taxable years preceding the first taxable year beginning after December 31, 1941, was more than 125 per centum of the amount of such accounts receivable at the end of the taxable year, or if the taxpayer was not in existence for four previous taxable years, the taxable years during which the taxpayer was in existence, in either case including only such years for which the income was computed under the method provided in section 44 (a), it may elect, in its return for the taxable year, for the purposes of the tax imposed by this subchapter, to compute, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, its income from installment sales on the basis of the taxable period for which such income is accrued, in lieu of the basis provided by section 44 (a). Except as hereinafter provided, such election shall be irrevocable when once made and shall apply also to all subsequent taxable years, and the income from installment sales for each taxable year before the first year with respect to which the election is made but beginning after December 31, 1939, shall be adjusted for the purposes of this subchapter to conform to such election. In making such adjustments, no amount shall be included in computing excess profits net income for any excess profits tax taxable year on account of installment sales made in taxable years beginning before January 1, 1940. If the taxpayer establishes, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, that in a taxable year subsequent to the year with respect to which an election has been made under the preceding provisions of this subsection it would not be eligible to elect such accrual method, the taxpayer may in accordance with such regulations elect in its return for such year to abandon such accrual method. Such election shall be irrevocable when once made and shall preclude any further elections under this subsection. For the taxable year for which the latter election is made and subsequent taxable years, income shall be computed in accordance with section 44 (c).

(b) Election on long-term contracts.

In the case of any taxpayer computing income from contracts the performance of which requires more than 12 months, if it is abnormal for the taxpayer to derive income of such class, or, if the taxpayer normally derives income of such class but the amount of such income of such class includible in the gross income of the taxable year is in excess of 125 per centum of the average amount of the gross income of the same class for the four previous taxable years, or, if the taxpayer was not in existence for four previous taxable years, the taxable years during which the taxpayer was in existence, it may elect, in its return for such taxable year for the purposes of this subchapter, or in the case of a taxable year the return for which was filed prior to the date of the enactment of the Revenue Act of 1942,[1] within 6 months after the date of the enactment of such Act, to compute, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, such income upon the percentage of completion method of accounting. Such election shall be made in accordance with such regulations and shall be irrevocable when once made and shall apply to all other contracts, past, present, or future, the performance of which required or requires more than 12 months. The net income of the taxpayer for each year prior to that with respect to which the election is made shall be adjusted for the purposes of this subchapter, including the computation of excess profits net income in each taxable year of the base period under section 711 (b), to conform to such election but for purposes of chapter 1, the tax imposed by this subchapter for any prior taxable

year on account of the adjustment required by this subsection shall be considered a part of the tax imposed by this subchapter for the taxable year in which such income is, without regard to this subsection, includible in gross income. Income described in this subsection shall not be considered abnormal income under section 721.

(c) Adjustment on account of change.

If an adjustment specified in subsection (a) or subsection (b), as the case may be, is, with respect to any taxable year, prevented, on the date of the election by the taxpayer under subsection (a) or subsection (b), as the case may be, or within two years from such date, by any provision or rule of law (other than this section and other than section 3761, relating to compromises), such adjustment shall nevertheless be made if in respect of the taxable year for which adjustment is sought a notice of deficiency is mailed or a claim for refund is filed, as the case may be, within two years after the date such election is made. If at the time of the mailing of such notice of deficiency or the filing of such claim for refund, the adjustment is so prevented, then the amount of the adjustment authorized by this subsection shall be limited to the increase or decrease in the tax imposed by Chapter 1 and this subchapter previously determined for such taxable year which results solely from the effect of subsection (a), or subsection (b), as the case may be, and such amount shall be assessed and collected, or credited or refunded, in the same manner as if it were a deficiency or an overpayment, as the case may be, for such taxable year and as if on the date of such election, two years remain before the expiration of the period of limitation upon assessment or the filing of claim for refund for the taxable year. The tax previously determined shall be ascertained in accordance with section 734 (d). The amount to be assessed and collected under this subsection in the same manner as if it were a deficiency or to be refunded or credited in the same manner as if it were an overpayment, shall not be diminished by any credit or set-off based upon any item, inclusion, deduction, credit, exemption, gain or loss, other than one resulting from the effect of subsection (a) or subsection (b), as the case may be. Such amount, if paid, shall not be recovered by a claim or suit for refund, or suit for erroneous refund based upon any item, inclusion, deduction, credit, exemption, gain or loss, other than one resulting from the effect of subsection (a) or subsection (b), as the case may be. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 222 (d), 56 Stat. 917.)

[1] Revenue Act of 1942 was enacted Oct. 21, 1942, 4:30 p m., E. W. T

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof; except that section 222 (e) (2) thereof provided at subsec (b) and so much of subsec. (c) "as is applicable thereto shall be applicable only with respect to taxable years beginning after December 31, 1941, except that, if a taxpayer, within six months after the date of enactment of this Act (Oct 21, 1942, 4:30 p m., E W T) and in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, elects to have such subsections apply retroactively to all taxable years beginning after December 31, 1939, such amendments shall also be applicable to such taxable years."

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

PART II.—RULES IN CONNECTION WITH CERTAIN EXCHANGES

SUPPLEMENT A.—EXCESS PROFITS CREDIT BASED ON INCOME

§ 740. Definitions.

For the purposes of this Supplement—

(a) Acquiring corporation.

The term "acquiring corporation" means—

(1) A corporation which has acquired—

(A) substantially all the properties of another corporation and the whole or a part of the consideration for the transfer of such properties is the transfer to such other corporation of all the stock of all classes (except qualifying shares) of the corporation which has acquired such properties, or

(B) substantially all the properties of another corporation and the sole consideration for the transfer of such properties is the transfer to such other corporation of voting stock of the corporation which has acquired such properties, or

(C) before October 1, 1940, properties of another corporation solely as paid-in surplus or a contribution to capital in respect of voting stock owned by such other corporation, or

(D) substantially all the properties of a partnership in an exchange to which section 112 (b) (5), or so much of section 112 (c) or (e) as refers to section 112 (b) (5), or to which a corresponding provision of a prior revenue law, is or was applicable.

For the purposes of subparagraphs (B) and (C) in determining whether such voting stock or such paid-in surplus or contribution to capital is the sole consideration, the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded. Subparagraph (B) or (C) shall apply only if the corporation transferring such properties is forthwith completely liquidated in pursuance of the plan under which the acquisition is made, and the transaction of which the acquisition is a part has the effect of a statutory merger or consolidation.

(2) A corporation which has acquired property from another corporation in a transaction with respect to which gain or loss was not recognized under section 112 (b) (6) of Chapter 1 or a corresponding provision of a prior revenue law;

(3) A corporation the result of a statutory merger of two or more corporations; or

(4) A corporation the result of a statutory consolidation of two or more corporations.

(b) Component corporation.

The term "component corporation" means—

(1) In the case of a transaction described in sub-

section (a) (1), the corporation which transferred the assets;

(2) In the case of a transaction described in subsection (a) (2), the corporation the property of which was acquired;

(3) In the case of a statutory merger, all corporations merged, except the corporation resulting from the merger; or

(4) In the case of a statutory consolidation, all corporations consolidated, except the corporation resulting from the consolidation; or

(5) In the case of a transaction specified in subsection (a) (1) (D), the partnership whose properties were acquired.

(c) Income of certain component corporations not included.

For the purposes of section 712, section 742, and section 743 in the case of a corporation which is a component corporation in a transaction described in subsection (a)—

(1) Except as provided in paragraph (2), for the purpose of computing, for any taxable year beginning after December 31, 1941, the excess profits credit of such component corporation or of an acquiring corporation of which the acquiring corporation in such transaction is not a component, except in the application of sections 713 (f) and 742 (h) (other than the limitation on the amount of average base period net income or Supplement A average base period net income, as the case may be, determined thereunder), no account shall be taken of the excess profits net income of such component corporation for any period before the day after such transaction, or of the excess profits net income for any period before the day after such transaction of its component corporations in any transaction before such transaction, and no account shall be taken of the capital addition or capital reduction of such component corporation either immediately before such transaction or for any prior period, or of the capital addition or capital reduction either immediately before such transaction or for any prior period of its component corporations in any transaction before such transaction.

(2) In case such transaction occurred in a taxable year of such component corporation beginning after December 31, 1941, for the purpose of computing the excess profits credit of such component corporation for such taxable year, the amount of its average base period net income or Supplement A average base period net income, as the case may be, shall be limited to an amount which bears the same ratio to such average base period net income or Supplement A average base period net income, as the case may be (computed without regard to this paragraph but with the application of paragraph (1) in case of a prior transaction described in subsection (a) with respect to such component corporation or a component corporation thereof), as the number of days in such taxable year before the day after such transaction bears to the total number of days in such taxable year.

For the purposes of section 742, in the case of a corporation which is a component corporation in a transaction described in subsection (a), in computing for any taxable year the Supplement A average base period net income of the acquiring corporation in such transaction or of a corporation of which such acquiring corporation becomes a component corporation, no account shall be taken of the excess profits net income of such component corporation for any period beginning with the day after such transaction.

(d) In the case of a taxpayer which is an acquiring corporation the base period shall be the four calendar years 1936 to 1939, both inclusive, except that, if the taxpayer became an acquiring corporation prior to September 1, 1940, the base period shall be the same as that applicable to its first taxable year ending in 1941.

(e) Base period years.

In the case of a taxpayer which is an acquiring corporation its base period years shall be the four successive twelve-month periods beginning on the same date as the beginning of its base period.

(f) Existence of acquiring corporation.

For the purposes of section 712 (a), if any component corporation of the taxpayer was in existence before January 1, 1940, the taxpayer shall be considered to have been in existence before such date.

(g) Component corporations of component corporations.

If a corporation is a component corporation of an acquiring corporation, under subsection (b) or under this subsection, it shall (except for the purposes of section 742 (d) (1) and (2) and section 743 (a) (1), (2), and (3)) also be a component corporation of the corporation of which such acquiring corporation is a component corporation.

(h) Sole proprietorship.

For the purposes of sections 740 (a) (1) (D), 740 (b) (5), and 742 (g), a business owned by a sole proprietorship shall be considered a partnership. (As amended Mar. 7, 1941, ch. 10, § 8 (a)–(c), 55 Stat. 25; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 228 (a), 56 Stat. 923.)

AMENDMENTS

1942—Act Oct. 21, 1942, cited to text, amended section in its entirety

1941—Subsecs (a) (1) (C) and (b) (4) were amended by act Mar. 7, 1941, § 8 (a) and (b), respectively, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

Subsecs (a) (1) (D), (b) (5), and (h) were added by act Mar. 7, 1941, § 8 (a), (b), and (c), respectively, cited to text, eff Oct 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

EFFECTIVE DATE

Section 228 (f) of Act Oct 21, 1942, cited to text, provided as follows: "(f) The amendments made by this section (to sections 712 (d), 713 (a) (1) (A), 740, 741 (a), 742, 743) shall be applicable only to the computation of the tax for taxable years beginning after December 31, 1941, except that (1) the last sentence of section 740 (c), as added by subsection (a) of this section shall be applicable to the computation of the tax for all taxable years beginning after December 31, 1939, and (2) if a taxpayer, within the time and in the manner and subject to such regulations as the Commissioner with the approval of the Secretary prescribes, elects to have such amendments (except those which by their terms are limited to taxable years beginning after December 31, 1941, and except that re-

ferred to in clause (1)) apply retroactively to all taxable years of the taxpayer beginning after December 31, 1939, such amendments shall also be applicable to the computation of the tax for taxable years beginning after December 31, 1939."

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 741. Repealed. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, §§ 224 (b), 228 (b), 56 Stat. 920, 925.

CODIFICATION

Section, relating to allowance of excess profits credit, was from act Oct 8, 1940, 11 p. m., E S T., ch 757, title II, § 201, 54 Stat 992, as amended Mar 7, 1941, ch. 10, § 14, 55 Stat 30, eff Oct. 8, 1940, 11 p. m., E. S. T.

Subsec (a) was repealed by act Oct 21, 1942, § 228 (b) For effective date of repeal of this subsec., see note under section 740.

Subsec (b) was repealed by act Oct. 21, 1942, § 224 (b), and made applicable with respect to taxable years beginning after Dec. 31, 1939, by section 224 (c) thereof

§ 742. Supplement A average base period net income.

In the case of a taxpayer which is an acquiring corporation, its average base period net income (for the purpose of the credit computed under section 713) shall be the amount computed under section 713 or the amount of its Supplement A average base period net income, whichever is the greater. The Supplement A average base period net income shall be the amount computed without regard to subsection (h) of this section or computed under subsection (h) of this section, whichever is the greater. The Supplement A average base period net income shall be computed as follows:

(a) By ascertaining with respect to each of its base period years—

(1) The amount of its and each of its component corporation's excess profits net income for each of its and such component corporation's taxable years beginning with or within such base period year; or, in the case of each such taxable year of the taxpayer or of such component corporation, as the case may be, in which the deductions plus the credit for dividends received and the credit provided in section 26 (a) (relating to interest on certain obligations of the United States and its instrumentalities) exceeded the gross income, the amount of such excess;

(2) (A) The aggregate of the amounts of excess profits net income ascertained under paragraph (1); (B) the aggregate of the excesses ascertained under paragraph (1); and (C) the difference between the aggregates found under clause (A) and clause (B). If the aggregate ascertained under clause (A) is greater than the aggregate ascertained under clause (B), the difference shall for the purposes of subsection (b) be designated a "plus amount", and if the aggregate ascertained under clause (B) is greater than the aggregate found under clause (A), the difference shall for the purposes of subsection (b) be designated a "minus amount".

If, in the case of the taxpayer or any component corporation of the taxpayer, one and only one taxable year of the taxpayer or such component corporation, as the case may be, begins with or within such base period year and such taxable year is less than twelve months, the amount of the excess profits net income, or the amount of such excess of deductions plus the credit for dividends received and the credit provided in section 26 (a) (relating to interest on certain obligations of the United States and its instrumentalities) over gross income, as the case may be, for such taxable year, shall be placed on an annual basis in the same manner as is provided in section 711 (a) (3). If more than one taxable year of the taxpayer or such component corporation, as the case may be, begins with or within such base period year, the aggregate of the amounts of excess profits net income minus the aggregate of the excesses of deductions plus the credit for dividends received and the credit provided in section 26 (a) (relating to interest on certain obligations of the United States and its instrumentalities) over gross income, or the aggregate of such excesses minus the aggregate of the amounts of excess profits net income, as the case may be, for such taxable years shall be adjusted to such extent as the Commissioner, under regulations prescribed by him with the approval of the Secretary, prescribes as necessary in order that such base period year shall reflect income for a period of twelve months. For the purposes of this section, a taxable year of a component corporation beginning within the base period which also begins with or within the taxable year of the acquiring corporation in which the acquisition occurred, or which also begins with or within the same base period year with which or within which began such taxable year of the acquiring corporation, shall be considered a taxable year of the acquiring corporation, and such taxable year shall be considered to have begun in the base period year with which or within which such taxable year of the acquiring corporation began.

(b) By adding the plus amounts ascertained under subsection (a) (2) for each year of the base period; and

(1) If the tax under this subchapter is being computed for a taxable year not beginning after December 31, 1941, by subtracting from such sum, if for two or more years of the basis[1] period there was a minus amount, the sum of the minus amounts, excluding the greatest; or

(2) If the tax under this subchapter is being computed for a taxable year beginning after December 31, 1941, by subtracting from such sum the sum of the minus amounts. If the amount used under the preceding sentence for the lowest year is less than 75 per centum of the sum of the plus amounts reduced by the sum of the minus amounts for the other years in the base period divided by three, the amount which shall be used for such lowest year shall be 75 per centum of the amount last ascertained.

(c) By dividing the amount ascertained under subsection (b) by four.

(d) In no case shall the average base period net income be less than zero. In the case of a taxpayer which becomes an acquiring corporation in any taxable year beginning after December 31, 1939, if, on

September 11, 1940, and at all times until the taxpayer became an acquiring corporation—

(1) the taxpayer owned not less than 75 per centum of each class of stock of each of the qualified component corporations involved in the transaction in which the taxpayer became an acquiring corporation; or

(2) one of the qualified component corporations involved in the transaction owned not less than 75 per centum of each class of stock of the taxpayer, and of each of the other qualified component corporations involved in the transaction,

the average base period net income of the taxpayer shall not be less than (A) the average base period net income of that one of its qualified component corporations involved in the transaction the average base period net income of which is greatest, or (B) the average base period net income of the taxpayer computed without regard to the base period net income of any of its qualified component corporations involved in the transaction. As used in this subsection, the term "qualified component corporation" means a component corporation which was in existence on the date of the beginning of the taxpayer's base period.

(e) For the purposes of subsection (a) (1) of this section—

(1) If neither the taxpayer corporation nor any of its component corporations was actually in existence on December 31, 1936, the excess profits net income of each such corporation for each base period year at no time during which any of such corporations was actually in existence, shall (except in the case of a corporation which became a component corporation of its acquiring corporation before the beginning of the acquiring corporation's first taxable year which began in 1940) be an amount equal to 8 per centum of the excess of—

(A) in the case of any such corporation to which paragraph (2) is not applicable, the daily invested capital of such corporation for the first day of its first taxable year under this subchapter beginning in 1940 over

(B) an amount equal to the same percentage of such daily invested capital as would be applicable under section 720 in reduction of the average invested capital of such corporation for the last taxable year beginning in 1939 if such section had been applicable to such year (computed as if the admissible and inadmissible assets of any other such corporation with respect to which it became, in such taxable year, an acquiring corporation, had been held by it).

(2) In case the transaction by which a corporation became a component corporation of its acquiring corporation occurred in the last taxable year of such component corporation beginning in 1939 but on a day in a taxable year of such acquiring corporation beginning in 1940, the excess profits net income of such component corporation for each base period year described in paragraph (1) shall be an amount equal to 8 per centum of the excess of—

(A) the daily invested capital of such component corporation for such day, over

(B) an amount equal to the same percentage of such daily invested capital as would be applicable under section 720 in reduction of the average invested capital of such component corporation for the twelve-month period ending with the preceding day if such twelve-month period constituted a taxable year and such section had been applicable to such taxable year.

(3) In case any corporation described in paragraph (1) owned stock in any other such corporation on the first day of such owning corporation's first taxable year under this subchapter beginning in 1940, the amounts computed under subparagraphs (A) and (B) of paragraphs (1) and (2) with respect to such corporations shall be adjusted, under regulations prescribed by the Commissioner with the approval of the Secretary, to such extent as may be necessary to prevent the excess profits net income of such corporations for the base period years described in paragraph (1) from reflecting money or property having been paid in by either of such corporations to the other for stock or as paid-in surplus or as a contribution to capital, or from reflecting stock of either having been paid in for stock of the other or as paid-in surplus or as a contribution to capital. For the purposes of this paragraph, stock in either such corporation which has in the hands of the other corporation a basis determined with reference to the basis of stock previously acquired by the issuance of such other corporation's own stock shall be deemed to have been paid in for the stock of such other corporation.

(4) In determining whether, for any taxable year, the deductions plus the credit for dividends received and the credit provided in section 26 (a) (relating to interest on certain obligations of the United States and its instrumentalities) exceeded the gross income, and in determining the amount of such excess, the adjustments provided in section 711 (b) (1) shall be made.

(f) (1) If, after December 31, 1935—

(A) the taxpayer acquired stock in another corporation, and thereafter such other corporation became a component corporation of the taxpayer, or

(B) a corporation (hereinafter called "first corporation") acquired stock in another corporation (hereinafter called "second corporation"), and thereafter the first and second corporations became component corporations of the taxpayer,

then to the extent that the consideration for such acquisition was not the issuance of the taxpayer's or first corporation's, as the case may be, own stock, the Supplement A average base period net income of the taxpayer shall be reduced, and the transferred capital addition and reduction adjusted, in respect of the income and capital addition and reduction of the corporation whose stock was so acquired and in respect of the income and capital addition and reduction of any other corporation which at the time of such acquisition was connected directly or indirectly through stock ownership with the corporation whose stock was so acquired and which thereafter became a component corporation of the taxpayer, in such amounts and in such manner as shall be determined

in accordance with regulations prescribed by the Commissioner with the approval of the Secretary. For the purposes of this paragraph, stock which has, in the hands of the taxpayer or first corporation, as the case may be, a basis determined with reference to the basis of stock previously acquired by the issuance of the taxpayer's or first corporation's, as the case may be, own stock, shall be considered as having been acquired in consideration of the issuance of the taxpayer's or first corporation's, as the case may be, own stock.

(2) If during the taxable year for which tax is computed under this subchapter the taxpayer acquires assets in a transaction which constitutes it an acquiring corporation, the amount includible under subsection (a), attributable to such transaction, shall be limited to an amount which bears the same ratio to the amount computed without regard to this subsection as the number of days in the taxable year after such transaction bears to the total number of days in such taxable year.

(g) In the case of a partnership which is a component corporation by virtue of section 740 (b) (5), the computations required by this Supplement shall be made, under rules and regulations prescribed by the Commissioner with the approval of the Secretary, as if such partnership had been a corporation. For the purpose of such computations, in making the adjustment for income taxes required by section 711 (b) (1) (A), the partnership so regarded as a corporation shall be considered as having distributed all its net income as a dividend.

(h) Increased earnings in last half of base period—(1) General rule.

The Supplement A average base period net income determined under this subsection shall be computed by ascertaining for each half of the base period the sum of the plus amounts determined under subsection (a) reduced if for any year in such half a minus amount was determined by the minus amount for such year. If the amount ascertained for the second half exceeds the amount ascertained for the first half, the Supplement A average base period net income shall be the sum, divided by two, of the amount so ascertained for the second half plus one-half of such excess, except that it shall not exceed the largest plus amount determined under subsection (a) with respect to any base period year.

(2) Limitation on amount includible for certain taxable years ending after May 31, 1940.

For the purposes of this subsection the excess profits net income of any corporation for any taxable year beginning in 1939 and ending after May 31, 1940, shall in no case exceed an amount computed as follows:

(A) By reducing the excess profits net income by an amount which bears the same ratio thereto as the number of months after May 31, 1940, bears to the total number of months in such taxable year; and

(B) By adding to the amount ascertained under subparagraph (A) an amount which bears the same ratio to the excess profits net income for the last preceding taxable year as such number of months after May 31, 1940, bears to the number of months in such preceding year. The amount added under this subparagraph shall not exceed the amount of the excess profits net income for such last preceding taxable year.

(C) If the number of months in such preceding taxable year is less than such number of months after May 31, 1940, by adding to the amount ascertained under subparagraph (B) an amount which bears the same ratio to the excess profits net income for the second preceding taxable year as the excess of such number of months after May 31, 1940, over the number of months in such preceding taxable year bears to the number of months in such second preceding taxable year. (As amended Mar. 7, 1941, ch. 10, §§ 8 (d), 15, 55 Stat. 25, 30; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 228 (c), 56 Stat. 925.)

[1] So in original. Probably should read "base".

AMENDMENTS

1942—Act Oct 21, 1942, cited to text, amended section in its entirety.

1941—Opening paragraph was amended by act Mar. 7, 1941, § 15, cited to text, eff. Oct. 8, 1940, 11 p m, E. S. T., by section 17 of that act.

Subsec (g) was added by act Mar. 7, 1941, § 8 (d), cited to text, eff. Oct 8, 1940, 11 p. m., E S T., by section 17 of that act.

EFFECTIVE DATE

Section 228 (f) of act Oct 21, 1942, cited to text, provided as follows: "(f) The amendments made by this section (to sections 712 (d), 713 (a) (1) (A), 740, 741 (a), 742, 743) shall be applicable only to the computation of the tax for taxable years beginning after December 31, 1941, except that (1) the last sentence of section 740 (c), as added by subsection (a) of this section shall be applicable to the computation of the tax for all taxable years beginning after December 31, 1939, and (2) if a taxpayer, within the time and in the manner and subject to such regulations as the Commissioner with the approval of the Secretary prescribes, elects to have such amendments (except those which by their terms are limited to taxable years beginning after December 31, 1941, and except that referred to in clause (1)) apply retroactively to all taxable years of the taxpayer beginning after December 31, 1939, such amendments shall also be applicable to the computation of the tax for taxable years beginning after December 31, 1939."

Act Mar 7, 1941, cited to text, was made effective as of Oct. 8, 1940, 11 p. m., E S T., by section 17 thereof

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 743. Net capital changes—(a) Taxpayer using this supplement.

For the purposes of section 713 (g), if the transaction which constitutes the taxpayer an acquiring corporation occurs in a taxable year of the taxpayer which begins after December 31, 1939, and the taxpayer's average base period net income is computed under section 742, the following rules shall apply in computing the daily capital addition and reduction of the taxpayer for each day after such transaction:

(1) The transferred capital addition or reduction of the component corporation shall be treated as if it were a capital addition or reduction, as the case may be, of the taxpayer.

(2) The transferred capital addition of the component corporation shall be its daily capital addition as of the time immediately before the transaction (computed under section 713 (g), but without regard to its reduction under the fourth sentence of paragraph (3) on account of excluded capital, but with the application of paragraph (6) of this subsection).

(3) The transferred capital reduction of the component corporation shall be its daily capital reduction as of the time immediately before the transaction (computed under section 713 (g) but with the application of paragraph (7) of this subsection).

(4) In computing the daily capital addition of the taxpayer, money or property paid in to the taxpayer by any of its component corporations, and property consisting of stock in any such component corporation paid in by shareholders of such component corporation, shall be disregarded.

(5) In computing the daily capital reduction of the taxpayer, distributions by the taxpayer to any of its component corporations not out of earnings and profits shall be disregarded.

(6) In computing the transferred capital addition of the component corporation, money or property paid in to such component corporation by the taxpayer or any other component corporation and property consisting of stock in the taxpayer or any other component corporation paid in by shareholders of the taxpayer or other component corporation, shall be disregarded.

(7) In computing the transferred capital reduction of the component corporation, distributions by such component corporation to the taxpayer or any other component corporation shall be disregarded.

(8) The daily capital addition of the taxpayer to which any amount is added under paragraph (1) shall be the amount thereof computed before its reduction under the fourth sentence of section 713 (g) (3) on account of excluded capital.

(b) Rule where acquiring corporation is component of taxpayer.

In cases where an acquiring corporation is a component of the taxpayer, and the transaction which constitutes such corporation an acquiring corporation occurs in a taxable year of such corporation which begins after December 31, 1939, for the purpose of determining the daily capital addition or reduction of the taxpayer the above rules shall be applied in a similar manner to determine the daily capital addition or reduction of such acquiring corporation for each day after such transaction. (As amended Mar. 7, 1941, ch. 10, § 4 (d), 55 Stat. 21; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 228 (d), 56 Stat. 930.)

AMENDMENTS

1942—Act Oct. 21, 1942, cited to text, amended section in its entirety.

1941—Subsec. (a) was amended by act Mar. 7, 1941, cited to text, eff. Oct. 8, 1940, 11 p. m., E. S. T., by section 17 of that act.

EFFECTIVE DATE

Section 228 (f) of act Oct. 21, 1942, cited to text, provided as follows: "(f) The amendments made by this section (to sections 712 (d), 713 (a) (1) (A), 740, 741 (a), 742, 743) shall be applicable only to the computation of the tax for taxable years beginning after December 31, 1941, except that (1) the last sentence of section 740 (c), as added by subsection (a) of this section shall be applicable to the computation of the tax for all taxable years beginning after December 31, 1939, and (2) if a taxpayer, within the time and in the manner and subject to such regulations as the Commissioner with the approval of the Secretary prescribes, elects to have such amendments (except those which by their terms are limited to taxable years beginning after December 31, 1941, and except that referred to in clause (1)) apply retroactively to all taxable years of the taxpayer beginning after December 31, 1939, such amendments shall also be applicable to the computation of the tax for taxable years beginning after December 31, 1939."

Act Mar. 7, 1941, cited to text, was made effective as of Oct. 8, 1940, 11 p. m., E. S. T., by section 17 thereof.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 744. Foreign corporations.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

SUPPLEMENT B—HIGHEST BRACKET AMOUNT AND INVESTED CAPITAL

§§ 750, 751.

INAPPLICABILITY TO TAXABLE YEARS BEGINNING AFTER 1941

Act Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 229 (b), 56 Stat. 931, provided that these sections shall not apply to any taxable year beginning after Dec. 31, 1941.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 752. Repealed. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 229 (a) (1), 56 Stat. 931, eff. as of Oct. 8, 1940.

SUPPLEMENT C—INVESTED CAPITAL IN CONNECTION WITH CERTAIN EXCHANGES AND LIQUIDATIONS (NEW)

AMENDMENTS

This Supplement was added by act Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 230 (a), 56 Stat. 932, and was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

§ 760. Exchanges—(a) Definitions, etc.

For the purposes of this section—

(1) "Exchange", "transferor", and "transferee."

The term "exchange" means a transaction by which one corporation (hereinafter called "transferee") receives property of another corporation (hereinafter called "transferor") and the basis of the property received, in the hands of the transferee, for the purposes of section 718 (a) is determined by reference to the basis in the hands of the transferor.

(2) Determination of basis of property received.

The basis, in the hands of the transferee, of the property of the transferor received by the transferee upon the exchange shall be determined in accordance with section 718 (a).

(b) Rule.

In the application of section 718 (a) to a transferee upon an exchange in determining the amount paid in for stock of the transferee, or as paid-in surplus or as a contribution to capital of the transferee, in connection with such exchange, only an amount shall be deemed to have been so paid in equal to the excess of the basis in the hands of the transferee of the property of the transferor received by the transferee upon the exchange over the sum of—

(1) The amount of any liability of the transferor assumed upon the exchange and of any liability subject to which such property was so received, plus

(2) The amount of any liability of the transferee (not arising out of any liability described in paragraph (1)) constituting consideration for the property so received, plus

(3) The aggregate of the amount of any money and the fair market value of any other property (other than such stock and other than property described in paragraphs (1) and (2)) transferred to the transferor.

(c) Reduction in daily invested capital.

In the application of section 717 to a transferee upon an exchange, the daily invested capital for any day after such exchange shall be reduced by an amount equal to the amount by which the sum of the amounts specified in paragraphs (1), (2), and (3) of subsection (b) exceeds the basis in the hands of the transferee of the property of the transferor received upon the exchange. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 230 (a), 56 Stat. 932.)

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof, except that section 230 (d) thereof provided that "The amendments made by this section, inserting section 760 and section 761, shall also be applicable in the computation of the tax for all taxable years beginning after December 31, 1939, if the taxpayer, within the time and in the manner and subject to such regulations as the Commissioner, with the approval of the Secretary, prescribes, elects to have either or both of such amendments apply. For any taxable year for which the provisions of section 760 are applied retroactively, the amendment made by subsection (b) (2) of this section to section 719 (a) (1) shall also apply In case the provisions of section 761 are applied retroactively, the provisions of section 718 (a) (5), section 718 (b) (4), and section 718 (c) (4) shall not apply in such computations."

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 761. Invested capital adjustment at the time of tax-free intercorporate liquidations—(a) Definition of intercorporate liquidation.

As used in this section, the term "intercorporate liquidation" means the receipt (whether or not after December 31, 1941) by a corporation (hereinafter called the "transferee") of property in complete liquidation of another corporation (hereinafter called the "transferor") to which

(1) the provisions of section 112 (b) (6), or the corresponding provision of a prior revenue law, is applicable or

(2) a provision of law is applicable prescribing the nonrecognition of gain or loss in whole or in part upon such receipt (including a provision of the regulations applicable to a consolidated income or excess profits tax return but not including section 112 (b) (7), (9), or (10) or a corresponding provision of a prior revenue law),

but only if none of such property so received is a stock or a security in a corporation the stock or securities of which are specified in the law applicable to the receipt of such property as stock or securities permitted to be received (or which would be permitted to be received if they were the sole consideration) without the recognition of gain.

(b) Definition of plus adjustment and minus adjustment.

For the purposes of this section—

(1) Plus adjustment.

The term "plus adjustment" means the amount, with respect to an intercorporate liquidation, determined to be equal to the amount by which the aggregate of the amount of money received by the transferee in such intercorporate liquidation, and of the adjusted basis at the time of such receipt of all property (other than money) so received, exceeds the sum of—

(A) the aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

(B) the aggregate of the liabilities of the transferor assumed by the transferee in connection with the receipt of such property, of the liabilities (not assumed by the transferee) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the transferee for such property so received.

(2) Minus adjustment.

The term "minus adjustment" means the amount, with respect to an intercorporate liquidation, determined to be equal to the amount by which the sum of—

(A) the aggregate of the adjusted basis of each share of stock with respect to which such property was received; such adjusted basis of each share to be determined immediately prior to the receipt of any property in such liquidation with respect to such share, and

(B) the aggregate of the liabilities of the transferor assumed by the transferee in connection with the receipt of such property, of the liabilities (not assumed by the transferee) to which such property so received was subject, and of any other consideration (other than the stock with respect to which such property was received) given by the transferee for such property so received

exceeds the aggregate of the amount of the money so received and of the adjusted basis, at the time of receipt, of all property (other than money) so received.

(3) Rules for application of paragraphs (1) and (2).

In determining the plus adjustment or minus adjustment with respect to any share, the computation shall be made in the same manner as is prescribed in paragraphs (1) and (2) of this subsection, except that there shall be brought into account only that part of each item which is determined to be attributable to such share.

(c) Rules for the application of this section—(1) Stock having cost basis.

The property received by a transferee in an intercorporate liquidation attributable to a share of stock having in the hands of the transferee a basis determined to be a cost basis, shall be considered to have, for the purposes of subsection (b), an adjusted basis at the time so received determined as follows:

(A) The aggregate of the property (other than money) held by the transferor at the time of the acquisition by the transferee of control of the transferor (or, if such share was acquired after the acquisition of such control, at the time of the acquisition of such share, or, if such control was not acquired, at the time immediately prior to the receipt of any property in the intercorporate liquidation in respect of such share) shall be deemed to have an aggregate basis equal to the amount obtained by (i) multiplying the amount of the adjusted basis at such time of such share in the hands of the transferee by the aggregate number of share units in the transferor at such time (the interest represented by such share being taken as the share unit), and (ii) adjusting for the amount of money on hand and the liabilities of the transferor at such time.

(B) The basis which property of the transferor is deemed to have under subparagraph (A) at the time therein specified shall be used in determining the basis of property subsequently acquired by the transferor the basis of which is determined with reference to the basis of property specified in subparagraph (A).

(C) The basis which property of the transferor is deemed to have under subparagraphs (A) and (B) at the time therein specified shall be used in determining all subsequent adjustments to the basis of such property.

(D) The property so received by the transferee shall be deemed to have, at the time of its receipt, the same basis it is deemed to have under the foregoing provisions of this paragraph in the hands of the transferor, or in the case of property not specified in subparagraph (A) or (B), the same basis it would have had in the hands of the transferor.

(E) Only such part of the aggregate property received by the transferee in the intercorporate liquidation as is attributable to such share shall be considered as having the adjusted basis which property is deemed to have under subparagraphs (A), (B), (C), and (D) of this paragraph.

(2) Basis of stock not a cost basis.

The property received by a transferee in an intercorporate liquidation attributable to a share of stock having in the hands of the transferee a basis determined to be a basis other than a cost basis shall, for the purposes of subsection (b), be considered to have, at the time of its receipt, the basis it would have had had the first sentence of section 113 (a) (15) been applicable.

(3) Definition of control.

As used in this subsection, the term "control" means the ownership of stock possessing at least 80 per centum of the total combined voting power of all classes of stock entitled to vote and the ownership of at least 80 per centum of the total number of shares of all other classes of stock (except nonvoting stock which is limited and preferred as to dividends), but only if in both cases such ownership continues until the completion of the intercorporate liquidation.

(d) Adjustment of equity invested capital.

If property is received by the transferee in an intercorporate liquidation, in computing the equity invested capital of the transferee for any day following the completion of such intercorporate liquidation—

(1) with respect to any share of stock in the transferor having in the hands of the transferee, immediately prior to the receipt of any property in such intercorporate liquidation, a basis determined to be a cost basis, the earnings and profits or deficit in earnings and profits of the transferee shall be computed as if on the day following the completion of such intercorporate liquidation the transferee had realized a recognized gain equal to the amount of the plus adjustment in respect of such share, or had sustained a recognized loss equal to the amount of the minus adjustment in respect of such share;

(2) with respect to any share of stock in the transferor having in the hands of the transferee, immediately prior to the receipt of any property in such intercorporate liquidation, a basis determined to be a basis other than a cost basis, there shall be treated as an amount includible in the sum specified in section 718 (a) the amount of the plus adjustment with respect to such share, or as an amount includible in the sum specified in section 718 (b) the amount of the minus adjustment with respect to such share.

(e) Invested capital basis.

The adjusted basis which property received by the transferee in an intercorporate liquidation is considered to have under the provisions of subsection (c) at the time of its receipt shall be thereafter treated as the adjusted basis, in lieu of the adjusted basis otherwise prescribed, in computing any amount, determined by reference to the basis of such property in the hands of the transferee, entering into the computation of the invested capital of the transferee, or of any other corporation the computation of the invested capital of which is determined by reference to the basis of such property in the hands of the transferee.

(f) Statutory mergers and consolidations.

If a corporation owns stock in another corporation and such corporations are merged or consolidated

in a statutory merger or consolidation, then for the purposes of this section and section 718 such stock shall be considered to have been acquired (in such statutory merger or consolidation) by the corporation resulting from the statutory merger or consolidation, and the properties of such other corporation attributable to such stock to have been received by such resulting corporation as a transferee from such other corporation as a transferor in an intercorporate liquidation.

(g) Determinations—(1) Regulations.

Any determination which is required to be made under this section (including determinations in applying this section in cases where there is a series of transferees of the property and cases where the stock of the transferor is acquired by the transferee from another corporation, and the determinations of the basis and adjusted basis which property or items thereof have or are considered to have) shall be made in accordance with regulations which shall be prescribed by the Commissioner with the approval of the Secretary. If the transferor or the transferee is a foreign corporation, the provisions of this section shall apply to such extent and under such conditions and limitations as may be provided in such regulations.

(2) Application to liquidation extending over long period.

The Commissioner is authorized to prescribe rules similar to those provided in this section with respect to the days within the period beginning with the date on which the first property is received in the intercorporate liquidation and ending with the day of its completion; and the extent to which, and the conditions and limitations under which, such rules are to be applicable. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 230 (a), 56 Stat. 932.)

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof; except that section 230 (d) thereof provided "The amendments made by this section, inserting section 760 and section 761, shall also be applicable in the computation of the tax for all taxable years beginning after December 31, 1939, if the taxpayer, within the time and in the manner and subject to such regulations as the Commissioner, with the approval of the Secretary, prescribes, elects to have either or both of such amendments apply. For any taxable year for which the provisions of section 760 are applied retroactively, the amendment made by subsection (b) (2) of this section to section 719 (a) (1) shall also apply. In case the provisions of section 761 are applied retroactively, the provisions of section 718 (a) (5), section 718 (b) (4), and section 718 (c) (4) shall not apply in such computations."

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

PART III.—POST-WAR REFUND OF EXCESS PROFITS TAX (NEW)

AMENDMENTS

This part was added by act Oct 21, 1942, 4:30 p. m., E. W T, ch 619, title II, § 250, 56 Stat 936, and was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

§ 780. Post-war refund of excess profits tax—(a) In general.

The Secretary of the Treasury is authorized and directed to establish a credit to the account of each taxpayer subject to the tax imposed under this subchapter, for each taxable year ending after December 31, 1941 (except in the case of a taxable year beginning in 1941 and ending before July 1, 1942), and not beginning after December 31, 1943, of an amount equal to 10 per centum of the tax imposed under this subchapter for each such taxable year. For the purposes of this part, in the case of a taxpayer whose tax is determined under section 710 (a) (3), the term "tax imposed under this subchapter" means the portion of the tentative tax determined under section 710 (a) (3) (B).

(b) Application of credit to purchase of bonds.

Within three months after the payment of the amount of the excess profits tax shown on the return for a taxable year to which subsection (a) applies (or, if such taxable year begins or ends in 1942, within one year after payment of the excess-profits tax shown on the return for such year), if the payment is made before July 1, 1945, there shall be issued to and in the name of the taxpayer bonds of the United States in an aggregate amount equal to 10 per centum of the tax paid in respect of which a credit is provided under subsection (a), and the credit established under subsection (a) for such taxable year is hereby made available for the purchase of such bonds.

(c) Terms and maturity of bonds.

The bonds provided for in subsection (a) shall be issued under the authority and subject to the provisions of the Second Liberty Bond Act, as amended,[1] and the purposes for which bonds may be issued under such Act[1] are extended to include the purposes for which bonds are required to be issued under this section. Such bonds shall bear no interest, shall be nonnegotiable, and shall not be transferable by sale, exchange, assignment, pledge, hypothecation, or otherwise, except to a successor as defined in subsection (g), on or before the date of cessation of hostilities in the present war, but after said date, such bonds shall be negotiable, and may be sold, exchanged, pledged, assigned, hypothecated, or otherwise transferred, without restriction, and shall be redeemable (at the option of the United States) in whole or in part upon three months' notice. Such bonds for any taxable year to which this section applies shall be payable at the option of the owner on or after January 1, 1946, and shall mature on the last day of that calendar year, beginning after the date of cessation of hostilities in the present war, which is shown in the following table to be applicable to such bonds for such year:

Bonds purchased with the credit for any taxable year beginning:	Calendar year (beginning after cessation of hostilities) on last day of which bonds mature
Within the calendar year 1941 or 1942	2nd
Within the calendar year 1943	3rd

(d) Exemption of proceeds from tax.

The proceeds of any such bond paid to the taxpayer upon redemption shall not be included in gross income.

(e) Date of cessation of hostilities in the present war.

As used in this section, the term "date of cessation of hostilities in the present war" means the date on which hostilities in the present war between the United States and the governments of Germany, Japan, and Italy cease, as fixed by proclamation of the President or by concurrent resolution of the two Houses of Congress, whichever date is earlier, or in case the hostilities between the United States and such governments do not cease at the same time, such date as may be so fixed as an appropriate date for the purposes of this section.

(f) Rights and liabilities of successors of taxpayer.

Subject to, and to the extent provided in, regulations prescribed by the Secretary, a successor of the taxpayer shall succeed to all the rights and liabilities of the taxpayer under this part.

(g) Definition of "successor".

For the purposes of this part the term "successor" means such person or persons who succeed, either directly or through one or more other persons, to ownership of property of the taxpayer, as the Secretary may by regulations prescribe. (Added Oct 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 250, 56 Stat. 936, amended Mar. 31, 1943, ch. 31, § 2, 57 Stat. 56; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title II, § 250 (a–d), 58 Stat. 58; July 31, 1945, ch. 340, § 3 (a–c), 59 Stat. 518.)

[1] Sections 747, 752–754, 757, 758, 760, 764–766, 769, 771, 773, 774, and 801 of Title 31, Money and Finance.

AMENDMENTS

1945—Subsec. (a) amended by act July 31, 1945, cited to text, which struck out "the date of cessation of hostilities in the present war" and substituted in lieu thereof "December 31, 1943," in first sentence.

Subsec. (b) amended by act July 31, 1945, cited to text, which struck out "three months before the date of maturity of bonds for such year under subsection (c)" and inserted in lieu thereof "July 1, 1945"

Subsec. (c) amended by act July 31, 1945, cited to text, which inserted "shall be payable at the option of the owner on or after January 1, 1946, and" following "to which this section applies" in sentence immediately preceding table, and struck last two lines of table

1944—Subsec. (a) amended by act Feb. 25, 1944, cited to text, which omitted "excess of the tax imposed by such section 710 (a) (3) over the tax that would be imposed if such section 710 (a) (3) were not applicable" and inserted in lieu thereof "the portion of the tentative tax determined under section 710 (a) (3) (B)" in last sentence.

Subsec. (c) amended by act Feb. 25, 1944, cited to text, which inserted "except to a successor as defined in subsec. (g)," following "pledge, hypothecation, or otherwise".

Subsec. (d) amended by act Feb 25, 1944, cited to text, which inserted "paid to the taxpayer" following "such bond".

Subsecs. (f) and (g) added by act Feb. 25, 1944, cited to text.

1943—Subsec. (b) was amended by act Mar. 31, 1943, cited to text, which added, "or, if such taxable * * * for such year".

EFFECTIVE DATE

Section 250 (g) of act Feb. 25, 1944, cited to text, provided as follows: "The amendments made by subsections (b) [to section 780 (c)], (c) [to section 780 (d)], and (d) [adding subsecs. (f), (g) to section 780], and the amendments made by subsection (e) [to section 781 (b)], (except with respect to credits or refunds made on or prior to the date of the enactment of this Act [Feb 25, 1944, 12:49 p m., E. W T.]) shall be effective as if made by section 250 of the Revenue Act of 1942 [sections 780–783 of this title]. The amendment made by subsection (a) [to section 780 (a)], and the amendment made by subsection (f) inserting a new paragraph (2) of section 781 (d) of the Internal Revenue Code, shall be applicable with respect to taxable years beginning in 1941 and ending after June 30, 1942 The amendment made by subsection (f) inserting a new paragraph (3) of section 781 (d) of the Internal Revenue Code shall be applicable with respect to taxable years beginning in 1943 and ending in 1944"

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 781. Special rules for application of section 780—(a) Effect of deficiencies.

If a deficiency in respect of the excess profits tax for any taxable year for which a credit is provided in section 780 (a) is paid by the taxpayer before July 1, 1945, an amount of such credit equal to 10 per centum of the excess of the tax imposed by this subchapter on the basis of which the deficiency was determined, over the tax imposed by this subchapter as previously computed and paid shall be available, as provided in section 780 (b), for the purchase of bonds as provided under such section, and there shall be issued to the taxpayer bonds under such section in an amount equal to such excess and with the same maturity as in the case of bonds issued with respect to the taxable year with respect to which the deficiency is determined.

(b) Effect of refunds.

In the case of an overpayment of the tax imposed by this subchapter for any taxable year for which a credit is provided in section 780 (a), the credit, if any, provided in such section for such taxable year existing in favor of the taxpayer shall be reduced by an amount equal to 10 per centum of the excess of the tax imposed by this subchapter on the basis of which such tax (in respect of which the internal revenue refund or credit is made) was previously computed and paid, over the tax imposed by this subchapter as determined in connection with the determination of the amount of the overpayment. In such a case, if such credit provided in section 780 (a) for such taxable year is less than the amount by which it is required to be reduced, or if there is no such credit then existing in favor of the taxpayer, the excess of such amount over the amount of such credit, if any, shall constitute a charge against the taxpayer to be applied in reduction of the amount of the bonds previously issued to the taxpayer under section 780 (b) with respect to such taxable year. If the bonds issued with respect to such taxable year are not made available for the purpose of such reduction or the amount of such bonds so made available

is less than the amount of such charge, such charge or the excess of such charge over the amount of such bonds so made available, as the case may be, shall be applied at the time of the credit or refund (or as of January 1, 1946, if that time is earlier) in reduction of the amount of the credit or refund of the overpayment of the tax.

(c) Tax payments after cut-off date.

In the case of a payment of the tax imposed by this subchapter shown on the return for any taxable year for which a credit is provided in section 780 (a), or the payment of a deficiency in respect of such tax for any such taxable year, on or after July 1, 1945, the amount of the credit under section 780 (a) for such taxable year attributable to such payment shall be paid the taxpayer in cash. No interest for the period after December 31, 1945, shall be assessed or collected on that portion of the tax or deficiency so paid equal to the credit under section 780 (a) attributable to such payment. If after January 1, 1946, there is any credit under section 780 (a) remaining in favor of the taxpayer attributable to any taxable year for which a credit is provided in section 780 (a), such remainder shall be paid to the taxpayer in cash. No amount of any payment made under this subsection to a taxpayer shall be included in gross income.

(d) Limitation—(1) General rule.

The credit under section 780 (a) for any taxable year shall not be greater than the excess of the amount of the tax paid under this subchapter to the United States (and not credited or refunded under the internal revenue laws) in respect of such year over the amount of tax which would be payable to the United States if the excess profits tax rate were 85½ per centum, or, if the limitation of section 710 (a) (1) (B) is applicable, if the amount determined under such section were reduced by 10 per centum.

(2) Special rule in case of fiscal years beginning in 1941 and ending after June 30, 1942.

In the case of a taxable year beginning in 1941 and ending after June 30, 1942, the credit under section 780 (a) for such taxable year shall not be greater than the excess of the tax paid under this subchapter to the United States for such taxable year (and not credited or refunded under the internal revenue laws) over the amount of tax which would be payable to the United States under this subchapter if the portion of the tentative tax determined under section 710 (a) (3) (B) were reduced by 10 per centum.

(3) Special rule in case of certain fiscal years beginning in 1943.

In the case of a taxable year beginning in 1943 and ending in 1944, the credit under section 780 (a) for such taxable year shall not be greater than the excess of the tax paid under this subchapter to the United States for such taxable year (and not credited or refunded under the internal revenue laws) over the amount which would be payable to the United States if—

(A) in the computation under section 710 (a) (6) (A) the excess profits tax rate were 81 per centum, or, in case the limitation of section 710 (a) (1) (B) is applicable in such computation, if the amount determined under such section 710 (a) (1) (B) were reduced by 10 per centum, and

(B) in the computation under section 710 (a) (6) (B) the excess profits tax rate were 85½ per centum, or, in case the limitation of section 710 (a) (1) (B) is applicable in such computation, if the amount determined under such section 710 (a) (1) (B) were reduced by 10 per centum.

(Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 250, 56 Stat. 936, amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title II, § 250 (c, f), 58 Stat. 59; July 31, 1945, ch. 340, § 3 (d–f), 59 Stat. 518.)

AMENDMENTS

1945—Subsec (a) amended by act July 31, 1945, cited to text, which struck out "three months before the date of maturity of the bonds for such years" and inserted in lieu thereof "July 1, 1945" following "by the taxpayer before".

Subsec (b) amended by act July 31, 1945, cited to text, which struck out "the time of the maturity of bonds issued with respect to such taxable year" and substituted in lieu thereof "January 1, 1946" within parenthesis in last sentence.

Subsec. (c) amended generally by act July 31, 1945, cited to text, to reflect amendments made to subsec (a) and (b).

1944—Subsec. (b) amended generally by act Feb. 25, 1944, cited to text.

Subsec. (d) amended by act Feb 25, 1944, cited to text, which added pars. (2) and (3), and numbered first par. (1).

EFFECTIVE DATE

Section 250 (g) of act Feb 25, 1944, cited to text, provided as follows: "The amendments made by subsections (b) [to section 780c], (c) [to section 780d], and (d) [adding subsecs. (f), (g) to section 780], and the amendments made by subsection (c) [to section 781 (b)] (except with respect to credits or refunds made on or prior to the date of the enactment of this act [Feb. 25, 1944, 12·49 p m, E. W T.]) shall be effective as if made by section 250 of the Revenue Act of 1942 [sections 780–783 of this title]. The amendment made by subsection (a) [to section 780 (a)], and the amendment made by subsection (f) inserting a new paragraph (2) of section 781 (d) of the Internal Revenue Code, shall be applicable with respect to taxable years beginning in 1941 and ending after June 30, 1942. The amendment made by subsection (f) inserting a new paragraph (3) of section 781 (d) of the Internal Revenue Code shall be applicable with respect to taxable years beginning in 1943 and ending in 1944."

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 782. Regulations.

The Secretary of the Treasury is authorized to prescribe, from time to time, such rules and regulations as may be necessary to carry out the preceding provisions of this Part. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 250, 56 Stat. 938.)

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 783. Credit for debt retirement—(a) General rule.

An amount equal to 40 per centum of the amounts paid during the taxable year in repayment of the principal of indebtedness shall, at the election of the taxpayer made in its return for such year, be allowed as a credit against the tax for such year imposed by this subchapter.

(b) Limitations.

The credit under subsection (a) with respect to any taxable year shall in no event exceed whichever of the following amounts is the lesser—

(1) An amount equal to 10 per centum of the tax imposed under this subchapter for the taxable year.

(2) An amount equal to 40 per centum of the amount by which (A) the amount of indebtedness as of September 1, 1942, or (B) the smallest amount of indebtedness as of the close of any preceding taxable year ending after September 1, 1942, whichever amount is the lesser, exceeds the amount of indebtedness as of the close of the taxable year.

(3) In case such taxable year begins in 1942 prior to September 2, 1942, and ends after September 1, 1942, an amount equal to 40 per centum of the amount by which the amount of indebtedness as of September 1, 1942, exceeds the amount of indebtedness as of the close of the taxable year.

(4) In case such taxable year begins in 1941 or ends before September 1, 1942, zero.

No interest shall be allowed or paid by the United States on account of any overpayment of tax attributable to any credit allowed under this section.

(c) Reduction of credit and of bonds outstanding under section 780.

If a credit is allowed for debt repayment in a taxable year pursuant to this section, the amount of such credit or refund shall be deducted from the credit under section 780 (a) and the amount of bonds issued under section 780 shall, to the extent necessary, be correspondingly adjusted.

(d) Definition of indebtedness.

For the purposes of this section the term "indebtedness" means any indebtedness of the taxpayer or for which the taxpayer is liable evidenced by a bond, note, debenture, bill of exchange, certificate, or other evidence of indebtedness, mortgage, or deed of trust.

(e) Taxable years beginning after December 31, 1943.

The provisions of this section shall not apply to taxable years beginning after December 31, 1943. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title II, § 250, 56 Stat. 938, amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title II, § 251 (a), 58 Stat. 60; July 31, 1945, ch. 340, § 3 (g), 59 Stat. 519.)

AMENDMENTS

1945—Subsec. (e) added by act July 1, 1945, cited to text.

1944—Subsec. (b) (2) amended generally by act Feb. 25, 1944, cited to text.

EFFECTIVE DATE

Act Feb 25, 1944, § 251 (a) was made applicable to taxable years beginning after Sept. 1, 1942, by section 251 (b) thereof.

Act Oct. 21, 1942, cited to text, was made applicable to taxable years beginning after Dec. 31, 1941, by section 201 thereof.

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title.

ELECTION

Section 251 (c) of act Feb. 25, 1944, cited to text, provided as follows: "If by reason of the amendment made by subsection (a) [to subsec. (b) (2)] a taxpayer would be entitled, had the election provided for in section 783 (a) of the Internal Revenue Code been duly made, to take any credit under such section with respect to a taxable year ended prior to the date of the enactment of this Act [Feb. 25, 1944, 12:49 p. m., E. W. T.] in any amount to which such taxpayer would not be entitled were it not for such amendment, the election of the taxpayer to take such credit in such amount may be made within ninety days after the date of the enactment of this Act [Feb. 25, 1944, 12:49 p. m., E. W. T.]."

CROSS REFERENCES

Fiscal Year Taxpayers, computation of tax, see section 710 of this title.

Repeal of Excess Profits Tax in 1946, see note preceding section 710 of this title.

§ 784. Ten per centum credit against excess profits tax—(a) Allowance.

Against the tax imposed by this subchapter for any taxable year beginning after December 31, 1943, there shall be allowed as a credit an amount equal to 10 per centum of such tax.

(b) Special interest provision.

No interest shall be allowed or paid upon any overpayment of tax resulting from the application of subsection (a) to a taxable year ending before December 31, 1945, unless, in the return made for such taxable year, the taxpayer claims a credit under such subsection. (Added July 31, 1945, ch. 340, § 3 (h), 59 Stat. 519.)

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title.

Chapter 3.—ESTATE TAX

SUBCHAPTER A.—BASIC ESTATE TAX

PART II.—ESTATES OF CITIZENS OR RESIDENTS OF THE UNITED STATES

SUBPART I.—COMPUTATION OF TAX

§ 811. Gross estate.

* * * * *

(d) Revocable transfers.

* * * * *

(5) Transfers of community property in contemplation of death, etc.

For the purposes of this subsection and subsection (c), a transfer of property held as community property by the decedent and surviving spouse under the law of any State, Territory, or possession of the United States, or any foreign country, shall be considered to have been made by the decedent, except such part thereof as may be shown to have been received as compensation for personal services actually rendered by the surviving spouse or derived

originally from such compensation or from separate property of the surviving spouse.

(e) Joint and community interests — (1) Joint interests.

To the extent of the interest therein held as joint tenants by the decedent and any other person, or as tenants by the entirety by the decedent and spouse, or deposited, with any person carrying on the banking business, in their joint names and payable to either or the survivor, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth: *Provided*, That where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by such other person from the decedent for less than an adequate and full consideration in money or money's worth, there shall be excepted only such part of the value of such property as is proportionate to the consideration furnished by such other person: *Provided further*, That where any property has been acquired by gift, bequest, devise, or inheritance, as a tenancy by the entirety by the decedent and spouse, then to the extent of one-half of the value thereof, or, where so acquired by the decedent and any other person as joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants.

(2) Community interests.

To the extent of the interest therein held as community property by the decedent and surviving spouse under the law of any State, Territory, or possession of the United States, or any foreign country, except such part thereof as may be shown to have been received as compensation for personal services actually rendered by the surviving spouse or derived originally from such compensation or from separate property of the surviving spouse. In no case shall such interest included in the gross estate of the decedent be less than the value of such part of the community property as was subject to the decedent's power of testamentary disposition.

* * * * *

(f) Powers of appointment—(1) In general.

To the extent of any property (A) with respect to which the decedent has at the time of his death a power of appointment, or (B) with respect to which he has at any time exercised or released a power of appointment in contemplation of death, or (C) with respect to which he has at any time exercised or released a power of appointment by a disposition intended to take effect in possession or enjoyment at or after his death, or by a disposition under which he has retained for his life or any period not ascertainable without reference to his death or for any period which does not in fact end before his death (i) the possession or enjoyment of, or the right to the income from, the property, or (ii) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth.

(2) Definition of power of appointment.

For the purposes of this subsection the term "power of appointment" means any power to appoint exercisable by the decedent either alone or in conjunction with any person, except

(A) a power to appoint within a class which does not include any others than the spouse of the decedent, spouse of the creator of the power, descendants of the decedent or his spouse, descendants (other than the decedent) of the creator of the power or his spouse, spouses of such descendants, donees described in section 812 (d), and donees described in section 861 (a) (3). As used in this subparagraph, the term "descendant" includes adopted and illegitimate descendants, and the term "spouse" includes former spouse; and

(B) a power to appoint within a restricted class if the decedent did not receive any beneficial interest, vested or contingent, in the property from the creator of the power or thereafter acquire any such interest, and if the power is not exercisable to any extent for the benefit of the decedent, his estate, his creditors, or the creditors of his estate.

If a power to appoint is exercised by creating another power to appoint, such first power shall not be considered excepted under subparagraph (A) or (B) from the definition of power of appointment to the extent of the value of the property subject to such second power to appoint. For the purposes of the preceding sentence the value of the property subject to such second power to appoint shall be its value unreduced by any precedent or subsequent interest not subject to such power to appoint.

(3) Date of existence of power.

For the purposes of this subsection the power of appointment shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving of notice or even though the exercise of the power takes effect only on the expiration of a stated period after its exercise, whether or not on or before the date of the decedent's death notice has been given or the power has been exercised.

(g) Proceeds of life insurance—(1) Receivable by the executor.

To the extent of the amount receivable by the executor as insurance under policies upon the life of the decedent.

(2) Receivable by other beneficiaries.

To the extent of the amount receivable by all other beneficiaries as insurance under policies upon the life of the decedent (A) purchased with premiums, or other consideration, paid directly or indirectly by the decedent, in proportion that the amount so paid by the decedent bears to the total premiums paid for the insurance, or (B) with respect to which the decedent possessed at his death any of the incidents of ownership, exercisable either alone or in conjunction with any other person. For the purposes of

clause (A) of this paragraph, if the decedent transferred, by assignment or otherwise, a policy of insurance, the amount paid directly or indirectly by the decedent shall be reduced by an amount which bears the same ratio to the amount paid directly or indirectly by the decedent as the consideration in money or money's worth received by the decedent for the transfer bears to the value of the policy at the time of the transfer. For the purposes of clause (B) of this paragraph, the term "incident of ownership" does not include a reversionary interest.

(3) Transfer not a gift.

The amount receivable under a policy of insurance transferred, by assignment or otherwise, by the decedent shall not be includible under paragraph (2) (A) if the transfer did not constitute a gift, in whole or in part, under Chapter 4, or, in case the transfer was made at a time when Chapter 4 was not in effect, would not have constituted a gift, in whole or in part, under such chapter had it been in effect at such time.

(4) Community property.

For the purposes of this subsection, premiums or other consideration paid with property held as community property by the insured and surviving spouse under the law of any State, Territory, or possession of the United States, or any foreign country, shall be considered to have been paid by the insured, except such part thereof as may be shown to have been received as compensation for personal services actually rendered by the surviving spouse or derived originally from such compensation or from separate property of the surviving spouse; and the term "incidents of ownership" includes incidents of ownership possessed by the decedent at his death as manager of the community.

* * * * *

(k) Valuation of unlisted stock and securities.

In the case of stock and securities of a corporation the value of which by reason of their not being listed on an exchange and by reason of the absence of sales thereof, cannot be determined with reference to bid and asked prices or with reference to sales prices, the value thereof shall be determined taking into consideration, in addition to all other factors, the value of stock or securities of corporations engaged in the same or a similar line of business which are listed on an exchange.

(*l*) Cross reference.

For provision that relinquishment of marital estates shall not be deemed a consideration "in money or money's worth," see section 812 (b).

(As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, §§ 402 (a, b), 403 (a), 404 (a), 56 Stat. 941, 942, 944; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title V, § 501, 58 Stat. 71.)

AMENDMENTS

1944—Subsec. (k) amended by act Feb. 25, 1944, cited to text, which struck out "(k)" and inserted "(*l*)" and inserted new subsec. (k).

1942—Subsecs. (e) (1), (f) (1), and (g) (1) were amended and subsecs. (d) (5), (e) (2), (f) (2, 3) and (g) (2–4) were added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Amendments of subsecs. (d) (5), (e) (1, 2) and (f), by act Oct. 21, 1942, §§ 402 (a), (b), 403 (a), cited to text, were made applicable to estates of decedents dying after Oct 21, 1942, 4:30 p. m , E W. T., by section 401 thereof, except that in reference to subsec. (f), section 403 (d) of said act provided as follows:

"(1) The amendments made by this section (to sections 811 (f), 812 (d), 826 (d), 861 (a) (3)) shall not apply with respect to a power to appoint, created on or before the date of the enactment of this Act (Oct 21, 1942, 4:30 p. m., E. W. T.), which is other than a power exercisable in favor of the decedent, his estate, his creditors, or the creditors of his estate, unless such power is exercised after the date of the enactment of this Act (Oct. 21, 1942, 4:30 p. m , E W. T).

"(2) The amendments made by this section (to sections 811 (f), 812 (d), 826 (d), 861 (a) (3)) shall not become applicable with respect to a power to appoint created on or before the date of enactment of this Act (Oct 21, 1942, 4.30 p m., E W. T), which is exercisable in favor of the decedent, his estate, his creditors, or the creditors of his estate, if at such date the donee of such power is under a legal disability to release such power, until six months after the termination of such legal disability For the purposes of the preceding sentence, an individual in the military or naval forces of the United States shall, until the termination of the present war, be considered under a legal disability to release a power to appoint

"(3) The amendments made by this section [to sections 811 (f), 812 (d), 826 (d), 861 (a) (3)] shall not apply with respect to any power to appoint created on or before the date of the enactment of this Act. [Oct 21, 1942, 4:30 p. m., E W. T] if it is released before July 1, 1946, or within the time limited by paragraph (2) in cases to which such paragraph is applicable; or if the decedent dies before July 1, 1946, or within the time limited by paragraph (2) in cases to which such paragraph is applicable, and such power is not exercised " [As amended by acts Dec. 17, 1942, ch 740, 56 Stat 1054; June 9, 1943, 7 p. m., E W. T., ch. 120, § 10, 57 Stat 150; Feb. 25, 1944, 12·49 p m., E W. T., ch. 63, title V, § 505, 58 Stat. 72, Dec. 20, 1944, ch. 616, § 1, 58 Stat. 830; June 29, 1945, ch. 200, § 1, 59 Stat. 264.]

Amendment of subsec (g) by act Oct 21, 1942, § 404 (a), cited to text, was made effective by section 404 (c) thereof as follows: "(c) The amendments made by subsection (a) (to section 811 (g)) shall be applicable only to estates of decedents dying after the date of the enactment of this Act (Oct. 21, 1942, 11 30 p. m , E. W T); but in determining the proportion of the premiums or other consideration paid directly or indirectly by the decedent (but not the total premiums paid) the amount so paid by the decedent on or before January 10, 1941, shall be excluded if at no time after such date the decedent possessed an incident of ownership in the policy." (As amended by acts Dec. 17, 1942, ch. 740, 56 Stat. 1054; June 9, 1943, 7 p m , E W. T., ch 120, § 10, 57 Stat. 150.)

§ 812. Net estate.

* * * * *

(b) Expenses, losses, indebtedness, and taxes.

Such amounts—

(1) for funeral expenses,

(2) for administration expenses,

(3) for claims against the estate,

(4) for unpaid mortgages upon, or any indebtedness in respect to, property where the value of decedent's interest therein, undiminished by such mortgage or indebtedness, is included in the value of the gross estate, and

(5) reasonably required and actually expended for the support during the settlement of the estate of those dependent upon the decedent,

as are allowed by the laws of the jurisdiction, whether within or without the United States, under which the estate is being administered, but not

including any income taxes upon income received after the death of the decedent, or property taxes not accrued before his death, or any estate, succession, legacy, or inheritance taxes. The deduction herein allowed in the case of claims against the estate, unpaid mortgages, or any indebtedness shall, when founded upon a promise or agreement, be limited to the extent that they were contracted bona fide and for an adequate and full consideration in money or money's worth; except that in any case in which any such claim is founded upon a promise or agreement of the decedent to make a contribution or gift to or for the use of any donee described in subsection (d) for the purposes specified therein, the deduction for such claim shall not be so limited, but shall be limited to the extent that it would be allowable as a deduction under subsection (d) if such promise or agreement constituted a bequest. There shall be disallowed the amount by which the deductions specified in paragraphs (1), (2), (3), (4), and (5) exceed the value, at the time of the decedent's death, of property subject to claims. For the purposes of this section the term "property subject to claims" means property includible in the gross estate of the decedent which, or the avails of which, would, under the applicable law, bear the burden of the payment of such deductions in the final adjustment and settlement of the estate; and, for the purposes of this definition, the value of the property shall be reduced by the amount of the deduction under the next sentence attributable to such property. There shall also be deducted losses incurred during the settlement of estates arising from fires, storms, shipwrecks, or other casualties, or from theft, when such losses are not compensated for by insurance or otherwise, and if at the time of the filing of the return such losses have not been claimed as a deduction for income tax purposes in an income tax return.

For the purposes of this subchapter, a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, shall not be considered to any extent a consideration "in money or money's worth."

(c) Property previously taxed.

An amount equal to the value of any property (1) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (2) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from the donor by gift, or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. Property includible in the gross estate of the prior decedent under section 811 (f) and property included in total gifts of the donor under section 1000 (c) received by the decedent described in this subsection shall, for the purposes of this subsection, be considered a bequest of such prior decedent or gift of such donor. This deduction shall be allowed only where a gift tax imposed under Chapter 4, or under Title III of the Revenue Act of 1932, 47 Stat. 245, or an estate tax imposed under this chapter or any prior Act of Congress, was finally determined and paid by or on behalf of such donor, or the estate of such prior decedent, as the case may be, and only in the amount finally determined as the value of such property in determining the value of the gift, or the gross estate of such prior decedent, and only to the extent that the value of such property is included in the decedent's gross estate, and only if in determining the value of the net estate of the prior decedent no deduction was allowable under this subsection, section 861 (a) (2), or the corresponding provisions of any prior Act of Congress, in respect of the property or property given in exchange therefor.

Where a deduction was allowed of any mortgage or other lien in determining the gift tax, or the estate tax of the prior decedent, which was paid in whole or in part prior to the decedent's death, then the deduction allowable under this subsection shall be reduced by the amount so paid. The deduction under this subsection shall be reduced by an amount which bears the same ratio to the amounts allowed as deductions under subsections (a) and (d) and the amounts of general claims allowed as deductions under subsection (b) as the amount otherwise deductible under this subsection bears to property subject to general claims. If the property includible in the gross estate to which the deduction under this subsection is attributable is not wholly property subject to general claims—

(1) before the application of the preceding sentence, the amount of the deduction under this subsection shall be reduced by that part of such amount as the value, at the time of the decedent's death, of such property (to which such deduction is attributable) subject to claims but not to general claims is of the value, at the time of the decedent's death, of such property, and

(2) in the application of the preceding sentence in reducing the balance, if any, of such deduction, "the amount otherwise deductible under this subsection" shall be only that part of such amount otherwise deductible (determined without regard to clause (1) of this paragraph) as the value, at the time of the decedent's death, of such property (to which such deduction is attributable) subject to general claims is of the value, at the time of the decedent's death, of such property.

For the purposes of the two preceding sentences and this sentence, "general claims" are the amounts allowed as deductions under subsection (b) which, under the applicable law, in the final adjustment and settlement of the estate may be enforced against any property subject to claims, as defined in subsection (b), and "property subject to general claims" is the value, at the time of the decedent's death, of property subject to claims, as defined in subsection (b), reduced by the value, at the time of the decedent's death, of that part of such property against which amounts allowed as deductions under subsection (b) which are not general claims may be

enforced, under the applicable law, in the final adjustment and settlement of the estate. Where the property referred to in this subsection consists of two or more items the aggregate value of such items shall be used for the purpose of computing the deduction.

(d) Transfers for public, charitable, and religious uses.

The amount of all bequests, legacies, devises, or transfers (including the interest which falls into any such bequest, legacy, devise, or transfer as a result of an irrevocable disclaimer of a bequest, legacy, devise, transfer, or power, if the disclaimer is made prior to the date prescribed for the filing of the estate tax return or, in the case of a decedent dying on or before October 21, 1942, if the disclaimer is made prior to September 1, 1944) to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and no substantial part of the activities of such trustee or trustees, or of such fraternal society, order, or association, is carrying on propaganda, or otherwise attempting, to influence legislation. Property includible in the decedent's gross estate under section 811 (f) received by a donee described in this subsection shall, for the purposes of this subsection, be considered a bequest of such decedent. If the tax imposed by section 810, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes. The amount of the deduction under this subsection for any transfer shall not exceed the value of the transferred property required to be included in the gross estate. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, §§ 403 (b) (1), 405 (a, b), 406 (a), 407 (a), (1, 2), 408 (a), 409 (a), 56 Stat. 943, 945, 947–949; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title V, § 511 (a), 58 Stat. 74.)

AMENDMENTS

1944—Subsec. (d) amended by act Feb. 25, 1944, cited to text, which inserted "or, in the case of a decedent dying on or before October 21, 1942, if the disclaimer is made prior to September 1, 1944" following "if the disclaimer is made prior to the date prescribed for the filing of the estate tax return".

1942—Subsecs. (b)–(d) were amended by act Oct. 21, 1942, cited to text.

1941—Subsec (c) was amended by res. Mar. 17, 1941, cited to text, eff. Feb. 11, 1939, which inserted "or under Title III of the Revenue Act of 1932, 47 Stat. 245,".

EFFECTIVE DATE

Act Feb. 25, 1944, § 511 (a), cited to text, was made applicable to estates of decedents dying after Feb. 10, 1939, by section 511 (c) thereof.

Act Mar. 17, 1941, § 1, cited to text, amending subsec (a) (2), was made effective as of Feb. 10, 1939, by section 2 thereof.

Amendments of subsecs (b), (c) affecting second, third, and fourth sentences of second par. and (d) adding last clause to first sentence, by act Oct. 21, 1942, cited to text, were made applicable to estates of decedents dying after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 401 thereof

Amendment of subsec. (c), first par., by act Oct. 21, 1942, § 407 (a) (1), cited to text, and amendment of subsec (c), second par., first sentence by section 407 (a) (2) thereof, were made applicable by section 407 (c) (1, 2) thereof as follows:

"(1) The amendments made by subsection (a) (1) (to section 812 (c) first par.) shall be applicable to estates of decedents dying after the date of enactment of this Act (Oct. 21, 1942, 4.30 p m., E W. T.), except that the reference therein to 'an estate tax imposed under his (this) chapter or any prior Act of Congress,' shall be applicable with respect to estates of decedents dying after February 10, 1939.

"(2) The amendment made by subsection (a) (2) (to section 812 (c), first sentence of second par) shall be applicable with respect to estates of decedents dying after February 10, 1939."

Amendment of subsec. (d) by act Oct. 21, 1942, § 403 (b), cited to text, inserting second sentence beginning "property includible in the decedent's gross estate," was qualified in its application to certain powers by section 403 (d) thereof, set out in effective date note under section 811.

Amendment of subsec. (d), inserting parenthetical clause in first sentence, by act Oct. 21, 1941, § 408 (a), cited to text, was made applicable to estates of decedents dying after Feb 10, 1939, by section 408 (c) thereof.

OVERPAYMENTS

Section 407 (d) of act Oct. 21, 1942, cited to text, provided as follows: "(d) If the refund or credit of any overpayment to the extent resulting from the application of subsections (a), (b), and (c) of this section (amending sections 812 (c) and 861 (a) (2) and the Revenue Act of 1926, § 303 (a, b)), is prevented on the date of enactment of this Act (Oct 21, 1942, 4:30 p. m., E W T.) or within one year from such date, then, notwithstanding any other provision of law or rule of law (other than this subsection of this section and other than section 3761 of the Internal Revenue Code or section 3229 of the Revised Statutes, or such section as amended by section 815 of the Revenue Act of 1938, relating to compromises), such overpayment shall be refunded or credited in the same manner as in the case of an estate tax erroneously collected if claim therefor is filed within one year from the date of enactment of this Act (Oct 21, 1942, 4:30 p. m., E W T.)."

CROSS REFERENCES

Additional estate tax, determination of net estate, see section 935 (c) of this title

§ 813. Credits against tax—(a) Gift tax.

(1) Revenue Act of 1924.

In case a tax has been imposed under section 319 of the Revenue Act of 1924, 43 Stat. 313, as amended

by section 324 of the Revenue Act of 1926, 44 Stat. 36, upon any gift, and thereafter upon the death of the donor the amount thereof is required by any provision of this subchapter to be included in the gross estate of the decedent then there shall be credited against and applied in reduction of the estate tax, which would otherwise be chargeable against the estate of the decedent under the provisions of this subchapter (after deducting from such tax the credit provided by section 813 (b)), an amount equal to the tax paid with respect to such gift; and in the event the donor has in any year paid the tax imposed by said section 319 with respect to a gift or gifts which upon the death of the donor must be included in his gross estate and a gift or gifts not required to be so included, then the amount of the tax which shall be deemed to have been paid with respect to the gift or gifts required to be so included shall be that proportion of the entire tax paid on account of all such gifts which the amount of the gift or gifts required to be so included bears to the total amount of gifts in that year.

(2) Revenue Act of 1932 or chapter 4.

(A) If a tax has been paid under chapter 4 or under Title III of the Revenue Act of 1932, 47 Stat. 245, on a gift, and thereafter upon the death of the donor any amount in respect of such gift is required to be included in the value of the gross estate of the decedent for the purposes of this subchapter, then there shall be credited against the tax imposed by section 810 or 860 the amount of the tax paid under chapter 4 or under Title III of the Revenue Act of 1932 with respect to so much of the property which constituted the gift as is included in the gross estate, except that the amount of such credit shall not exceed an amount which bears the same ratio to the tax imposed by section 810 or 860 (after deducting from such tax the credits provided by section 813 (a) (1) and (b)) as the value (at the time of the gift or at the time of the death, whichever is lower) of so much of the property which constituted the gift as is included in the gross estate, bears to the value of the entire gross estate.

(B) For the purposes of paragraph (A), the amount of tax paid for any year under chapter 4 or under Title III of the Revenue Act of 1932 with respect to any property shall be an amount which bears the same ratio to the total tax paid for such year as the value of such property bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year.

(b) Estate, succession, legacy, and inheritance taxes.

The tax imposed by section 810 or 860 shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia, or any possession of the United States, in respect of any property included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent). The credit allowed by this subsection shall not exceed 80 per centum of the tax imposed by section 810 or 860 (before deducting from such tax the credits provided by section 813 (a) (1) and (2)), and shall include only such taxes as were actually paid and credit therefor claimed within four years after the filing of the return required by section 821 or 864, except that—

(1) If a petition for redetermination of a deficiency has been filed with the Board of Tax Appeals within the time prescribed in section 871, then within such four-year period or before the expiration of 60 days after the decision of the Board becomes final.

(2) If, under section 822 (a) (2) or section 871 (h), an extension of time has been granted for payment of the tax shown on the return, or of a deficiency, then within such four-year period or before the date of the expiration of the period of the extension.

Refund based on the credit may (despite the provisions of sections 910 to 912, inclusive), be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, § 410, 56 Stat. 950.)

AMENDMENTS

1942—Act Oct. 21, 1942, cited to text, amended subsecs. (a) (1), (2) (A) and (b), first par.

1941—Subsecs (a) (2) and (b) were amended by res Mar. 17, 1941, cited to text, eff Feb 11, 1939.

EFFECTIVE DATE

1942—Act Oct 21, 1942, cited to text, amending subsecs. (a) (2) and (b), was made effective as of Feb. 10, 1939, by section 2 thereof.

Act Oct 21, 1942, cited to text, was made applicable to estates of decedents dying after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 401 thereof.

SUBPART II.—RETURNS AND PAYMENT OF TAX

§ 826. Collection of unpaid tax.

* * * * *

(c) Liability of life insurance beneficiaries.

Unless the decedent directs otherwise in his will, if any part of the gross estate upon which tax has been paid consists of proceeds of policies of insurance upon the life of the decedent receivable by a beneficiary other than the executor, the executor shall be entitled to recover from such beneficiary such portion of the total tax paid as the proceeds of such policies bear to the sum of the net estate and the amount of the exemption allowed in computing the net estate, determined under section 935 (c). If there is more than one such beneficiary the executor shall be entitled to recover from such beneficiaries in the same ratio.

(d) Liability of recipient of property over which decedent had power of appointment.

Unless the decedent directs otherwise in his will, if any part of the gross estate upon which the tax has been paid consists of the value of property included in the gross estate under section 811 (f), the executor shall be entitled to recover from the person receiving such property by reason of the exercise, nonexercise, or release of a power of appointment such portion of the total tax paid as the value of such property bears to the sum of the net estate and the amount of the exemption allowed in computing the

net estate, determined under section 935 (c), or section 861, as the case may be. If there is more than one such person the executor shall be entitled to recover from such persons in the same ratio. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, §§ 403 (c), 404 (b), 414 (b), 56 Stat. 943, 945, 951.)

AMENDMENTS

1942—Subsec. (c) was amended in its entirety by act Oct. 21, 1942, § 404 (b), cited to text. It was also amended by act Oct. 21, 1942, § 414 (b), cited to text, which omitted "in excess of $40,000." from first sentence, which, in addition to other changes had already been effected by amendment thereof by section 404 (b).

Subsec. (d) was added by act Oct. 21, 1942, § 403 (c), cited to text.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to estates of decedents dying after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 401 thereof.

Amendment by act Oct. 21, 1942, § 403 (c), cited to text, adding subsec (d), was qualified in its application to certain powers by section 403 (d) thereof, set out in effective date note under section 811.

§ 827. Lien for tax.

* * * * *

(b) Liability of transferee, etc.

If the tax herein imposed is not paid when due, then the spouse, transferee, trustee, surviving tenant, person in possession of the property by reason of the exercise, nonexercise, or release of a power of appointment, or beneficiary, who receives, or has on the date of the decedent's death, property included in the gross estate under section 811 (b), (c), (d), (e), (f), or (g), to the extent of the value, at the time of the decedent's death, of such property, shall be personally liable for such tax. Any part of such property sold by such spouse, transferee, trustee, surviving tenant, person in possession of property by reason of the exercise, nonexercise, or release of a power of appointment, or beneficiary, to a bona fide purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien provided in section 827 (a) and a like lien shall then attach to all the property of such spouse, transferee, trustee, surviving tenant, person in possession, or beneficiary, except any part sold to a bona fide purchaser for an adequate and full consideration in money or money's worth. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, § 411 (a), 56 Stat. 950.)

* * * * *

AMENDMENTS

1942—Subsec. (b) was amended by act Oct. 21, 1942, cited to text

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to estates of decedents dying after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 401 thereof.

PART III.—ESTATES OF NONRESIDENTS NOT CITIZENS OF THE UNITED STATES

§ 861. Net estate—(a) Deductions allowed.

(1) Expenses, losses, indebtedness, and taxes.

That proportion of the deductions specified in section 812 (b) (other than the deductions described in the following sentence) which the value of such part bears to the value of his entire gross estate, wherever situated. Any deduction allowable under section 812 (b) in the case of a claim against the estate which was founded upon a promise or agreement but was not contracted for an adequate and full consideration in money or money's worth shall be allowable under this paragraph to the extent that it would be allowable as a deduction under paragraph (3) if such promise or agreement constituted a bequest.

(2) Property previously taxed.

An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from the donor by gift, or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. Property includible in the gross estate of the prior decedent under section 811 (f) and property included in total gifts of the donor under section 1000 (c) received by the decedent described in this paragraph shall, for the purposes of this paragraph, be considered a bequest of such prior decedent or gift of such donor. This deduction shall be allowed only where a gift tax imposed under Chapter 4, or under Title III of the Revenue Act of 1932, 47 Stat. 245, or an estate tax imposed under this chapter or any prior Act of Congress, was finally determined and paid by or on behalf of such donor, or the estate of such prior decedent, as the case may be, and only in the amount finally determined as the value of such property in determining the value of the gift, or the gross estate of such prior decedent, and only to the extent that the value of such property is included in that part of the decedent's gross estate which at the time of his death is situated in the United States, and only if in determining the value of the net estate of the prior decedent no deduction was allowable under this paragraph, section 812 (c), or the corresponding provisions of any prior Act of Congress, in respect of the property or property given in exchange therefor. Where a deduction was allowed of any mortgage or other lien in determining the gift tax, or the estate tax of the prior decedent, which was paid in whole or in part prior to the decedent's death, then the deduction allowable under this paragraph shall be reduced by the amount so paid. The deduction under this paragraph shall be reduced by an amount which bears the same ratio to the amounts allowed as deductions under paragraphs (3) and (4) and the amount of general claims allowed as deduction under paragraph (1) of this subsection as the amount otherwise deductible under this paragraph bears to property subject to general claims. If the property includible in the gross estate to which the deduction under the paragraph is attributable is not wholly property subject to general claims—

(A) before the application of the preceding sentence, the amount of the deduction under this paragraph shall be reduced by that part of such amount

as the value, at the time of the decedent's death, of such property (to which such deduction is attributable) subject to claims but not to general claims is of the value, at the time of the decedent's death, of such property, and

(B) in the application of the preceding sentence in reducing the balance, if any, of such deduction, "the amount otherwise deductible under this paragraph" shall be only that part of such amount otherwise deductible (determined without regard to subparagraph (A)) as the value, at the time of the decedent's death, of such property (to which such deduction is attributable) subject to general claims is of the value, at the time of the decedent's death, of such property.

For the purposes of the two preceding sentences and this sentence, "general claims" are the amounts allowed as deductions under paragraph (1) of this subsection which, under the applicable law, in the final adjustment and settlement of the estate may be enforced against that part of any property subject to claims, as defined in subsection (b) of section 812 which at the time of the decedent's death is in the United States, and "property subject to general claims" is the value, at the time of the decedent's death, of such property subject to claims, reduced by the value, at the time of the decedent's death, of that part of such property subject to claims against which amounts allowed as deductions under paragraph (1) of this subsection which are not general claims may be enforced, under the applicable law, in the final adjustment and settlement of the estate. Where the property referred to in this paragraph consists of two or more items the aggregate value of such items shall be used for the purpose of computing the deduction.

(3) Transfers for public, charitable, and religious uses.

The amount of all bequests, legacies, devises, or transfers (including the interest which falls into any such bequest, legacy, devise, or transfer as a result of an irrevocable disclaimer of a bequest, legacy, devise, transfer, or power, if the disclaimer is made prior to the date prescribed for the filing of the estate tax return, or, in the case of a decedent dying on or before October 21, 1942, if the disclaimer is made prior to September 1, 1944) to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and no substantial part of the activities of such trustee or trustees, or of such fraternal society, order, or association, is carrying on propaganda, or otherwise attempting, to influence legislation. Property includible in the decedent's gross estate under section 811 (f) received by a donee described in this paragraph shall, for the purposes of this paragraph, be considered a bequest of such decedent. If the tax imposed by section 860, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes. The amount of the deduction under this paragraph for any transfer shall not exceed the value of the transferred property required to be included in the gross estate.

(4) Exemption.

An exemption of $2,000. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, §§ 403 (b) (2), 405 (c), 406 (b), 407 (a) (3), 408 (b), 409 (b), 412 (a), 56 Stat. 943, 946, 947, 948, 949, 950, 951; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title V, § 511 (b), 58 Stat. 75.)

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AMENDMENTS

1944—Subsec. (a) (3) amended by act Feb. 25, 1944, cited to text, which inserted "or, in the case of a decedent dying on or before October 21, 1942, if the disclaimer is made prior to September 1, 1944" following "if the disclaimer is made prior to the date prescribed for the filing of the estate tax return", in the first sentence.

1942—Subsec (a), pars. (1–3) were amended and par. (4) was added by act Oct. 21, 1942, cited to text.

1941—Subsec (a) (2) was amended by res Mar. 17, 1941, cited to text, eff Feb. 11, 1939.

EFFECTIVE DATE

Act Feb. 25, 1944, § 511 (b), cited to text, was made applicable to estates of decedents dying after Feb. 10, 1939, by section 511 (c) thereof.

Act Mar. 17, 1941, § 1, cited to text, affecting subsec. (a) (2), was made effective Feb. 10, 1939, by section 2 thereof.

Amendments of subsec (a) pars (1), (2), affecting next to last sentence, par. (3) adding last clause to first sentence, and adding par. (4), all by act Oct. 21, 1942, §§ 406 (b), 405 (c), 409 (b), and 412 (a), cited to text, were made applicable to estates of decedents dying after Oct. 21, 1942, 4.30 p m, E W T, by section 401 thereof

Amendment of subsec. (a) (2) by act Oct. 21, 1942, § 407 (a) (3), cited to text, affecting first two sentences of said par (2), were made applicable by section 407 (c) (3) thereof as follows: "The amendments made by subsection (a) (3) (to section 861 (a) (2)) shall be applicable to estates of decedents dying after the date of enactment of this Act (Oct. 21, 1942, 4:30 p. m., E. W. T.), except that the reference therein to 'an estate tax imposed under this chapter or any prior Act of Congress,' shall be applicable with respect to estates of decedents dying after February 10, 1939"

Amendment of subsec. (a) (3) by act Oct. 21, 1942, § 403 (b), cited to text, inserting second sentence beginning "Property includible in the decedent's gross estate,"

was qualified in its application to certain powers by section 403 (d) thereof, set out in effective date note under section 811.

Amendment of subsec. (a) (3) by act Oct. 21, 1942, § 408 (b), cited to text, inserting parenthetical clause in first sentence, was made applicable to estates of decedents dying after Feb. 10, 1939, by section 408 (c) thereof.

OVERPAYMENTS

Section 407 (d) of act Oct. 21, 1942, cited to text, provided as follows: "(d) If the refund or credit of any overpayment to the extent resulting from the application of subsections (a), (b), and (c) of this section, is prevented on the date of enactment of this Act (Oct 21, 1942, 4:30 p. m., E. W. T.) or within one year from such date, then, notwithstanding any other provision of law or rule of law (other than this subsection of this section and other than section 3761 of the Internal Revenue Code or section 3229 of the Revised Statutes, or such section as amended by section 815 of the Revenue Act of 1938 (26 U.S.C., § 3761), relating to compromises), such overpayment shall be refunded or credited in the same manner as in the case of an estate tax erroneously collected if claim therefor is filed within one year from the date of enactment of this Act."

§ 864. Returns—(a) Requirement—(1) Returns by executor.

In the case of the estate of every nonresident not a citizen of the United States any part of whose gross estate situated in the United States exceeds the amount of the specific exemption provided in section 861 (a) (4), the executor shall make a return under oath in duplicate, setting forth (A) the value of that part of the gross estate of the decedent situated in the United States at the time of his death; (B) the deductions allowed under section 861; (C) the value of the net estate of the decedent as defined in section 861; (D) the tax paid or payable thereon; or such part of such information as may at the time be ascertainable and such supplemental data as may be necessary to establish the correct tax. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, § 412 (c), 56 Stat. 951.)

* * * * *

AMENDMENTS

1942—Subsec. (a) (1) was amended by act Oct 21, 1942, cited to text.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to estates of decedents dying after Oct 21, 1942, 4:30 p. m., E. W. T., by section 401 thereof

§ 871. Procedure in general—(a) (1) Petition to Board of Tax Appeals.

If the Commissioner determines that there is a deficiency in respect of the tax imposed by this subchapter, the Commissioner is authorized to send notice of such deficiency to the executor by registered mail. Within 90 days after such notice is mailed (not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the ninetieth day), the executor may file a petition with the Board of Tax Appeals for a redetermination of the deficiency. No assessment of a deficiency in respect of the tax imposed by this subchapter and no distraint or proceeding in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the executor, nor until the expiration of such 90-day period, nor, if a petition has been filed with the Board, until the decision of the Board has become final. Notwithstanding the provisions of section 3653 (a) the making of such assessment or the beginning of such proceeding or distraint during the time such prohibition is in force may be enjoined by a proceeding in the proper court. If the notice is addressed to an executor outside the States of the Union and the District of Columbia, the period specified in this paragraph shall be one hundred and fifty days in lieu of ninety days. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, § 413 (a), 56 Stat. 951; Dec. 29, 1945, ch. 652, title II, § 203 (a), 59 Stat. 673.)

* * * * *

AMENDMENTS

1945—Subsec. (a) (1) amended by act Dec. 29, 1945, cited to text, which inserted "Saturday," preceding "Sunday" within parentheses in second sentence.

1942—Subsec (a) (1) was amended by act Oct. 21, 1942, cited to text, which added last sentence thereto.

EFFECTIVE DATE

Act Dec. 29, 1945, § 203 (a), cited to text, was made effective as of Sept. 8, 1945, by section 203 (b) thereof.

Act Oct. 21, 1942, cited to text, was made applicable to notices of deficiency mailed after Oct. 21, 1942, 4:30 p. m., E. W. T.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

§ 872. Jeopardy assessments.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

SUPPLEMENT C.—CLAIMS AGAINST TRANSFEREES AND FIDUCIARIES

§ 900. Transferred assets.

* * * * *

(e) Definition of "transferee".

As used in this section, the term "transferee" includes heir, legatee, devisee, and distributee, and includes a person who, under section 827 (b), is personally liable for any part of the tax. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, § 411 (b), 56 Stat. 950.)

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to estates of decedents dying after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 401 thereof.

§ 911. Effect of petition to Board.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

§ 912. Overpayment found by Board.

If the Board finds that there is no deficiency and further finds that the executor has made an overpayment of tax, the Board shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the Board has become final, be credited or refunded to the executor as provided in section 3770 (a). No such refund shall be made of any portion of the tax unless the Board determines as part of its decision that such portion was paid within three years before the filing of the claim or the mailing of the notice of deficiency, whichever is earlier, or that such portion was paid after the mailing of the notice of

deficiency. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, § 415, 56 Stat. 951.)

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to estates of decedents dying after Oct. 21, 1942, 4:30 p. m., E W. T., by section 401 thereof.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title

SUBCHAPTER B.—ADDITIONAL ESTATE TAX

§ 935. Rate of tax.

* * * * *

(b) The tentative tax referred to in subsection (a) (1) of this section shall be the tentative tax shown in the following table:

If the net estate is:	The tentative tax shall be:
Not over $5,000	3% of the net estate
Over $5 000 but not over $10,000.	$150, plus 7% of excess over $5,000.
Over $10,000 but not over $20,000.	$500, plus 11% of excess over $10,000.
Over $20,000 but not over $30,000	$1,600, plus 14% of excess over $20,000.
Over $30,000 but not over $40,000	$3,000, plus 18% of excess over $30,000
Over $40,000 but not over $50,000	$4,800, plus 22% of excess over $40,000.
Over $50,000 but not over $60,000	$7,000, plus 25% of excess over $50,000
Over $60,000 but not over $100,000.	$9,500, plus 28% of excess over $60,000
Over $100,000 but not over $250,000.	$20,700, plus 30% of excess over $100,000.
Over $250,000 but not over $500,000	$65,700, plus 32% of excess over $250,000
Over $500,000 but not over $750,000	$145,700, plus 35% of excess over $500,000
Over $750,000 but not over $1,000,000	$233,200, plus 37% of excess over $750,000.
Over $1,000,000 but not over $1,250,000	$325,700, plus 39% of excess over $1,000,000.
Over $1,250,000 but not over $1 500,000.	$423 200, plus 42% of excess over $1,250,000.
Over $1,500,000 but not over $2,000,000	$528,200, plus 45% of excess over $1,500,000.
Over $2,000 000 but not over $2,500,000	$753,200, plus 49% of excess over $2,000,000
Over $2,500,000 but not over $3,000 000	$998,200, plus 53% of excess over $2,500,000
Over $3,000 000 but not over $3,500 000	$1,263,200, plus 56% of excess over $3,000,000.
Over $3,500 000 but not over $4,000,000	$1,543,200, plus 59% of excess over $3,500,000.
Over $4,000,000 but not over $5,000,000	$1,838,200, plus 63% of excess over $4,000,000
Over $5,000,000 but not over $6,000,000.	$2,468,200, plus 67% of excess over $5,000,000.
Over $6,000,000 but not over $7,000,000.	$3,138,200, plus 70% of excess over $6,000,000
Over $7,000,000 but not over $8,000,000.	$3,838,200, plus 73% of excess over $7,000,000
Over $8,000,000 but not over $10,000,000.	$4,568,200, plus 76% of excess over $8,000,000.
Over $10,000,000	$6,088,200, plus 77% of excess over $10,000,000.

(c) For the purposes of this section the value of the net estate shall be determined as provided in subchapter A, except that in lieu of the exemption of $100,000 provided in section 812 (a), the exemption shall be $60,000. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title IV, § 401 (a), 55 Stat. 704; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, § 414 (a), 56 Stat. 951.)

AMENDMENTS

1942—Subsec. (c) amended by act Oct. 21, 1942, cited to text, which substituted "$40,000" for "$60,000".

1941—Subsec (b) was amended by act Sept. 20, 1941, cited to text

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to estates of decedents dying after Oct 21, 1942, 4:30 p. m., E W. T., by section 401 thereof.

Act Sept 20, 1941, cited to text, was made effective only with respect to estates of decedents dying after the date of enactment of that act, by section 401 (c) thereof.

CROSS REFERENCES

Estate tax, rate of basic tax, see section 810 of this title.

§ 936. Credits against tax.

* * * * *

(b) (1) If a tax has been paid under chapter 4 or under Title III of the Revenue Act of 1932, 47 Stat. 245, on a gift, and thereafter upon the death of the donor any amount in respect of such gift is required to be included in the value of the gross estate of the decedent for the purposes of this subchapter, then there shall be credited against the tax imposed by section 935 the amount of the tax paid under chapter 4 or under Title III of the Revenue Act of 1932 with respect to so much of the property which constituted the gift as is included in the gross estate, except that the amount of such credit (A) shall not exceed an amount which bears the same ratio to the tax imposed by section 935 as the value (at the time of the gift or at the time of the death, whichever is lower) of so much of the property which constituted the gift as is included in the gross estate, bears to the value of the entire gross estate, and (B) shall not exceed the amount by which the gift tax paid under chapter 4 or under Title III of the Revenue Act of 1932 with respect to so much of the property as constituted the gift as is included in the gross estate, exceeds the amount of the credit under section 813 (a) (2).

(2) For the purposes of paragraph (1), the amount of tax paid for any year under chapter 4 or under Title III of the Revenue Act of 1932 with respect to any property shall be an amount which bears the same ratio to the total tax paid for such year as the value of such property bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45, eff. Feb. 11, 1939.)

AMENDMENTS

1941—Subsec. (b) was amended by res Mar. 17, 1941, cited to text, eff Feb. 11, 1939

SUBCHAPTER C.—DEFENSE TAX FOR FIVE YEARS (Repealed)

This subchapter, consisting of § 951, was repealed by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title IV, § 401 (b), 55 Stat. 704, which, by section 401 (c) thereof, was made effective only with respect to estates of decedents dying after the date of enactment of that act.

§ 951. Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title IV, § 401 (b), 55 Stat. 704.

Section, relating to defense tax for five years, was added by act June 25, 1940, 11:45 a. m., E. S. T., ch. 419, title II, § 206, 54 Stat 521

Act Sept. 20, 1941, repealing this section, was made effective only with respect to estates of decedents dying after the date of enactment of that act, by section 401 (c) thereof.

Chapter 4.—GIFT TAX

§ 1000. Imposition of tax.

* * * * *

(c) Powers of appointment.

An exercise or release of a power of appointment shall be deemed a transfer of property by the individual possessing such power. For the purposes of this subsection the term "power of appointment" means any power to appoint exercisable by an individual either alone or in conjunction with any person, except—

(1) a power to appoint within a class which does not include any others than the spouse of such individual, spouse of the creator of the power, descendants of such individual or his spouse, descendants (other than such individual) of the creator of the power or his spouse, spouses of such descendants, donees described in section 1004 (a) (2), and donees described in section 1004 (b). As used in this paragraph, the term "descendant" includes adopted and illegitimate descendants, and the term "spouse" includes former spouse; and

(2) a power to appoint within a restricted class if such individual did not receive any beneficial interest, vested or contingent, in the property from the creator of the power or thereafter acquire any such interest, and if the power is not exercisable to any extent for the benefit of such individual, his estate, his creditors, or the creditors of his estate.

If a power to appoint is exercised by creating another power to appoint, such first power shall not be considered excepted under paragraph (1) or (2) from the definition of power of appointment to the extent of the value of the property subject to such second power to appoint. For the purposes of the preceding sentence the value of the property subject to such second power to appoint shall be its value unreduced by any precedent or subsequent interest not subject to such power to appoint.

(d) Community property.

All gifts of property held as community property under the law of any State, Territory, or possession of the United States, or any foreign country shall be considered to be the gifts of the husband except that gifts of such property as may be shown to have been received as compensation for personal services actually rendered by the wife or derived originally from such compensation or from separate property of the wife shall be considered to be gifts of the wife.

(e) Certain discretionary trusts.

In the case of property in a trust created prior to January 1, 1939, if on and after January 1, 1939, no power to revest title to such property in the grantor could be exercised either by the grantor alone, or by the grantor in conjunction with any other person not having a substantial adverse interest in the disposition of such property or the income therefrom, then a relinquishment by the grantor on or after January 1, 1940, and prior to January 1, 1945, of power or control with respect to the distribution of such property or the income therefrom by an exercise or other termination of such power or control shall not be deemed a transfer of property for the purposes of this chapter. If such property was transferred in trust, the grantor not retaining such power to revest title thereto in himself, or if such power to revest title to such property in the grantor was relinquished, while a law was in effect imposing a tax upon the transfer of property by gift, this subsection shall apply only if (1) gift tax was paid with respect to such transfer or relinquishment, and not credited or refunded, or a gift tax return was made within the time prescribed on account of such transfer or relinquishment but no gift tax was paid with respect to such transfer or relinquishment because of the deductions and exclusions claimed on such return, and (2) the grantor consents, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, for all purposes of this chapter to treat such transfer or relinquishment in the calendar year in which effected, and for all periods thereafter, as having been a transfer of property subject to tax under this chapter. This subsection shall not apply to any payment or other disposition of income occurring prior to the termination of power or control with respect to the future disposition of income from the trust property. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, §§ 452 (a), 453, 56 Stat. 952, 953; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title V, § 502 (a), 58 Stat. 71.)

AMENDMENTS

1944—Subsec. (e) added by act Feb. 25, 1944, cited to text.

1942—Subsecs. (c) and (d) were added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Amendment adding subsec. (c) by act Oct. 21, 1942, § 452 (a), cited to text, was limited in its application by section 452 (b) thereof as follows:

"(1) The amendments made by this section shall not apply with respect to a power to appoint, created on or before the date of enactment of this Act (Oct. 21, 1942, 4:30 p. m., E. W. T), which is other than a power exercisable in favor of the donee of the power, his estate, his creditors, or the creditors of his estate, unless such power is exercised after the date of enactment of this Act (Oct. 21, 1942, 4:30 p. m., E. W. T.).

"(2) The amendments made by this section shall not become applicable with respect to a power to appoint created on or before the date of enactment of this Act (Oct. 21, 1942, 4:30 p. m., E. W. T.), which is exercisable in favor of the donee of the power, his estate, his creditors, or the creditors of his estate, if at such date the donee of such power is under a legal disability to release such power, until six months after the termination of such legal disability. For the purposes of the preceding sentence, an individual in the military or naval forces of the United States shall, until the termination of the present war, be considered under a legal disability to release a power to appoint."

Amendment adding subsec. (d) by act Oct. 21, 1942, § 453, cited to text, was made applicable only with respect to gifts made in the calendar year 1943, and succeeding calendar years, by section 451 thereof.

RELEASE OF POWER OF APPOINTMENT

Section 452 (c) of act Oct. 21, 1942, cited to text, in connection with the addition of subsec. (c) by section 452 (a) thereof, provided as follows:

"(c) RELEASE BEFORE JULY 1, 1946.—

"(1) A release of a power to appoint before July 1, 1946, shall not be deemed a transfer of property by the individual possessing such power.

"(2) This subsection shall apply to all calendar years prior to 1946 and to that part of the calendar year 1946 prior to July 1, 1946." (As amended by acts Dec. 17, 1942, ch. 740, 56 Stat. 1054; June 9, 1943, 7 p. m., E. W. T., ch. 120, § 10, 57 Stat 150; Feb 25, 1944, 12.49 p. m., E. W. T., ch. 63, title V, § 505, 58 Stat. 72; Dec. 20, 1944, ch. 616, § 1, 58 Stat. 830; June 29, 1945, ch. 200, § 1, 59 Stat. 264.)

INTEREST ON OVERPAYMENTS

Section 502 (c) of act Feb. 25, 1944, cited to text, provided as follows: "No interest shall be allowed or paid on any overpayment resulting from the application of this section."

§ 1001. Computation of tax.

(a) * * *

* * * * *

RATE SCHEDULE

If the net gifts are:	The tax shall be:
Not over $5,000	2¼ % of the net gifts.
Over $5,000 but not over $10,000.	$112.50, plus 5¼ % of excess over $5,000.
Over $10,000 but not over $20,000.	$375, plus 8¼ % of excess over $10,000
Over $20,000 but not over $30,000.	$1,200, plus 10½ % of excess over $20,000.
Over $30,000 but not over $40,000	$2,250, plus 13½ % of excess over $30,000.
Over $40,000 but not over $50,000.	$3,600, plus 16½ % of excess over $40,000.
Over $50,000 but not over $60,000.	$5,250, plus 18¾ % of excess over $50,000.
Over $60,000 but not over $100,000.	$7,125, plus 21% of excess over $60,000.
Over $100,000 but not over $250,000.	$15,525, plus 22½ % of excess over $100,000.
Over $250,000 but not over $500,000.	$49,275, plus 24% of excess over $250,000.
Over $500,000 but not over $750,000.	$109,275, plus 26¼ % of excess over $500,000.
Over $750,000 but not over $1,000,000.	$174,900, plus 27½ % of excess over $750,000.
Over $1,000,000 but not over $1,250 000	$244,275, plus 29¼ % of excess over $1,000,000.
Over $1,250,000 but not over $1,500,000.	$317,400, plus 31½ % of excess over $1,250,000.
Over $1,500,000 but not over $2,000,000.	$396,150, plus 33¾ % of excess over $1,500,000.
Over $2,000,000 but not over $2,500,000.	$564,900, plus 36¾ % of excess over $2,000,000.
Over $2,500,000 but not over $3,000,000.	$748,650, plus 39¾ % of excess over $2,500,000.
Over $3,000,000 but not over $3,500,000.	$947,400, plus 42% of excess over $3,000,000.
Over $3,500,000 but not over $4,000,000.	$1,157,400, plus 44¼ % of excess over $3,500,000.
Over $4,000,000 but not over $5,000,000.	$1,378,650, plus 47¼ % of excess over $4,000,000
Over $5,000,000 but not over $6 000,000.	$1,851,150, plus 50¼ % of excess over $5,000,000.
Over $6,000,000 but not over $7,000,000.	$2,353,650, plus 52½ % of excess over $6,000,000.
Over $7,000,000 but not over $8 000,000.	$2,878,650, plus 54¾ % of excess over $7,000,000
Over $8,000,000 but not over $10,000,000.	$3,426,150, plus 57% of excess over $8,000,000.
Over $10,000,000	$4,566,150, plus 57¾ % of excess over $10,000,000.

* * * * *

(d) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title IV, § 402 (c), 54 Stat. 706.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title IV, § 402 (a, c), 55 Stat. 735.)

AMENDMENTS

1941—The Rate Schedule following subsec. (a) was amended by act Sept. 20, 1941, § 402 (a), cited to text.

Subsec (d) was repealed by act Sept. 20, 1941, § 402 (c), cited to text.

EFFECTIVE DATE

Section 402 (b) of act Sept. 20, 1941, cited to text, provided as follows: "The amendments made by this section shall be applied in computing the tax for the calendar year 1942 and each calendar year thereafter (but not the tax for the calendar year 1941 or a previous calendar year), and such amendments shall be applied in all computations in respect of the calendar year 1941 and previous calendar years for the purpose of computing the tax for the calendar year 1942 and any calendar year thereafter."

§ 1003. Net gifts.

* * * * *

(b) Exclusions from gifts.

* * * * *

(2) Gifts after 1938 and prior to 1943.

In the case of gifts (other than gifts in trust or of future interests in property) made to any person by the donor during the calendar year 1939 and subsequent calendar years prior to 1943, the first $4,000 of such gifts to such person shall not, for the purposes of subsection (a), be included in the total amount of gifts made during such year.

(3) Gifts after 1942.

In the case of gifts (other than gifts of future interests in property) made to any person by the donor during the calendar year 1943 and subsequent calendar years, the first $3,000 of such gifts to such person shall not, for the purposes of subsection (a), be included in the total amount of gifts made during such year. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, § 454, 56 Stat. 953.)

AMENDMENTS

1942—Subsec (b) was amended by act Oct. 21, 1942, cited to text, which inserted "prior to 1943" in par. (2) and added par. (3).

EFFECTIVE DATE

Section 451 of act Oct. 21, 1942, cited to text, was made applicable only with respect to gifts made in the calendar year 1943, and succeeding calendar years, by section 451 thereof.

§ 1004. Deductions.

In computing net gifts for the calendar year 1942 and preceding calendar years, there shall be allowed (except as otherwise provided in paragraph (1) of subsection (a)) such deductions as are provided for under the gift tax laws applicable to the years in which the gifts were made.

In computing net gifts for the calendar year 1943 and subsequent calendar years, there shall be allowed as deductions:

(a) Residents.

In the case of a citizen or resident—

(1) Specific exemption.

An exemption of $30,000, less the aggregate of the amounts claimed and allowed as specific exemption in the computation of gift taxes for the calendar year 1932 and all calendar years intervening between that calendar year and the calendar year for which the tax is being computed under the laws applicable

to such years. This exemption shall be applied in all computations in respect of the calendar year 1942 and previous calendar years for the purpose of computing the tax for the calendar year 1943 or any calendar year thereafter. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, § 455, 56 Stat. 953.)

* * * * *

AMENDMENTS

1942—Subsec. (a), all that preceded par. (2) was amended by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Section 451 of act Oct. 21, 1942, cited to text, was made applicable only with respect to gifts made in the calendar year 1943, and succeeding calendar years, by section 451 thereof.

§ 1012. Assessment and collection of deficiencies—(a) (1) Petition to Board of Tax Appeals.

If the Commissioner determines that there is a deficiency in respect of the tax imposed by this chapter, the Commissioner is authorized to send notice of such deficiency to the donor by registered mail. Within 90 days after such notice is mailed (not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the ninetieth day), the donor may file a petition with the Board of Tax Appeals for a redetermination of the deficiency. No assessment of a deficiency in respect of the tax imposed by this chapter and no distraint or proceeding in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the donor, nor until the expiration of such 90-day period, nor, if a petition has been filed with the Board, until the decision of the Board has become final. Notwithstanding the provisions of section 3653 (a) the making of such assessment or the beginning of such proceeding or distraint during the time such prohibition is in force may be enjoined by a proceeding in the proper court. If the notice is addressed to a donor outside the States of the Union and the District of Columbia, the period specified in this paragraph shall be one hundred and fifty days in lieu of ninety days. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, § 456 (a), 56 Stat. 953; Dec. 29, 1945, ch. 652, title II, § 203 (a), 59 Stat. 673.)

* * * * *

AMENDMENTS

1945—Subsec. (a) (1) amended by act Dec. 29, 1945, cited to text, which inserted "Saturday," preceding "Sunday" within parenthesis in second sentence.

1942—Subsec. (a) (1), last sentence, was added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Dec. 29, 1945, § 203 (a), cited to text, was made effective as of Sept. 8, 1945, by section 203 (b) thereof.

Act Oct 21, 1942, cited to text, was made applicable to notices of deficiency mailed after Oct. 21, 1942, 4.30 p. m., E W T., by section 456 (b) thereof.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

§§ 1013, 1015, 1017.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

§ 1027. Refunds and credits.

* * * * *

(d) Overpayment found by Board.

If the Board finds that there is no deficiency and further finds that the taxpayer has made an overpayment of tax in respect of the taxable year in respect of which the Commissioner determined the deficiency, the Board shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the Board has become final, be credited or refunded to the taxpayer. No such credit or refund shall be made of any portion of the tax unless the Board determines as part of its decision that such portion was paid within three years before the filing of the claim or the mailing of the notice of deficiency, whichever is earlier, or that such portion was paid after the mailing of the notice of deficiency. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, § 457, 56 Stat. 954.)

AMENDMENTS

1942—Subsec. (d), second sentence, was amended by act Oct. 21, 1942, cited to text, which substituted "or the mailing of the notice of deficiency" for "or the filing of the petition."

EFFECTIVE DATE

Section 451 of act Oct. 21, 1942, cited to text, was made applicable only with respect to gifts made in the calendar year 1943, and succeeding calendar years, by section 451 thereof.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

§ 1030. Definitions.

* * * * *

(b) Property within the United States.

Stock in a domestic corporation owned and held by a nonresident not a citizen of the United States shall be deemed property situated within the United States. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title IV, § 458 (a), 56 Stat. 954.)

AMENDMENTS

1942—Subsec. (b) was amended by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made effective as of Feb 10, 1939, by section 458 (b) thereof.

Chapter 5.—BOARD OF TAX APPEALS

§ 1100. Status.

The Board of Tax Appeals (hereinafter referred to as the "Board") shall be continued as an independent agency in the Executive Branch of the Government. The Board shall be known as The Tax Court of the United States and the members thereof shall be known as the presiding judge and the judges of The Tax Court of the United States. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 504 (a), 56 Stat. 957.)

AMENDMENTS

1942—Act Oct 21, 1942, cited to text, added second sentence

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made effective the day after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 504 (a) thereof.

SAVING CLAUSE

Section 504 (b) of act Oct. 21, 1942, cited to text, provided as follows: "(b) The jurisdiction, powers, and duties of The Tax Court of the United States, its divisions and its officers and employees, and their appointment, including the designation of its officers, and the immunities, tenure of office, powers, duties, rights, and privileges of the presiding judge and judges of The Tax Court of the United States shall be the same as by existing law provided in the case of the Board of Tax Appeals. The Commissioner shall continue to be represented by the same counsel in the same manner before the Court as he has heretofore been represented in proceedings before the Board of Tax Appeals and the taxpayer shall continue to be represented in accordance with rules of practice prescribed by the Court. No qualified person shall be denied admission to practice before such Court because of his failure to be a member of any profession or calling"

CHANGE OF NAME

"Section 504 (b) of act Oct. 21, 1942, cited to text, provided as follows: "(c) All references in any statute (except this section), or in any rule, regulation, or order, to the 'Board of Tax Appeals' or to the 'Board' when used in the sense of 'Board of Tax Appeals', or to the 'member', 'members', or 'chairman' thereof shall be considered to be made to The Tax Court of the United States, the judge, judges, and presiding judge thereof, respectively."

PROCESSING TAX REFUNDS

Act Oct 21, 1942, ch 619, title V, § 510 (a), (c), (d), 56 Stat. 967, eff Jan 1, 1943, provided as follows:

"(a) Effective as of the close of business on December 31, 1942, the Board of Review, established under section 906 (b) of the Revenue Act of 1936, is hereby abolished and the jurisdiction vested in said Board of Review is hereby transferred to and vested in the Board of Tax Appeals."

"(c) All proceedings pending in the said Board of Review on December 31, 1942, shall be deemed pending in and be transferred forthwith to the Board of Tax Appeals, and shall be proceeded with and disposed of by the Board of Tax Appeals as if originally begun therein.

"(d) All journals, dockets, books, files, records, and property, including office equipment of the said Board of Review, shall be transferred to the Board of Tax Appeals"

SUBCHAPTER A.—ORGANIZATION, JURISDICTION AND PROCEDURE

PART I.—ORGANIZATION AND JURISDICTION

§ 1102. Membership.

CERTIFICATION BY JUDGE OF TRAVELING EXPENSES

Act May 3, 1945, ch. 106, title I, § 1, 59 Stat 127, provided in part. "Traveling expenses of the judges of The Tax Court shall be paid upon the written certificate of the judge."

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

§§ 1103–1105.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

PART II.—PROCEDURE

§§ 1110–1113.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

§ 1114. Administration of oaths and procurement of testimony—(a) In general.

For the efficient administration of the functions vested in the Board or any division thereof, any member of the Board, or any employee of the Board designated in writing for the purpose by the chairman, may administer oaths, and any member of the Board may examine witnesses and require, by subpoena ordered by the Board or any division thereof and signed by the member, (1) the attendance and testimony of witnesses, and the production of all necessary returns, books, papers, documents, correspondence, and other evidence, from any place in the United States at any designated place of hearing, or (2) the taking of a deposition before any designated individual competent to administer oaths under this title. In the case of a deposition the testimony shall be reduced to writing by the individual taking the deposition or under his direction and shall then be subscribed by the deponent.

(b) Commissioners.

The Presiding Judge may from time to time by written order designate an attorney from the legal staff of the court to act as a commissioner in a particular case. The commissioner so designated shall proceed under such rules and regulations as may be promulgated by the court. The commissioner shall receive the same travel and subsistence allowances now or hereafter provided by law for commissioners of the Court of Claims. (As amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title V, § 503, 58 Stat. 72.)

AMENDMENTS

1944—Act Feb. 25, 1944, cited to text, amended section by inserting "(a) In general." preceding "For", and by adding new subsec. (b).

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

§§ 1115–1121.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

PART III.—MISCELLANEOUS PROVISIONS

§§ 1130–1133.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

SUBCHAPTER B.—COURT REVIEW OF BOARD DECISIONS

§§ 1140–1146.

CHANGE OF NAME

For change of name of Board and title of members thereof, see note under section 1100 of this title.

SUBTITLE B.—MISCELLANEOUS TAXES

Chapter 6.—CAPITAL STOCK

§§ 1200–1207. Repealed. Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title II, § 201, 59 Stat. 574.

Section 1200, as amended Sept. 20, 1941, 12:15 p m., E S T., ch 412, title III, § 301 (a, b), 55 Stat 703, 704; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title III, § 301 (a), related to tax on domestic corporations.

Section 1202, as amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title II, § 202 (1), 55 Stat. 701; Oct. 21, 1942, 4·50 p.m., E. W. T., ch. 619, title III, § 301 (b), 56 Stat. 939, related to declared value.

Section 1203, as amended Sept. 20, 1941, 12.15 p. m., E S. T., ch 412, title II, § 301 (c), 55 Stat 704. Sept. 29, 1942, ch. 569, 56 Stat. 762, Oct. 21, 1942, 4·30 p. m., E. W. T., ch. 619, title III, § 301 (c), 56 Stat. 940, related to returns.

EFFECTIVE DATE

The Revenue Act of 1945 (act Nov. 8, 1945, 5:17 p.m., E. S. T., ch. 453, title II, § 201, 59 Stat. 574) repealed the capital stock tax, effective with respect to years ending after June 30, 1945.

Chapter 7.—TAX ON TRANSFERS TO AVOID INCOME TAX

§ 1250. Imposition of tax.

There shall be imposed upon the transfer of stock or securities by a citizen or resident of the United States, or by a domestic corporation or partnership, or by a trust which is not a foreign trust, to a foreign corporation as paid-in surplus or as a contribution to capital, or to a foreign trust, or to a foreign partnership, an excise tax equal to 27½ per centum of the excess of (1) the value of the stock or securities so transferred over (2) its adjusted basis in the hands of the transferor as determined under section 113 of the Revenue Act of 1932, 47 Stat. 198. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title I, § 110 (b), 55 Stat. 696.)

AMENDMENTS

1941—Section was formerly composed of two subsections, designated "(a)" and "(b)" Act Sept. 20, 1941, cited to text, struck out the heading of subsec. (a), substituted "27½ per centum" for "25 per centum", and repealed subsec. (b), which related to defense tax for five years

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxable years beginning after Dec 31, 1940, by section 118 thereof.

TREATY OBLIGATIONS

Section 108 of act Sept. 20, 1941, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

Chapter 9.—EMPLOYMENT TAXES

SUBCHAPTER D.—COLLECTION OF INCOME TAX AT SOURCE ON WAGES (NEW)

Sec.
1621. Definitions.
1622. Income tax collected at source.
1623. Liability for tax.
1624 Return and payment by governmental employer.
1625 Receipts.
1626 Penalties.
1627. Other laws applicable.

SUBCHAPTER E.—GENERAL PROVISIONS (NEW)

1630 Verification of returns, etc.
1631. Use of government depositaries in connection with payment of taxes.
1632 Acts to be performed by agents.

SUBCHAPTER A.—EMPLOYMENT BY OTHERS THAN CARRIERS

PART I.—TAX ON EMPLOYEES

§ 1400. Rate of tax.

* * * * *

(1) With respect to wages received during the calendar years 1939, 1940, 1941, 1942, 1943, 1944, 1945, and 1946 the rate shall be 1 per centum.

(2) With respect to wages received during the calendar years 1947 and 1948, the rate shall be 2½ per centum.

(3) With respect to wages received after December 31, 1948, the rate shall be 3 per centum.

(As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VII, § 701 (a), 56 Stat. 981; Dec. 22, 1943, ch. 375, § 3 (a), 57 Stat. 607; Feb. 25, 1944, 12.49 p. m., E W. T., ch. 63, title IX, § 901 (a), 58 Stat. 93; Dec. 16, 1944, ch. 600, § 1 (a), 58 Stat. 812; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title IV, § 401 (a), 59 Stat. 576.)

AMENDMENTS

1945—Clauses (1) and (2) amended by act Nov. 8, 1945, § 401 (a), cited to text, which continued the 1 per cent rate through the calendar year 1946 and made the 2½ per cent rate applicable to wages received during the calendar years 1947 and 1948.

1944—Clauses (1) and (2) amended by act Feb. 25, 1944, cited to text, which provided for the freezing of the rate at 1 per centum for 1944.

Act Dec. 16, 1944, cited to text, amended section by freezing the rate at 1 per centum for the year 1945, and renumbered pars. (1)–(4) to be pars. (1)–(3).

1943—Subsecs. (1) and (2) were amended by res Dec. 22, 1943, cited to text

1942—Subsecs (1) and (2) were amended by act Oct. 21, 1942, cited to text

DEDUCTIONS

Act Aug 10, 1939, ch 666, title IX, § 907, 53 Stat. 1402, as amended by act Mar 24, 1943, ch 26, § 1 (b) (3), 57 Stat. 47 provided as follows: "In addition to any other deductions made under section 203 of the Social Security Act [section 403 of Title 42], as amended, deductions shall be made from any primary insurance benefit or benefits to which an individual is entitled or from any other insurance benefit payable with respect to such individual's wages, until such deductions total 1 per centum of any wages paid him for services performed in 1939, and sub-

sequent to his attaining age sixty-five and 1 per centum of any wages paid him for services which constitute employment by virtue of subsection (o) of section 409 of Title 42, as amended, with respect to which the taxes imposed by section 1400 of the Internal Revenue Code [section 1400 of Title 26] have not been deducted by his employer from his wages or paid by such employer."

Applicability to Subchapter D of Chapter 9, see section 1627 of this title.

TAXES ON SERVICES RENDERED BY EMPLOYEES OF INTERNATIONAL ORGANIZATIONS PRIOR TO JAN. 1, 1946

Section 5 (b) of act Dec. 29, 1945, ch. 652, title I, 59 Stat. 671, provided: "No tax shall be collected under the VIII or IX of the Social Security Act [sections 1001–1011 or 1101–1110 of Title 42] or under the Federal Insurance Contributions Act [sections 1400–1403, 1410, 1411, 1420–1432 of Title 26] or the Federal Unemployment Tax Act [sections 1600–1610 of Title 26], with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of sections 1426 (b) and 1607 (c) of the Internal Revenue Code [sections 1426 (b) and 1607 (c) of Title 26], as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any) shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax No interest shall be allowed or paid on the amount of any such refund. No payment shall be made under title II of the Social Security Act [sections 401–409 of Title 42] with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of section 209 (b) of such Act, as amended [section 409 (b) (16) of Title 42]."

PART II.—TAX ON EMPLOYERS

§ 1410. Rate of tax.

* * * * *

(1) With respect to wages paid during the calendar years 1939, 1940, 1941, 1942, 1943, 1944, 1945, and 1946, the rate shall be 1 per centum.

(2) With respect to wages paid during the calendar years 1947 and 1948, the rate shall be 2½ per centum.

(3) With respect to wages paid after December 31, 1948, the rate shall be 3 per centum. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VII, § 701 (b), 56 Stat. 981; Dec 22, 1943, ch. 375, § 3 (b), 57 Stat. 607; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title IX, § 901 (b), 58 Stat. 93; Dec. 16, 1944, ch. 600, § 1 (b), 58 Stat. 813; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title IV, § 401 (b), 59 Stat. 576.)

AMENDMENTS

1945—Clauses (1) and (2) amended by act Nov. 8, 1945, § 401 (b), which continued the 1 per cent rate through the calendar year 1946 and made the 2½ per cent rate applicable to wages paid during the calendar years 1947 and 1948.

1944—Clauses (1) and (2) amended by act Feb. 25, 1944, cited to text, which provided for the freezing of the rate at 1 per centum for 1944.

Act Dec. 16, 1944, cited to text, amended section by freezing the rate at 1 per centum for the year 1945, and renumbered pars. (1)–(4) to be pars (1)–(3).

1943—Subsecs. (1) and (2) were amended by res. Dec. 22, 1943, cited to text.

1942—Subsecs. (1) and (2) were amended by act Oct. 21, 1942, cited to text.

CROSS REFERENCES

Taxes on services rendered by employees of international organizations prior to Jan. 1, 1946, see note set out under section 1400 of this title.

PART III.—GENERAL PROVISIONS

§ 1420. Collection and payment of taxes.

CROSS REFERENCES

Taxes on services rendered by employees of international organizations prior to Jan. 1, 1946, see note set out under section 1400 of this title.

§ 1426. Definitions.

* * * * *

(b) Employment.

* * * * *

(14) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (A) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and (B) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States);

(15) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; or

(16) Service performed in the employ of an international organization.

* * * * *

(i) Officers and members of crews employed by War Shipping Administration.

The term "employment" shall include such service as is determined by the Administrator, War Shipping Administration, to be performed after September 30, 1941, and prior to the termination of title I of the First War Powers Act, 1941,[1] on or in connection with any vessel by an officer or member of the crew as an employee of the United States employed through the War Shipping Administration, or, in respect of such service performed before February 11, 1942, the United States Maritime Commission, but shall not include any such service performed (1) under a contract entered into without the United States and during the performance of which the vessel does not touch at a port in the United States, or (2) on a vessel documented under the laws of any foreign country and bareboat chartered to the War Shipping Administration. The term "wages" means, with respect to service which constitutes employment by reason of this subsection, such amount of remuneration as is determined (subject to the provisions of this section) by the Administrator, War Shipping Administration, to be paid for such service. The Administrator and such agents as he may designate for the purpose are authorized and directed to comply with the provisions of the internal revenue laws on behalf of the United States as the employer of in-

dividuals whose service constitutes employment by reason of this subsection, but the Administrator and his agents shall not be liable for the tax on any employee imposed by section 1400 (unless the Administrator or his agent collects such tax from the employee) with respect to service performed before the date of enactment of this subsection which constitutes employment by reason of the enactment of this subsection. The Administrator, War Shipping Administration, and the United States Maritime Commission, and their agents or persons acting on their behalf or for their account, may, for convenience of administration, make payments of the tax imposed under section 1410 without regard to the $3,000 limitation in section 1426 (a) (1), but they shall not be required to obtain a refund of the tax paid under section 1410 on that part of the remuneration of seamen in their employ not included in wages by reason of section 1426 (a) (1).

(j) Certain employees of Bonneville Power Administrator.

The term "employment" shall include such service as is determined by the Bonneville Power Administrator (hereinafter called the Administrator) to be performed after December 31, 1945, by a laborer, mechanic, or workman, in connection with construction work or the operation and maintenance of electrical facilities, as an employee performing service for the Administrator, but shall not include any service performed by such a laborer, mechanic, or workman, to whom the Act of May 29, 1930 (46 Stat. 468), as amended, applies. The term "wages" means, with respect to service which constitutes employment by reason of this subsection, such amount of remuneration as is determined (subject to the provisions of this section) by the Administrator to be paid for such service. The Administrator is authorized and directed to comply with the provisions of the internal revenue laws on behalf of the United States as the employer of individuals whose service constitutes employment by reason of this subsection. (As amended Mar. 24, 1943, ch. 26, § 1 (b) (1), 57 Stat. 46; Apr. 4, 1944, ch. 161, § 1, 58 Stat. 188; Mar. 24, 1945, ch. 36, § 1 (a), 59 Stat. 38; Oct. 23, 1945, ch. 433, § 7 (a), 59 Stat. 548; Dec. 29, 1945, ch. 652, title I, § 4 (c), 59 Stat. 670.)

[1] Termination of war and six months thereafter, see section 621 of Appendix to Title 50, War.

REFERENCES IN TEXT

Words "Act of May 29, 1930 (46 Stat. 468) as amended," referred to in text is classified to sections 691, 693, 698, 707, 709, 710–715, 716–725, 727–731, 733, 736b, and 736c of Title 5, Executive Departments and Government Officers and Employees.

AMENDMENTS

1945—Subsec. (b) amended by act Dec. 29, 1945, cited to text, which struck out "or" following semicolon in subdiv. (14), struck out period and inserted "; or" in subdiv (15), and added subdiv. (16).

Subsec. (i) amended by act Mar. 24, 1945, cited to text, which added last sentence.

Subsec. (j) added by act Oct. 23, 1945, cited to text.

1944—Subsec (i) amended by act Apr. 4, 1944, § 1, cited to text, which inserted a comma and "but shall not * * * War Shipping Administration" preceding period at end of first sentence.

1943—Subsec. (i) was added by act March 24, 1943, cited to text.

EFFECTIVE DATE

Amendment of subsec. (b) by act Dec. 29, 1945, § 4 (c), cited to text, was made effective as of Jan. 1, 1946, by section 4 (c) thereof.

Subsec. (b) of section 1 of act Mar. 24, 1945, cited to text, provided that amendment should be effective as if made by section 1 (b) (1) of act Mar. 24, 1943, cited to text.

CROSS REFERENCES

Text of subsec. (i) is also set out under section 1291 of Appendix to Title 50, War.

§ 1430. Other laws applicable.

CROSS REFERENCES

Contributions by employers to voluntary employees' beneficiary associations as inapplicable to employment tax, see note under section 101 of this title

SUBCHAPTER B—EMPLOYMENT BY CARRIERS

PART IV.—GENERAL PROVISIONS

§ 1532. Definitions.

* * * * *

(d) Service.

An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded

as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case such other formula as the Railroad Retirement Board may have prescribed pursuant to subsection (c) of section 1 of the Railroad Retirement Act of 1937[1] shall be applicable: *Provided further*, That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date. (As amended Apr. 8, 1942, ch. 227, § 14, 56 Stat. 209.)

* * * * *

[1] Section 228a (c) of Title 45, Railroads.

AMENDMENTS

1942—Subsec. (d) was amended by act Apr. 8, 1942, cited to text, which affected the first proviso thereof.

EFFECTIVE DATE

Act April 8, 1942, cited to text, besides amending subsec. (d) of this section, contained the following paragraph: "The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Internal Revenue Code when that code was enacted on February 10, 1939, and as if it had been part of the Carriers Taxing Act of 1937 (50 Stat. 435 [Title 45, § 261 et seq.]) when that act was enacted on June 29, 1937: *Provided, however*, That no interest or penalties shall accrue or be deemed to have accrued for the failure to make returns under, or pay taxes levied by, sections 1500 and 1520, respectively, of said Internal Revenue Code and sections 2 and 3, respectively, of said Carriers Taxing Act of 1937 [Title 45, §§ 262, 263] with respect to the compensation of employees of any local lodge or division or of any general committee of a railway-labor-organization employer earned prior to the enactment of this amendment, if (1) the headquarters of such a local lodge or division was not located in the United States, or (2) all, or substantially all, the individuals constituting the membership of such a local lodge or division were employees of an employer not conducting the principal part of its business in the United States, or (3) the individuals represented by such a general committee were employees of an employer not conducting the principal part of its business in the United States, or (4) the service to such a general committee was rendered outside the United States, or (5) the office or headquarters of the individual rendering service to such a general committee was not located in the United States and if such returns are made and such taxes are paid within the time allowed for making returns and paying taxes with respect to the first calendar quarter beginning after the enactment of this amendment."

§ 1536. Other laws applicable.

All provisions of law, including penalties, applicable with respect to any tax imposed by section 2700 or section 1800, and the provisions of section 3661, insofar as applicable and not inconsistent with the provisions of this subchapter, shall be applicable with respect to the taxes imposed by this subchapter. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45, eff. Feb. 11, 1939.)

SUBCHAPTER C.—TAX ON EMPLOYERS OF EIGHT OR MORE

§ 1600. Rate of tax.

TAXES ON SERVICES RENDERED BY EMPLOYEES OF INTERNATIONAL ORGANIZATIONS PRIOR TO JAN. 1, 1946

Section 5 (b) of act Dec 29, 1945, ch. 652, title I, 59 Stat. 671, provided: "No tax shall be collected under title VIII or IX of the Social Security Act [sections 1001–1011 or 1101–1110 of Title 42] or under the Federal Insurance Contributions Act [sections 1400–1403, 1410, 1411, 1420–1432 of Title 26] or the Federal Unemployment Tax Act [sections 1600–1610 of Title 26], with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of sections 1426 (b) and 1607 (c) of the Internal Revenue Code [sections 1426 (b) and 1607 (c) of Title 26], as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any) shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. No payment shall be made under title II of the Social Security Act [sections 401–409 of Title 42] with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of section 209 (b) of such Act, as amended [section 409 (b) (16) of Title 42]."

§ 1601. Credits against tax—(a) Contributions to State unemployment funds.

* * * * *

(3) The credit against the tax for any taxable year shall be permitted only for contributions paid on or before the last day upon which the taxpayer is required under section 1604 to file a return for such year; except that credit shall be permitted for contributions paid after such last day, but such credit shall not exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid on or before such last day.

* * * * *

(5) Repealed. Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, § 601 (b), 58 Stat. 76.

* * * * *

(d) Refund or credit.

Refund or credit of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under this section, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax (including statutes of limitations). No interest shall be allowed or paid on the amount of any such credit or refund. (As amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title VI, § 601, 58 Stat. 76.)

AMENDMENTS

1944—Subsec. (a) (3) amended by act Feb. 25, 1944, cited to text, which omitted "but before July 1, next following such last day" preceding "but such credit," and omitted

the second sentence beginning "The preceding provisions."

Subsec. (d) added by act Feb. 25, 1944, cited to text.

CREDIT AGAINST FEDERAL UNEMPLOYMENT TAXES

Act Oct. 8, 1940, 11 p. m., E. S. T., ch. 757, title VII, § 701, 54 Stat. 1017 (see 26 U. S. C. A. Internal Revenue Acts), contained provisions on this subject However, it was affected by act Sept. 20, 1941, 12:15 p m., E. S. T., ch. 412, title VII, § 701 (c), 55 Stat. 726 (see 26 U. S. C. A. Internal Revenue Acts), and act Feb. 25, 1944, 12.49 p. m., E. W. T., ch. 63, title VI, § 602, 58 Stat. 77, set out in note below.

Act Feb. 25, 1944, 12·49 p. m., E W. T, ch. 63, title VI, § 602, 58 Stat. 77, provided as follows:

"(a) *Allowance of credit against tax for 1936, 1937, and 1938.* Against the tax imposed by section 901 of the Social Security Act for the calendar year 1936, 1937, or 1938, any taxpayer shall be allowed credit (if credit is not allowable under section 902 of such Act) for the amount of contributions paid by him into an unemployment fund under a State law—

"(1) Without regard to the date of payment, to the extent hereinafter provided in this subsection;

"(2) Without regard to the date of payment, with respect to wages paid after September 19, 1939;

"(3) Without regard to the date of payment, if the assets of the taxpayer were, at any time during the period August 11, 1939, to October 8, 1939, inclusive, or the period October 9, 1940, to December 6, 1940, inclusive, or the period September 21, 1941, to November 18, 1941, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

"The provisions of the Social Security Act in force prior to February 11, 1939 (except the provision limiting the credit to amounts paid before the date of filing returns), shall apply to allowance of credit under this subsection; except that the amount of credit against the tax for the calendar year 1936, 1937, or 1938, for contributions paid after December 6, 1940, shall not (unless the credit is allowable on account of paragraph (2) or (3)) exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid before the last day upon which the taxpayer was required under section 905 of such Act to file a return for such year. The terms used in this subsection shall have the same meaning as when used in title IX of such Act prior to February 11, 1939 The total credit allowable against the tax imposed by section 901 of such Act for the calendar year 1936, 1937, or 1938 shall not exceed 90 per centum of such tax

"(b) *Allowance of credit against tax for 1939, 1940, 1941, and 1942 where assets in control of court.* Against the tax imposed by the Federal Unemployment Tax Act for the calendar year 1939, 1940, 1941, or 1942, any taxpayer shall be allowed credit for the amount of contributions paid by him into an unemployment fund under a State law, without regard to the date of payment, if the assets of the taxpayer were, at any time during the period from the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act to file a return of the tax against which credit is claimed to June 30 next following such last day, inclusive, or (in the case of credit against the tax for the calendar year 1939) the period October 9, 1940, to December 6, 1940, inclusive, or the period September 21, 1941, to November 18, 1941, inclusive, or (in the case of credit against the tax for the calendar year 1940) the period September 21, 1941, to November 18, 1941, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction. The provisions of the Federal Unemployment Tax Act (except section 1601 (a) (3), including such provisions as modified by section 902 (e) of the Social Security Act Amendments of 1939, shall apply to allowance of credit under this subsection. The terms used in this subsection shall have the same meaning as when used in the Federal Unemployment Tax Act. The total credit allowable against the tax imposed by such Act for the calendar year 1939, 1940, 1941, or 1942 shall not exceed 90 per centum of such tax.

"(c) *Refund, Credit, or Abatement.* (1) Refund or credit of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under this section, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax (including statutes of limitations). No interest shall be allowed or paid on the amount of any such credit or refund

"(2) Any claim for refund or credit, with respect to the tax (including penalty and interest collected with respect thereto, if any) imposed by section 901 of the Social Security Act or section 1600 of the Federal Unemployment Tax Act, based on credit for contributions, which has been disallowed prior to the date of enactment of this Act, the allowance of which would be considered erroneous under section 3774 (b) or section 3775 (b) of the Internal Revenue Code, shall nevertheless be allowable if otherwise allowable under this section or section 1601 of the Federal Unemployment Tax Act.

"(3) Notwithstanding the acceptance of an offer in compromise prior to the date of enactment of this Act with respect to any tax (or penalty or interest in connection therewith) imposed by section 901 of the Social Security Act or section 1600 of the Federal Unemployment Tax Act, any claim for refund, credit, or abatement with respect to the tax (including penalty and interest collected with respect thereto, if any) imposed by either of such Acts, based on credit for contributions, shall be allowable if otherwise allowable under this section or section 1601 of the Federal Unemployment Tax Act.

"(4) On and after the date of the enactment of this Act no refund, credit, or abatement shall be allowed based on any credit allowable under section 701 of the Revenue Act of 1941."

§ 1605. Payment of taxes.

CROSS REFERENCES

Taxes on services rendered by employees of international organization, prior to Jan. 1, 1946, see note set out under section 1600 of this title.

§ 1606. Interstate commerce and Federal instrumentalities.

* * * * *

(e) The legislature of any State may, with respect to service to be performed after December 31, 1945, by a laborer, mechanic, or workman, in connection with construction work or the operation and maintenance of electrical facilities, as an employee performing service for the Bonneville Power Administrator (hereinafter called the Administrator), require the Administrator, who for the purposes of this subsection is designated an instrumentality of the United States, and any such employee, to make contributions to an unemployment fund under a State unemployment compensation law approved by the Board under section 1603 and to comply otherwise with such law. Such permission is subject to the conditions imposed by subsection (b) of this section upon permission to State legislatures to require contributions from instrumentalities of the United

States. The Administrator is authorized and directed to comply with the provisions of any applicable State unemployment compensation law on behalf of the United States as the employer of individuals whose service constitutes employment under such law by reason of this subsection. (As amended Oct. 23, 1945, ch. 433, § 7 (c), 59 Stat. 549.)

AMENDMENTS

1945—Subsec. (e) added by act Oct. 23, 1945, cited to text.

§ 1607. Definitions.

* * * * *

(c) Employment.

* * * * *

(14) Service performed by an individual for a person as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission;

(15) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; or

(16) Service performed in the employ of an international organization.

* * * * *

(m) Certain employees of Bonneville Power Administrator.

The term "employment" shall include such service as is determined by the Bonneville Power Administrator (hereinafter called the Administrator) to be performed after December 31, 1945, by a laborer, mechanic, or workman, in connection with construction work or the operation and maintenance of electrical facilities, as an employee performing service for the Administrator. The term "wages" means, with respect to service which constitutes employment by reason of this subsection, such amount of remuneration as is determined (subject to the provisions of this section) by the Administrator to be paid for such service. The Administrator is authorized and directed to comply with the provisions of the internal revenue laws on behalf of the United States as the employer of individuals whose service constitutes employment by reason of this subsection. (As amended Oct. 23, 1945, ch. 433, § 7 (d), 59 Stat. 549; Dec. 29, 1945, ch. 652, title I, § 4 (d), 59 Stat. 670.)

AMENDMENTS

1945—Subsec. (c) amended by act Dec. 29, 1945, cited to text, which struck out "or" following semicolon in subdiv. (14), struck out period and inserted "; or" in subdiv (15), and added subdiv (16).

Subsec. (m) added by act Oct. 23, 1945, cited to text.

EFFECTIVE DATE

Amendment of subsec. (c) by act Dec. 29, 1945, § 4 (d), cited to text, was made effective as of Jan. 1, 1946, by section 4 (d) thereof.

§ 1610. Other laws applicable.

CROSS REFERENCES

Contributions by employers to voluntary employees' beneficiary associations as inapplicable to employment tax, see note under section 101 of this title.

SUBCHAPTER D.—COLLECTION OF INCOME TAX AT SOURCE ON WAGES (NEW)

CODIFICATION

This Subchapter was added by act June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.

EFFECTIVE DATE OF SUBCHAPTER D AND E

Section 2 (d) of act June 9, 1943, cited to text, provided as follows: "The amendments made by subsections (a) and (b) [affecting sections 1621–1632 and sections 34, 322 (f) and 476] shall take effect July 1, 1943, and shall be applicable to all wages paid on or after such date, except that such amendments shall not be applicable to wages paid during the calendar year 1943 with respect to a payroll period beginning before such date."

§ 1621. Definitions.

As used in this subchapter—

(a) Wages.

The term "wages" means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include remuneration paid—

(1) for services performed as a member of the military or naval forces of the United States, other than pensions and retired pay includible in gross income under Chapter 1, or

(2) for agricultural labor (as defined in section 1426 (h)), or

(3) for domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, or

(4) for casual labor not in the course of the employer's trade or business, or

(5) for services by a citizen or resident of the United States for a foreign government or an international organization or for the government of the Commonwealth of the Philippines, or

(6) for services performed by a nonresident alien individual, other than a resident of a contiguous country who enters and leaves the United States at frequent intervals, or

(7) for such services, performed by a nonresident alien individual who is a resident of a contiguous country and who enters and leaves the United States at frequent intervals, as may be designated by regulations prescribed by the Commissioner with the approval of the Secretary, or

(8) for services for an employer performed by a citizen or resident of the United States while outside the United States (as defined in

section 3797 (a) (9)) if the major part of the services for such employer during the calendar year is to be performed outside the United States, or

(9) for services performed as a minister of the gospel.

For the purpose of paragraph (8) services performed on or in connection with an American vessel (as defined in section 1426 (g)) under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, or on or in connection with any vessel as an employee of the United States employed through the War Shipping Administration, shall not constitute services performed outside the United States.

(b) Payroll period.

The term "payroll period" means a period for which a payment of wages is ordinarily made to the employee by his employer, and the term "miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannual, or annual payroll period.

(c) Employee.

The term "employee" includes an officer, employee, or elected official of the United States, a State, Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term "employee" also includes an officer of a corporation.

(d) Employer.

The term "employer" means the person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that—

(1) if the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term "employer" (except for the purposes of subsection (a)) means the person having control of the payment of such wages; and

(2) in the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term "employer" (except for the purposes of subsection (a)) means such person.

(e) Number of withholding exemptions claimed.

The term "number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under section 1622 (h), except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126; amended May 29, 1944, 7 p. m., E. W. T., ch. 210, part II, § 22 (a), 58 Stat. 247; Dec. 29, 1945, ch. 652, title I, § 4 (e), 59 Stat. 671.)

AMENDMENTS

1945—Subsec. (a) (5) amended by act Dec. 29, 1945, cited to text, which inserted "or an international organization" following "foreign government".

1944—Subsecs (e)–(k) struck out by act May 29, 1944, cited to text, and a new subsec. (e) inserted in lieu thereof.

EFFECTIVE DATE

Amendment of section by act May 29, 1944, § 22 (a), cited to text, was made applicable only with respect to wages paid on or after Jan. 1, 1945, by section 21 thereof.

Section, prior to May 29, 1944, amendment, as effective July 1, 1943, see note preceding this section.

§ 1622. Income tax collected at source.

(a) Requirement of withholding.

Every employer making payment of wages shall deduct and withhold upon such wages a tax equal to the sum of the following:

(1) 17 per centum of whichever of the following is the lesser:

(A) the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table in subsection (b) (1); or

(B) the amount shown in the last column in the table in subsection (b) (1);

(2) 19 per centum of the amount by which the wages exceed the sum of:

(A) the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table in subsection (b) (1); plus

(B) the amount shown in the last column in the table in subsection (b) (1).

(b) (1) The table referred to in subsection (a) is as follows:

Percentage Method Withholding Table

Payroll period	Amount of one withholding exemption	Maximum amount subject to 17 per centum rate
Weekly	$11.00	$44.00
Biweekly	22.00	88.00
Semimonthly	23.00	92.00
Monthly	46.00	184.00
Quarterly	139.00	556.00
Semiannual	278.00	1,112.00
Annual	556.00	2,224.00
Daily or miscellaneous (per day of such period)	1.50	6.00

* * * * *

(c) Wage bracket withholding.

(1) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax determined in accordance with the following tables, which shall be in lieu of the tax required to be deducted and withheld under subsection (a):

If the pay-roll period with respect to an employee is weekly

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$11	17% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$11	$12	$2 00	.10	0	0	0	0	0	0	0	0	0
$12	$13	2 10	.30	0	0	0	0	0	0	0	0	0
$13	$14	2 30	.50	0	0	0	0	0	0	0	0	0
$14	$15	2 50	.70	0	0	0	0	0	0	0	0	0
$15	$16	2 70	80	0	0	0	0	0	0	0	0	0
$16	$17	2 80	1.00	0	0	0	0	0	0	0	0	0
$17	$18	3 00	1 20	0	0	0	0	0	0	0	0	0
$18	$19	3 20	1 30	0	0	0	0	0	0	0	0	0
$19	$20	3 30	1 50	0	0	0	0	0	0	0	0	0
$20	$21	3 50	1 70	0	0	0	0	0	0	0	0	0
$21	$22	3 70	1 80	0	0	0	0	0	0	0	0	0
$22	$23	3 80	2 00	.20	0	0	0	0	0	0	0	0
$23	$24	4 00	2 20	.40	0	0	0	0	0	0	0	0
$24	$25	4 20	2 40	.50	0	0	0	0	0	0	0	0
$25	$26	4 40	2 50	70	0	0	0	0	0	0	0	0
$26	$27	4 50	2 70	90	0	0	0	0	0	0	0	0
$27	$28	4 70	2 90	1 00	0	0	0	0	0	0	0	0
$28	$29	4 90	3 00	1 20	0	0	0	0	0	0	0	0
$29	$30	5 00	3 20	1 40	0	0	0	0	0	0	0	0
$30	$31	5 20	3 40	1 60	0	0	0	0	0	0	0	0
$31	$32	5 40	3 60	1 70	0	0	0	0	0	0	0	0
$32	$33	5 60	3 70	1 90	10	0	0	0	0	0	0	0
$33	$34	5 70	3 90	2 10	20	0	0	0	0	0	0	0
$34	$35	5 90	4 10	2 20	40	0	0	0	0	0	0	0
$35	$36	6 10	4 20	2 40	60	0	0	0	0	0	0	0
$36	$37	6 20	4 40	2 60	.80	0	0	0	0	0	0	0
$37	$38	6 40	4 60	2 80	90	0	0	0	0	0	0	0
$38	$39	6 60	4 80	2 90	1 10	0	0	0	0	0	0	0
$39	$40	6 80	4 90	3 10	1 30	0	0	0	0	0	0	0
$40	$41	6 90	5 10	3 30	1 40	0	0	0	0	0	0	0
$41	$42	7 10	5 30	3 40	1 60	0	0	0	0	0	0	0
$42	$43	7 30	5 40	3 60	1.80	0	0	0	0	0	0	0
$43	$44	7 40	5 60	3 80	2 00	.10	0	0	0	0	0	0
$44	$45	7 60	5 80	4 00	2 10	.30	0	0	0	0	0	0
$45	$46	7 80	6 00	4 10	2 30	50	0	0	0	0	0	0
$46	$47	8 00	6 10	4 30	2.50	.60	0	0	0	0	0	0
$47	$48	8 20	6 30	4 50	2 60	80	0	0	0	0	0	0
$48	$49	8 40	6 50	4 60	2 80	1.00	0	0	0	0	0	0
$49	$50	8 60	6 60	4 80	3 00	1 20	0	0	0	0	0	0
$50	$51	8 80	6 80	5 00	3 20	1 30	0	0	0	0	0	0
$51	$52	8 90	7 00	5 20	3 30	1 50	0	0	0	0	0	0
$52	$53	9 10	7 20	5 30	3 50	1 70	0	0	0	0	0	0
$53	$54	9 30	7 30	5 50	3 70	1 80	0	0	0	0	0	0
$54	$55	9 50	7 50	5 70	3 80	2 00	.20	0	0	0	0	0
$55	$56	9 70	7 70	5 80	4 00	2 20	.40	0	0	0	0	0
$56	$57	9 90	7 90	6 00	4 20	2 40	.50	0	0	0	0	0
$57	$58	10 10	8 10	6 20	4 40	2 50	.70	0	0	0	0	0
$58	$59	10 30	8 30	6 30	4.50	2 70	.90	0	0	0	0	0
$59	$60	10 50	8 40	6 50	4 70	2 90	1.00	0	0	0	0	0
$60	$62	10 70	8 70	6 80	5 00	3 10	1 30	0	0	0	0	0
$62	$64	11 10	9 10	7 10	5 30	3 50	1 60	0	0	0	0	0
$64	$66	11 50	9 50	7 50	5 60	3 80	2 00	.20	0	0	0	0
$66	$68	11 90	9 90	7 80	6.00	4.10	2 30	.50	0	0	0	0
$68	$70	12 20	10 20	8 20	6 30	4 50	2 70	.80	0	0	0	0
$70	$72	12 60	10 60	8 60	6.70	4 80	3 00	1 20	0	0	0	0
$72	$74	13 00	11 00	9 00	7 00	5 20	3 30	1 50	0	0	0	0
$74	$76	13 40	11 40	9 40	7.30	5.50	3.70	1.90	0	0	0	0
$76	$78	13 70	11 70	9 70	7.70	5 90	4 00	2 20	40	0	0	0
$78	$80	14 10	12 10	10 10	8.10	6.20	4 40	2 50	70	0	0	0
$80	$82	14 50	12 50	10 50	8 50	6 50	4 70	2 90	1.10	0	0	0
$82	$84	14 90	12 90	10 90	8 80	6 90	5 10	3 20	1 40	0	0	0
$84	$86	15 30	13 20	11 20	9 20	7.20	5.40	3.60	1.70	0	0	0
$86	$88	15 60	13 60	11 60	9 60	7 60	5 70	3 90	2 10	.30	0	0
$88	$90	16 00	14 00	12 00	10 00	8 00	6 10	4 30	2 40	.60	0	0
$90	$92	16 40	14 40	12 40	10 40	8 30	6 40	4 60	2 80	90	0	0
$92	$94	16 80	14 70	12 70	10.70	8 70	6 80	4 90	3 10	1 30	0	0
$94	$96	17 10	15 10	13 10	11 10	9 10	7.10	5 30	3 50	1 60	0	0
$96	$98	17 50	15 50	13 50	11.50	9.50	7.50	5.60	3 80	2 00	10	0
$98	$100	17 90	15 90	13 90	11.90	9 90	7 80	6 00	4 10	2 30	.50	0
$100	$105	18 50	16 50	14 50	12 50	10.50	8.50	6.60	4.70	2 90	1.10	0
$105	$110	19 50	17.50	15 50	13.50	11 40	9.40	7 40	5.60	3.80	1.90	10
$110	$115	20 40	18.40	16 40	14 40	12 40	10 40	8 40	6.40	4.60	2 80	1 00
$115	$120	21 40	19.40	17 30	15.30	13 30	11 30	9.30	7.30	5.50	3.70	1 80
$120	$125	22 30	20 30	18 30	16 30	14 30	12 30	10 30	8 20	6 30	4 50	2 70
$125	$130	23 20	21.20	19 20	17.20	15.20	13.20	11 20	9.20	7.20	5 40	3.50
$130	$135	24 20	22 20	20 20	18 20	16 20	14 10	12 10	10 10	8.10	6 20	4 40
$135	$140	25 10	23 10	21 10	19 10	17 10	15 10	13.10	11.10	9.10	7.10	5 20
$140	$145	26 10	24.10	22 00	20 00	18 00	16.00	14 00	12 00	10 00	8.00	6 10
$145	$150	27 00	25 00	23 00	21 00	19.00	17 00	15.00	12 90	10.90	8.90	7.00
$150	$160	28 40	26 40	24 40	22 40	20 40	18 40	16 40	14.40	12 30	10 30	8.30
$160	$170	30 30	28 30	26 30	24.30	22.30	20 30	18 20	16 20	14 20	12.20	10 20
$170	$180	32 20	30 20	28 20	26.20	24.10	22 10	20 10	18.10	16 10	14 10	12 10
$180	$190	34 10	32 10	30 00	28.00	26 00	24 00	22 00	20 00	18.00	16.00	14 00
$190	$200	35 90	33 90	31 90	29 90	27 90	25 90	23 90	21 90	19.90	17.90	15.80
		19 percent of the excess over $200 plus—										
$200 and over		36.90	34.90	32 90	30.90	28.80	26.80	24.80	22.80	20.80	18.80	16.80

If the pay-roll period with respect to an employee is biweekly

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$20	17% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$20	$22	$3 60	0	0	0	0	0	0	0	0	0	0
$22	$24	3 90	30	0	0	0	0	0	0	0	0	0
$24	$26	4 30	60	0	0	0	0	0	0	0	0	0
$26	$28	4 60	1 00	0	0	0	0	0	0	0	0	0
$28	$30	5 00	1 30	0	0	0	0	0	0	0	0	0
$30	$32	5 30	1 60	0	0	0	0	0	0	0	0	0
$32	$34	5 60	2 00	0	0	0	0	0	0	0	0	0
$34	$36	6 00	2 30	0	0	0	0	0	0	0	0	0
$36	$38	6 30	2 70	0	0	0	0	0	0	0	0	0
$38	$40	6 70	3 00	0	0	0	0	0	0	0	0	0
$40	$42	7 00	3 40	0	0	0	0	0	0	0	0	0
$42	$44	7 40	3 70	0	0	0	0	0	0	0	0	0
$44	$46	7 70	4 00	40	0	0	0	0	0	0	0	0
$46	$48	8 00	4 40	70	0	0	0	0	0	0	0	0
$48	$50	8 40	4 70	1 10	0	0	0	0	0	0	0	0
$50	$52	8 70	5 10	1 40	0	0	0	0	0	0	0	0
$52	$54	9 10	5 40	1 80	0	0	0	0	0	0	0	0
$54	$56	9 40	5 80	2 10	0	0	0	0	0	0	0	0
$56	$58	9 70	6 10	2 40	0	0	0	0	0	0	0	0
$58	$60	10 10	6 40	2 80	0	0	0	0	0	0	0	0
$60	$62	10 40	6 80	3 10	0	0	0	0	0	0	0	0
$62	$64	10 80	7 10	3 50	0	0	0	0	0	0	0	0
$64	$66	11 10	7 50	3 80	20	0	0	0	0	0	0	0
$66	$68	11 50	7 80	4 10	.50	0	0	0	0	0	0	0
$68	$70	11 80	8 10	4 50	80	0	0	0	0	0	0	0
$70	$72	12 10	8 50	4 80	1 20	0	0	0	0	0	0	0
$72	$74	12 50	8 80	5 20	1 50	0	0	0	0	0	0	0
$74	$76	12 80	9 20	5 50	1 90	0	0	0	0	0	0	0
$76	$78	13 20	9 50	5 90	2 20	0	0	0	0	0	0	0
$78	$80	13 50	9 90	6 20	2 50	0	0	0	0	0	0	0
$80	$82	13 90	10 20	6 50	2 90	0	0	0	0	0	0	0
$82	$84	14 20	10 50	6 90	3 20	0	0	0	0	0	0	0
$84	$86	14 50	10 90	7 20	3 60	0	0	0	0	0	0	0
$86	$88	14 90	11 20	7 60	3 90	30	0	0	0	0	0	0
$88	$90	15 30	11 60	7 90	4 30	60	0	0	0	0	0	0
$90	$92	15 60	11 90	8 30	4 60	90	0	0	0	0	0	0
$92	$94	16 00	12 20	8 60	4 90	1 30	0	0	0	0	0	0
$94	$96	16 40	12 60	8 90	5 30	1 60	0	0	0	0	0	0
$96	$98	16 80	12 90	9 30	5 60	2 00	0	0	0	0	0	0
$98	$100	17 20	13 30	9 60	6 00	2 30	0	0	0	0	0	0
$100	$102	17 50	13 60	10 00	6 30	2 70	0	0	0	0	0	0
$102	$104	17 90	14 00	10 30	6 70	3 00	0	0	0	0	0	0
$104	$106	18 30	14 30	10 60	7 00	3 30	0	0	0	0	0	0
$106	$108	18 70	14 60	11 00	7 30	3 70	0	0	0	0	0	0
$108	$110	19 00	15 00	11 30	7 70	4 00	.40	0	0	0	0	0
$110	$112	19 40	15 40	11 70	8 00	4 40	.70	0	0	0	0	0
$112	$114	19 80	15 80	12 00	8 40	4 70	1 10	0	0	0	0	0
$114	$116	20 20	16 20	12 40	8 70	5 00	1 40	0	0	0	0	0
$116	$118	20 50	16 50	12 70	9 00	5 40	1 70	0	0	0	0	0
$118	$120	20 90	16 90	13 00	9 40	5 70	2 10	0	0	0	0	0
$120	$124	21 50	17 50	13 60	9 90	6 20	2 60	0	0	0	0	0
$124	$128	22 20	18 20	14 20	10 60	6 90	3 30	0	0	0	0	0
$128	$132	23 00	19 00	15 00	11 30	7 60	4 00	30	0	0	0	0
$132	$136	23 70	19 70	15 70	12 00	8 30	4 60	1 00	0	0	0	0
$136	$140	24 50	20 50	16 50	12 60	9 00	5 30	1 70	0	0	0	0
$140	$144	25 20	21 20	17 20	13 30	9 70	6 00	2 40	0	0	0	0
$144	$148	26 00	22 00	18 00	14 00	10 40	6 70	3 00	0	0	0	0
$148	$152	26 80	22 70	18 70	14 70	11 00	7 40	3 70	10	0	0	0
$152	$156	27 50	23 50	19 50	15 40	11 70	8 10	4 40	80	0	0	0
$156	$160	28 30	24 20	20 20	16 20	12 40	8 70	5 10	1.40	0	0	0
$160	$164	29 00	25 00	21 00	16 90	13 10	9 40	5 80	2 10	0	0	0
$164	$168	29 80	25 70	21 70	17 70	13 80	10 10	6 50	2.80	0	0	0
$168	$172	30 50	26 50	22 50	18 40	14 50	10 80	7 10	3.50	0	0	0
$172	$176	31 30	27 20	23 20	19 20	15 20	11 50	7 80	4 20	50	0	0
$176	$180	32 00	28 00	24 00	20 00	15 90	12 20	8 50	4 90	1 20	0	0
$180	$184	32 80	28 70	24 70	20 70	16 70	12 90	9 20	5 50	1 90	0	0
$184	$188	33 50	29 50	25 50	21 50	17 40	13 50	9 90	6 20	2 60	0	0
$188	$192	34 30	30 30	26 20	22 20	18 20	14 20	10 60	6.90	3 30	0	0
$192	$196	35 00	31 00	27 00	23 00	19 00	14 90	11 30	7.60	3 90	30	0
$196	$200	35 80	31 80	27 70	23 70	19 70	15 70	11 90	8.30	4 60	1 00	0
$200	$210	37 10	33 10	29 10	25 00	21 00	17 00	13 10	9.50	5 80	2 20	0
$210	$220	39 00	35 00	30 90	26 90	22 90	18 90	14 90	11 20	7 50	3 90	.20
$220	$230	40 90	36.80	32 80	28 80	24 80	20 80	16 70	12 90	9 20	5 60	1 90
$230	$240	42 70	38 70	34 70	30 70	26 70	22 60	18 60	14 60	11 00	7 30	3 60
$240	$250	44 60	40 60	36 60	32 60	28 50	24 50	20 50	16 50	12 70	9 00	5 40
$250	$260	46 50	42 50	38 50	34 40	30 40	26.40	22 40	18 40	14 40	10 70	7.10
$260	$270	48 40	44 40	40.30	36 30	32 30	28 30	24 30	20 20	16 20	12 40	8.80
$270	$280	50 30	46 20	42 20	38 20	34 20	30 20	26 10	22 10	18 10	14 10	10.50
$280	$290	52 10	48 10	44.10	40 10	36 10	32 00	28 00	24.00	20 00	16 00	12.20
$290	$300	54 00	50 00	46 00	42 00	37 90	33 90	29 90	25.90	21.90	17 90	13.90
$300	$320	56 80	52 80	48 80	44 80	40 80	36 70	32 70	28 70	24 70	20 70	16.70
$320	$340	60 60	56 60	52 60	48 50	44 50	40 50	36 50	32 50	28 50	24 40	20.40
$340	$360	64.40	60.40	56 30	52 30	48 30	44 30	40 30	36 20	32 20	28 20	24.20
$360	$380	68 10	64 10	60 10	56 10	52 10	48 00	44 00	40 00	36 00	32 00	27.90
$380	$400	71.90	67 90	63.90	59.80	55 80	51 80	47.80	43 80	39 70	35 70	31.70
		19 percent of the excess over $400 plus—										
$400 and over		73 80	69.80	65.70	61.70	57.70	53 70	49.70	45.60	41.60	37 60	33.60

If the pay-roll period with respect to an employee is semimonthly

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$22	17% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$22	$24	$3 90	0	0	0	0	0	0	0	0	0	0
$24	$26	4 30	.30	0	0	0	0	0	0	0	0	0
$26	$28	4 60	.70	0	0	0	0	0	0	0	0	0
$28	$30	5 00	1 00	0	0	0	0	0	0	0	0	0
$30	$32	5 30	1 30	0	0	0	0	0	0	0	0	0
$32	$34	5 60	1 70	0	0	0	0	0	0	0	0	0
$34	$36	6 00	2 00	0	0	0	0	0	0	0	0	0
$36	$38	6 30	2 40	0	0	0	0	0	0	0	0	0
$38	$40	6 70	2.70	0	0	0	0	0	0	0	0	0
$40	$42	7 00	3 10	0	0	0	0	0	0	0	0	0
$42	$44	7 40	3 40	0	0	0	0	0	0	0	0	0
$44	$46	7 70	3 70	0	0	0	0	0	0	0	0	0
$46	$48	8 00	4 10	.10	0	0	0	0	0	0	0	0
$48	$50	8 40	4 40	.50	0	0	0	0	0	0	0	0
$50	$52	8 70	4 80	.80	0	0	0	0	0	0	0	0
$52	$54	9 10	5 10	1 10	0	0	0	0	0	0	0	0
$54	$56	9 40	5 40	1 50	0	0	0	0	0	0	0	0
$56	$58	9 70	5 80	1 80	0	0	0	0	0	0	0	0
$58	$60	10 10	6 10	2 20	0	0	0	0	0	0	0	0
$60	$62	10 40	6 50	2 50	0	0	0	0	0	0	0	0
$62	$64	10 80	6 80	2 90	0	0	0	0	0	0	0	0
$64	$66	11 10	7 20	3 20	0	0	0	0	0	0	0	0
$66	$68	11 50	7 50	3 50	0	0	0	0	0	0	0	0
$68	$70	11 80	7 80	3 90	0	0	0	0	0	0	0	0
$70	$72	12 10	8 20	4 20	.30	0	0	0	0	0	0	0
$72	$74	12 50	8 50	4 60	.60	0	0	0	0	0	0	0
$74	$76	12 80	8 90	4 90	1 00	0	0	0	0	0	0	0
$76	$78	13 20	9 20	5 30	1.30	0	0	0	0	0	0	0
$78	$80	13 50	9 60	5 60	1 60	0	0	0	0	0	0	0
$80	$82	13 90	9 90	5 90	2 00	0	0	0	0	0	0	0
$82	$84	14 20	10 20	6 30	2 30	0	0	0	0	0	0	0
$84	$86	14 50	10 60	6 60	2 70	0	0	0	0	0	0	0
$86	$88	14 90	10 90	7 00	3 00	0	0	0	0	0	0	0
$88	$90	15 20	11 30	7 30	3 30	0	0	0	0	0	0	0
$90	$92	15 60	11 60	7 60	3 70	0	0	0	0	0	0	0
$92	$94	15 90	11 90	8 00	4 00	.10	0	0	0	0	0	0
$94	$96	16 30	12 30	8 30	4 40	.10	0	0	0	0	0	0
$96	$98	16 70	12 60	8 70	4 70	.80	0	0	0	0	0	0
$98	$100	17 00	13 00	9 00	5 10	1 10	0	0	0	0	0	0
$100	$102	17 40	13 30	9 40	5 40	1 40	0	0	0	0	0	0
$102	$104	17 80	13 70	9 70	5 70	1 80	0	0	0	0	0	0
$104	$106	18 20	14 00	10 00	6 10	2 10	0	0	0	0	0	0
$106	$108	18 50	14 30	10 40	6 40	2 50	0	0	0	0	0	0
$108	$110	18 90	14 70	10 70	6 80	2 80	0	0	0	0	0	0
$110	$112	19 30	15 00	11 10	7 10	3 10	0	0	0	0	0	0
$112	$114	19 70	15 40	11 40	7 40	3 50	0	0	0	0	0	0
$114	$116	20 00	15 70	11 70	7 80	3 80	0	0	0	0	0	0
$116	$118	20 40	16 10	12 10	8 10	4 20	.20	0	0	0	0	0
$118	$120	20 80	16 40	12 40	8 50	4 50	.60	0	0	0	0	0
$120	$124	21 40	17 00	12 90	9 00	5 00	1 10	0	0	0	0	0
$124	$128	22 10	17 80	13 60	9 70	5.70	1 80	0	0	0	0	0
$128	$132	22 90	18 50	14 30	10 40	6 40	2 40	0	0	0	0	0
$132	$136	23 60	19 30	15 00	11.00	7 10	3 10	0	0	0	0	0
$136	$140	24 40	20 00	15 70	11 70	7 80	3 80	0	0	0	0	0
$140	$144	25 10	20 80	16 40	12 40	8 40	4 50	.50	0	0	0	0
$144	$148	25 90	21 50	17 20	13 10	9 10	5 20	1 20	0	0	0	0
$148	$152	26 60	22 30	17 90	13 80	9 80	5 90	1 90	0	0	0	0
$152	$156	27 40	23 00	18 70	14 50	10 50	6 50	2 60	0	0	0	0
$156	$160	28 10	23 80	19 40	15 10	11 20	7 20	3 30	0	0	0	0
$160	$164	28 90	24 50	20 20	15 80	11 90	7 90	4 00	0	0	0	0
$164	$168	29 60	25 30	20 90	16 60	12 60	8 60	4 60	.70	0	0	0
$168	$172	30 40	26 00	21.70	17 30	13 20	9 30	5 30	1.40	0	0	0
$172	$176	31 10	26 80	22 40	18 10	13 90	10 00	6 00	2.00	0	0	0
$176	$180	31 90	27 50	23 20	18 80	14 60	10 60	6.70	2 70	0	0	0
$180	$184	32 60	28 30	23 90	19 60	15 30	11 30	7 40	3 40	0	0	0
$184	$188	33 40	29 00	24 70	20 30	16 00	12 00	8 10	4 10	.10	0	0
$188	$192	34 20	29 80	25 40	21 10	16.70	12 70	8.70	4 80	.80	0	0
$192	$196	34 90	30 60	26 20	21.80	17 50	13 40	9 40	5 50	1 50	0	0
$196	$200	35 70	31 30	27 00	22 60	18 20	14 10	10 10	6 10	2 20	0	0
$200	$210	37 00	32 60	28 30	23 90	19 60	15 30	11 30	7.30	3 40	0	0
$210	$220	38 90	34 50	30 10	25 80	21.40	17 10	13 00	9 10	5 10	1 10	0
$220	$230	40 70	36 40	32 00	27 70	23 30	19 00	14 70	10 80	6 80	2 90	0
$230	$240	42 60	38 30	33 90	29 60	25 20	20 80	16 50	12.50	8 50	4 60	.60
$240	$250	44 50	40 10	35 80	31 40	27.10	22 70	18 40	14 20	10 20	6 30	2 30
$250	$260	46 40	42 00	37 70	33 30	29 00	24 60	20 30	15.90	11 90	8 00	4.00
$260	$270	48 30	43 90	39 50	35.20	30 80	26 50	22 10	17.80	13 60	9 70	5.70
$270	$280	50 10	45 80	41 40	37 10	32 70	28 40	24 00	19.70	15 40	11 40	7 40
$280	$290	52 00	47 70	43 30	39 00	34 60	30 20	25 90	21 50	17 20	13 10	9 20
$290	$300	53 90	49 60	45 20	40 80	36 50	32 10	27 80	23 40	19 10	14 80	10 90
$300	$320	56 70	52 40	48 00	43 70	39 30	35 00	30 60	26 20	21 90	17 50	13 40
$320	$340	60 50	56.10	51 80	47.40	43 10	38 70	34.40	30 00	25 70	21 30	16.90
$340	$360	64 20	59 90	55 50	51 20	46 80	42 50	38 10	33 80	29 40	25 10	20 70
$360	$380	68 00	63 70	59 30	54 90	50 60	46 20	41 90	37.50	33 20	28 80	24.50
$380	$400	71 80	67 40	63 10	58 70	54 40	50 00	45 60	41.30	36 90	32 60	28.20
$400	$420	75 50	71 20	66 80	62 50	58 10	53 80	49 40	45.10	40 70	36 30	32.00
$420	$440	79 30	74 90	70 60	66 20	61 90	57 50	53 20	48 80	44 50	40 10	35 80
$440	$460	83 10	78 70	74.30	70 00	65 60	61 30	56 90	52 60	48 20	43 90	39.50
$460	$480	86 80	82 50	78 10	73 80	69 40	65 00	60 70	56 30	52 00	47 60	43 30
$480	$500	90 60	86 20	81 90	77.50	73 20	68 80	64 50	60 10	55 70	51 40	47 00
		19 percent of the excess over $500 plus—										
$500 and over		92 50	88 10	83 80	79 40	75 10	70 70	66 30	62 00	57 60	53 30	48.90

If the pay-roll period with respect to an employee is monthly

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$44	17% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$44	$48	$7 90	0	0	0	0	0	0	0	0	0	0
$48	$52	8 60	60	0	0	0	0	0	0	0	0	0
$52	$56	9 20	1 30	0	0	0	0	0	0	0	0	0
$56	$60	9 90	2 00	0	0	0	0	0	0	0	0	0
$60	$64	10 60	2 70	0	0	0	0	0	0	0	0	0
$64	$68	11 30	3 40	0	0	0	0	0	0	0	0	0
$68	$72	12 00	4 10	0	0	0	0	0	0	0	0	0
$72	$76	12 70	4 70	0	0	0	0	0	0	0	0	0
$76	$80	13 30	5 40	0	0	0	0	0	0	0	0	0
$80	$84	14 00	6 10	0	0	0	0	0	0	0	0	0
$84	$88	14 70	6 80	0	0	0	0	0	0	0	0	0
$88	$92	15 40	7 50	0	0	0	0	0	0	0	0	0
$92	$96	16 10	8 20	.20	0	0	0	0	0	0	0	0
$96	$100	16 80	8. 80	.90	0	0	0	0	0	0	0	0
$100	$104	17 40	9 50	1 60	0	0	0	0	0	0	0	0
$104	$108	18 10	10 20	2 30	0	0	0	0	0	0	0	0
$108	$112	18 80	10 90	3 00	0	0	0	0	0	0	0	0
$112	$116	19 50	11 60	3 70	0	0	0	0	0	0	0	0
$116	$120	20 20	12 30	4 30	0	0	0	0	0	0	0	0
$120	$124	20 90	12 90	5 00	0	0	0	0	0	0	0	0
$124	$128	21 50	13 60	5 70	0	0	0	0	0	0	0	0
$128	$132	22 20	14 30	6 40	0	0	0	0	0	0	0	0
$132	$136	22 90	15 00	7 10	0	0	0	0	0	0	0	0
$136	$140	23 60	15 70	7 80	0	0	0	0	0	0	0	0
$140	$144	24 30	16 40	8 40	50	0	0	0	0	0	0	0
$144	$148	25 00	17 00	9 10	1 20	0	0	0	0	0	0	0
$148	$152	25 70	17 70	9 80	1. 90	0	0	0	0	0	0	0
$152	$156	26 30	18 40	10 50	2 60	0	0	0	0	0	0	0
$156	$160	27 00	19 10	11 20	3 30	0	0	0	0	0	0	0
$160	$164	27 70	19 80	11. 90	4 00	0	0	0	0	0	0	0
$164	$168	28 40	20 50	12 60	4 60	0	0	0	0	0	0	0
$168	$172	29 10	21 20	13 20	5 30	0	0	0	0	0	0	0
$172	$176	29 80	21 80	13 90	6 00	0	0	0	0	0	0	0
$176	$180	30 40	22 50	14 60	6 70	0	0	0	0	0	0	0
$180	$184	31 10	23 20	15 30	7 40	0	0	0	0	0	0	0
$184	$188	31 80	23 90	16 00	8 10	.10	0	0	0	0	0	0
$188	$192	32 60	24. 60	16 70	8 70	80	0	0	0	0	0	0
$192	$196	33 30	25 30	17 30	9 40	1 50	0	0	0	0	0	0
$196	$200	34 10	25 90	18 00	10 10	2 20	0	0	0	0	0	0
$200	$204	34 80	26 60	18 70	10 80	2 90	0	0	0	0	0	0
$204	$208	35 60	27 30	19 40	11 50	3 60	0	0	0	0	0	0
$208	$212	36 30	28 00	20 10	12 20	4 20	0	0	0	0	0	0
$212	$216	37 10	28 70	20 80	12 80	4 90	0	0	0	0	0	0
$216	$220	37 80	29 40	21 40	13 50	5 60	0	0	0	0	0	0
$220	$224	38 60	30 00	22 10	14 20	6 30	0	0	0	0	0	0
$224	$228	39 30	30 70	22 80	14 90	7 00	0	0	0	0	0	0
$228	$232	40 10	31 40	23 50	15 60	7 70	0	0	0	0	0	0
$232	$236	40 80	32 10	24 20	16 30	8 30	40	0	0	0	0	0
$236	$240	41 60	32 90	24 90	16 90	9 00	1 10	0	0	0	0	0
$240	$248	42 70	34 00	25 90	18 00	10 10	2 10	0	0	0	0	0
$248	$256	44 20	35 50	27 30	19 30	11 40	3 50	0	0	0	0	0
$256	$264	45 70	37 00	28 60	20 70	12 80	4 90	0	0	0	0	0
$264	$272	47 20	38 50	30 00	22 10	14 20	6 20	0	0	0	0	0
$272	$280	48 70	40 00	31 40	23 40	15 50	7 60	0	0	0	0	0
$280	$288	50 20	41 50	32 80	24 80	16 90	9 00	1 10	0	0	0	0
$288	$296	51 80	43 00	34 30	26. 20	18 30	10 30	2 40	0	0	0	0
$296	$304	53 30	44 50	35 80	27 60	19 60	11 70	3 80	0	0	0	0
$304	$312	54 80	46 10	37 30	28 90	21 00	13 10	5 20	0	0	0	0
$312	$320	56 30	47 60	38 90	30 30	22 40	14 50	6 50	0	0	0	0
$320	$328	57 80	49 10	40 40	31 70	23 70	15 80	7. 90	0	0	0	0
$328	$336	59 30	50 60	41 90	33 20	25 10	17 20	9 30	1. 40	0	0	0
$336	$344	60 80	52 10	43 40	34 70	26 50	18 60	10 60	2. 70	0	0	0
$344	$352	62 30	53 60	44 90	36 20	27 80	19 90	12 00	4. 10	0	0	0
$352	$360	63 80	55 10	46 40	37 70	29 20	21 30	13 40	5. 50	0	0	0
$360	$368	65 30	56 60	47 90	39 20	30 60	22 70	14 70	6. 80	0	0	0
$368	$376	66 80	58 10	49 40	40 70	32 00	24 00	16 10	8. 20	.30	0	0
$376	$384	68 30	59 60	50 90	42 20	33 50	25 40	17 50	9. 60	1 60	0	0
$384	$392	69 80	61 10	52 40	43 70	35 00	26 80	18 80	10 90	3 00	0	0
$392	$400	71 30	62 60	53 90	45 20	36 50	28 10	20 20	12 30	4 40	0	0
$400	$420	73 90	65 20	56 50	47. 80	39 10	30 50	22 60	14 70	6 80	0	0
$420	$440	77. 70	69 00	60 30	51. 60	42 90	34 20	26 00	18 10	10 20	2 30	0
$440	$460	81 50	72 80	64 10	55 30	46 60	37 90	29 50	21 50	13 60	5 70	0
$460	$480	85 20	76 50	67 80	59 10	50 40	41 70	33 00	25 00	17 00	9 10	1 20
$480	$500	89 00	80 30	71 60	62 90	54 20	45 50	36 70	28 40	20 50	12 50	4 60
$500	$520	92 80	84 10	75 30	66 60	57 90	49 20	40 50	31 80	23 90	16 00	8 00
$520	$540	96 50	87 80	79 10	70 40	61 70	53 00	44 30	35 60	27 30	19 40	11 50
$540	$560	100 30	91 60	82 90	74 20	65 50	56 70	48 00	39 30	30 70	22 80	14 90
$560	$580	104 00	95 30	86 60	77 90	69 20	60 50	51 80	43 10	34 40	26 20	18 30
$580	$600	107 80	99 10	90 40	81. 70	73 00	64 30	55 60	46 90	38 10	29 60	21. 70
$600	$640	113 40	104 70	96 00	87 30	78 60	69. 90	61 20	52 50	43 80	35 10	26 90
$640	$680	121 00	112 30	103 60	94 80	86 10	77 40	68 70	60 00	51 30	42 60	33 90
$680	$720	128 50	119 80	111 10	102 40	93 70	85 00	76 20	67. 50	58 80	50 10	41 40
$720	$760	136 00	127 30	118 60	109 90	101 20	92. 50	83 80	75 10	66 40	57 60	48 90
$760	$800	143 50	134 80	126 10	117 40	108. 70	100 00	91. 30	82. 60	73 90	65 20	56. 50
$800	$840	151 10	142 40	133 70	124 90	116 20	107 50	98 80	90 10	81 40	72 70	64. 00
$840	$880	158 60	149 90	141 20	132 50	123 80	115 10	106 30	97 60	88 90	80 20	71 50
$880	$920	166 10	157 40	148 70	140 00	131 30	122 60	113 90	105 20	96 50	87 70	79 00
$920	$960	173. 60	164. 90	156 20	147 50	138 80	130. 10	121 40	112 70	104. 00	95 30	86 60
$960	$1,000	181 20	172. 50	163 80	155 00	146 30	137 60	128 90	120 20	111. 50	102 80	94 10
		19 percent of the excess over $1,000 plus—										
$1,000 and over		184 90	176. 20	167. 50	158 80	150. 10	141 40	132 70	124 00	115. 30	106. 60	97 90

If the pay-roll period with respect to an employee is a daily pay-roll period or a miscellaneous pay-roll period

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least	But less than	The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period										
		17% of wages										
$0	$1.50	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$1 50	$1 75	$0 30	0	0	0	0	0	0	0	0	0	0
$1 75	$2 00	.30	.05	0	0	0	0	0	0	0	0	0
$2 00	$2 25	.35	10	0	0	0	0	0	0	0	0	0
$2 25	$2 50	40	.15	0	0	0	0	0	0	0	0	0
$2.50	$2 75	.45	20	0	0	0	0	0	0	0	0	0
$2.75	$3 00	.50	25	0	0	0	0	0	0	0	0	0
$3 00	$3 25	55	25	0	0	0	0	0	0	0	0	0
$3 25	$3 50	60	.30	05	0	0	0	0	0	0	0	0
$3 50	$3 75	.60	.35	10	0	0	0	0	0	0	0	0
$3.75	$4 00	.65	.40	.15	0	0	0	0	0	0	0	0
$4 00	$4 25	70	.45	.20	0	0	0	0	0	0	0	0
$4 25	$4 50	.75	.50	.25	0	0	0	0	0	0	0	0
$4 50	$4 75	.80	.55	25	0	0	0	0	0	0	0	0
$4 75	$5 00	85	55	.30	05	0	0	0	0	0	0	0
$5.00	$5 25	90	60	35	10	0	0	0	0	0	0	0
$5.25	$5 50	90	65	.40	.15	0	0	0	0	0	0	0
$5.50	$5 75	.95	.70	45	20	0	0	0	0	0	0	0
$5 75	$6 00	1 00	.75	.50	20	0	0	0	0	0	0	0
$6.00	$6 25	1 05	80	55	25	0	0	0	0	0	0	0
$6.25	$6 50	1 10	85	55	.30	.05	0	0	0	0	0	0
$6 50	$6 75	1 15	85	.60	.35	10	0	0	0	0	0	0
$6.75	$7 00	1 20	.90	.65	.40	15	0	0	0	0	0	0
$7 00	$7 25	1 25	95	70	45	.20	0	0	0	0	0	0
$7.25	$7 50	1 30	1 00	.75	50	20	0	0	0	0	0	0
$7.50	$7 75	1 35	1 05	.80	.50	25	0	0	0	0	0	0
$7.75	$8 00	1 40	1 10	.85	55	30	05	0	0	0	0	0
$8 00	$8 25	1 40	1 15	.85	60	35	.10	0	0	0	0	0
$8.25	$8 50	1 45	1 20	.90	65	40	15	0	0	0	0	0
$8 50	$8 75	1 50	1 25	.95	70	45	15	0	0	0	0	0
$8.75	$9 00	1 55	1.30	1 00	75	50	20	0	0	0	0	0
$9.00	$9 25	1 60	1 35	1 05	80	.50	25	0	0	0	0	0
$9 25	$9 50	1 65	1 35	1.10	80	.55	30	05	0	0	0	0
$9.50	$9 75	1 70	1 40	1 15	85	60	35	10	0	0	0	0
$9.75	$10 00	1 75	1 45	1 20	90	.65	40	.15	0	0	0	0
$10 00	$10 50	1 80	1 55	1 25	95	70	45	.20	0	0	0	0
$10 50	$11 00	1 90	1 65	1 35	1 05	.80	55	30	0	0	0	0
$11.00	$11 50	2 00	1 75	1.45	1.15	.90	.60	35	.10	0	0	0
$11 50	$12 00	2 10	1 80	1 55	1.25	95	70	45	.20	0	0	0
$12.00	$12.50	2 20	1 90	1 65	1.35	1 05	80	.55	.25	0	0	0
$12 50	$13 00	2 30	2 00	1 70	1 45	1 15	.90	60	.35	10	0	0
$13 00	$13 50	2 40	2 10	1 80	1 55	1 25	.95	70	.45	20	0	0
$13 50	$14 00	2 50	2 20	1 90	1 60	1 35	1 05	.80	.55	.25	0	0
$14 00	$14 50	2 60	2 30	2 00	1 70	1 45	1 15	90	.60	35	.10	0
$14 50	$15 00	2 65	2 40	2 10	1 80	1 50	1 25	95	.70	.45	.20	0
$15 00	$15 50	2 75	2 50	2 20	1 90	1 60	1 35	1 05	.80	55	.25	0
$15 50	$16 00	2 85	2 55	2 30	2 00	1 70	1 45	1 15	.85	60	.35	.10
$16 00	$16 50	2 95	2 65	2 40	2 10	1 80	1 50	1 25	95	70	.45	.20
$16 50	$17 00	3 05	2 75	2 45	2 20	1 90	1 60	1 35	1.05	.80	50	.25
$17 00	$17 50	3 15	2 85	2 55	2 30	2 00	1 70	1.40	1 15	85	60	.35
$17 50	$18 00	3 25	2 95	2 65	2 40	2 10	1 80	1.50	1 25	95	70	.45
$18.00	$18 50	3 35	3 05	2 75	2 45	2 20	1 90	1 60	1 30	1 05	.80	.50
$18.50	$19 00	3 40	3 15	2 85	2 55	2 30	2 00	1.70	1.40	1 15	.85	.60
$19 00	$19 50	3 50	3 25	2 95	2 65	2 35	2 10	1 80	1 50	1 25	95	70
$19 50	$20 00	3 60	3 30	3 05	2 75	2 45	2 20	1 90	1 60	1.30	1 05	.75
$20 00	$21 00	3 75	3 45	3 20	2 90	2 60	2 30	2 05	1 75	1 45	1 20	.90
$21 00	$22 00	3 95	3 65	3 35	3 10	2 80	2 50	2 20	1 95	1 65	1 35	1.10
$22 00	$23 00	4 15	3 85	3 55	3 25	3 00	2 70	2 40	2 10	1 85	1 55	1.25
$23.00	$24 00	4 30	4 05	3 75	3 45	3 15	2 90	2 60	2.30	2 05	1 75	1.45
$24 00	$25 00	4 50	4 20	3 95	3 65	3 35	3 05	2 80	2 50	2 20	1 95	1.65
$25 00	$26 00	4 70	4 40	4 10	3 85	3 55	3 25	2 95	2 70	2 40	2 10	1.85
$26.00	$27 00	4 90	4 60	4 30	4 00	3 75	3 45	3 15	2 90	2 60	2 30	2.00
$27 00	$28 00	5 05	4 80	4 50	4 20	3 90	3 65	3 35	3 05	2 80	2 50	2.20
$28 00	$29 00	5 25	4 95	4 70	4 40	4 10	3 80	3 55	3 25	2 95	2 70	2 40
$29 00	$30.00	5 45	5 15	4 85	4 60	4.30	4 00	3.75	3 45	3 15	2 85	2.60
		19 percent of the excess over $30 plus—										
$30.00 and over		5 55	5.25	4.95	4.70	4.40	4.10	3 80	3.55	3.25	2 95	2.70

* * * * *

(h) Withholding exemptions—(1) In general.

An employee receiving wages shall on any day be entitled to the following withholding exemptions:

(A) An exemption for himself.

(B) If the employee is married, an exemption with respect to his spouse, unless his spouse has in effect a withholding exemption certificate claiming a withholding exemption under subparagraph (A).

(C) An exemption for each individual with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 25 (b) (1) (C) for the taxable year under Chapter 1 in respect of which amounts deducted and withheld under this subchapter in the calendar year in which such day falls are allowed as a credit.

(2) Exemption certificates.

(A) On Commencement of Employment.—On or before the date of the commencement of employ-

ment with an employer, the employee shall furnish the employer with a signed withholding exemption certificate relating to the number of withholding exemptions which he claims, which shall in no event exceed the number to which he is entitled.

(B) Changes of Status, Etc.—If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is less than the number of withholding exemptions claimed by the employee on the withholding exemption certificate then in effect with respect to him, the employee shall within ten days thereafter furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day. If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is greater than the number of withholding exemptions claimed, the employee may furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day.

(C) Change of Status, Etc., Which Affects Next Calendar Year.—If on any day during the calendar year the number of withholding exemptions to which the employee will be, or may reasonably be expected to be, entitled at the beginning of his next taxable year under Chapter 1 is different from the number to which the employee is entitled on such day, the employee shall, in such cases and at such times as the Commissioner, with the approval of the Secretary, may by regulations prescribe, furnish the employer with a withholding exemption certificate relating to the number of withholding exemptions which he claims with respect to such next taxable year, which shall in no event exceed the number to which he will be, or may reasonably be expected to be, so entitled.

(3) When certificate takes effect.

(A) First Certificate Furnished.—A withholding exemption certificate furnished the employer in cases in which no previous such certificate is in effect shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished.

(B) Furnished to Take Place of Existing Certificate.—A withholding exemption certificate furnished the employer in cases in which a previous such certificate is in effect shall take effect with respect to the first payment of wages made on or after the first status determination date which occurs at least thirty days from the date on which such certificate is so furnished, except that at the election of the employer such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is so furnished; but a certificate furnished pursuant to paragraph (2) (C) shall not take effect, and may not be made effective, with respect to any payment of wages made in the calendar year in which the certificate is furnished. For the purposes of this subparagraph the term "status determination date" means January 1 and July 1 of each year.

(4) Period during which certificate remains in effect.

A withholding exemption certificate which takes effect under this subsection shall continue in effect with respect to the employer until another such certificate takes effect under this subsection.

(5) Contents of certificate.

Withholding exemption certificates shall be in such form and contain such information as the Commissioner may, with the approval of the Secretary, by regulations prescribe. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126, amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title I, § 137, 58 Stat. 53; May 29, 1944, 7 p. m., E. W. T., ch. 210, part II, § 22 (b–d, f), 58 Stat. 255; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 104 (a–c), 59 Stat. 561.)

* * * * *

AMENDMENTS

1945—Subsec (a) amended by act Nov. 8, 1945, § 104 (a) (1), cited to text, which struck out paragraph (1), inserted "17 per centum" in lieu of "18 per centum" in paragraph (2), inserted "19 per centum" in lieu of "19 8 per centum" in paragraph (3), and renumbered paragraphs (2) and (3) as (1) and (2) respectively.

Subsec. (b) (1) amended by act Nov. 8, 1945, § 104 (a) (2), cited to text, which struck out "18 per centum" in the last column of the table therein and inserted in lieu thereof "17 per centum".

Subsec (c) (1), the tables relating to wage bracket withholding, amended generally by act Nov. 8, 1945, § 104 (b), cited to text.

Subsec. (h) (1) (C) amended by act Nov 8, 1945, § 104 (c), cited to text, which struck out "a surtax exemption under section 25 (b) (3)" and inserted in lieu thereof "an exemption under section 25 (b) (1) (C)".

1944—Subsec. (a) amended by act May 29, 1944, cited to text, which omitted the 3% provision designed to collect the Victory tax and provided a graduated scale of withholding tax so that a taxpayer whose income is from wages will have the full tax withheld on wages up to $5000

Subsec (b) (1) amended by act May 29, 1944, cited to text, which omitted the two tables necessary to prescribe the appropriate exemptions for all pay roll periods for every family status under both the Victory tax and the regular income, and inserted in lieu thereof one short table covering all pay roll periods.

Subsec. (c) (1) amended generally by act May 29, 1944, cited to text, which provided for new withholding tables for different pay periods to take into account the repeal of the Victory tax and the revision of both the normal and surtax rates.

Subsec. (h) amended by act May 29, 1944, cited to text, which completely revised the provisions relating to withholding exemption certificates.

Subsec (h) (1) amended by acts Feb. 25, 1944, and May 29, 1944, both cited to text. Act Feb. 25, 1944, inserted ", if furnished by reason of a change in status occurring on or before July 1, of the calendar year" following "election of the employer". Act May 29, 1944, struck out same phrase.

EFFECTIVE DATE

Amendments by act Nov. 8, 1945, cited to text, were made applicable only with respect to wages paid on or after Jan. 1, 1946, by section 104 (e) thereof.

Amendment of subsecs. (a), (b) (1), and (h) by act May 29, 1944, § 22 (b), (c), (d), respectively, cited to text, was made applicable only with respect to wages paid on or after Jan 1, 1945, by section 21 thereof.

Repeal of section 6 (c), (d) (4), (d) (5), and (e) (2), and amendment of section 6 (d) (2), (d) (3), (d) (6) and (d) (7) of Act June 9, 1943, cited to text, by act Feb 25, 1944, ch. 63, title V, § 506 (a, b), 58 Stat. 73, was made applicable to taxable years beginning after Dec. 31, 1942, and before Jan. 1, 1944, by section 506 (c) thereof.

Subsec. (f) of act May 29, 1944, § 22, cited to text, provided that the amendment of subsec. (h) (1) by subsec. (f) should be effective with respect to wages paid during the calendar year 1944.

Amendment of subsec. (h) (1) by act Feb. 25, 1944, § 137, cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 101 thereof.

Section, prior to May 29, 1944, amendment, as effective July 1, 1943, see note preceding section 1621 of this title.

NEW WITHHOLDING EXEMPTION CERTIFICATES

Subsec. (e) of act May 29, 1944, § 22, cited to text, provided:

"(1) *Old certificates made ineffective.* Certificates furnished (whether before or after the enactment of this Act) [May 29, 1944, 7 p m., E W. T.] under section 1622 (h) of the Internal Revenue Code, without regard to its amendment by this Act [Act May 29, 1944, 7 p. m., E W T., ch. 210, part II, § 22, 58 Stat. 247], shall have no effect with respect to withholding to which such section, as amended by this Act, is applicable.

"(2) *Requirement of furnishing new certificate.* On or before December 1, 1944, and on or before the date of commencement of employment if such date occurs after December 1, 1944, and prior to January 1, 1945, each employee receiving wages shall furnish his employer with the withholding exemption certificate, required by section 1622 (h) of the Internal Revenue Code (as amended by this Act) in the case of commencement of employment on or after January 1, 1945, and for such purposes the number of withholding exemptions which he is entitled to claim shall be the number which he would be entitled to claim if the day on which such certificate is so furnished were January 1, 1945

"(3) *When new certificates take effect.* A certificate furnished under paragraph (2) of this subsection shall take effect with respect to the first payment of wages with respect to which section 1622 of the Internal Revenue Code, as amended by this Act, is applicable. A certificate furnished under section 1622 (h) of the Internal Revenue Code, as amended by this Act, after December 1, 1944, and prior to January 1, 1945, and not furnished on or before the date of commencement of employment, shall take effect as provided in section 1622 (h) (3) (B) of such Code, as so amended, except that it may not be made effective with respect to any payment of wages to which section 1622 of such Code, as so amended, is not applicable. A certificate furnished under section 1622 (h) of such Code, as so amended, to an employer on or after January 1, 1945, and not furnished on or before the date of commencement of employment with such employer, shall take effect as provided in section 1622 (h) (3) (B) of such Code, as so amended. If such certificate is the first certificate so furnished and if on December 31, 1944, a certificate was in effect with respect to such employer under section 1622 (h) of such Code, without regard to such amendments."

RELIEF FROM DOUBLE PAYMENTS IN 1943

Section 6 of act June 9, 1943, cited to text, provided:

"(a) *Tax for 1942 Not Greater Than Tax for 1943.*—In case the tax imposed by Chapter 1 of the Internal Revenue Code upon any individual (other than an estate or trust and other than a nonresident alien not subject to the provisions of sections 58, 59, and 60 of such chapter) for the taxable year 1942 (determined without regard to this section, without regard to interest or additions to the tax, and without regard to credits against the tax for amounts withheld at source) is not greater than the tax for the taxable year 1943 (similarly determined), the liability of such individual for the tax imposed by such chapter for the taxable year 1942 shall be discharged as of September 1, 1943, except that interest and additions to such tax shall be collected at the same time and in the same manner as, and as a part of, the tax under such chapter for the taxable year 1943. In such case if the tax for the taxable year 1942 (determined without regard to this section and without regard to interest or additions to the tax) is more than $50, the tax under such chapter for the taxable year 1943 shall be increased by an amount equal to 25 per centum of the tax for the taxable year 1942 (so determined) or the excess of such tax (so determined) over $50, whichever is the lesser. This subsection shall not apply in any case in which the taxpayer is convicted of any criminal offense with respect to the tax for the taxable year 1942 or in which additions to the tax for such taxable year are applicable by reason of fraud.

"(b) *Tax for 1942 Greater Than Tax for 1943.*—In case the tax imposed by Chapter 1 of the Internal Revenue Code upon any individual (other than an estate or trust and other than a nonresident alien not subject to the provisions of sections 58, 59, and 60 of such chapter) for the taxable year 1942 (determined without regard to this section, without regard to interest or additions to the tax, and without regard to credits against the tax for amounts withheld at source) is greater than the tax for the taxable year 1943 (similarly determined), the liability of such individual for the tax imposed by such chapter for the taxable year 1942 shall be discharged as of September 1, 1943, except that interest and additions to such tax shall be collected at the same time and in the same manner as, and as a part of, the tax under such chapter for the taxable year 1943 In such case the tax under such chapter for the taxable year 1943 shall be increased by—

"(1) the amount by which the tax imposed by such chapter for the taxable year 1942 (determined without regard to this section and without regard to interest and additions to such tax) exceeds the tax imposed by such chapter for the taxable year 1943 (determined without regard to this section, without regard to interest and additions to such tax, and without regard to credits against such tax under section 466 (e) or under section 35 of such chapter), plus

"(2) if the tax for the taxable year 1943 (determined without regard to this section, without regard to interest or additions to the tax, and without regard to credits against such tax under section 466 (e) or under section 35 of such chapter) is more than $50, an amount equal to 25 per centum of the tax for the taxable year 1943 (so determined) or the excess of such tax (so determined) over $50, whichever is the lesser. Such amount shall in no case exceed 25 per centum of the tax for the taxable year 1942 (determined without regard to this section and without regard to interest and additions to such tax) or the excess of such tax (so determined) over $50, whichever is the lesser.

This subsection shall not apply in any case in which the taxpayer is convicted of any criminal offense with respect to the tax for the taxable year 1942 or in which additions to the tax for such taxable year are applicable by reason of fraud. An individual who becomes subject to tax for the taxable year 1943 under this subsection shall be an individual required to make a return for the taxable year 1943 under section 51 of the Internal Revenue Code

"(c) *Repealed.* Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, § 506 (a), 58 Stat. 73.

"(d) *Rules for Application of Subsections (a), (b), and (c).*—

"(1) *Application of subsection (b) to members of armed forces.*—If the taxpayer is in active service in the military or naval forces of the United States or any of the other United Nations at any time during the taxable year 1942 or 1943, the increase in the tax for the taxable year 1943 under subsection (b) (1) shall be reduced by an amount equal to the amount by which the tax for the taxable year 1942 (determined without regard to this section) is increased by reason of the inclusion in the net income for the taxable year 1942 of the amount of the earned net income (as defined in section 25 (a) (4)).

"(2) *Joint returns.*—If the taxpayer either for the taxable year 1942 or for the taxable year 1943 makes a joint return with his spouse, the taxes of the spouses for the taxable year for which a joint return is not made shall be aggregated for the purposes of subsections (a) and (b), and in case the taxable year for which a joint return

is not made is the taxable year 1943, the liability for the increase in the tax for the taxable year 1943 under subsections (a) and (b), shall be joint and several. (As amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, § 506 (b) (1); 58 Stat. 73.)

"(3) *Foreign tax credit and application of Sections 105, 106, and 107.*—The credit against the tax imposed by Chapter 1 of the Internal Revenue Code for the taxable year 1943 allowed by section 31 of such chapter (relating to taxes of foreign countries and of possessions of the United States), shall be determined without regard to subsections (a) and (b). Sections 105, 106, and 107 of such chapter (relating to limitations on tax) shall be applied without regard to subsections (a) and (b). (As amended Feb 25, 1944, 12:49 p. m., E. W. T., ch. 63, § 506 (b) (2), 58 Stat. 73.)

"(4), (5) *Repealed.* Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, § 506 (a), 58 Stat. 73.

"(6) *Certain portions of increase in 1943 tax not part of estimated tax.*—The amount by which the tax for the taxable year 1943 is increased under subsection (a) or (b) (2) shall not be considered to be a part of the tax for such taxable year for the purposes of sections 58, 59, 60, and 294 (a) (3), (4), and (5) of the Internal Revenue Code (As amended Feb. 25, 1944, 12.49 p. m., E W. T., ch. 63, § 506 (b) (3), 58 Stat. 73.)

"(7) *Taxpayer dying in taxable year 1942*—If the individual dies during the taxable year 1942, subsections (a) and (b) shall not apply. (As amended Feb 25, 1944, 12:49 p. m , E W. T., ch 63, § 506 (b) (2), 58 Stat. 73.)

"(e) *Extension of time for payment of portions of increase in 1943 Tax*—

"(1) *Twenty-five per centum increase under subsection (a) or (b).*—At the election of the taxpayer, made under regulations prescribed by the Commissioner with the approval of the Secretary, the Commissioner shall, except as hereinafter provided, extend the time for the payment of the portion of the tax for the taxable year 1943 equal to one-half of the amount of the 25 per centum increase therein under subsection (a) or (b) (2) for the taxable year 1943, in which case such portion shall be paid on or before the fifteenth day of the fifteenth month following the close of the taxable year. The Commissioner may condition the extension upon the furnishing by the taxpayer of a bond in such amount, not exceeding the amount with respect to which the extension applies, with such surety or sureties, as the Commissioner deems necessary, conditioned upon the payment of such amount in accordance with the terms of the extension. If such amount is not paid on or before the date on which it is payable, it shall be paid upon notice and demand from the Collector If such amount is not paid on or before the date on which it is payable, there shall be collected, as a part of the tax, interest on such amount at the rate of 6 per centum per annum for the period beginning with the date on which such amount is payable and ending with the date on which it is paid

"(2) *Repealed* Feb. 25, 1944, 12:49 p. m., E. W T., ch. 63, § 506 (a), 58 Stat. 73.

"(f) *Treatment of payments on account of 1942 tax*—Any payment (other than interest and additions to the tax) made on account of the tax imposed by Chapter 1 of the Internal Revenue Code for the taxable year 1942 upon a taxpayer whose liability for such tax is discharged under subsection (a) or (b) shall be considered as payment on account of the estimated tax for the taxable year 1943. In the case of any extension of time for the payment of such tax granted by the Commissioner prior to September 1, 1943, payment of the portion thereof which if such extension had not been granted would have been payable under section 56 (b) prior to such date shall be made notwithstanding subsection (a) or (b), but the foregoing provisions of this subsection shall apply to any such payment. In case the taxpayer becomes delinquent, prior to September 1, 1943, in the payment of such tax or any installment thereof, subsection (a) or (b) shall not relieve the taxpayer of his liability for the tax, but the foregoing provisions of this subsection shall be applicable to payment of such liability If any payment on account of the tax imposed by such chapter for the taxable year 1942 is made pursuant to a joint return made by husband and wife for such taxable year, and such payment is considered as a payment on account of the estimated tax for the taxable year 1943, such payment may be treated as a payment on account of the estimated tax of either the husband or the wife for such taxable year or may be divided between them.

"(g) *Use of term 'taxable year.'*—For the purpose of this section the terms 'taxable year 1937', 'taxable year 1938', 'taxable year 1939', 'taxable year 1940', 'taxable year 1942', and 'taxable year 1943' mean, respectively, the taxable year beginning in 1937, 1938, 1939, 1940, 1942, and 1943, respectively; and 'taxable year' as applied to the taxable year 1942 or 1943 shall not include any period of less than twelve months unless occasioned by the death of the taxpayer or unless there is no taxable year of twelve months beginning in such calendar year.

"(h) *Regulations*—This section shall be applied in accordance with regulations prescribed by the Commissioner with the approval of the Secretary."

§ 1623. Liability for tax.

The employer shall be liable for the payment of the tax required to be deducted and withheld under this subchapter, and shall not be liable to any person for the amount of any such payment. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.)

EFFECTIVE DATE

Section as effective July 1, 1943, see note preceding section 1621 of this title.

§ 1624. Return and payment by governmental employer.

If the employer is the United States, or a State, Territory, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, the return of the amount deducted and withheld upon any wages may be made by any officer or employee of the United States, or of such State, Territory, or political subdivision, or of the District of Columbia, or of such agency or instrumentality, as the case may be, having control of the payment of such wages, or appropriately designated for that purpose. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.)

EFFECTIVE DATE

Section as effective July 1, 1943, see note preceding section 1621 of this title.

§ 1625. Receipts.

(a) Requirement.

Every employer required to deduct and withhold a tax in respect of the wages of an employee, or who would have been so required if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of his employment during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of wages is made, a written statement showing the wages paid by the employer to such employee during such calendar year, and the amount of the tax deducted and withheld under this subchapter in respect of such wages.

(b) Statements to constitute information returns.

The statements required to be furnished by this section in respect of any wages shall be furnished at such other times, shall contain such other infor-

mation, and shall be in such form as the Commissioner, with the approval of the Secretary, may by regulations prescribe. A duplicate of such statement if made and filed in accordance with regulations prescribed by the Commissioner with the approval of the Secretary shall constitute the return required to be made in respect of such wages under section 147.

(c) Extension of time.

The Commissioner, under such regulations as he may prescribe with the approval of the Secretary, may grant to any employer a reasonable extension of time (not in excess of thirty days) with respect to the statements required to be furnished under this section. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126, as amended Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 104 (d) (1), 59 Stat. 567.)

AMENDMENTS

1945—Subsec. (a) amended by act Nov. 8, 1945, § 104 (d) (1), cited to text, which inserted after "required to deduct and withhold a tax in respect of the wages of an employee" the following: ", or who would have been so required if the employee had claimed no more than one withholding exemption,".

EFFECTIVE DATE

Amendment to subsec. (a) by act Nov. 8, 1945, cited to text, was made applicable only with respect to wages paid on or after Jan 1, 1946, by section 104 (e) thereof

Section as effective July 1, 1943, see note preceding section 1621 of this title.

§ 1626. Penalties.

(a) Penalties for fraudulent receipt or failure to furnish receipt.

In lieu of any other penalty provided by law (except the penalty provided by subsection (b) of this section), any person required under the provisions of section 1625 to furnish a statement who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 1625, or regulations prescribed thereunder, shall for each such failure, upon conviction thereof be fined not more than $1,000, or imprisoned for not more than one year, or both.

(b) Additional penalty.

In addition to the penalty provided by subsection (a) of this section, any person required under the provisions of section 1625 to furnish a statement who willfully furnishes a false or fraudulent statement or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 1625, or regulations prescribed thereunder, shall for each such failure be subject to a civil penalty of not more than $50.

(c) Failure of employer to file return or pay tax.

In case of any failure to make and file return or pay the tax required by this subchapter, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, the addition to the tax shall not be less than $10.

(d) Penalties in respect of withholding exemption certificates.

Any individual required to supply information to his employer under section 1622 (h) who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under section 1622, shall, in lieu of any penalty otherwise provided, upon conviction thereof, be fined not more than $500, or imprisoned for not more than one year, or both. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126, as amended Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 104 (d) (2), 59 Stat. 568.)

AMENDMENTS

1945—Subsecs. (a) and (b) amended by act Nov. 8, 1945, § 104 (d) (2), cited to text, which struck out "in respect of tax withheld pursuant to this subchapter" in each of such subsections, and struck out "receipt" wherever appearing therein and inserting in lieu thereof "statement".

EFFECTIVE DATE

Amendments to subsecs. (a) and (b) by act Nov. 8, 1945, cited to text, were made applicable only with respect to wages paid on or after Jan. 1, 1946, by section 104 (e) thereof.

Section as effective July 1, 1943, see note preceding section 1621 of this title

§ 1627. Other laws applicable.

All provisions of law, including penalties, applicable with respect to the tax imposed by section 1400 shall, insofar as applicable and not inconsistent with the provisions of this subchapter, be applicable with respect to the tax under this subchapter. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.)

EFFECTIVE DATE

Section as effective July 1, 1943, see note preceding section 1621 of this title.

SUBCHAPTER E.—GENERAL PROVISIONS (NEW)

CODIFICATION

This subchapter was added by act June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.

EFFECTIVE DATE

Effective date of subchapter, see note preceding section 1621 of this title.

§ 1630. Verification of returns, etc.

(a) Power of commissioner to require.

The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under this chapter shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

(b) Penalties.

Every person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be subject to the penalties prescribed for perjury in section 125 of the Criminal

Code.[1] (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.)

[1] 18 U.S.C.A. § 231.

EFFECTIVE DATE

Section as effective July 1, 1943, see note preceding section 1621 of this title.

§ 1631. Use of government depositaries in connection with payment of taxes.

The Secretary may authorize incorporated banks or trust companies which are depositaries or financial agents of the United States to receive any taxes under this chapter in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, times, and conditions under which the receipt of such taxes by such depositaries and financial agents is to be treated as payment of such taxes to the collectors. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.)

EFFECTIVE DATE

Section as effective July 1, 1943, see note preceding section 1621 of this title.

§ 1632. Acts to be performed by agents.

In case a fiduciary, agent or other person has the control, receipt, custody, or disposal of, or pays the wages of an employee or group of employees, employed by one or more employers, the Commissioner, under regulations prescribed by him with the approval of the Secretary, is authorized to designate such fiduciary, agent or other person to perform such acts as are required of employers under this chapter and as the Commissioner may specify. Except as may be otherwise prescribed by the Commissioner with the approval of the Secretary, all provisions of law (including penalties) applicable in respect of an employer shall be applicable to a fiduciary, agent or other person so designated but, except as so provided, the employer for whom such fiduciary, agent or other person acts shall remain subject to the provisions of law (including penalties) applicable in respect of employers. (Added June 9, 1943, 7 p. m., E. W. T., ch. 120, § 2 (a), 57 Stat. 126.)

EFFECTIVE DATE

Section as effective July 1, 1943, see note preceding section 1621 of this title.

Chapter 9A.—WAR TAXES AND WAR TAX RATES

Sec.

1651 Retailers' excise tax on luggage, etc. (New).
1652 Leases, conditional sales, existing contracts, etc. (New).
1653. Articles classifiable under more than one section (New).
1654 Termination of war taxes and war rates (New).
1655. Definition (New).
1656. Floor stocks refunds on distilled spirits, wines, and cordials, and fermented malt liquors (New).
(a) In general.
(b) Limitations on eligibility for credit or refund.
1657. Floor stocks refunds on electric light bulbs (New).
(a) In general.
(b) Limitations on eligibility for credit or refund.
1658. Telegraph, telephone, radio, and cable facilities (New).
1659. Definition of "rate reduction date" (New).

AMENDMENTS

1944—Chapter heading amended by act Feb 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 302 (a), 58 Stat. 61.

§ 1650. War tax rates of certain miscellaneous taxes.

In lieu of the rates of tax specified in such of the sections of this title as are set forth in the following table, the rates applicable with respect to the period beginning with the effective date of title III of the Revenue Act of 1943 and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war shall be the rates set forth under the heading "War Tax Rate":

Section	Description of Tax	Old Rate	War Tax Rate
1700 (a)	Admissions	1 cent for each 10 cents or fraction thereof.	1 cent for each 5 cents or major fraction thereof.
1700 (b)	Permanent Use or Lease of Boxes or Seats.	11 per centum	20 per centum.
1700 (c)	Sales of Tickets Outside Box Office	11 per centum	20 per centum.
1700 (e)	Cabarets, Roof Gardens, Etc	5 per centum	20 per centum.
1710 (a) (1)	Dues or Membership Fees	11 per centum	20 per centum.
1710 (a) (2)	Initiation Fees	11 per centum	20 per centum.
2400 (except as respects watches selling at retail for not more than $65 and alarm clocks selling at retail for not more than $5).	Jewelry	10 per centum	20 per centum
2401	Furs	10 per centum	20 per centum.
2402	Toilet Preparations	10 per centum	20 per centum.
2800 (a) (1)	Distilled Spirits	$6 per gallon	$9 per gallon.
2800 (a) (3)	Imported Perfumes Containing Distilled Spirits.	$6 per gallon	$9 per gallon
3030 (a) (1)	Still Wines		
	(1) Not over 14% of Alcohol	10 cents per gallon	15 cents per gallon.
	(2) Over 14% and not over 21% of Alcohol	40 cents per gallon	60 cents per gallon.
	(3) Over 21% and not over 24% of Alcohol	$1 per gallon	$2 per gallon.
3030 (a) (2)	Sparkling Wines, Liqueurs, and Cordials		
	(1) Champagne or Sparkling Wine	10 cents per half-pint or fraction thereof.	15 cents per half-pint or fraction thereof
	(2) Artificially Carbonated Wine	5 cents per half-pint or fraction thereof.	10 cents per half-pint or fraction thereof.
	(3) Liqueurs, Cordials, Etc.	5 cents per half-pint or fraction thereof.	10 cents per half-pint or fraction thereof.
3150	Fermented Malt Liquors	$7 per barrel.	$8 per barrel.
3268	Billiard and Pool Tables; and Bowling Alleys	$10 per year per table, $10 per year per alley	$20 per year per table, $20 per year per alley
3406 (a) (10)	Electric Light Bulbs and Tubes	5 per centum	20 per centum.
3465 (a) (1) (A)	Telephone, Long Distance	20 per centum	25 per centum.
3465 (a) (1) (B) (in so far as it relates to domestic telegraph, cable, and radio dispatches).	Domestic Telegraph, Cable, or Radio Dispatches	15 per centum	25 per centum

Section	Description of Tax	Old Rate	War Tax Rate
3465 (a) (2) (A)	Leased Wires, Etc	15 per centum	25 per centum
3465 (a) (2) (B)	Wire and Equipment Service	5 per centum	8 per centum.
3465 (a) (3)	Local Telephone Service	10 per centum	15 per centum.
3469 (a)	Transportation of Persons	10 per centum	15 per centum
3469 (c)	Seats, Berths, Etc	10 per centum	15 per centum

(As amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 302 (a), 58 Stat. 61; June 9, 1944, ch. 240, § 3, 58 Stat. 273.)

AMENDMENTS

1944—Act June 9, 1944, cited to text, amended section by striking out "30 per centum" where it appears in the table as the war tax on cabarets, roof gardens, etc., and inserting in lieu thereof "20 per centum"

Act Feb. 25, 1944, cited to text, amended section generally by raising rates and naming it "War Tax Rate" instead of "Defense-Tax Rate"

EFFECTIVE DATE

Subsec. (b) of section 3 of act June 9, 1944, cited to text, provided: "The amendment made by subsection (a) shall be applicable only with respect to the period beginning at 10 antemeridian on the first day of the first month following the date of enactment of this Act"

Amendment by act Feb. 25, 1944, § 302 (a), cited to text, was made effective on the first day of the first month which begins more than 10 days after the date of the enactment of this act by section 301 thereof

PARTICULAR INCREASES; EFFECTIVE DATE

Section 302 (b) of act Feb 25, 1944, cited to text, provided: "Notwithstanding section 301 of this Act—

"(1) *Cabaret tax.* The increase made by subsection (a) of this section in the tax imposed by section 1700 (e) of the Internal Revenue Code shall be applicable only with respect to the period beginning at 10 00 A. M. on the first day of the first month which begins more than ten days after the date of the enactment of this Act.

"(2) *Billiard and pool tables and bowling alleys.* The increase made by subsection (a) of this section in the tax imposed by section 3268 of the Internal Revenue Code shall be effective with respect to the period beginning July 1, 1944, and continuing through June 30 next following the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war (as defined in Chapter 9A of the Internal Revenue Code).

"(3) *Telegraph, telephone, radio, and cable facilities* The increases made by subsection (a) of this section in the taxes imposed by section 3465 (a) (1) of the Internal Revenue Code shall apply only to amounts paid for services rendered on or after the effective date of this title. The increases made by subsection (a) in the taxes imposed by section 3465 (a) (2) and (3) of the Internal Revenue Code shall apply only to amounts paid pursuant to bills rendered on or after the first day of the first month beginning after the effective date of this title for services for which no previous bill was rendered. Where bills rendered on or after such first day include charges for services previously rendered, such increased rates shall not apply to such services as were rendered more than two months before such first day, and the provisions of section 3465 in effect at the time such prior services were rendered shall be applicable to the amounts paid for such services"

TERMINATION OF RATES

Act Sept 20, 1941, 12:15 p m, E S T., ch 412, title V, §§ 521 (b), 536, 550 (a), (b), 55 Stat 708, 710, 715, provided for the termination of the applicability of the rates specified in subsec (a) of this section as follows:

"(§ 521.) (b) The rates specified in subsection (a) (of act Sept 20, 1941, § 521, affecting sections 1700, 1801, 1802, 1804, 1806, 2000, 2700, 3150, 3250, 3407, 3411, 3412, 3413, 3460, 3481, and 3482 of this title) shall be applicable only with respect to the period after the date of the enactment of this Act, and the rates specified in section 1650 (a), section 2004, and section 3190 of the Internal Revenue Code shall not apply with respect to such period"

"(§ 536.) The amendments made by this Part (act Sept. 20, 1941, title V, part III, §§ 531–536, affecting sections 1807, 1850, 2800, 2887, 3030, 3192, and 3400 of this title) shall be applicable only with respect to the period beginning with October 1, 1941, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941."

"(§ 550) (a) The amendments made by this Part (act Sept. 20, 1941, title V, part IV, §§ 541–550, affecting Title 26, Internal Revenue Code, §§ 1700, 1701, 1710, 1712, 1715, 1716, 3403, 3404, 3405, 3409, 3441, 3465, 3466; and Title 16, Conservation, §§ 18e, 407d) shall be applicable only with respect to the period beginning with the effective date of this Part, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period This Part shall take effect on October 1, 1941."

"(§ 550) (b) Despite the provisions of subsection (a), the tax imposed by section 1700 (e) of the Internal Revenue Code, as amended by section 542 of this Act (relating to cabaret, etc, tax), shall be applicable only with respect to the period beginning at 10 a m. on October 1, 1941, and the tax imposed by such subsection as in force prior to its amendment by section 542 of this Act, as modified by section 1650 (a) of the Internal Revenue Code, shall be applicable with respect to the period before 10 a m on such date."

§ 1651. Retailers' excise tax on luggage, etc.—(a) Tax.

There is hereby imposed upon the following articles (including in each case fittings or accessories therefor sold on or in connection with the sale thereof) sold at retail a tax equivalent to 20 per centum of the price for which so sold:

(1) Trunks, valises, traveling bags, suitcases, satchels, overnight bags, hat boxes for use by travelers, beach bags, bathing suit bags, brief cases made of leather or imitation leather, and salesmen's sample and display cases.

(2) Purses, handbags, pocketbooks, wallets, billfolds, and card, pass, and key cases.

(3) Toilet cases and other cases, bags, and kits (without regard to size, shape, construction, or material from which made) for use in carrying toilet articles or articles of wearing apparel.

(b) Other laws applicable.

All provisions of law (including penalties) applicable in respect of the taxes imposed by Chapter 19 shall be applicable in respect of the tax imposed by subsection (a). (Added Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 302 (a), 58 Stat. 61.)

EFFECTIVE DATE

Section was made effective on the first day of the first month which begins more than 10 days after the date of the enactment of this act by section 301 of act Feb 25, 1944, cited to text.

TERMINATION DATE

Rates terminated on the first day of the first month which begins six months after termination of hostilities, see section 1654 of this title.

§ 1652. Leases, conditional sales, existing contracts, etc.—(a) Cases where rate of tax increased.

In the application of section 2405 or 3441 (c) to the articles with respect to which the rate of tax is increased by this chapter, where the lease, contract of sale, conditional sale, or chattel mortgage was made, delivery thereunder was made, and a part of the consideration was paid, before the effective date of Title III of the Revenue Act of 1943, the total tax referred to in such section shall be the tax at the rate in force on the day before such effective date.

(b) Cases where new tax imposed.

In the case of (1) a lease, (2) a contract for the sale of an article wherein it is provided that the price shall be paid by installments and title to the article sold does not pass until a future date notwithstanding partial payment by installments, (3) a conditional sale, or (4) a chattel mortgage arrangement wherein it is provided that the sales price shall be paid in installments, no tax shall be imposed under section 1651 on the sale of any article if with respect to such article the lease, contract for sale, conditional sale, or chattel mortgage arrangement was made, delivery thereunder was made, and a part of the consideration was paid, before the effective date of Title III of the Revenue Act of 1943.

(c) Existing contracts—(1) Tax payable by vendee.

If (A) any person has, prior to the effective date of Title III of the Revenue Act of 1943, made a bona fide contract for the sale on or after such date, of any article with respect to the sale of which a tax is imposed by that Act or an existing rate of tax is increased by that Act, and (B) such contract does not permit the adding to the amount to be paid under such contract of the whole of such tax or increased rate of tax, then (unless the contract prohibits such addition) the vendee shall, in lieu of the vendor, pay so much of the tax as is not so permitted to be added to the contract price.

(2) Tax paid to vendor.

Taxes payable by the vendee shall be paid to the vendor at the time the sale is consummated, and shall be collected and paid to the United States by the vendor in the same manner as provided in section 3467. In case of failure or refusal by the vendee to pay such taxes to the vendor, the vendor shall report the facts to the Commissioner who shall cause collection of such taxes to be made from the vendee. (Added Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 302 (a), 58 Stat. 61.)

EFFECTIVE DATE

Section was made effective on the first day of the first month which begins more than 10 days after the date of the enactment of this act by section 301 of act Feb. 25, 1944, cited to text.

TERMINATION DATE

Rates terminated on the first day of the first month which begins six months after termination of hostilities, see section 1650 of this title.

§ 1653. Articles classifiable under more than one section.

In the case of any article classifiable (a) under section 1651 and one or more sections of Chapter 19, or (b) under more than one section of Chapter 19, only one tax on such article shall be imposed. Where the rates of tax differ, the article shall be subject to tax under that section which imposes the highest rate. (Added Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 302 (a), 58 Stat. 61.)

EFFECTIVE DATE

Section was made effective on the first day of the first month which begins more than 10 days after the date of the enactment of this act by section 301 of act Feb. 25, 1944, cited to text.

TERMINATION DATE

Rates terminated on the first day of the first month which begins six months after termination of hostilities, see section 1650 of this title.

§ 1654. Termination of war taxes and war rates.

The tax imposed by section 1651 shall not apply with respect to any period commencing on or after the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war. (Added Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 302 (a), 58 Stat. 61.)

EFFECTIVE DATE

Section was made effective on the first day of the first month which begins more than 10 days after the date of the enactment of this act by section 301 of act Feb. 25, 1944, cited to text.

§ 1655. Definition.

For the purposes of this chapter the term "date of the termination of hostilities in the present war" means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier. (Added Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 302 (a), 58 Stat. 61.)

EFFECTIVE DATE

Section was made effective on the first day of the first month which begins more than 10 days after the date of the enactment of this act by section 301 of act Feb. 25, 1944, cited to text.

§ 1656. Floor stocks refunds on distilled spirits, wines, and cordials, and fermented malt liquors—(a) In general.

With respect to any article upon which tax is imposed under section 2800, 3030, or 3150, upon which internal revenue tax (including floor stocks taxes) at the rate prescribed in section 1650 has been paid, and which, on the rate reduction date (as defined in section 1659), is held by any person and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be credited or refunded to such person (without interest), subject to such regulations as may be prescribed by the Commissioner with the approval of the Secretary, an amount equal to the difference between the tax so paid and the tax that would have been paid if section 1650 and the 1944 floor stocks taxes had not been applicable, if claim for such credit or refund is filed with the Commissioner within thirty days after the rate reduction date.

(b) Limitations on eligibility for credit or refund.

No person shall be entitled to credit or refund under subsection (a) unless (1) such person, for such period or periods both before and after the rate reduction date (but not extending beyond one year thereafter), as the Commissioner with the approval of the Secretary shall by regulations prescribe, makes and keeps, and files with the Commissioner, such records of inventories, sales, and purchases as may be prescribed in such regulations; and (2) such person establishes to the satisfaction of the Commissioner, with respect to each kind of article for which refund is claimed by him under this section, that on and after the rate reduction date and until the expiration of three months thereafter, the price at which articles of such kind were sold (until a number equal at least to the number on hand on the rate reduction date were sold) reflected, in such manner as the Commissioner may by regulations prescribe with the approval of the Secretary, the amount of the tax reduction.

(c) [Applicability of other laws.]

All provisions of law, including penalties, applicable in respect of internal revenue taxes on distilled spirits, wines, liqueurs and cordials, imported perfumes containing distilled spirits, and fermented malt liquors shall, insofar as applicable and not inconsistent with this section, be applicable in respect of the credits and refunds provided for in this section to the same extent as if such credits or refunds constituted credits or refunds of such taxes. (Added Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title III, § 302, 59 Stat. 575.)

§ 1657. Floor stocks refunds on electric light bulbs—(a) In general.

With respect to any article upon which tax is imposed under section 3406 (a) (10), upon which internal revenue tax at the rate prescribed in section 1650 has been paid, and which, on the rate reduction date, is held by any person and intended for sale, or for use in the manufacture or production of any article intended for sale, there shall be credited or refunded to the manufacturer or producer of such article (without interest), subject to such regulations as may be prescribed by the Commissioner with the approval of the Secretary, an amount equal to so much of the difference between the tax so paid and the tax that would have been paid if section 1650 had not been applicable, as has been paid by such manufacturer or producer to such person as reimbursement for the tax reduction on such articles, if claim for such credit or refund is filed with the Commissioner prior to the expiration of three months after the rate reduction date.

(b) Limitations on eligibility for credit or refund.

No person shall be entitled to credit or refund under subsection (a) unless he has in his possession such evidence of the inventories with respect to which he has made the reimbursements described in subsection (a) as the regulations under subsection (a) prescribe.

(c) [Applicability of other laws.]

All provisions of law, including penalties, applicable in respect of the tax imposed under section 3406 (a) (10) shall, insofar as applicable and not inconsistent with this section, be applicable in respect of the credits and refunds provided for in this section to the same extent as if such credits or refunds constituted credits or refunds of such taxes. (Added Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title III, § 302, 59 Stat. 575.)

§ 1658. Telegraph, telephone, radio, and cable facilities.

Notwithstanding section 1650, the rates therein prescribed with respect to the taxes imposed by section 3465 (a) (1), (2), and (3) shall continue to apply with respect to amounts paid pursuant to bills rendered prior to the rate reduction date; and, in the case of amounts paid pursuant to bills rendered on or after the rate reduction date for services for which no previous bill was rendered, the decreased rates shall apply except with respect to such services as were rendered more than two months before such date; and, in the case of services rendered more than two months before such date, the provisions of sections 1650 and 3465 in effect at the time such services were rendered shall be applicable to the amounts paid for such services. (Added Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title III, § 302, 59 Stat. 576.)

§ 1659. Definition of "rate reduction date."

For the purposes of this chapter the term "rate reduction date" means the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war. (Added Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title III, § 302, 59 Stat. 576.)

Chapter 10.—ADMISSIONS AND DUES

SUBCHAPTER A.—ADMISSIONS

§ 1700. Tax.

* * * * *

(a) Single or season ticket; subscription—(1) Rate.

A tax of 1 cent for each 10 cents or fraction thereof of the amount paid for admission to any place, including admission by season ticket or subscription. In the case of persons (except bona fide employees, municipal officers on official business, children under twelve years of age, members of the military or naval forces of the United States when in uniform, members of the military or naval forces of any of the United Nations, when in uniform, and members of the Civilian Conservation Corps when in uniform) admitted free or at reduced rates to any place at any time when and under circumstances under which an admission charge is made to other persons, an equivalent tax shall be collected based on the price so charged to such other persons for the same or similar accommodations, to be paid by the person so admitted. No tax shall be imposed on the amount paid for the admission of a child under twelve years of age if the amount paid is less than 10 cents. Amounts paid on and after October 1, 1941, for admission to theatres and other activities operated by or under the control of the War De-

partment or the Navy Department within posts, camps, reservations, and other areas maintained by the Military or Naval Establishment shall be exempt from the tax imposed by this section: *Provided,* That the net proceeds from said admission charges are used exclusively for the welfare of the military or naval forces of the United States.

* * * * *

(b) Permanent use or lease of boxes or seats—(1) Rate.

In the case of persons having the permanent use of boxes or seats in an opera house or any place of amusement or a lease for the use of such box or seat in such opera house or place of amusement (in lieu of the tax imposed under paragraph (1) of subsection (a)), a tax equivalent to 11 per centum of the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by or for the lessee or holder.

* * * * *

(c) Sales outside box office—(1) Rate.

Upon tickets or cards of admission to theaters, operas, and other places of amusement, sold at news stands, hotels, and places other than the ticket offices of such theaters, operas, or other places of amusement, at a price in excess of the sum of the established price therefor at such ticket offices plus the amount of any tax imposed under paragraph (1) of subsection (a), a tax equivalent to 11 per centum of the amount of such excess.

* * * * *

(3) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 542 (d), 55 Stat. 711.

(d) Sales by proprietors in excess of regular price.

* * * * *

(3) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 542 (d), 55 Stat. 711.

(e) Tax on cabarets, roof gardens, etc.—(1) Rate.

A tax equivalent to 5 per centum of all amounts paid for admission, refreshment, service, or merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, by or for any patron or guest who is entitled to be present during any portion of such performance. The term "roof garden, cabaret, or other similar place" shall include any room in any hotel, restaurant, hall, or other public place where music and dancing privileges or any other entertainment, except instrumental or mechanical music alone, are afforded the patrons in connection with the serving or selling of food, refreshment, or merchandise. A performance shall be regarded as being furnished for profit for purposes of this section even though the charge made for admission, refreshment, service, or merchandise is not increased by reason of the furnishing of such performance. No tax shall be applicable under subsection (a) (1) on account of an amount paid with respect to which tax is imposed under this subsection.

(2) By whom paid.

The tax imposed under paragraph (1) shall be returned and paid by the person receiving such payments. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 521 (a) (1), (2), 541 (a), 542 (a, d), 55 Stat. 706, 710, 711; July 23, 1942, ch. 521, 56 Stat. 703; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 622, 56 Stat. 981.)

* * * * *

TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days after the enactment of act Feb. 25, 1944, see section 1650 of this title and notes thereunder.

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title.

AMENDMENTS

1942—Subsec. (a) (1), was amended by res. July 23, 1942, cited to text, which excepted therefrom members of military or naval forces of any of the United Nations when in uniform, and which added last sentence thereto.

Subsec. (e) was amended by act Oct. 21, 1942, cited to text.

1941—Subsec. (a) (1) was amended by act Sept. 20, 1941, § 541 (a), cited to text.

Subsecs (b) (1) and (c) (1) were amended by act Sept 20, 1941, § 521 (a) (1), (2), respectively, cited to text, which substituted "11 per centum" for "10 per centum".

Subsecs. (c) (3) and (d) (3) were repealed by act Sept. 20, 1941, § 542 (d), cited to text, as of the effective date of sections 541–550 of that act

Subsec (e) was amended by act Sept. 20, 1941, § 542 (a), cited to text.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct 21, 1942, 4:30 p m, E W. T, by section 601 thereof.

The rates specified in act Sept 20, 1941, § 521 (a), cited to text, which affected subsecs (b) (1) and (c) (1) of this section, were made applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

Act Sept. 20, 1941, §§ 541, 542, cited to text, which affected subsecs. (a) (1), (b) (1), (c) (1), (c) (3), (d) (3), and (e) of this section, were made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof. However, section 550 (b) of that act provided that "Despite the provisions of subsection (a), the tax imposed by section 1700 (e) of the Internal Revenue Code, as amended by section 542 of this Act (relating to cabaret, etc., tax), shall be applicable only with respect to the period beginning at 10 a m on October 1, 1941, and the tax imposed by such subsection as in force prior to its amendment by section 542 of this Act, as modified by section 1650 (a) of the Internal Revenue Code, shall be applicable with respect to the period before 10 a. m. on such date."

§ 1701. Exemptions from tax.

TERMINATION OF APPLICABILITY OF SECTION

Act Sept. 20, 1941, 12:15 p m., E S T, ch. 412, title V, § 541 (b), 55 Stat 710, provided that this section "shall not apply with respect to amounts paid, on or after the effective date of this Part, for admission" Said "Part" was made effective on, and applicable only with respect to the period beginning with, Oct 1, 1941, by section 550 (a) thereof; certain exceptions to such effective date being made by section 550 (b)–(d) of that act, which are explained in notes under sections 1650, 1700, and 3465 of this title.

SUBCHAPTER B.—DUES

§ 1710. Tax—(a) Rate.

* * * * *

(1) Dues or membership fees.

A tax equivalent to 11 per centum of any amount paid as dues or membership fees to any social, ath-

letic, or sporting club or organization, if the dues or fees of an active resident annual member are in excess of $10 per year.

(2) Initiation fees.

A tax equivalent to 11 per centum of any amount paid as initiation fees to such a club or organization, if such fees amount to more than $10, or if the dues or membership fees, not including initiation fees, of an active resident annual member are in excess of $10 per year. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 543 (a), 55 Stat. 711.)

* * * * *

TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days after the enactment of act Feb 25, 1944, see section 1650 of this title and notes thereunder.

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title.

AMENDMENTS

1941—Subsecs (a) (1) and (a) (2) were amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct 1, 1941, by section 550 (a) thereof.

§ 1712. Definitions.

* * * * *

(a) Dues.

The term "dues" includes any assessment, irrespective of the purpose for which made, and any charges for social privileges or facilities, or for golf, tennis, polo, swimming, or other athletic or sporting privileges or facilities, for any period of more than six days; and

* * * * *

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 543 (b), 55 Stat. 711.)

* * * * *

AMENDMENTS

1941—Subsec (a) was amended by act Sept. 20, 1941, cited to text

EFFECTIVE DATE

Act Sept 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct 1, 1941, by section 550 (a) thereof

SUBCHAPTER C.—PROVISIONS COMMON TO ADMISSIONS AND DUES

§ 1715. Payment of tax.

* * * * *

(b) Place of payment.

The taxes collected under subsection (a), and the taxes required to be paid under section 1700 (c), (d), or (e), shall be paid to the collector of the district in which the principal office or place of business is located. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 542 (b), 55 Stat. 711.)

* * * * *

AMENDMENTS

1941—Subsec (b) was amended by act Sept. 20, 1941, cited to text

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof

§ 1716. Returns—(a) Requirement.

Every person required under subsection (a) of section 1715 to collect the taxes, or required under section 1700 (c), (d), or (e) to pay the taxes, imposed by this chapter shall make returns under oath, in duplicate, in such manner and containing such information as the Commissioner, with the approval of the Secretary, may, by regulation, prescribe. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 542 (c), 55 Stat. 711.)

* * * * *

AMENDMENTS

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof.

Chapter 11.—DOCUMENTS, OTHER INSTRUMENTS, AND PLAYING CARDS

STAMP TAX ON PASSAGE TICKETS NOT TO APPLY

Act Sept 20, 1941, 12.15 p m., E S. T., ch 412, title V, § 554 (c), 55 Stat 722, which was made effective on Oct 1, 1941, by section 558 of that act, provided as follows: "No tax shall be imposed under chapter 11 of the Internal Revenue Code on a ticket sold or issued for passage the amount paid for which is taxable under section 3469 of the Internal Revenue Code"

SUBCHAPTER A.—RATE AND PAYMENT OF TAX

§ 1801. Corporate securities.

On all bonds, debentures, or certificates of indebtedness issued by any corporation, and all instruments, however termed, issued by any corporation with interest coupons or in registered form, known generally as corporate securities, on each $100 of face value or fraction thereof, 11 cents: *Provided*, That every renewal of the foregoing shall be taxed as a new issue: *Provided further*, That when a bond conditioned for the repayment or payment of money is given in a penal sum greater than the debt secured, the tax shall be based upon the amount secured. The tax under this section shall not apply to any instrument under the terms of which the obligee is required to make payment therefor in installments and is not permitted to make in any year a payment of more than 20 per centum of the cash amount to which entitled upon maturity of the instrument. Obligations described in this section issued by any receiver, trustee in bankruptcy, assignee, or other person, having custody of property, or charge of the affairs, of any corporation, shall, for the purposes of this chapter, be deemed to be issued by the corporation. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (3), 55 Stat. 706; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 506 (a), 56 Stat. 957.)

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title.

AMENDMENTS

1942—Last sentence was added by act Oct. 21, 1942, cited to text.

1941—Act Sept 20, 1941, cited to text, substituted "11 cents" for "10 cents until July 1, 1945, and 5 cents thereafter."

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to obligations issued after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 506 (h) (1) thereof.

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

§ 1802. Capital stock (and similar interests)—(a) Original issue.

On each original issue, whether on organization or reorganization, of shares or certificates of stock, or of profits, or of interest in property or accumulations, by any corporation, or by any investment trust or similar organization (or by any person on behalf of such investment trust or similar organization) holding or dealing in any of the instruments mentioned or described in this subsection or section 1801 (whether or not such investment trust or similar organization constitutes a corporation within the meaning of this title), on each $100 of par or face value or fraction thereof of the certificates issued by such corporation or by such investment trust or similar organization (or of the shares where no certificates were issued), 11 cents: *Provided*, That where such shares or certificates are issued without par or face value, the tax shall be 11 cents per share (corporate share, or investment trust or other organization share, as the case may be), unless the actual value is in excess of $100 per share; in which case the tax shall be 11 cents on each $100 of actual value or fraction thereof of such certificates (or of the shares where no certificates were issued), or unless the actual value is less than $100 per share, in which case the tax shall be 3 cents on each $20 of actual value, or fraction thereof, of such certificates (or of the shares where no certificates were issued). The stamps representing the tax imposed by this subsection shall be attached to the stock books or corresponding records of the organization and not to the certificates issued.

(b) Sales and transfers.

On all sales, or agreements to sell, or memoranda of sales or deliveries of, or transfers of legal title to any of the shares or certificates mentioned or described in subsection (a), or to rights to subscribe for or to receive such shares or certificates, whether made upon or shown by the books of the corporation or other organization, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale (whether entitling the holder in any manner to the benefit of such share, certificate, interest, or rights, or not), on each $100 of par or face value or fraction thereof of the certificates of such corporation or other organization (or of the shares where no certificates were issued) 5 cents and where such shares or certificates are without par or face value, the tax shall be 5 cents on the transfer or sale or agreement to sell on each share (corporate share, or investment trust or other organization share, as the case may be): *Provided*, That in case the selling price, if any, is $20 or more per share the above rate shall be 6 cents: *Provided further*, That it is not intended by this chapter to impose a tax upon an agreement evidencing a deposit of certificates as collateral security for money loaned thereon, which certificates are not actually sold, nor upon the delivery or transfer for such purpose of certificates so deposited nor upon the return of stock loaned: *Provided further*, That the tax shall not be imposed upon deliveries or transfers to a broker or his registered nominee for sale, nor upon deliveries or transfers by a broker or his registered nominee to a customer for whom and upon whose order the broker has purchased same, nor upon deliveries or transfers by a purchasing broker to his registered nominee if the shares or certificates so delivered or transferred are to be held by such nominee for the same purpose as if held by the broker, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further*, That the tax shall not be imposed upon deliveries or transfers from a fiduciary to a nominee of such fiduciary, or from one nominee of such fiduciary to another, if such shares or certificates continue to be held by such nominee for the same purpose for which they would be held if retained by such fiduciary, or from the nominee to such fiduciary, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further*, That in case of sale where the evidence of transfer is shown only by the books of the corporation or other organization the stamp shall be placed upon such books; and where the change of ownership is by transfer of the certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers: *Provided further*, That as used in this section the term "registered nominee" shall mean any person registered with the collector in accordance with such rules and regulations as the Commissioner with the approval of the Secretary shall prescribe. The tax shall not be imposed upon deliveries or transfers of shares or certificates—

(1) From the owner to a custodian if under a written agreement between the parties the shares or certificates are to be held or disposed of by such custodian for, and subject at all times to the instructions of, the owner; or from such custodian to such owner;

(2) From such custodian to a registered nominee of such custodian, or from one such nominee to another such nominee, if in either case the shares or certificates continue to be held by such nominee for the same purpose for which they would be held if

retained by such custodian; or from such nominee to such custodian. No exemption shall be granted under this paragraph unless the deliveries or transfers are accompanied by a certificate setting forth such facts as the Commissioner, with the approval of the Secretary, may by regulation prescribe as necessary for the evidencing of the right to such exemption. No delivery or transfer to a nominee shall be exempt under this paragraph unless such nominee, in accordance with regulations prescribed by the Commissioner, with the approval of the Secretary, is registered with the Commissioner.

The tax imposed by this subsection shall not be imposed upon any delivery or transfer by an executor or administrator to a legatee, heir, or distributee of shares or certificates of stock if it is shown to the satisfaction of the Commissioner that the value of such shares or certificates is not greater than the amount of the tax that would otherwise be imposed on such delivery or transfer.

(c) Transfers by operation of law.

No delivery or transfer under subsection (b) not otherwise exempt shall be exempt because effected by operation of law. The tax under such subsection shall not be imposed upon any delivery or transfer—

(1) From a decedent to his executor or administrator.

(2) From a minor to his guardian, or from a guardian to his ward upon attaining majority.

(3) From an incompetent to his committee or similar legal representative, or from a committee or similar legal representative to a former incompetent upon removal of disability.

(4) From a bank, trust company, financial institution, insurance company, or other similar entity, or nominee, custodian, or trustee therefor, to a public officer or commission, or person designated by such officer or commission or by a court, in the taking over of its assets, in whole or part, under State or Federal law regulating or supervising such institutions, nor upon redelivery or retransfer by any such transferee or successor thereto.

(5) From a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee, or from such trustee to such receiver, nor upon redelivery or retransfer by any such transferee or successor thereto.

(6) From a transferee under paragraphs (1) to (5), inclusive, to his successor acting in the same capacity, or from one such successor to another.

(7) From a foreign country or national thereof to the United States or any agency thereof, or to the government of any foreign country, directed pursuant to the authority vested in the President by section 5 (b) of the Trading with the Enemy Act (40 Stat. 415), as amended by the First War Powers Act (55 Stat. 838).[1]

(8) From trustees to surviving, substituted, succeeding, or additional trustees of the same trust.

(9) Upon the death of a joint tenant or tenant by the entireties, to the survivor or survivors.

No exemption shall be granted under this subsection unless the delivery or transfer is accompanied by a certificate setting forth such facts as the Commissioner, with the approval of the Secretary, may by regulation prescribe. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (4), (5), 55 Stat. 707; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 506 (b) (1), 56 Stat. 958.)

[1] 50 U S C. App. § 5.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title

AMENDMENTS

1942—Subsec (c) was added by act Oct. 21, 1942, cited to text

1941—Subsecs (a) and (b) were amended by act Sept. 20, 1941, § 521 (a) (4), (5), respectively, cited to text, which affected rates

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made applicable to deliveries and transfers on or after the thirtieth day after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 506 (h) (2) thereof

The rates specified in act Sept. 20, 1941, cited to text, were made applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

§ 1804. Insurance policies—(a) Insurance policies other than life, and indemnity, fidelity, or surety bonds.

On each policy of insurance (other than life), indemnity, fidelity, or surety bond, or certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called whereby a contract of insurance or an obligation of the nature of an indemnity, fidelity, or surety bond is made, continued, or renewed against, or with respect to, hazards, risks, losses, or liabilities wholly or partly within the United States, if issued to or for, or in the name of, a domestic corporation or partnership, or an individual resident of the United States, or with respect to hazards, risks, or liabilities within the United States, if issued to or for, or in the name of, a foreign corporation, foreign partnership, or nonresident individual, engaged in a trade or business within the United States, and if the insurer is a nonresident alien individual, or a foreign partnership, or a foreign corporation, and if such policy or other instrument is not signed or countersigned by an officer or agent of the insurer in a State, Territory, or District of the United States within which such insurer is authorized to do business, a tax of 4 cents on each dollar, or fractional part thereof, of the premium charged.

(b) Life insurance, sickness, and accident policies, and annuity contracts.

On each policy of insurance or annuity contract, or certificate, binder, covering note, receipt, memorandum, cablegram, letter, or other instrument by whatever name called whereby a contract of insurance or an annuity contract is made, continued, or renewed with respect to the life or hazards to the person of a citizen or resident of the United States, if the insurer is a nonresident alien individual, or a foreign partnership, or a foreign corporation, unless such policy or other instrument is signed or countersigned by an officer or agent of the insurer in a State,

Territory, or District of the United States within which such insurer is authorized to do business, or unless the insurer is subject to tax under section 201, a tax of 1 cent on each dollar or fractional part thereof, of the premium charged.

(c) Reinsurance.

On each policy of reinsurance, certificate, binder, covering note, receipt, memorandum, cablegram, letter or other instrument by whatever name called whereby a contract of reinsurance is made, continued, or renewed against, or with respect to, any of the hazards, risks, losses, or liabilities covered by contracts described in subsections (a) and (b) of this section if the reinsurer is a nonresident alien individual, or a foreign partnership, or a foreign corporation, and if such policy or other instrument is not signed or countersigned by an officer or agent of the reinsurer in a State, Territory, or District of the United States within which such reinsurer is authorized to do business, a tax of 1 cent on each dollar, or fractional part thereof, of the premium charged.

(d) When used in this section—

(1) The term "indemnity, fidelity, or surety bond" includes any bond for indemnifying any person who shall have become bound or engaged as surety, and any bond for the due execution or performance of any contract, obligation, or requirement, or the duties of any office or position, and to account for money received by virtue thereof, where a premium is charged for the execution of such bond.

(2) The term "insurer" includes any person who shall become bound by an obligation of the nature of an indemnity, fidelity, or surety bond, where a premium is charged for the execution of such obligation. (As amended Sept 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (6), 55 Stat. 707; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 502 (a), 56 Stat. 955.)

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title

AMENDMENTS

1942—Act Oct. 21, 1942, cited to text, amended section in its entirety.

1941—Act Sept. 20, 1941, cited to text, substituted "4 cents" for "3 cents"

EFFECTIVE DATE

Amendments by act Oct. 21, 1942, cited to text, were made effective by section 502 (b) thereof, as follows: "(b) The amendments made by this section (to section 1804) shall apply to the making, continuing, or renewal of contracts occurring on or after the first day of the first month which begins more than 10 days after the date of the enactment of this Act (Oct. 21, 1942, 4:30 p. m., E. W. T.)."

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

§ 1805. Silver bullion.

* * * * *

The term "person" means an individual, partnership, association, or corporation.

The Secretary is authorized to issue, with the approval of the President, such rules and regulations as the Secretary may deem necessary or proper to carry out the purposes of this section. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45, eff. Feb. 11, 1939.)

AMENDMENTS

1941—Above two paragraphs were substituted at end of section for that part of the section following the paragraph defining "silver bullion" (constituting former last four paragraphs) by res. Mar. 17, 1941, cited to text, eff. Feb 11, 1941.

§ 1806. Passage tickets.

Passage ticket, one way or round trip, for each passenger, sold or issued in the United States for passage by any vessel to a port or place not in the United States, Canada, Mexico, Cuba, or Puerto Rico, if costing not exceeding $30, $1.10; costing more than $30 and not exceeding $60, $3.30; costing more than $60, $5.50. This section shall not apply to passage tickets costing $10 or less. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (7), 55 Stat. 707.)

STAMP TAX ON PASSAGE TICKETS NOT TO APPLY

See note under chapter 11, preceding section 1801, of this title.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept 20, 1941, see note set out under section 1650 of this title

AMENDMENTS

1941—Act Sept. 20, 1941, cited to text, substituted "$1.10", "$3 30", and "$5.50" for "$1", "$3", and "$5", respectively.

EFFECTIVE DATE

The rates specified in act Sept 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

§ 1807. Playing cards—(a) General rule.

Upon every pack of playing cards containing not more than fifty-four cards, manufactured or imported, and sold, or removed for consumption or sale, a tax of 13 cents per pack. This tax shall be in addition to any import duties imposed on such articles of foreign manufacture. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 531, 55 Stat. 708.)

* * * * *

TERMINATION OF RATES

Act Sept 20, 1941, 12:15 p m., E S T, ch 412, title V, §§ 536, 550 (a), 55 Stat. 710, 715, provided for the termination of the applicability of the rates specified in subsec. (b) of this section as follows.

"(§ 536) The amendments made by this Part (act Sept. 20, 1941, title V, part III, §§ 531-536, affecting sections 1807, 1850, 2800, 2837, 3030, 3192, and 3400 of this title) shall be applicable only with respect to the period beginning with October 1, 1941, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period This Part shall take effect on October 1, 1941."

"(§ 550) (a) The amendments made by this Part (act Sept 20, 1941, title V, part IV, §§ 541–550, affecting Title 26, Internal Revenue Code, §§ 1700, 1701, 1710, 1712, 1715, 1716, 3403, 3404, 3405, 3409, 3441, 3465, 3466; and Title 16, Conservation, §§ 18e, 407d) shall be applicable only with

respect to the period beginning with the effective date of this Part, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941."

AMENDMENTS

1941—Subsec (a) was amended by act Sept. 20, 1941, cited to text, which substituted "13 cents" for "10 cents".

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 536 thereof.

§ 1808. Exemptions.

* * * * *

(c) Stocks and bonds of domestic building and loan associations and mutual ditch or irrigation companies.

Stocks and bonds issued by domestic building and loan associations, savings and loan associations, cooperative banks, and homestead associations substantially all the business of which is confined to making loans to members, or by mutual ditch or irrigation companies; or

* * * * *

(e) Corporate reorganizations and reorganization of railroads.

The provisions of section 1801, 1802, and 1821 (b) of this chapter and the provisions of sections 3481 and 3482 of Chapter 31 shall not apply to the issuance, transfer or exchange of securities, or the making, delivery or filing of conveyances to make effective any plan of reorganization or adjustment—

(1) confirmed under the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended,[1]

(2) approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in section 77 (m) of such Act,[2] or

(3) approved in an equity receivership proceeding in a court involving a corporation, as defined in section 106 (3) of such Act.[3]

if the issuance, transfer, or exchange of securities, or the making, delivery or filing of instruments of transfer or conveyances, occurs within five years from the date of such confirmation or approval.

(f) Orders of the Securities and Exchange Commission.

The provisions of sections 1801, 1802, and 1821 (b) of this chapter and the provisions of sections 3481 and 3482 of Chapter 31 shall not apply to the issuance, transfer, or exchange of securities, or making or delivery of conveyances, to make effective any order of the Securities and Exchange Commission as defined in section 373 (a) of Chapter 1: *Provided*, That (1) the order of the Securities and Exchange Commission in obedience to which such issuance, transfer, or exchange of securities, or conveyances are made recites that such issuance, transfer, or exchange, or conveyances are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, 49 Stat. 820 (U. S. C., Title 15, sec. 79k (b)), (2) such order specifies and itemizes the securities and other property which are ordered to be issued, transferred, exchanged, or conveyed, and (3) such issuance, transfer, or exchange, or conveyance is made in obedience to such order.

(g) Common trust funds.

The provisions of section 1802 (a) shall not apply to the issue of shares or certificates of a common trust fund, as defined in section 169.

(h) Cross reference.

For exemption in case of playing cards exported to a foreign country, see section 1830.

(As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 506 (c–e), 56 Stat. 959.)

[1] The Bankruptcy Act of 1898, constituting Title 11, Bankruptcy

[2] Section 205 (m) of Title 11, Bankruptcy.

[3] Section 506 (3) of Title 11, Bankruptcy.

AMENDMENTS

1942—Subsec. (c) was amended by act Oct. 21, 1942, cited to text, which inserted "savings and loan associations, cooperative banks, and homestead associations"

Subsec (e) was amended by act Oct 21, 1942, cited to text, which incorporated therein subject matter formerly contained in subsec (f).

Subsec (f) was added by act Oct 21, 1942, cited to text Former subsec (f) was made part of subsec (e) by same act.

Subsec. (g) was added by act Oct 21, 1942, cited to text. Former subsec (g) was redesignated (h).

Subsec. (h), formerly (g), was redesignated (h) by act Oct. 21, 1942, cited to text

EFFECTIVE DATE

Amendments of subsecs. (c) and (e–g) by act Oct. 21, 1942, cited to text, were made effective by section 506 (h) (3)–(5), thereof, as follows:

"(3) The amendment of section 1808 (c) made by subsection (c) of this section shall be applicable to stocks and bonds issued or transferred after the date of the enactment of this Act (Oct 21, 1942, 4:30 p m, E W T).

"(4) The amendment of section 1808 (e) and (f) made by subsection (d) of this section shall be applicable to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, after December 31, 1941, in the case of the amendment of section 1808 (e), and after the date of the enactment of this Act (Oct 21, 1942, 4.30 p. m., E W. T.), in the case of the amendment of section 1808 (f). Section 267 of the National Bankruptcy Act (U S C, Title 11, section 667) and any other provision of Federal law insofar as it confers exemption from stamp tax with respect to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, after five years from the date of confirmation or approval of the plan of reorganization or adjustment, shall be inapplicable to the issuance, transfer, or exchange of securities, or the making, delivery, or filing of conveyances, after the date of the enactment of this Act (Oct. 21, 1942, 4.30 p m., E W T)

"(5) (A) Section 1808 (f) added by subsection (e) of this section shall be applicable to the issuance, transfer, or exchange of securities, or the making or delivery of conveyances, after the date of the enactment of this Act (Oct 21, 1942, 4:30 p m, E. W T).

"(B) Section 1808 (g) as added by subsection (e) of this section shall be applicable to shares and certificates issued after the date of the enactment of this Act (Oct. 21, 1942, 4:30 p. m, E W. T.)."

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance.

§ 1809. Payment of tax—(a) By whom paid.

The tax imposed by this chapter shall be paid by any person who makes, signs, issues, sells, removes,

consigns, or ships any of the documents, instruments, matters, and things mentioned and described in sections 1801 to 1807, inclusive, or for whose use or benefit the same are made, signed, issued, sold, removed, consigned, or shipped. The United States or any agency or instrumentality thereof shall not be liable for the tax with respect to an instrument to which it is a party, and affixing of stamps thereby shall not be deemed payment for the tax, which may be collected by assessment from any other party liable therefor. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 506 (f), 56 Stat. 960.)

* * * * *

AMENDMENTS

1942—Subsec. (a), last sentence, was added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Amendment of subsec (a) by act Oct. 21, 1942, cited to text, was made applicable to instruments to which the U S or any agency or instrumentality thereof becomes a party after Oct. 21, 1942, 4 30 p. m., E. W. T, by section 506 (h) (6) thereof.

SUBCHAPTER D—SPECIAL PROVISIONS APPLICABLE TO PLAYING CARDS

§ 1830. Exemption in case of exportation.

Playing cards may be removed from the place of manufacture for export to a foreign country or for shipment to a possession of the United States (or, until the date on which the President proclaims that hostilities in the present war have terminated, to a territory of the United States for the use of members of the military or naval forces of the United States) without payment of tax, or affixing stamps thereto, under such rules and regulations and the filing of such bonds as the Commissioner, with the approval of the Secretary, may prescribe. (As amended Feb. 25, 1944, 12:49 p. m , E W. T., ch. 63, title V, § 508 (a), 58 Stat. 73.)

AMENDMENTS

1944—Act. Feb 25, 1944, cited to text, amended section by inserting "or for shipment to * * * of the United States)".

EFFECTIVE DATE

Amendment of section by act Feb. 25, 1944, § 508 (a), cited to text, was made effective as of Jan. 1, 1942, by section 508 (b) thereof.

Chapter 12.—SAFE DEPOSIT BOXES

§ 1850. Tax—(a) Rate.

There shall be imposed a tax equivalent to 20 per centum of the amount collected for the use of any safe deposit box. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 532, 55 Stat. 708.)

* * * * *

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title.

AMENDMENTS

1941—Subsec (a) was amended by act Sept 20, 1941, cited to text, which substituted "20 per centum" for "10 per centum".

EFFECTIVE DATE

Act Sept 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct 1, 1941, by section 536 thereof.

Chapter 15.—TOBACCO, SNUFF, CIGARS AND CIGARETTES

SUBCHAPTER A.—RATE AND PAYMENT OF TAX

§ 2000. Rate of tax.

* * * * *

(c) Cigars and cigarettes.

Upon cigars and cigarettes manufactured in or imported into the United States, which are sold by the manufacturer or importer, or removed for consumption or sale, there shall be levied, collected, and paid the following taxes:

(1) Cigars.

On cigars of all descriptions made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, 75 cents per thousand;

On cigars made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, if manufactured or imported to retail at not more than 2½ cents each, $2.50 per thousand;

If manufactured or imported to retail at more than 2½ cents each and not more than 4 cents each, $3.00 per thousand;

If manufactured or imported to retail at more than 4 cents each and not more than 6 cents each, $4 00 per thousand;

If manufactured or imported to retail at more than 6 cents each and not more than 8 cents each, $7 00 per thousand;

If manufactured or imported to retail at more than 8 cents each and not more than 15 cents each, $10 00 per thousand;

If manufactured or imported to retail at more than 15 cents each and not more than 20 cents each, $15.00 per thousand;

If manufactured or imported to retail at more than 20 cents each, $20.00 per thousand.

Whenever in this subsection reference is made to cigars manufactured or imported to retail at not over a certain price each, then in determining the tax to be paid regard shall be had to the ordinary retail price of a single cigar in its principal market.

(2) Cigarettes.

On cigarettes made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, $3.50 per thousand;

Weighing more than three pounds per thousand, $8.40 per thousand; except that if more than 6½ inches in length they shall be taxable at the rate provided in the preceding paragraph, counting each 2¾ inches (or fraction thereof) of the length of each as one cigarette.

The tax imposed by this subsection shall be in addition to any import duties imposed upon imported cigars and cigarettes.

* * * * *

(e) 1942 Floor stocks tax—(1) Tax.

Upon large cigars (weighing more than three pounds per thousand) and all cigarettes subject to

tax under this section, which on the effective date of Title VI of the Revenue Act of 1942 [1] are held by any person for sale, there shall be levied, assessed, collected, and paid a floor stocks tax at a rate equal to the increase in rate of tax made applicable to such articles by the Revenue Act of 1942.[2]

(2) Returns.

Every person required by this subsection to pay any floor stocks tax shall, on or before the end of the month next following the month in which Title VI of the Revenue Act of 1942 takes effect,[1] under such regulations as the Commissioner with the approval of the Secretary shall prescribe, make a return and pay such tax, except that in the case of such articles held by manufacturers and importers, the Commissioner may collect the tax with respect to all or part of such articles by means of stamps rather than return, and in such case may make an assessment against such manufacturer or importer having cigar and cigarette tax stamps on hand on the effective date of Title VI of the Revenue Act of 1942,[1] for the difference between the amount paid for such stamps and the increased rates imposed by the Revenue Act of 1942.[2]

(3) Laws applicable.

All provisions of law, including penalties, applicable in respect of the taxes imposed by section 2000, shall, insofar as applicable and not inconsistent with this subsection, be applicable with respect to the floor stocks tax imposed by this subsection. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (8), 55 Stat. 707; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 605 (a–c), 56 Stat. 974.)

[1] The effective date of Title VI of Revenue Act of 1942 is the same as in effective date note under this section.

[2] Act Oct. 21, 1942, cited to text.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept 20, 1941, see section 2004 of this title and notes.

AMENDMENTS

1942—Subsecs (c) (1) and (2) were amended and subsec (e) was added by act Oct 21, 1942, cited to text.

1941—Subsec (c) (2) was amended by act Sept 20, 1941, cited to text, which substituted "$3 25" and "$7.80" for "$3" and "$7 20", respectively

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4:30 p. m., E. W T, by section 601 thereof

The rates specified in act Sept 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

§ 2004. Defense tax for five years.

TERMINATION OF RATES

Act Sept. 20, 1941, 12:15 p m., E S T, ch 412, title V, §§ 521 (b), 536, 550 (a), 55 Stat 708, 710, 715, provided for the termination of the applicability of the rates specified in this section as follows:

"(§ 521) (b) The rates specified in subsection (a) (of act Sept 20, 1941, § 521, affecting sections 1700, 1801, 1802, 1804, 1806, 2000, 2700, 3150, 3250, 3407, 3411, 3412, 3413, 3460, 3481, and 3482 of this title) shall be applicable only with respect to the period after the date of the enactment of this Act, and the rates specified in section 1650 (a), section 2004, and section 3190 of the Internal Revenue Code shall not apply with respect to such period."

"(§ 536) The amendments made by this Part (act Sept. 20, 1941, title V, part III, §§ 531–536, affecting sections 1807, 1850, 2800, 2887, 3030, 3192, and 3400 of this title) shall be applicable only with respect to the period beginning with October 1, 1941, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941."

"(§ 550) (a) The amendments made by this Part (act Sept. 20, 1941, title V, part IV, §§ 541–550, affecting Title 26, Internal Revenue Code, §§ 1700, 1701, 1710, 1712, 1715, 1716, 3403, 3404, 3405, 3409, 3441, 3465, 3466; and Title 16, Conservation, §§ 18e, 407d) shall be applicable only with respect to the period beginning with the effective date of this Part, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period. This Part shall take effect on October 1, 1941."

SUBCHAPTER C.—PACKING, STAMPING, AND SELLING REQUIREMENTS

PART I.—TOBACCO AND SNUFF

§ 2100. Packages.

* * * * *

(a) Size—(1) Smoking and chewing tobacco and snuff.

All smoking tobacco, snuff, fine-cut chewing tobacco, all cut and granulated tobacco, all shorts, the refuse of fine-cut chewing, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse, scraps, clippings, cuttings, and sweepings of tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing one-eighth of an ounce, three-eighths of an ounce, and further packages with a difference between each package and the one next smaller of one-eighth of an ounce up to and including three ounces, and further packages with a difference between each package and the one next smaller of one-fourth of an ounce up to and including four ounces, and further packages with a difference between each package and the one next smaller of one ounce up to and including sixteen ounces: *Provided*, That snuff may, at the option of the manufacturer, be put up in bladders and in jars containing not exceeding twenty pounds. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 605 (d), 56 Stat. 975.)

* * * * *

AMENDMENTS

1942—Subsec. (a) (1) was amended by act Oct. 21, 1942, cited to text, which substituted "three ounces" for "two ounces".

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 601 thereof.

PART II.—CIGARS AND CIGARETTES

§ 2112. Stamps.

* * * * *

(c) Supply.

The stamps provided for under section 2002 (a) (3) shall be furnished to collectors requiring them,

and collectors shall, if there be any cigar or cigarette manufacturers within their respective districts, keep on hand at all times a supply equal in amount to two months' sales thereof, and shall sell the same only to the cigar or cigarette manufacturers who have given bonds, as required by law, in their districts respectively, and to importers of cigars or cigarettes who are required to affix the same to imported cigars or cigarettes in the custody of customs officers. If the government of a foreign country permits the revenue stamps of such country to be affixed in the United States to cigarettes manufactured in the United States and imported into such foreign country, then, if cigarettes manufactured in such foreign country are imported into the United States from such foreign country, the importer may, under such rules and regulations as the Commissioner with the approval of the Secretary of the Treasury may prescribe, have the United States revenue stamps attached to such cigarettes in such foreign country. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 612, 56 Stat. 977.)

* * * * *

AMENDMENTS

1942—Subsec. (c) was amended by act Oct 21, 1942, cited to text, which added last sentence.

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4 30 p. m., E W T., by section 601 thereof

SUBCHAPTER D.—IMPORTATION AND EXPORTATION

PART II.—EXPORTATION

§ 2135. Exemption from tax—(a) Shipments to foreign countries and possessions of the United States.

(1) Manufacturers.

Manufactured tobacco, snuff, cigars, or cigarettes may be removed for export to a foreign country or for shipment to a possession of the United States (or, until the date on which the President proclaims that hostilities in the present war have terminated, to a territory of the United States for the use of members of the military or naval forces of the United States) without payment of tax under such rules and regulations and the making of such entries, and the filing of such bonds and bills of lading as the Commissioner, with the approval of the Secretary, shall prescribe. (As amended Mar. 23, 1943, ch. 20, 57 Stat. 42.)

* * * * *

AMENDMENTS

Subsec. (a) (1) was amended by act Mar 23, 1943, cited to text, which inserted parenthetical clause relating to members of the military or naval forces.

SUBCHAPTER F.—MISCELLANEOUS PROVISIONS

2197. Territorial extent of law.

* * * * *

(b) Exportation free of internal revenue tax.

The shipment or delivery of manufactured tobacco, snuff, cigars, cigarettes, or cigarette papers or tubes for consumption beyond the jurisdiction of the internal revenue laws of the United States, as defined by subsection (a), shall be deemed exportation within the meaning of the internal revenue laws applicable to the exportation of such articles without payment of internal revenue tax. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 605 (e), 56 Stat. 975.)

AMENDMENTS

1942—Subsec (b) was amended by act Oct 21, 1942, cited to text, which inserted "or cigarette papers or tubes."

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4.30 p. m., E. W. T., by section 601 thereof.

Chapter 18.—REPEALED

§§ 2380–2390. Repealed. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 619, 56 Stat. 979.

CODIFICATION

Chapter 18, relating to mixed flour, was repealed by act Oct 21, 1942, 4:30 p m, E W T, ch 619, title VI, § 619, 56 Stat 979, eff on the first day of the first month which begins more than ten days after Oct. 21, 1942.

Chapter 19.—RETAILERS' EXCISE TAXES (New)

Sec.
2400. Tax on jewelry, etc.
2401. Tax on furs
2402 Tax on toilet preparations
2403 Return and payment of retailers' excise taxes.
2404 Definition of sale
2405 Leases, conditional sales, etc.
2406. Tax-free sales
2407. Credits and refunds
2408. Applicability of administrative provisions
2409 Penalty for representation that tax is not passed on.
2410 Rules and regulations
2411. Effective date.

Chapter was added by act Sept 20, 1941, 12 15 p m., E. S T., ch 412, title V, § 552 (a), 55 Stat. 718, which was made effective on Oct 1, 1941, by section 558 of that act.

§ 2400. Tax on jewelry, etc.

There is hereby imposed upon the following articles sold at retail a tax equivalent to 10 per centum of the price for which so sold: All articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof; watches and clocks and cases and movements therefor; gold, gold-plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware; opera glasses; lorgnettes; marine glasses; field glasses; and binoculars. The tax imposed by this section shall not apply to any article used for religious purposes, to surgical instruments, to watches designed especially for use by the blind, to frames or mountings for spectacles or eye-glasses, to a fountain pen, mechanical pencil, or smokers' pipe if the only parts of the pen, the pencil, or the pipe which consist of precious metals are essential parts not used for ornamental purposes, or to buttons, insignia, cap devices, chin straps, and other devices prescribed for use in connection with the uniforms of the armed forces of the United

States. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 718; amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 613, 56 Stat. 977; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 310, 58 Stat. 69; Aug. 11, 1945, ch. 367, § 1, 59 Stat. 532.)

AMENDMENTS

1945—Act Aug. 11, 1945, cited to text, amended section by striking out "to a fountain pen or smokers' pipe if the only parts of the pen or the pipe" in the second sentence and inserting in lieu thereof "to a fountain pen, mechanical pencil, or smokers' pipe if the only parts of the pen, the pencil, or the pipe".

1944—Act Feb. 25, 1944, cited to text, amended section by striking out "gold, gold plated, silver, silver-plated, or sterling flatware or hollow ware" and inserting in lieu thereof "gold, gold plated, silver, or sterling flatware or hollow ware and silver-plated hollow ware."

1942—Second sentence was amended by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Aug 11, 1945, cited to text, became effective on the first day of the first month which begins more than ten days after Aug. 11, 1945, by section 2 thereof.

Act Feb. 25, 1944, § 310, cited to text, was made effective on the first day of the first month which began more than 10 days after the date of the enactment of this act, by section 301 thereof.

Act Oct 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct 21, 1942, 4 30 p m , E W T , by section 601 thereof

Act Sept 20, 1941, cited to text, was made effective on Oct 1, 1941, by section 558 thereof.

TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days after the enactment of act Feb. 25, 1944, see section 1650 of this title and notes thereunder.

§ 2401. Tax on furs.

There is hereby imposed upon the following articles sold at retail a tax equivalent to 10 per centum of the price for which so sold: Articles made of fur on the hide or pelt, and articles of which such fur is the component material of chief value. Where a person, who is engaged in the business of dressing or dyeing fur skins or of manufacturing, selling, or repairing fur articles, produces an article of the kind described in this section from fur on the hide or pelt furnished, directly or indirectly, by a customer and the article is for the use of, and not for resale by, such customer, the transaction shall be deemed to be a sale at retail and the person producing the article shall be deemed to be the person selling such article at retail for purposes of this section. The tax on such a transaction shall be computed and paid by such person upon the fair retail market value, as determined by the Commissioner, of the finished article. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 718; amended Feb. 25, 1944, 12.49 p. m., E. W. T., ch. 63, title III, § 303, 58 Stat. 63.)

AMENDMENTS

1944—Act Feb. 25, 1944, cited to text, amended section by adding sentence beginning "Where a person, etc.".

EFFECTIVE DATE

Act Feb. 25, 1944, § 303, cited to text, made effective on the first day of the first month which begins more than 10 days after the date of the enactment of this act by section 301 thereof.

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days after the enactment of act Feb. 25, 1944, see section 1650 of this title and notes thereunder.

§ 2402. Tax on toilet preparations.

(a) Tax.

There is hereby imposed upon the following articles sold at retail a tax equivalent to 10 per centum of the price for which so sold: Perfumes, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous, toilet powders, and any similar substance, article, or preparation, by whatsoever name known or distinguished; any of the above which are used or applied or intended to be used or applied for toilet purposes.

(b) Beauty parlors, etc.

For the purposes of subsection (a), the sale of any article described in such subsection to any person operating a barber shop, beauty parlor, or similar establishment for use in the operation thereof and not for resale, shall be considered a sale at retail. The use in such operation of any article described in subsection (a) purchased by such person on or after the effective date of section 622 of the Revenue Act of 1942 [1] for resale, shall be considered a sale at retail by such person at the time the article is first set apart for such use and at a price equivalent to the amount paid by him for the article. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 718, and amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 623, 56 Stat. 981.)

[1] The effective date of section 622 of Revenue Act of 1942 is the same as in the effective date note under this section.

AMENDMENTS

1942—Subsec (b) was amended by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct 21, 1942, 4:30 p m., E. W. T., by section 601 thereof

Act Sept 20, 1941, cited to text, was made effective on Oct 1, 1941, by section 558 thereof.

TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days after the enactment of act Feb. 25, 1944, see section 1650 of this title and notes thereunder.

§ 2403. Return and payment of retailers' excise taxes.

(a) Every person who sells at retail any article taxable under this chapter shall make monthly returns under oath in duplicate and pay the taxes imposed by this chapter to the collector for the district in which is located his principal place of business or, if he has no principal place of business in the United States, then to the collector at Baltimore, Maryland. Such returns shall contain such information and be

made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

(b) The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 6 per centum per annum from the time when the tax became due until paid.

(c) In determining, for the purposes of this chapter, the price for which an article is sold, there shall be included any charge for coverings and containers of whatever nature, and any charge incident to placing the article in condition packed ready for shipment, but there shall be excluded the amount of tax imposed by this chapter, whether or not stated as a separate charge. A transportation, delivery, insurance, installation, or other charge (not required by the foregoing sentence to be included) shall be excluded from the price only if the amount thereof is established to the satisfaction of the Commissioner, in accordance with the regulations. There shall also be excluded, if stated as a separate charge, the amount of any retail sales tax imposed by any State or Territory or political subdivision of the foregoing, or the District of Columbia, whether the liability for such tax is imposed on the vendor or the vendee. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat 718.)

EFFECTIVE DATE

Act Sept 20, 1941, cited to text, was made effective on Oct 1, 1941, by section 558 thereof.

§ 2404. Definition of sale.

For the purposes of this chapter, the lease of an article shall be considered the sale of such article. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 719.)

EFFECTIVE DATE

Act Sept 20, 1941, cited to text, was made effective on Oct 1, 1941, by section 558 thereof.

§ 2405. Leases, conditional sales, etc.

In the case of (a) a lease, (b) a contract for the sale of an article wherein it is provided that the price shall be paid by installments and title to the article sold does not pass until a future date notwithstanding partial payment by installments, (c) a conditional sale, or (d) a chattel mortgage arrangement wherein it is provided that the sales price shall be paid in installments, there shall be paid upon each payment with respect to the article that portion of the total tax which is proportionate to the portion of the total amount to be paid represented by such payment. No tax shall be imposed under this chapter on the sale of any article taxable under section 2400 or section 2401 if with respect to such article the lease, contract for sale, or conditional sale was made, delivery thereunder was made, and a part of the consideration was paid, before October 1, 1941. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 719, and amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 618 (a), 56 Stat. 979.)

AMENDMENTS

1942—Clause (d) was inserted by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Sept. 21, 1941, cited to text, was made effective on the first day of the first month which began more than ten days after Oct 21, 1942, 4:30 p. m., E. W. T., by section 601 thereof.

Act Sept. 20, 1941, cited to text, was made effective on Oct 1, 1941, by section 558 thereof.

TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days after the enactment of act Feb. 25, 1944, see section 1652 of this title.

§ 2406. Tax-free sales.

Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax under this chapter shall be imposed with respect to the sale of any article—

(a) for the exclusive use of any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia;

(b) for export, or for shipment to a possession of the United States, and in due course so exported or shipped. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 719, amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (1), 58 Stat 64.)

AMENDMENTS

1944—Subsec. (a) amended by act Feb 25, 1944, cited to text, which changed "the United States, any State, Territory of the United States," to read "any State, Territory of the United States".

EFFECTIVE DATE

Act Feb. 25, 1944, § 307 (a) (1), cited to text, was made applicable by section 307 (b) (1) thereof, which provided as follows: "Despite the provisions of section 801, the amendments made by this section shall apply as follows: '(1) The amendments of sections 2406 (a), 3411 (c), and 3442 (3) (except as such section relates to the articles enumerated in section 3404) of the Internal Revenue Code shall be applicable to sales made on or after the first day of the first month which begins three months or more after the date of the enactment of this Act. Such amendments shall not apply to deny an exemption otherwise applicable with respect to any article sold pursuant to a contract entered into prior to the effective date of the amendments, or to any agreement or change order supplemental to such contract bearing the same Government contract number.'"

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

EXEMPTIONS

Subsec. (c) of act Feb. 25, 1944, § 307, cited to text, as amended by act Nov 8, 1945, 5:17 p. m., E. S. T., ch 453, title III, § 303, 59 Stat. 576, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States."

§ 2407. Credits and refunds.

(a) A credit against tax under this chapter, or a refund, may be allowed with respect to an article,

when the price on which the tax was based is readjusted by reason of return or repossession of the article, or by a bona fide discount, rebate, or allowance, in the amount of that part of the tax proportionate to the part of the price which is refunded or credited.

(b) No overpayment of tax under this chapter shall be credited or refunded, in pursuance of a court decision or otherwise, unless the person who paid the tax establishes, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, (1) that he has not included the tax in the price of the article with respect to which it was imposed, or collected the amount of tax from the purchaser, or (2) that he has repaid the amount of the tax to the purchaser of the article, or unless he files with the Commissioner written consent of such purchaser to the allowance of the credit or refund. (Added Sept. 20, 1941, 12:15 p. m., E. S T., ch. 412, title V, § 552 (a), 55 Stat. 719.)

EFFECTIVE DATE

Act Sept 20, 1941, cited to text, was made effective on Oct 1, 1941, by section 558 thereof.

§ 2408. Applicability of administrative provisions.

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 2700 shall, insofar as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 720)

EFFECTIVE DATE

Act Sept 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 2409. Penalty for representation that tax is not passed on.

Whoever in connection with the sale or lease, or offer for sale or lease, of any article taxable under this chapter, makes any statement, written or oral, in advertisement or otherwise, intended or calculated to lead any person to believe that the price of the article does not include the tax imposed by this chapter, shall on conviction thereof be punished by a fine of not more than $1,000. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 720.)

EFFECTIVE DATE

Act Sept 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof

§ 2410. Rules and regulations.

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 552 (a), 55 Stat. 720.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 2411. Effective date.

This chapter shall be effective on and after October 1, 1941. (Added Sept. 20, 1941, 12:15 p. m., E. S T., ch. 412, title V, § 552 (a), 55 Stat. 720.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

Chapter 21.—COCONUT AND OTHER VEGETABLE OILS

Sec.

2483. (Payment of proceeds of processing tax to Guam and American Samoa) (New).

§ 2470. Tax.

SUSPENSION OF ADDITIONAL RATE ON COCONUT OIL

Act September 16, 1942, ch. 560, 56 Stat. 752, as amended June 30, 1944, ch 332, § 1, 58 Stat. 647, provided as follows:

"[SEC 1.] Section 2470 (a) (2) of the Internal Revenue Code is hereby suspended: *Provided*, That if the President after receipt by him of a request from the Government of the Commonwealth of the Philippine Islands that the suspension of section 2470 (a) (2) be terminated, shall find that adequate supplies of copra, coconut oil, or both, the product of the Philippine Islands, are readily available for processing in the United States, he shall so proclaim; and thirty days after such proclamation, the suspension of section 2470 (a) (2) of the Internal Revenue Code, shall terminate.

"SEC. 2 This Act shall become effective the day following its enactment, and shall terminate on June 30, 1946."

CROSS REFERENCES

Proceeds of taxes paid under this section covered into the general funds of Philippine Treasury, see section 1249 of Title 48, Territories and Insular Possessions

§ 2477. First domestic processing defined.

For the purposes of this chapter, the term "first domestic processing" means the first use in the United States, in the manufacture or production of an article intended for sale, of the article with respect to which the tax is imposed, but does not include the use of palm oil in the manufacture of iron or steel products, or tin plate or terne plate, or any subsequent use of palm oil residue resulting from the manufacture of iron or steel products, or tin plate or terne plate. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch 619, title VI, § 621, 56 Stat. 980.)

AMENDMENTS

1942—Words "iron or steel products" were inserted in both instances by act Oct. 21, 1942, cited to text

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4 30 p m , E W. T., by section 601 thereof.

§ 2483. (Payment of proceeds of processing tax to Guam and American Samoa).

All taxes collected under this chapter with respect to coconut oil wholly of the production of Guam or American Samoa or produced from materials wholly of the growth or production of Guam or American Samoa, shall be held as separate funds and paid to the Treasury of Guam or American Samoa, respectively. No part of the money from such funds shall be used, directly or indirectly, to pay a subsidy to the producers or processors of copra, coconut oil, or allied products, except that this sentence shall not be construed as prohibiting the use of such money, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, for the acquisition or construction of facilities for the better curing of copra or for bona

fide loans to copra producers of Guam or American Samoa. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 561 (a), 55 Stat. 725.)

CODIFICATION

Section was enacted without a catchline.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made applicable only with respect to taxes collected after the date of enactment of that act, by section 561 (b) thereof.

Chapter 22.—FISH, ANIMAL, AND VEGETABLE OILS

§§ 2490, 2491.

CROSS REFERENCES

Proceeds of taxes paid under this section covered into the general funds of Philippine Treasury, see section 1249 of Title 48, Territories and Insular Possessions.

Chapter 23.—NARCOTICS

SUBCHAPTER A—OPIUM AND COCA LEAVES

§ 2550. Tax—(a) Rate.

There shall be levied, assessed, collected, and paid upon opium, isonipecaine, coca leaves, any compound, salt, derivative, or preparation thereof, produced in or imported into the United States, and sold, or removed for consumption or sale, an internal revenue tax at the rate of 1 cent per ounce, and any fraction of an ounce in a package shall be taxed as an ounce. The tax imposed by this subsection shall be in addition to any import duty imposed on the aforesaid drugs. (As amended July 1, 1944, ch. 377, § 1, 58 Stat. 721.)

* * * * *

AMENDMENTS

1944—Subsec (a) amended by act July 1, 1944, cited to text, which inserted "isonipecaine," immediately following "upon opium,".

§ 2551. Exemptions.

CROSS REFERENCES

Opium poppies produced, sold, or transferred by licensed persons as exempt, see section 188h of Title 21, Food and Drugs

§ 2553. Packages—(a) General requirement.

It shall be unlawful for any person to purchase, sell, dispense, or distribute any of the drugs mentioned in section 2550 (a) except in the original stamped package or from the original stamped package; and the absence of appropriate tax-paid stamps from any of the aforesaid drugs shall be prima facie evidence of a violation of this subsection by the person in whose possession same may be found; and the possession of any original stamped package containing any of the aforesaid drugs by any person who has not registered and paid special taxes as required by sections 3221 and 3220 shall be prima facie evidence of liability to such special tax. (As amended July 1, 1944, ch. 377, § 2, 58 Stat. 721.)

* * * * *

AMENDMENTS

1944—Subsec. (a) amended by act July 1, 1944, cited to text, which struck word "for" following "absence of appropriate tax-paid stamps" and inserted in lieu thereof "from".

§ 2557. Penalties.

* * * * *

(b) Violations in general.

* * * * *

(5) A person who, after having been convicted of selling, importing, or exporting, or conspiring to sell, import, or export, opium, coca leaves, cocaine, isonipecaine, or any salt, derivative, or preparation of opium, coca leaves, cocaine, or isonipecaine, again sells, imports, or exports, or conspires to sell, import, or export, any of the said narcotic drugs, in violation of the laws of the United States, shall, upon conviction of such second offense, be fined not more than $5,000 or imprisoned in a Federal penitentiary for not more than ten years, or both, in the discretion of the court, whenever the fact of such previous conviction is established in the manner prescribed in paragraph 7 of this subsection.

(6) A person who, after having been two times convicted of selling, importing, or exporting, or conspiring to sell, import, or export, opium, coca leaves, cocaine, isonipecaine, or any salt, derivative, or preparation of opium, coca leaves, cocaine, or isonipecaine, again sells, imports, or exports or conspires to sell, import, or export, any of the said narcotic drugs, in violation of the laws of the United States, shall, upon conviction of such third offense, or any offense subsequent thereto, be fined not more than $10,000 or imprisoned in a Federal penitentiary for not more than twenty years, or both, in the discretion of the court, whenever the fact of such previous convictions is established in the manner prescribed in paragraph 7 of this subsection. (As amended July 1, 1944, ch. 377, § 3, 58 Stat. 721.)

* * * * *

AMENDMENTS

1944 — Subpars. (5) and (6) of subsec. (b) amended by act July 1, 1944, cited to text, which inserted in each "isonipecaine," immediately following "or conspiring to sell, import, or export opium, coca leaves, cocaine" deleted in each "or" from phrase "preparation of opium, coca leaves, or cocaine," and inserted in each immediately following such phrase "or isonipecaine,".

§ 2558. Forfeitures.

* * * * *

(b) Seized opium—Confiscation and disposal—(1) Procedure.

All opium, coca leaves, isonipecaine, and all salts, derivatives, and preparations of opium, coca leaves and isonipecaine, seized by the United States Government from any person or persons charged with any violation of this chapter or part V of subchapter A of chapter 27, or the Act of February 9, 1909, ch. 100, 35 Stat. 614 as amended by the act of Jan. 17, 1914, ch. 9, 38 Stat. 275, the Act of May 26, 1922 (ch. 202, 42 Stat. 596), the Act of June 7, 1924 (ch. 352, 43 Stat. 657), and the Act of June 14, 1930 (ch. 488, 46 Stat. 586) (U. S. C., Title 21, §§ 171–184), shall upon conviction of the person or persons from whom seized be confiscated by and forfeited to the United States; and the Secretary is authorized to deliver for medical or scientific purposes to any department, bureau, or other agency of the United States Government, upon proper application therefor under such regulation as may be prescribed by the Secre-

tary, any of the drugs so seized, confiscated, and forfeited to the United States. The provisions of this paragraph shall also apply to any of the aforesaid drugs seized or coming into the possesion [1] of the United States in the enforcement of this chapter, part V of subchapter A of chapter 27, or any of the above mentioned acts where the owner or owners thereof are unknown. None of the aforesaid drugs coming into possesion [1] of the United States under the operation of said chapter, part, or acts, or the provisions of this paragraph, shall be destroyed without certification by a committee appointed by the Secretary that they are of no value for medical or scientific purposes. (As amended July 1, 1944, ch. 377, § 4, 58 Stat. 721.)

* * * * *

[1] So in original Probably should read "possession".

AMENDMENTS

1944—Subsec (b) amended by act July 1, 1944, cited to text, which struck out "its salts, derivatives, and compounds, and coca leaves, salts, derivatives and compounds thereof," and inserted in lieu thereof "coca leaves, isonipecaine, and all salts, derivatives, and preparations of opium, coca leaves, and isonipecaine," and inserted ", the Act of May 26, 1922 (c. 202, 42 Stat. 596), the Act of June 7, 1924 (c. 352, 43 Stat. 657), and the Act of June 14, 1930 (c. 488, 46 Stat. 586)" following "(c 9, 38 Stat. 275)"

§ 2565. Definitions.

* * * * *

Isonipecaine.

Subsection (e).

(As amended July 1, 1944, ch. 377, § 5, 58 Stat. 721.)

AMENDMENTS

1944—Subsec. (e) added by act July 1, 1944, cited to text.

Chapter 25.—FIREARMS

SUBCHAPTER A—PISTOLS AND REVOLVERS

§ 2700. Tax—(a) Rate.

There shall be levied, assessed, collected, and paid upon pistols and revolvers sold or leased by the manufacturer, producer, or importer, a tax equivalent to 11 per centum of the price for which so sold or leased

(b) Exemptions—(1) Sales for use of states, etc.

Pistols and revolvers sold for the use of any State, Territory of the United States, or political subdivision thereof, or the District of Columbia, shall be exempt from the tax imposed by subsection (a). (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (9), 55 Stat. 707; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (2), 58 Stat. 64.)

* * * * *

AMENDMENT

1944—Subsec (b) (1) amended by act Feb. 25, 1944, cited to text, which changed "the United States, any State, Territory, or possession of the United States," to read "any State, Territory of the United States,"

1941—Subsec. (a) was amended by act Sept. 20, 1941, cited to text, which substituted "11 per centum" for "10 per centum".

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept 20, 1941, see note set out under section 1650 of this title.

EFFECTIVE DATE

Amendment of subsec. (b) (1) by act Feb 25, 1944, § 307 (a) (2), cited to text, was made applicable by section 307 (b) (2) thereof which provided as follows: "Despite the provisions of section 301, the amendments made by this section shall apply as follows '(2) The amendments of sections 2700 (b) (1), 3407, and 3442 (3) (insofar as such section relates to the articles enumerated in section 3404) of the Internal Revenue Code, shall be applicable to sales made on or after the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war Such amendments shall not apply to deny an exemption otherwise applicable with respect to any article sold pursuant to a contract entered into prior to the effective date of the amendments, or to any agreement or change order supplemental to such contract bearing the same Government contract number.' "

The rates specified in act Sept 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof

DEFINITION

Subsec. (b) (6) of act Feb. 25, 1944, § 307, cited to text, provided as follows. "(6) For the purposes of this subsection the term 'date of the termination of hostilities in the present war' means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two houses of Congress as the date of such termination, whichever is the earlier "

EXEMPTIONS

Subsec. (c) of act Feb 25, 1944, § 307, cited to text, as amended by act Nov 8, 1945, 5 17 p m, E S T, ch 453, title III, § 303, 59 Stat. 576, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States "

SUBCHAPTER B—MACHINE GUNS AND SHORT-BARRELLED FIREARMS

§ 2720. Tax—(a) Rate.

There shall be levied, collected, and paid upon firearms transferred in the continental United States a tax at the rate of $200 for each firearm: *Provided*, That the transfer tax on any gun with two attached barrels, twelve inches or more in length, from which only a single discharge can be made from either barrel without manual reloading, or any gun designed to be held in one hand when fired and having a barrel twelve inches or more in length from which only a single discharge can be made without manual reloading, shall be at the rate of $1. The tax imposed by this section shall be in addition to any import duty imposed on such firearm. (As amended Aug. 11, 1945, ch. 364, § 1, 59 Stat. 531.)

* * * * *

AMENDMENTS

1945—Subsec. (a) amended by act Aug 11, 1945, cited to text, which inserted ", or any gun designed * * * without manual reloading,".

EFFECTIVE DATE

Subsec. (a) of section 3 of act Aug. 11, 1945, cited to text, provided: "The amendment made by the first section of this Act [subsec. (a) of this section] shall apply

with respect to any transfer within the scope thereof made on or after July 1, 1945."

Chapter 26.—LIQUOR

SUBCHAPTER C—INDUSTRIAL ALCOHOL

PART II—INDUSTRIAL ALCOHOL PLANTS

Sec
3125 Importation of alcohol for industrial purposes (New)
3126. Emergency production of sugars and sirups in industrial alcohol plants (New).

SUBCHAPTER F—DEFENSE TAX FOR FIVE YEARS

3192 Floor stocks tax on wines (New)
(a) Floor stocks tax
(b) Returns
(c) Laws applicable.
3193 1942 Floor stocks tax on wines (New).
3194 1944 Floor stocks tax on wines (New)

SUBCHAPTER A.—DISTILLED SPIRITS

PART I.—PROVISIONS RELATING TO TAX

§ 2800. Tax—(a) Rate—(1) Distilled spirits generally.

There shall be levied and collected on all distilled spirits in bond or produced in or imported into the United States an internal revenue tax at the rate of $6 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid by the distiller or importer when withdrawn from bond.

* * * * *

(3) Imported perfumes containing distilled spirits.

There shall be levied and collected upon all perfumes imported into the United States containing distilled spirits, a tax of $6 per wine gallon and a proportionate tax at a like rate on all fractional parts of such wine gallon. Such tax shall be collected by the collector of customs and deposited as internal revenue collections, under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe

* * * * *

(i) Floor stocks tax.

(1) Upon all distilled spirits upon which the internal-revenue tax imposed by law has been paid, and which on October 1, 1941, are held and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be levied, assessed, collected, and paid a floor stocks tax of $1 (except that in the case of brandy, the rate shall be $1.25) on each proof-gallon, and a proportionate tax at a like rate on all fractional parts of such proof-gallon

(2) Every person required by this subsection to pay any floor stocks tax shall, on or before January 1, 1942, under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe, make a return and pay such tax Payment of the tax shown to be due may be extended to a date not later than August 1, 1942, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

(3) All provisions of law, including penalties, applicable in respect of internal-revenue taxes on distilled spirits shall, insofar as applicable and not inconsistent with this subsection, be applicable in respect of the floor stocks tax imposed hereunder. For the purposes of this subsection the term "distilled spirits" shall include products produced in such manner that the person producing them is a rectifier within the meaning of section 3254 (g).

(j) 1942 floor stocks tax—(1) Tax.

Upon all distilled spirits upon which the internal-revenue tax imposed by law has been paid, and which on the effective date of Title VI of the Revenue Act of 1942,[1] are held and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be levied, assessed, collected, and paid a floor stocks tax of $2 on each proof-gallon, and a proportionate tax at a like rate on all fractional parts of such proof-gallon.

(2) Returns.

Under such regulations as the Commissioner with the approval of the Secretary shall prescribe, every person required by paragraph (1) to pay any floor stocks tax shall, on or before the end of the thirtieth day following the effective date of Title VI of the Revenue Act of 1942[1] make a return and shall, on or before the first day of the third month following such effective date, pay such tax. Payment of the tax shown to be due may be extended to a date not later than the first day of the tenth month following the effective date of Title VI of the Revenue Act of 1942,[1] upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

(3) Laws applicable.

All provisions of law, including penalties, applicable in respect of internal-revenue taxes on distilled spirits shall, insofar as applicable and not inconsistent with this subsection, be applicable in respect of the floor stocks tax imposed hereunder. For the purposes of this subsection the term "distilled spirits" shall include products produced in such manner that the person producing them is a rectifier within the meaning of section 3254 (g).

(k) 1944 Floor stocks tax—(1) Tax.

Upon all distilled spirits upon which the internal-revenue tax imposed by law has been paid, and which on the effective date of Title III of the Revenue Act of 1943, are held and intended for sale or for use in the manufacture or production of any article intended for sale, there shall be levied, assessed, collected, and paid a floor stocks tax of $3 on each proof-gallon, and a proportionate tax at a like rate on all fractional parts of such proof-gallon.

(2) Returns.

Under such regulations as the Commissioner with the approval of the Secretary shall prescribe, every person required by paragraph (1) to pay any floor stocks tax shall, on or before the end of the thirtieth day following the effective date of Title III of the Revenue Act of 1943 make a return and shall, on or before the first day of the third month following such effective date, pay such tax. Payment of the tax

shown to be due may be extended to a date not later than the first day of the tenth month following the effective date of Title III of the Revenue Act of 1943, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

(3) Laws applicable.

All provisions of law, including penalties, applicable in respect of internal-revenue taxes on distilled spirits shall, insofar as applicable and not inconsistent with this subsection, be applicable in respect of the floor stocks tax imposed hereunder. For the purposes of this subsection the term "distilled spirits" shall include products produced in such manner that the person producing them is a rectifier within the meaning of section 3254 (g). (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 533 (a, b, d), 55 Stat. 708; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 602 (a, b, d), 56 Stat. 970, 971; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 308 (a), 58 Stat. 67.)

[1] The effective date of Title VI of Revenue Act of 1942 is the same as in the effective date note under this section

AMENDMENTS

1944—Subsec. (k) added by act Feb. 25, 1944, cited to text.

1942—Subsec (a), pars (1) and (3) was amended by act Oct 21, 1942, cited to text, which substituted "$6" for "$4."

Subsec. (j) was added by act Oct 21, 1942, cited to text

1941—Subsecs. (a) (1) and (a) (3) were amended and subsec (1) was added by act Sept. 20, 1941, § 533 (a), (b), (d), respectively, cited to text

EFFECTIVE DATE

Act Feb 25, 1944, § 308 (a), cited to text, was made effective on first day of the first month which began more than 10 days after the date of the enactment of this act by section 301 thereof.

Act Oct 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4:30 p m., E W T., by section 601 thereof

Act Sept 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct 1, 1941, by section 536 thereof.

DERIVATION

First sentence of derivation note for subsec. (a) (5) should read "Act Feb. 24, 1919, ch 18, § 605, 40 Stat. 1108"

TERMINATION OF RATES

Act Sept. 20, 1941, 12:15 p m, E S T, ch 412, title V, §§ 536, 550 (a), 55 Stat. 710, 715, provided for the termination of the applicability of the rates specified in subsec (g) of this section as follows:

"(§ 536.) The amendments made by this Part (act Sept 20, 1941, title V, part III, §§ 531–536, affecting sections 1607, 1850, 2800, 2887, 3030, 3192, and 3400 of this title) shall be applicable only with respect to the period beginning with October 1, 1941, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period This Part shall take effect on October 1, 1941"

"(§ 550) (a) The amendments made by this Part (act Sept 20, 1941, title V, part IV, §§ 541-550, affecting Title 26, Internal Revenue Code, §§ 1700 1701, 1710, 1712, 1715 1716, 3403, 3404, 3405, 3409, 3441, 3465, 3466, and Title 16, Conservation, §§ 18e, 407d) shall be applicable only with respect to the period beginning with the effective date of this Part, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period This Part shall take effect on October 1, 1941"

TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days after the enactment of act Feb 25, 1944, see section 1650 of this title and notes thereunder.

PART II.—DISTILLING AND RECTIFYING

§ 2825. Exemption of distillers of fruit brandy from certain requirements.

The Commissioner, with the approval of the Secretary, may exempt distillers of brandy made exclusively from apples, peaches, grapes, oranges, pears, pineapples, apricots, berries, plums, pawpaws, papayas, cantaloups, persimmons, prunes, figs, cherries, dates, or citrus fruits (except lemons and limes) from any provision of the internal-revenue laws relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so: *Provided*, That where, in the manufacture of wine or citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wine, papaya wine, pineapple wine, cantaloup wine, or apple wine, artificial sweetening has been used, the wine, or the fruit pomace residuum thereof, or the citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wine, papaya wine, pineapple wine, cantaloup wine, or apple wine, may be used in the distillation of brandy or citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy, as the case may be, and such use shall not prevent the Commissioner, with the approval of the Secretary, from exempting such distiller from any provision of the internal-revenue laws relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so *And provided further*, That the distillers mentioned in this section may add to not less than five hundred gallons (ten barrels) of grape cheese and not more than five hundred gallons of a sugar solution made from cane, beet, starch, or corn sugar, 95 per centum pure, such solution to have a saccharine strength of not to exceed 10 per centum, and may ferment the resultant mixture on a winery or distillery premises, and such fermented product shall be regarded as distilling material. (As amended Apr. 20, 1942, ch. 244, § 1 (f), 56 Stat. 219.)

AMENDMENTS

1942—Act April 20, 1942, cited to text, inserted "papayas, cantaloups" where first appearing, and inserted other matter relating to pawpaw, papaya, pineapple, and cantaloup wines and brandies.

PART III.—INTERNAL REVENUE BONDED WAREHOUSES

§ 2883. Transfer of spirits at registered distilleries.

* * * * *

(c) Transfer of spirits for industrial uses.

Distilled spirits of one hundred and sixty degrees of proof or greater may be withdrawn from registered distilleries (including registered fruit

distilleries), and stored in and withdrawn from internal-revenue bonded warehouses, pursuant to the applicable provisions of subsection (a): *Provided,* That such distilled spirits may also be withdrawn without payment of tax from registered distilleries (including registered fruit distilleries) and internal-revenue bonded warehouses for all the tax-free purposes authorized by part II of subchapter C of this chapter, and when so withdrawn shall be subject to all applicable provisions of such part. Under such regulations as the Commissioner may prescribe, the manufacture, warehousing, withdrawal, and shipment of distilled spirits of one hundred and sixty degrees of proof or greater may be exempted from the provisions of section 2836 and section 2870. This subsection shall cease to be in effect upon the termination of the unlimited national emergency [1] proclaimed by the President on May 27, 1941.

(d) Under regulations to be prescribed by the Commissioner and approved by the Secretary, distilled spirits of any proof may be removed in approved containers, including pipe lines, from any registered distillery (including registered fruit distilleries) or internal revenue bonded warehouse to any other registered distillery (including registered fruit distilleries) or internal revenue bonded warehouse for redistillation and removal as provided in (c): *Provided,* That in case of removals of distilled spirits to any registered distillery (including registered fruit distilleries) for redistillation, the receiving distiller shall undertake to assume liability for the payment of the tax on the spirits from the time they leave the warehouse or distillery, as the case may be: *Provided further,* That any such spirits of one hundred and sixty degrees of proof or greater may be removed without redistillation from any internal revenue bonded warehouse as provided in (c): *Provided further,* That such spirits may be stored in tanks in any internal revenue bonded warehouse: *Provided further,* That taxes on distilled spirits removed under the provisions of this paragraph, either before or after redistillation, if such distilled spirits or any portion thereof are lost shall be remitted or refunded in the same manner and under the same conditions as the tax on alcohol would be remitted or refunded under the provisions of section 3113 of the Internal Revenue Code: *And provided further,* That sections 2836 and 2870 shall not apply to the production and removal, and such sections and sections 2800 (a) (5) and 3250 (f) (1) shall not apply to the redistillation and removal, of such spirits.

(e) Transfer of spirits for redistillation.

Under regulations to be prescribed by the Commissioner and approved by the Secretary, and subject to the provisions of part II of subchapter C of this chapter, spirits of any proof may, without payment of tax and in bond, be removed in approved containers, including pipe lines, from registered distilleries (including registered fruit distilleries) and internal revenue bonded warehouses to industrial alcohol bonded warehouses and industrial alcohol plants for redistillation and removal for any tax-free purpose, or upon payment of tax for any purpose, authorized by said part II of subchapter C of this chapter: *Provided,* That when the spirits are so withdrawn, the tax liability of the producing distiller and the internal revenue bonded warehouseman, and the liens on the premises of the producing distiller shall cease, and the tax shall be the liability of, and the liens shall be transferred to the warehouse or plant of, the industrial alcohol bonded warehouseman or proprietor of the industrial alcohol plant to whom the spirits are transferred: *And provided further,* That any such spirits of one hundred and sixty degrees of proof or greater, so removed and stored in any alcohol bonded warehouse, may be removed from such warehouse without redistillation for any tax-free purpose, or upon payment of tax for any purpose, so authorized: *And provided further,* That sections 2836 and 2870 shall not apply to the production or removal of spirits of any proof for such redistillation. This subsection and subsection (d) shall cease to be in effect upon the termination of the unlimited national emergency proclaimed by the President on May 27, 1941. (As amended Jan. 24, 1942, ch. 17, 56 Stat. 17; Mar. 27, 1942, ch. 200, 56 Stat. 187.)

[1] See Proc. No. 2487 preceding section 1 of Appendix to Title 50, War.

AMENDMENTS

1942—Subsec. (c) added by act Jan. 24, 1942, cited to text.

Subsecs (d) and (e) were added by act Mar. 27, 1942, cited to text.

§ 2887. Drawback on spirits.

* * * * *

And the entry shall specify the whole number of casks or packages, the marks and serial numbers thereon, the quality or kind of spirits as known in commerce, the number of gauge or wine gallons and of proof gallons; and the amount of the tax on such spirits shall be verified by the oath of the owner of the spirits, and that the tax has been paid thereon, and that they are truly intended to be exported to the port of ———, and not to be relanded within the limits of the United States. One bill of lading, duly signed by the master of the vessel, shall be deposited with said collector, to be filed at his office with the entry retained by him. One of said entries shall be, when the shipment is completed, transmitted to the Secretary, to be recorded and filed in his office. The lading on board said vessel shall be only after the receipt of an order or permit signed by the collector of customs and directed to a customs gauger, and after each cask or package shall have been distinctly marked or branded by said gauger as follows: "For export from U. S. A.," and the tax-paid stamps thereon obliterated. The casks or packages shall be inspected and gauged alongside of or on the vessel by the gauger designated by said collector, under such rules and regulations as the Secretary may prescribe; and on application of the said collector it shall be the duty of the surveyor of the port to designate and direct one of the customhouse inspectors to superintend such shipment. And the gauger aforesaid shall make a full return of such inspection and gauging in such form as may be prescribed by the Secretary, showing by whom each cask of such

spirits was distilled, the serial number of the cask, and of the tax-paid stamp attached thereto, the proof and quantity of such spirits as per the original gauge-mark on each cask, and the quantity in proof and wine gallons as per the gauge then made by him. And said gauger shall certify on such return that the shipment has been made, in his presence, on board the vessel named in the entry for export, which return shall be indorsed by said customhouse inspector certifying that the casks or packages have been shipped under his supervision on board said vessel, and the tax-paid stamps obliterated; and the said inspector shall make a similar certificate to the surveyor of the port, indorsed on or to be attached to the entry in possession of the customhouse.

A drawback shall be allowed upon distilled spirits on which the tax has been paid and exported to foreign countries, under the provisions of this section, when exported as herein provided for. The drawback allowed shall include the taxes levied and paid upon the distilled spirits exported, and the rate of drawback shall be equal to the rate of the internal tax paid in respect of the distilled spirits exported, as per last gauge of said spirits prior to exportation, and shall be due and payable only after the proper entries have been made and filed and all other conditions complied with as hereinbefore required, and on filing with the Secretary the proper claim, accompanied by the certificate of the collector of customs at the port of entry where the spirits are entered for export that such spirits have been received into his custody and the tax-paid stamps thereon obliterated; and the Secretary shall prescribe such rules and regulations in relation thereto as may be necessary to secure the Treasury of the United States against frauds. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 44, eff. Feb. 11, 1939; Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 533 (3), 55 Stat. 708; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 602 (c), 56 Stat. 971; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 309 (a), 58 Stat. 68.)

AMENDMENTS

1944—Act Feb. 25, 1944, cited to text, amended section by striking out "but shall not exceed a rate of $6 per proof-gallon" preceding "as per last gauge" in second sentence of third paragraph.

1942—Third paragraph was amended by act Oct. 21, 1942, cited to text, which substituted "$6" for "$4".

1941—Second paragraph was amended by res. Mar. 17, 1941, cited to text, eff. Feb. 11, 1939.

Third paragraph was amended by act Sept. 20, 1941, cited to text, which substituted "but shall not exceed a rate of $4" for "but shall not exceed a rate of $3 (or, in the case of brandy, $2.75)".

EFFECTIVE DATE

Act Feb. 25, 1944, § 309 (a), cited to text, was made effective on the first day of the first month which began more than 10 days after the date of the enactment of this act, by section 301 thereof.

Act Oct. 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 601 thereof.

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 536 thereof.

PART IV.—MISCELLANEOUS PROVISIONS RELATING TO DISTILLED SPIRITS

§ 2901. Loss allowances—(a) Leakage or evaporation.

(1) Any distilled spirits on deposit in any internal revenue bonded warehouse on the date this amendatory subsection takes effect, or thereafter deposited in any internal revenue bonded warehouse, may, at the time of withdrawal of the spirits from such warehouse, upon the filing of an application for the regauge of such spirits, giving a description of the package containing the spirits, be regauged by a storekeeper-gauger who shall place upon such package such marks and brands as the Commissioner, with the approval of the Secretary, shall by regulations prescribe. If upon such regauging it shall appear there has been a loss by leakage or evaporation of distilled spirits from any cask or package, without the fault or negligence of the distiller or warehouseman, taxes shall be collected only on the quantity of distilled spirits contained in such cask or package at the time of such withdrawal. The allowance which shall be made for such loss of spirits shall not exceed—

1½ proof gallons for 2 months or part thereof;

2½ gallons for more than 2 months and not more than 4 months;

3 gallons for more than 4 months and not more than 6 months;

3½ gallons for more than 6 months and not more than 8 months;

4 gallons for more than 8 months and not more than 10 months;

4½ gallons for more than 10 months and not more than 12 months;

5 gallons for more than 12 months and not more than 14 months;

5½ gallons for more than 14 months and not more than 16 months;

6 gallons for more than 16 months and not more than 18 months;

6½ gallons for more than 18 months and not more than 21 months;

7 gallons for more than 21 months and not more than 24 months;

7½ gallons for more than 24 months and not more than 27 months;

8 gallons for more than 27 months and not more than 30 months;

8½ gallons for more than 30 months and not more than 33 months;

9 gallons for more than 33 months and not more than 36 months;

9½ gallons for more than 36 months and not more than 39 months;

10 gallons for more than 39 months and not more than 42 months;

10½ gallons for more than 42 months and not more than 45 months;

11 gallons for more than 45 months and not more than 48 months;

11½ gallons for more than 48 months and not more than 51 months;

12 gallons for more than 51 months and not more than 54 months;

12½ gallons for more than 54 months and not more than 57 months;

13 gallons for more than 57 months and not more than 60 months;

13½ gallons for more than 60 months and not more than 63 months;

14 gallons for more than 63 months and not more than 66 months;

14½ gallons for more than 66 months and not more than 69 months;

15 gallons for more than 69 months and not more than 72 months;

15½ gallons for more than 72 months and not more than 75 months;

16 gallons for more than 75 months and not more than 78 months;

16½ gallons for more than 78 months and not more than 81 months;

17 gallons for more than 81 months and not more than 84 months;

17½ gallons for more than 84 months and not more than 90 months;

18 gallons for more than 90 months from the date of original gauge as to fruit brandy, or original entry as to all other spirits; and no further allowance shall be made for loss by leakage or evaporation

The foregoing allowance shall not apply to distilled spirits which on July 26, 1936, were eight years of age, or older, and which on that date were in bonded warehouses.

The foregoing allowance for loss shall apply only to casks or packages of a capacity of forty or more wine-gallons, and the allowance for loss on casks or packages of less capacity than forty gallons shall not exceed one-half the amount allowed on said forty-gallon casks or packages; but no allowance shall be made on casks or packages of less capacity than twenty gallons The proof of such distilled spirits shall not in any case be computed at the time of withdrawal at less than 100 per centum.

(b) Loss.

The Commissioner of Internal Revenue may, under regulations to be prescribed by him and approved by the Secretary of the Treasury, abate any internal-revenue taxes accruing on distilled spirits if he shall find that—

(1) The distilled spirits were not stolen or intentionally destroyed but were lost, otherwise than by leakage or evaporation, while on the premises of a registered distillery, during or after production and prior to deposit in an internal revenue bonded warehouse.

(2) The distilled spirits were not stolen or intentionally destroyed but were lost, otherwise than by leakage or evaporation, while being transferred between buildings constituting the same internal revenue bonded warehouse or while being transferred by a common carrier from the premises of a registered distillery to an internal revenue bonded warehouse off such registered distillery premises, or while being transferred by a common carrier between internal revenue bonded warehouses.

(3) The distilled spirits were not stolen or intentionally destroyed but were lost, otherwise than by leakage or evaporation, while the same remained in an internal revenue bonded warehouse and such loss is not allowable under subsection (a) hereof.

(4) The distilled spirits were withdrawn for use in the fortification of sweet wines and were not stolen or intentionally destroyed but were lost, otherwise than by leakage or evaporation, prior to such use while being transferred to, or while stored in, the fortifying room on the bonded winery premises.

(5) The distilled spirits were lost by theft from the premises of a registered distillery, or while being transferred between buildings, constituting the same internal revenue bonded warehouse, or while being transferred by common carrier to an internal revenue bonded warehouse off such registered distillery premises, or while being transferred by a common carrier between internal revenue bonded warehouses, and that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

(6) The distilled spirits were lost by theft from an internal revenue bonded warehouse, and that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, owner, or warehouseman, or the employees of any of them.

(7) The distilled spirits were withdrawn for use in the fortification of sweet wines and were lost by theft prior to such use while being transferred to, or while stored in, the fortifying room on the bonded winery premises, and that such loss did not occur as the result of connivance, collusion, fraud, or negligence on the part of the distiller, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

(8) The distilled spirits were unfit for use for beverage purposes and were voluntarily destroyed by the distiller, the warehouseman, or the proprietor of the bonded winery premises, pursuant to the written permission of the Commissioner in each case and under regulations which the Commissioner, with the approval of the Secretary, is hereby authorized to promulgate.

(c) Refund of tax.

When, in any case to which subsection (a) or (b) applies, the tax is paid subsequent to the loss or destruction, as the case may be, of the spirits, the Commissioner may, under regulations prescribed by him with the approval of the Secretary, refund such tax.

(d) Insurance coverage.

The abatement or refund of taxes provided for by subsections (b) and (c) shall only be allowed to the extent that the claimant is not indemnified against or recompensed for such loss.

(e) Transfer of duties.

For transfer of powers and duties of Commissioner and his agents, see section 3170. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45; Apr. 8, 1942, ch. 220, § 1, 56 Stat. 201)

AMENDMENTS

1942—Act Apr. 8, 1942, cited to text, amended section generally.

1941—Subsec. (b) was amended by res. Mar. 17, 1941, cited to text, eff Feb. 11, 1939.

RETROACTIVE EFFECT OF AMENDMENTS

Section 2 of act Apr 8, 1942, cited to text, provided as follows: "Section 2901 (a), (b), (c), and (d), as amended by this Act, shall apply to any claim for taxes which may accrue after the date of enactment of this Act. Claims for taxes or tax penalties that accrued on or before the date of enactment of this Act shall be subject to section 2901 of the Internal Revenue Code as it existed prior to its amendment by this Act. Nothing in section 2901, as hereby amended, shall be construed as in any manner limiting or restricting the provisions of part II, subchapter C, chapter 26, of the Internal Revenue Code."

§ 2907. Repealed. July 22, 1941, ch. 314, § 3, 55 Stat. 602.

SUBCHAPTER B.—WINES

§ 3030. Tax—(a) Rate—(1) Still wines—(A) Imposition.

Upon all still wines, including vermouth, and all artificial or imitation wines or compounds sold as still wine produced in or imported into the United States after June 30, 1940, or which on July 1, 1940, were on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid taxes at rates as follows, when sold or removed for consumption or sale:

On wines containing not more than 14 per centum of absolute alcohol, 10 cents per wine-gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 40 cents per wine-gallon;

On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, $1.00 per wine-gallon;

All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall pay tax accordingly.

Any such wines may, under such regulations as the Commissioner may prescribe, with the approval of the Secretary, be sold or removed tax-free for the manufacture of vinegar, or for the production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

The taxes imposed by this subparagraph (A) of this paragraph shall not apply to dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume; nor, subject to regulations prescribed by the Commissioner, with the approval of the Secretary, to wines produced for the family use of the duly registered producer thereof and not sold or otherwise removed from the place of manufacture and not exceeding in any case two hundred gallons per year.

* * * * *

(2) Sparkling wines, liqueurs, and cordials.

Upon the following articles which are produced in or imported into the United States, after June 30, 1940, or which on July 1, 1940, are on any winery premises or other bonded premises or in transit thereto or at any customhouse, there shall be levied, collected, and paid, in lieu of the internal-revenue taxes imposed thereon by law prior to such date, taxes at rates as follows, when sold, or removed for consumption or sale:

On each bottle or other container of champagne or sparkling wine, 10 cents on each one-half pint or fraction thereof;

On each bottle or other container of artificially carbonated wine, 5 cents on each one-half pint or fraction thereof;

On each bottle or other container of liqueurs, cordials, or similar compounds, by whatever name sold or offered for sale, containing sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wines, papaya wines, pineapple wines, cantaloup wines, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy, 5 cents on each one-half pint or fraction thereof.

Any of the foregoing articles containing more than 24 per centum of absolute alcohol by volume (except vermouth, liqueurs, cordials, and similar compounds made in rectifying plants and containing tax-paid sweet wine, citrus-fruit wine, peach wine, cherry wine, berry wine, apricot wine, prune wine, plum wine, pear wine, pawpaw wines, papaya wines, pineapple wines, cantaloup wines, or apple wine, fortified, respectively, with grape brandy, citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy) shall be classed as distilled spirits and shall be taxed accordingly.

The Commissioner, under regulations prescribed by him, with the approval of the Secretary, is authorized to remit, refund, and pay back the amount of all taxes on such liqueurs, cordials, and similar compounds paid by or assessed against rectifiers at the distilled spirits rate prior to June 26, 1936. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 534 (b), 55 Stat. 709; Apr. 20, 1942, ch. 244, § 1 (c), 56 Stat 218; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 604 (a, b), 56 Stat. 973.)

* * * * *

AMENDMENTS

1942—Subsec (a), pars. (1) (A) and (2), was amended by act Oct 21, 1942, cited to text which substituted "10", "40", "1.00", "10" and "5", for "8", "30", "65 cents", "7" and "3½", respectively

Subsec. (a) (2) was also amended by act Apr. 20, 1942, cited to text, which inserted matter relating to pawpaw, papaya, pineapple, and cantaloup wines and brandies Said act purported to insert the provisions concerning the wines of such fruit after the words "pear wines" wherever they occur, whereas the words in subsec (a) (2) read "pear wine"

1941—Subsecs (a) (1) (A) and (a) (2) were amended by act Sept. 20, 1941, § 534 (a), (b), respectively, cited to text, which increased rates.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4 30 p. m., E. W. T., by section 601 thereof.

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 536 thereof.

TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days after the enactment of act Feb 25, 1944, see section 1650 of this title and notes thereunder.

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept 20, 1941, see section 3190 of this title and notes.

§ 3031. Tax on brandy or spirits used in fortification—Withdrawal of spirits for fortification.

(a) Under such regulations and official supervision and upon the giving of such notices and entries as the Commissioner, with the approval of the Secretary, may prescribe, any producer of wines defined under the provisions of this subchapter may withdraw from any fruit distillery or internal revenue bonded warehouse grape brandy (hereafter in this section included in the term "brandy"), or wine spirits, for the fortification of such wines on the premises where actually made, and any producer of citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, prune wines, plum wines, pear wines, pawpaw wines, papaya wines, pineapple wines, cantaloup wines, or apple wines (hereafter in this section included in the term "wines") may similarly withdraw citrus-fruit brandy, peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brand,[1] pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, or apple brandy (hereafter in this section included in the term "brandy") for the fortification of wines as set forth in section 3032, Internal Revenue Code, on the premises where actually made. The amounts of tax at the rate imposed by law on such brandy or wine spirits shall be charged immediately upon withdrawal against the producer withdrawing the same: *Provided*, That whenever such brandy or wine spirits shall be lawfully used in the fortification of wines and accounted for in the manner provided by law and regulations, the producer shall be credited in the amount of the internal-revenue tax on so much of the brandy or wine spirits so withdrawn as was so used. Every producer of wines who withdraws such brandy or wine spirits shall give bond to fully cover at all times the payment of the internal-revenue tax at the rate imposed by law due on such brandy or wine spirits, which bond shall be in such form as the Commissioner, with the approval of the Secretary, shall, by regulations, prescribe. On and after July 1, 1940, the internal-revenue tax on such brandy or wine spirits shall be assessed against the producer of such wines who has withdrawn brandy or wine spirits for use in the fortification of such wines when such brandy or wine spirits are not lawfully used in the fortification of wines, or when such brandy or wine spirits are not so accounted for in the manner provided by law and regulations as to warrant remission of the tax. The maximum penal sum of any bond required by this subchapter for any bonded winery or bonded storeroom shall be $50,000.

Nothing contained in this section shall be construed as exempting any wines, cordials, liqueurs, or similar compounds from the payment of any tax provided for in this subchapter.

Any such wines may, under such regulations as the Commissioner may prescribe, with the approval of the Secretary, be sold or removed tax-free for the manufacture of vinegar, or for the production of dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume.

The taxes imposed by this subchapter shall not apply to dealcoholized wines containing less than one-half of 1 per centum of alcohol by volume. (As amended Apr. 20, 1942, ch. 244, § 1 (b), 56 Stat. 218.)

* * * * *

[1] So in original. Probably should read "brandy."

AMENDMENTS

1942—Subsec. (a) was amended by act Apr 20, 1942, cited to text, which inserted matter relating to pawpaw, papaya, pineapple, and cantaloup wines and brandies, and also added last sentence of first paragraph.

§ 3032. Fortification of wines.

* * * * *

(c) Fruit wines.

The provisions of this section shall apply to the use of peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, and apple brandy, in the preparation, respectively, of fortified peach wines, cherry wines, berry wines, apricot wines, prune wines, plum wines, pear wines, pawpaw wines, papaya wines, pineapple wines, cantaloup wines, and apple wines, in the same manner and to the same extent as such provisions apply to the use of wine spirits in the fortification of sweet wines; except that (1) no brandy other than peach brandy may be used in the fortification of peach wine and peach brandy may not be used for the fortification of any wine other than peach wine, (2) no brandy other than cherry brandy may be used in the fortification of cherry wine and cherry brandy may not be used for the fortification of any wine other than cherry wine, (3) no brandy other than berry brandy may be used in the fortification of berry wine and a berry brandy prepared from one kind of berry may not be used for the fortification of a berry wine prepared from another kind of berry or for the fortification of any wine other than berry wine, (4) no brandy other than apricot brandy may be used in the fortification of apricot wine and apricot brandy may not be used for the fortification of any wine other than apricot wine, (5) no brandy other than prune brandy may be used in the fortification of prune wine and prune brandy may not be used for the fortification of any wine other than prune wine, (6) no brandy other than pear brandy may be used in the fortification of pear wine and pear brandy may not be used for the fortification of any wine other than pear wine, and (7) no brandy other than plum brandy may be used in the fortification of plum wine and plum brandy may not be

used for the fortification of any wine other than plum wine; (8) no brandy other than pawpaw brandy may be used in the fortification of pawpaw wines and pawpaw brandy may not be used for the fortification of any wine other than pawpaw wines; (9) no brandy other than papaya brandy may be used in the fortification of papaya wine and papaya brandy may not be used for the fortification of any wine other than papaya wine; (10) no brandy other than pineapple brandy may be used in the fortification of pineapple wine and pineapple brandy may not be used for the fortification of any wine other than pineapple wine; (11) no brandy other than cantaloup brandy may be used in the fortification of cantaloup wine and cantaloup brandy may not be used for the fortification of any wine other than cantaloup wine; and (12) no brandy other than apple brandy may be used in the fortification of apple wine and apple brandy may not be used for the fortification of any wine other than apple wine. (As amended Apr. 20, 1942, ch. 244, § 1 (d), 56 Stat. 218.)

* * * * *

AMENDMENTS

1942—Subsec (c) was amended by act Apr. 20, 1942, cited to text, which inserted matter relating to pawpaw, papaya, pineapple, and cantaloup brandies and wines, renumbered former clause (8) to be (12), and inserted new clauses (8)-(11)

§ 3036. Wine spirits and pure sweet wine.

* * * * *

(c) Application to fruit wines.

The provisions of this section shall apply to the use of peach brandy, cherry brandy, berry brandy, apricot brandy, prune brandy, plum brandy, pear brandy, pawpaw brandy, papaya brandy, pineapple brandy, cantaloup brandy, and apple brandy, in the preparation, respectively, of fortified peach wines, cherry wines, berry wines, apricot wines, prune wines, plum wines, pear wines, pawpaw wines, papaya wines, pineapple wines, cantaloup wines, and apple wines, in the same manner and to the same extent as such provisions apply to the use of wine spirits in the fortification of sweet wines; except that (1) no brandy other than peach brandy may be used in the fortification of peach wine and peach brandy may not be used for the fortification of any wine other than peach wine, (2) no brandy other than cherry brandy may be used in the fortification of cherry wine and cherry brandy may not be used for the fortification of any wine other than cherry wine, (3) no brandy other than berry brandy may be used in the fortification of berry wine and a berry brandy prepared from one kind of berry may not be used for the fortification of a berry wine prepared from another kind of berry or for the fortification of any wine other than berry wine, (4) no brandy other than apricot brandy may be used in the fortification of apricot wine and apricot brandy may not be used for the fortification of any wine other than apricot wine, (5) no brandy other than prune brandy may be used in the fortification of prune wine and prune brandy may not be used for the fortification of any wine other than prune wine, (6) no brandy other than pear brandy may be used in the fortification of pear wine and pear brandy may not be used for the fortification of any wine other than pear wine, and (7) no brandy other than plum brandy may be used in the fortification of plum wine and plum brandy may not be used for the fortification of any wine other than plum wine, (8) no brandy other than pawpaw brandy may be used in the fortification of pawpaw wine, and pawpaw brandy may not be used for the fortification of any wine other than pawpaw wine; (9) no brandy other than papaya brandy may be used in the fortification of papaya wine and papaya brandy may not be used for the fortification of any wine other than papaya wine; (10) no brandy other than pineapple brandy may be used in the fortification of pineapple wine, and pineapple brandy may not be used for the fortification of any wine other than pineapple wine; (11) no brandy other than cantaloup brandy may be used in the fortification of cantaloup wine, and cantaloup brandy may not be used for the fortification of any wine other than cantaloup wine; and (12) no brandy other than apple brandy may be used in the fortification of apple wine and apple brandy may not be used for the fortification of any wine other than apple wine. (As amended Apr. 20, 1942, ch. 244, § 1 (e), 56 Stat. 218.)

AMENDMENTS

1942—Subsec (c) was amended by act Apr 20, 1942, cited to text, which inserted matter relating to pawpaw, papaya, pineapple, and cantaloup brandies and wines, renumbered former clause (8) to be (12); and inserted new clauses (8)-(11)

§ 3038. Grape and like wines for industrial use—(a) Regulations.

Under regulations prescribed by the Commissioner with the approval of the Secretary, it shall be lawful to produce grape wines, citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, prune wines, plum wines, pear wines, pawpaw wines, papaya wines, pineapple wines, cantaloup wines, and apple wines on bonded winery premises by the usual method, and to transport and use the same, and like wines heretofore produced and now stored on bonded winery premises, as distilling material in any fruit-brandy distillery or industrial-alcohol plant. (As amended Apr. 20, 1942, ch. 244, § 1 (g), 56 Stat. 219.)

* * * * *

AMENDMENTS

1942—Subsec (a) was amended by act Apr 20, 1942, cited to text, which inserted matter relating to pawpaw, papaya, pineapple, and cantaloup wines.

§ 3045. Application of natural wine provisions to citrus-fruit wines and other like wines.

The provisions of the internal revenue laws applicable to natural wine shall apply in the same manner and to the same extent to citrus-fruit wines, peach wines, cherry wines, berry wines, apricot wines, prune wines, plum wines, pear wines, pawpaw wines, papaya wines, pineapple wines, cantaloup wines, and apple wines, which are the products, respectively, of normal alcoholic fermentation of the juice of sound ripe (1) citrus-fruit (except lemons and limes), (2) peaches, (3) cherries, (4) berries, (5) apricots, (6) prunes, (7) plums, (8) pears, (9) pawpaws, (10) papayas, (11) pineapples, (12) cantaloups, (13) apples, with or without the addition of dry cane, beet,

or dextrose sugar (containing, respectively, not less than 95 per centum of actual sugar, calculated on a dry basis) for the purpose of perfecting the product according to standards, but without the addition or abstraction of other substances, except as may occur in the usual cellar treatment of clarifying or aging. (As amended Apr 20, 1942, ch. 244, § 1 (a), 56 Stat. 218.)

AMENDMENTS

1942—Act Apr 20, 1942, cited to text, inserted matter relating to pawpaws, papayas, pineapples, cantaloups, and their wines

DERIVATION

Act Feb 24, 1919, ch 18, § 610, 40 Stat 1109, was also amended by act Aug 29, 1935, ch. 814, § 11, 49 Stat 987.

SUBCHAPTER C.—INDUSTRIAL ALCOHOL

PART II.—INDUSTRIAL ALCOHOL PLANTS

§ 3125. Importation of alcohol for industrial purposes—(a) Importation without payment of internal revenue tax.

Under regulations to be prescribed by the Commissioner with the approval of the Secretary, and subject from the time of its withdrawal from customs custody to all the applicable provisions of this part, alcohol of 160 proof, or greater, may be imported into the United States and be withdrawn, in bond, from customs custody, without payment of the internal-revenue tax imposed by section 2800 upon the act of importing such alcohol, for transfer to industrial alcohol plants, alcohol bonded warehouses, and denaturing plants for redistillation or denaturation and withdrawal, or withdrawal without redistillation or denaturation, tax free or tax paid, as the case may be, for all the purposes authorized by this part. If such alcohol is withdrawn from the said industrial alcohol plants, alcohol bonded warehouses, or denaturing plants for beverage purposes, there shall be paid upon such withdrawal an additional tax equal to the duty which would have been paid had such spirits been imported for beverage purposes, less the duty already paid thereon.

(b) Withdrawal tax free for use of United States.

Alcohol may be withdrawn from customs custody by the United States or any governmental agency thereof for its own use, free of internal-revenue tax, under such regulations as may be prescribed. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch 619, title VI, § 602 (c) (1), 56 Stat. 971.)

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made effective Oct. 22, 1942, by section 602 (c) (2) thereof

§ 3126. Emergency production of sugars and sirups in industrial alcohol plants—(a) In general.

Notwithstanding the provisions of sections 2819 and 3122, and of any other law, until July 1, 1946, sugars and sirups from potatoes and from high moisture or damaged grain may be produced in industrial alcohol plants simultaneously with, or alternately with, the production of alcohol.

(b) Regulations.

The Commissioner, with the approval of the Secretary, is authorized to prescribe regulations to carry out the provisions of this section. (Nov. 5, 1945, ch. 446, 59 Stat. 555.)

SUBCHAPTER D.—FERMENTED LIQUORS

§ 3150. Tax—(a) Rate.

There shall be levied and collected on all beer, lager beer, ale, porter, and other similar fermented liquor, containing one-half of 1 per centum, or more, of alcohol, brewed or manufactured and sold, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, a tax of $7 for every barrel containing not more than thirty-one gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel, containing less than one-eighth, shall be accounted one-eighth, more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel, and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead.

The provisions of this section requiring the accounting of hogsheads, barrels, and fractional parts of barrels at the next higher quantity shall not apply where the contents of such hogsheads, barrels, or fractional parts of barrels are within the limits of tolerance established by the Commissioner by regulations which he is hereby authorized to prescribe with the approval of the Secretary, and no assessment shall be made and no tax shall be collected for any excess in any case where the contents of the hogsheads, barrels, or fractional parts of barrels heretofore or hereafter used are within the limits of the tolerance so prescribed.

* * * * *

(e) 1942 floor stocks tax—(1) Tax.

Upon all fermented malt liquors upon which the internal-revenue tax imposed by law has been paid, and which on the effective date of Title VI of the Revenue Act of 1942[1] are held by any person and intended for sale there shall be levied, assessed, collected, and paid a floor stocks tax at a rate of $1 per barrel of 31 gallons.

(2) Returns.

Under such regulations as the Commissioner with the approval of the Secretary shall prescribe, every person required by paragraph (1) to pay any floor stocks tax shall, on or before the end of the thirtieth day following the effective date of Title VI of the Revenue Act of 1942[1] make a return and shall, on or before the first day of the third month following such effective date, pay such tax. Payment of the tax shown to be due may be extended to a date not later than the first day of the tenth month following the effective date of Title VI of the Revenue Act of 1942,[1] upon the filing of a bond for payment thereof in such form and amount and with

such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

(3) Laws applicable.

All provisions of law, including penalties, applicable in respect of the taxes imposed by subsection (a) shall, insofar as applicable and not inconsistent with this subsection, be applicable with respect to the floor stocks tax imposed by this subsection.

(f) 1944 floor stocks tax—(1) Tax.

Upon all fermented malt liquors upon which the internal-revenue tax imposed by law has been paid, and which on the effective date of Title III of the Revenue Act of 1943 are held by any person and intended for sale there shall be levied, assessed, collected, and paid a floor stocks tax at a rate of $1 per barrel of 31 gallons.

(2) Returns.

Under such regulations as the Commissioner with the approval of the Secretary shall prescribe, every person required by paragraph (1) to pay any floor stocks tax shall, on or before the end of the thirtieth day following the effective date of Title III of the Revenue Act of 1943 make a return and shall, on or before the first day of the third month following such effective date, pay such tax Payment of the tax shown to be due may be extended to a date not later than the first day of the tenth month following the effective date of Title III of the Revenue Act of 1943, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

(3) Laws applicable.

All provisions of law, including penalties, applicable in respect of the taxes imposed by subsection (a) shall, insofar as applicable and not inconsistent with this subsection, be applicable with respect to the floor stocks tax imposed by this subsection. (As amended Sept. 20, 1941, 12:15 p m., E. S. T., ch. 412, title V, § 521 (a) (10), 55 Stat. 707; Oct. 21, 1942, 4:30 p. m., E. W. T., ch 619, title VI, § 603, 56 Stat. 972; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 308 (b), 58 Stat 67.)

[1] The effective date of Title VI of Revenue Act of 1942 is the same as in the effective date note under this section

AMENDMENTS

1944—Subsec (f) added by act Feb 25, 1944, cited to text

1942—Subsec (a) was amended by act Oct. 21, 1942, cited to text, which substituted "$7" for "$6"

Subsec (e) was added by act Oct. 21, 1942, cited to text.

1941—Subsec (a) was amended by act Sept 20, 1941, cited to text, which substituted "$6" for "$5."

EFFECTIVE DATE

Act Feb 25, 1944, § 308 (b), cited to text, was made effective on the first day of the first month which began more than 10 days after the enactment of this act by section 301 thereof

Act Oct. 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 601 thereof.

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days after the enactment of act Feb. 25, 1944, see section 1650 of this title and notes thereunder.

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see section 3190 of this title and notes

SUBCHAPTER E.—MISCELLANEOUS GENERAL PROVISIONS

§ 3170. Transfer and delegation of powers.

The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol. (As amended Mar. 17, 1941, ch. 21, § 1, 55 Stat. 45, eff. Feb. 11, 1939.)

SUBCHAPTER F.—DEFENSE TAX FOR FIVE YEARS

§ 3190. Defense tax for five years.

TERMINATION OF RATES

Act Sept 20, 1941, 12 15 p m, E S T, ch 412, title V, §§ 521 (b), 536, 550 (a), 55 Stat 708, 710, 715, provided for the termination of the applicability of the rates specified in this section as follows:

"(§ 521.) (b) The rates specified in subsection (a) (of act Sept 20, 1941, § 521, affecting sections 1700, 1801, 1802, 1804, 1806, 2000, 2700, 3150, 3250, 3407, 3411, 3412, 3413, 3460, 3481, and 3482 of this title) shall be applicable only with respect to the period after the date of the enactment of this Act, and the rates specified in section 1650 (a), section 2004, and section 3190 of the Internal Revenue Code shall not apply with respect to such period "

"(§ 536) The amendments made by this Part (act Sept. 20, 1941, title V, part III, §§ 531–536, affecting sections 1807, 1850, 2800, 2887, 3030, 3192, and 3400 of this title) shall be applicable only with respect to the period beginning with October 1, 1941, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period This Part shall take effect on October 1, 1941 "

"(§ 550) (a) The amendments made by this Part (act Sept. 20, 1941, title V, part IV, §§ 541–550, affecting Title 26, Internal Revenue Code, §§ 1700, 1701, 1710, 1712, 1715, 1716, 3403, 3404, 3405, 3409, 3441, 3465, 3466, and Title 16, Conservation, §§ 18e 407d) shall be applicable only with respect to the period beginning with the effective date of this Part, and the rates specified in section 1650 (a), section 1807 (b), section 2004, section 2800 (g), and section 3190 of the Internal Revenue Code shall not apply with respect to such period This Part shall take effect on October 1, 1941 "

§ 3192. Floor stocks tax on wines—(a) Floor stocks tax.

Upon all wines upon which the internal-revenue tax imposed by law has been paid, and which on October 1, 1941, are held and intended for sale or for use in the manufacture or production of an article intended for sale, there shall be levied,

assessed, collected, and paid a floor stocks tax at rates equal to the increases in rates of tax (over the defense tax rates) made applicable to such articles by section 534 of the Revenue Act of 1941.[1]

(b) Returns.

Every person required by subsection (a) to pay any floor stocks tax shall, on or before January 1, 1942, under such regulations as the Commissioner, with the approval of the Secretary, shall prescribe, make a return and pay such tax. Payment of the tax shown to be due may be extended to a date not later than August 1, 1942, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

(c) Laws applicable.

All provisions of law, including penalties, applicable in respect of the taxes imposed by section 3030 (a) shall, insofar as applicable and not inconsistent with this subsection, be applicable with respect to the floor stocks tax imposed by subsection (a). (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 534 (c), 55 Stat. 709.)

[1] Act Sept. 20, 1941, § 534, cited to text, which affected this section and section 3030 (a) (1) (A), (a) (2) of this title.

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 536 thereof.

§ 3193. 1942 floor stocks tax on wines—(a) Floor stocks tax.

Upon all wines upon which the internal-revenue tax imposed by law has been paid, and which on the effective date of Title VI of the Revenue Act of 1942[1] are held and intended for sale or for use in the manufacture or production of an article intended for sale, there shall be levied, assessed, collected, and paid a floor stocks tax at rates equal to the increases in rates of tax made applicable to such articles by section 604 of the Revenue Act of 1942.[2]

(b) Returns.

Under such regulations as the Commissioner with the approval of the Secretary shall prescribe, every person required by subsection (a) to pay any floor stocks tax shall, on or before the end of the thirtieth day following the effective date of Title VI of the Revenue Act of 1942[1] make a return and shall, on or before the first day of the third month following such effective date, pay such tax. Payment of the tax shown to be due may be extended to a date not later than the first day of the tenth month following the effective date of Title VI of the Revenue Act of 1942,[1] upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

(c) Laws applicable.

All provisions of law, including penalties, applicable in respect of the taxes imposed by section 3030 (a) shall, insofar as applicable and not inconsistent with this subsection, be applicable with respect to the floor stocks tax imposed by subsection (a).

(Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 604 (c), 56 Stat. 973.)

[1] The effective date of Title VI of Revenue Act of 1942 is the same as the date in the effective date note under this section.

[2] Act Oct. 21, 1942, cited to text, affecting this section and section 3030 (a) (1) (A), (a) (2), of this title.

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4.30 p. m., E. W. T., by section 601 thereof.

§ 3194. 1944 Floor stocks tax on wines—(a) Floor stocks tax.

Upon all wines upon which the internal-revenue tax imposed by law has been paid, and which on the effective date of Title III of the Revenue Act of 1943 are held and intended for sale or for use in the manufacture or production of an article intended for sale, there shall be levied, assessed, collected, and paid a floor stocks tax at rates equal to the increases in rates of tax made applicable to such articles by section 302 (a) of the Revenue Act of 1943.[1]

(b) Returns.

Under such regulations as the Commissioner with the approval of the Secretary shall prescribe, every person required by subsection (a) to pay any floor stocks tax shall, on or before the end of the thirtieth day following the effective date of Title III of the Revenue Act of 1943 make a return and shall, on or before the first day of the third month following such effective date, pay such tax. Payment of the tax shown to be due may be extended to a date not later than the first day of the tenth month following the effective date of Title III of the Revenue Act of 1943, upon the filing of a bond for payment thereof in such form and amount and with such surety or sureties as the Commissioner, with the approval of the Secretary, may prescribe.

(c) Laws applicable.

All provisions of law, including penalties, applicable in respect of the taxes imposed by section 3030 (a) shall, insofar as applicable and not inconsistent with this section, be applicable with respect to the floor stocks tax imposed by subsection (a). (Added Feb. 25, 1944, 12.49 p. m., E. W. T., ch. 63, title III, § 308 (c), 58 Stat. 68.)

[1] Revenue Act Feb. 25, 1944, § 302 (a) affected sections 1650-1655 of this title.

EFFECTIVE DATE

Act Feb. 25, 1944, § 308 (c), cited to text, was made effective on the first day of the first month which began more than 10 days after the date of this act by section 301 thereof.

Chapter 27.—OCCUPATIONAL TAXES

SUBCHAPTER A.—SPECIAL PROVISIONS

PART IX.—COIN-OPERATED AMUSEMENT AND GAMING DEVICES (NEW)

Sec.

3267. Tax on coin-operated amusement and gaming devices.
(a) Rate.
(b) Definition.
(c) Applicability of administrative provisions.
(d) Effective date of tax.

PART X.—BOWLING ALLEYS, AND BILLIARD AND POOL TABLES (NEW)

3268 Tax on bowling alleys, and billiard and pool tables.
(a) Rate
(b) Effective date of tax

SUBCHAPTER A.—SPECIAL PROVISIONS

PART IV.—REPEALED

§§ 3215-3217. Repealed. Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 619, 56 Stat. 979.

EFFECTIVE DATE

The repeal of sections 3215-3217 by act Oct. 21, 1942, was made effective on the first day of the first month which begins more than ten days after Oct 21, 1942, by section 601 of said act

PART V.—NARCOTICS

§ 3220. Tax.

On or before July 1 of each year every person who imports, manufactures, produces, compounds, sells, deals in, dispenses, or gives away opium, coca leaves, or isonipecaine, or any compound, manufacture, salt, derivative, or preparation thereof, shall pay the special taxes hereinafter provided. Every person upon first engaging in any of such activities shall immediately pay the proportionate part of the tax for the period ending on the following June 30. (As amended July 1, 1944, ch. 377, § 6, 58 Stat. 721.)

* * * * *

AMENDMENTS

1944—First par amended by act July 1, 1944, cited to text, which struck out "or" following "gives away opium" and inserted in lieu thereof a comma, and inserted "or isonipecaine" following "coca leaves"

§ 3222. Exemption from tax and registration.

CROSS REFERENCES

Production, sale, or transfer of opium poppies by licensed persons as exempt, see section 188h of Title 21, Food and Drugs

§ 3228. Definitions.

* * * * *

(e) Isonipecaine.

The word "isonipecaine" as used in this part and subchapter A of chapter 23 shall mean any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated (As amended July 1, 1944, ch. 377, § 7, 58 Stat. 721.)

AMENDMENTS

1944—Subsec (e) added by act July 1, 1944, cited to text

PART VII.—LIQUOR

§ 3250. Tax—(a) Wholesale dealers in liquors—(1) In general.

Wholesale dealers in liquors shall pay a special tax of $110.

* * * * *

(b) Retail dealers in liquors—(1) In general.

Except as provided in paragraph (3) of subsection (e), retail dealers in liquors shall pay a special tax of $27 50.

* * * * *

(c) Brewers—(1) In general.

Brewers shall pay $110 in respect of each brewery: *Provided,* That any brewer of less than 500 barrels a year shall pay the sum of $55.

* * * * *

(d) Wholesale dealers in malt liquors—(1) In general

Wholesale dealers in malt liquors shall pay a special tax of $55.

* * * * *

(e) Retail dealers in malt liquors—(1) In general.

Retail dealers in malt liquors shall pay a special tax of $22.

* * * * *

(3) Persons selling to entertainments and outings.

Notwithstanding the provisions of this part, each person making sales of fermented malt liquor or wine to the members, guests, or patrons of bona-fide fairs, reunions, picnics, carnivals, or other similar outings, and each fraternal, civic, church, labor, charitable, benevolent, or ex-service men's organization making sales of fermented malt liquor or wine on the occasion[1] of any kind of entertainment, dance, picnic, bazaar, or festival held by it, if such person or organization is not otherwise engaged in business as a wholesale or retail liquor dealer or as a wholesale or retail malt liquor dealer, shall pay, before any such sales are made and in lieu of the special taxes imposed by paragraph (1) of this subsection and of subsection (b) a special tax of $2.20 as a retail dealer in malt liquors, if fermented malt liquor only is sold, or a special tax of $2.20 as a retail dealer in liquors if wine only, or wine and fermented malt liquor only, are sold for each calendar month in which any such sales are made.

* * * * *

(f) Rectifiers—(1) Rate of tax.

Rectifiers of distilled spirits shall pay a special tax of $220: *Provided,* That any rectifier of less than 500 barrels a year, counting 40 gallons of proof spirits to the barrel, shall pay $110.

* * * * *

(j) Manufacturers of stills—(1) In general.

Manufacturers of stills shall each pay a special tax of $55, and $22 for each still or worm for distilling made by him.

* * * * *

(l) Manufacturers or producers of designated nonbeverage products—(1) In general.

Any person using distilled spirits produced in a domestic registered distillery or industrial alcohol plant and fully tax-paid in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, upon payment of a special tax per annum, shall be eligible for drawback at the time when such distilled spirits are used in the manufacture of such products and as hereinafter provided for.

(2) [Rate of tax.]

Such special tax per annum shall be graduated in amount as follows: (a) for total annual withdrawals not exceeding 25 proof gallons, $25 per annum; (b)

for total annual withdrawals not exceeding 50 proof gallons, $50 per annum; (c) for total annual withdrawals of 50 proof gallons or more, $100 per annum.

(3) Requirements.

Such person shall register annually with the Commissioner; keep such books and records as may be necessary to establish the fact that distilled spirits purchased by him and fully tax-paid were used in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which were unfit for use for beverage purposes; and shall be subject to such rules and regulations in relation thereto as the Commissioner, with the approval of the Secretary, shall prescribe to secure the Treasury of the United States against frauds.

(4) Investigate powers of Commissioner.

The Commissioner, for the purpose of ascertaining the correctness of any claim filed under this subsection is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be alleged in the claim, and may require the attendance of the person filing the claim or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to any matter covered by the claim, with power to administer oaths to such person or persons.

(5) Drawback.

A drawback at the rate of $3.75 on each proof gallon shall be allowed on distilled spirits tax-paid and used as provided in this subsection and be due and payable quarterly upon filing of a proper claim with the Commissioner. No claim under this subsection shall be allowed unless filed with the Commissioner within the three months next succeeding the quarter for which the drawback is claimed. (As amended Sept. 20, 1941, 12.15 p. m., E. S. T., ch. 412, title V, § 521 (a) (11)–(17), 55 Stat. 707; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 602 (f), 56 Stat. 972, Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 309 (d), 58 Stat. 68.)

[1] So in original. Probably should read "occasion."

AMENDMENTS

1944—Subsec. (*l*) (1) amended by act Feb. 25, 1944, cited to text, which omitted "and are sold or otherwise transferred for use for other than beverage purposes upon payment of a special tax per annum, shall be eligible for drawback as hereinafter provided for." and inserted in lieu thereof "upon payment of * * * provided for."

1942—Subsec. (*l*) was added by act Oct. 21, 1942, cited to text.

1941—Act Sept. 20, 1941, cited to text, increased the rates specified in this section, as follows.

Subsec. (a) (1), from $100 to $110,
Subsec. (b) (1), from $25 to $27.50,
Subsec. (c) (1), from $100 to $110, and from $50 to $55;
Subsec. (d) (1), from $50 to $55,
Subsec. (e) (1), from $20 to $22;
Subsec. (e) (3), from $2 to $2.20,
Subsec. (f) (1), from $200 to $220, and from $100 to $110;
Subsec. (j), from $50 to $55, and from $20 to $22.

EFFECTIVE DATE

Act Feb. 25, 1944, § 309 (d), cited to text, was made effective on the first day of the first month which began more than 10 days after the date of the enactment of this act, by section 301 thereof.

Act Oct. 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 601 thereof.

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title.

TIME FOR FILING CLAIM FOR DRAWBACK

Section 309 (e) of act Feb. 25, 1944, ch. 63, title III, 58 Stat. 69, provided as follows: "Distilled spirits used prior to the effective date of this title in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, and which are not covered by any claim filed in conformity with law prior to such effective date, shall be regarded as so used during the quarter in which such effective date occurs, and the claim filed by any person for such quarter shall include the drawback claimed with respect to such distilled spirits; provided that no claim shall be allowed which was barred by any provision of any prior law."

INCREASE OF DRAWBACK RATE

Section 309 (b) of act Feb. 25, 1944, ch. 63, title III, 58 Stat. 68, provided as follows: "In lieu of the rate of drawback specified in section 3250 (1) (5) of the Internal Revenue Code, the rate applicable with respect to the period beginning with the effective date of Title III of the Revenue Act of 1943 and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war, shall be $6.00."

APPLICABILITY OF INCREASE OF DRAWBACK RATE

Section 309 (c) of act Feb. 25, 1944, ch. 63, title III, 58 Stat. 68, provided as follows. "Subsection (b) [of act Feb. 25, 1944, ch. 63, title III, § 309, 58 Stat. 68] shall be applicable only with respect to distilled spirits on which the internal revenue tax was paid at the war tax rate, or at a rate equivalent to the war tax rate, specified in section 1650 of the Internal Revenue Code."

PART VIII.—FIREARMS

§ 3260. Tax—(a) Rate.

Upon first engaging in business, and thereafter on or before the 1st day of July of each year, every importer, manufacturer, and dealer in firearms shall pay a special tax at the following rates:

(1) Importers or manufacturers.

Importers or manufacturers, $500 a year;

(2) Dealers other than pawnbrokers.

Dealers, other than pawnbrokers, $200 a year;

(3) Pawnbrokers.

Pawnbrokers, $300 a year:

Provided, That manufacturers and dealers in guns with two attached barrels, twelve inches or more in length, from which only a single discharge can be made from either barrel without manual reloading, guns designed to be held in one hand when fired and having a barrel twelve inches or more in length from which only a single discharge can be made without manual reloading, or guns of both types, shall pay

the following taxes: Manufacturers, $25 per year; dealers, $1 per year. (As amended Aug. 11, 1945, ch. 364, § 2, 59 Stat. 531.)

* * * * *

AMENDMENTS

1945—Subsec. (a) amended by act Aug. 11, 1945, by striking out proviso and inserting in lieu thereof a new proviso.

EFFECTIVE DATE

Subsec (b) of section 3 of act Aug 11, 1945, cited to text, provided "The amendment made by section 2 of this Act [subsec (a) of this section] shall apply with respect to any tax within the scope thereof payable under section 3260 (a) of the Internal Revenue Code for any taxable period commencing on or after July 1, 1945."

PART IX.—COIN-OPERATED AMUSEMENT AND GAMING DEVICES (NEW)

Part was added by act Sept 20, 1941, 12:15 p m., E S T., ch. 412, title V, § 555, 55 Stat. 722, which was made effective on Oct 1, 1941, by section 558 of that act.

§ 3267. Tax on coin-operated amusement and gaming devices—(a) Rate.

Every person who maintains for use or permits the use of, on any place or premises occupied by him, a coin-operated amusement or gaming device shall pay a special tax as follows:

(1) $10 per year in the case of a device defined in clause (1) of subsection (b);

(2) $100 per year, in the case of a device defined in clause (2) of subsection (b); and

(3) $10 or $100, as the case may be, for each additional device so maintained or the use of which is so permitted. If one such device is replaced by another, such other device shall not be considered an additional device.

(b) Definition.

As used in this Part, the term "coin-operated amusement and gaming devices" means (1) any amusement or music machine operated by means of the insertion of a coin, token, or similar object, and (2) so-called "slot" machines which operate by means of insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive, cash, premium, merchandise, or tokens. The term does not include bona fide vending machines in which are not incorporated gaming or amusement features. For the purposes of this section, a vending machine operated by means of the insertion of a 1 cent coin, which, when it dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than 5 cents, and if the only prize dispensed is merchandise and not cash or tokens shall be classified under clause (1) and not under clause (2).

(c) Applicability of administrative provisions.

An operator of a place or premises who maintains for use or permits the use of any coin-operated device shall be considered, for the purposes of subchapter B, to be engaged in a trade or business in respect of each such device.

(d) Effective date of tax.

With respect to the year ending June 30, 1942, no tax shall be payable under this part for any period prior to October 1, 1941. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 555, 55 Stat. 722, and amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 617 (a, b), 56 Stat. 978.)

AMENDMENTS

1942—Subsecs. (a) (2) and (3), and (b) were amended by act Oct 21, 1942, cited to text, which substituted "$100" for "$50" in pars (2) and (3) of subsec (a) and amended subsec. (b) in its entirety.

EFFECTIVE DATE

Section 617 (c) of act Oct 21, 1942, cited to text, provided as follows.

"(c) The amendments made by this section shall be first applicable as follows:

"(1) In the case of machines the rate of tax on which is increased, to the year beginning July 1, 1943.

"(2) In the case of machines not subject to tax prior to such amendments, no tax shall be payable with respect to any period before the effective date of this title (Title VI).

"(3) In the case of machines if the limitation on the amount of the prize dispensed is 5 cents, to the year beginning July 1, 1942."

The amendments made by title VI of act Oct 21, 1942, of which section 617 thereof is a part, were made generally effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4 30 p. m., E. W. T., by section 601 thereof

Act Sept 20, 1941, cited to text, was made effective on Oct 1, 1941, by section 558 thereof.

PART X.—BOWLING ALLEYS, AND BILLIARD AND POOL TABLES (NEW)

Part was added by act Sept 20, 1941, 12:15 p m, E S T., ch 412, title V, § 556, 55 Stat 723, which was made effective on Oct 1, 1941, by section 558 of that act.

§ 3268. Tax on bowling alleys, and billiard and pool tables—(a) Rate.

Every person who operates a bowling alley, billiard room, or pool room shall pay a special tax of $10 per year for each bowling alley, billiard table, or pool table. Every building or place where bowls are thrown or where games of billiards or pool are played, except in private homes, shall be regarded as a bowling alley, billiard room, or pool room, respectively. No tax shall be imposed under this section with respect to a billiard table or pool table in a hospital if no charge is made for the use of such table

(b) Effective date of tax.

With respect to the year ending June 30, 1942, no tax shall be payable under this part for any period prior to October 1, 1941. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 556, 55 Stat. 723, amended Feb 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 305 (a), 58 Stat 64.)

AMENDMENTS

1944—Subsec. (a) amended by act Feb 25, 1944, cited to text, which added sentence beginning "No tax shall be," etc.

EFFECTIVE DATE

Act Feb 25, 1944, § 305 (a), cited to text, was made effective July 1, 1944, by section 305 (b) thereof.

Act Sept 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof

TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days

after the enactment of act Feb. 25, 1944, see section 1650 of this title and notes thereunder.

Chapter 28.—PROVISIONS COMMON TO MISCELLANEOUS TAXES

SUBCHAPTER B.—PROVISIONS OF SPECIAL APPLICATION TO THE PHILIPPINES, VIRGIN ISLANDS, AND PUERTO RICO

PART I.—PHILIPPINE ISLANDS

§ 3341. Shipments from the United States.

* * * * *

(c) Draw-back of tax paid in the United States.

All provisions of law for the allowance of drawback of internal revenue tax on articles exported from the United States or, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Philippine Islands. (As amended July 22, 1941, ch. 314, § 1, 55 Stat. 602.)

AMENDMENTS

1941—Subsec. (c) amended by act July 22, 1941, cited to text, which omitted words "existing on March 4, 1915" after words "All provisions of law."

§ 3343. Deposit of internal revenue collections.

CROSS REFERENCES

Payment of certain custom duties on articles brought from the Philippines to be covered into general fund of the Treasury of the United States, see section 1248 (e) of Title 48, Territories and Insular Possessions.

PART II.—VIRGIN ISLANDS

§ 3351. Shipments from the United States.

* * * * *

(c) Draw-back of tax paid in the United States.

All provisions of law for the allowance of drawback of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to the Virgin Islands. (As amended July 22, 1941, ch. 314, § 2, 55 Stat. 602.)

AMENDMENTS

1941—Subsec. (c) was added by act July 22, 1941, cited to text.

PART III.—PUERTO RICO

§ 3361. Shipments from the United States.

* * * * *

(c) Draw-back of tax paid in the United States.

All provisions of law for the allowance of drawback of internal revenue tax on articles exported from the United States are, so far as applicable, extended to like articles upon which an internal revenue tax has been paid when shipped from the United States to Puerto Rico, Guam, or American Samoa. (As amended July 22, 1941, ch. 314, § 3, 55 Stat. 602.)

AMENDMENTS

1941—Subsec. (c) was amended by act July 22, 1941, cited to text, which omitted words "in effect March 4, 1915," following words "All provisions of law" and added at end words "Guam, or American Samoa."

SUBTITLE C.—MANUFACTURERS' EXCISE AND IMPORT TAXES AND TEMPORARY TAXES

Subtitle heading was amended by act Sept 20, 1941, 12 15 p m, E S T, ch. 412, title V, § 503, 55 Stat. 706.

Chapter 29.—MANUFACTURERS' EXCISE AND IMPORT TAXES

SUBCHAPTER A—MANUFACTURERS' EXCISE TAXES

Sec
3406 Excise taxes imposed by the Revenue Act of 1941 (New)

SUBCHAPTER C—GENERAL ADMINISTRATIVE PROVISIONS

3453. Existing contracts (New)
(a) Tax payable by vendee
(b) Tax paid to vendor

SUBCHAPTER A—MANUFACTURERS' EXCISE TAXES

§ 3400. Tax on tires and inner tubes—(a) Tax.

There shall be imposed upon the following articles sold by the manufacturer, producer, or importer, a tax at the following rates:

(1) Tires wholly or in part of rubber, 5 cents a pound on total weight (exclusive of metal rims or rim bases), to be determined under regulations prescribed by the Commissioner with the approval of the Secretary

(2) Inner tubes (for tires) wholly or in part of rubber, 9 cents a pound on total weight, to be determined under regulations prescribed by the Commissioner with the approval of the Secretary.

(b) Floor stocks tax.

Upon tires and inner tubes subject to tax under subsection (a) of the type used on vehicles subject to tax under section 3403 (a) or (b) which on October 1, 1941 are held for sale by any person there shall be levied, assessed, collected, and paid a floor stocks tax at the rate of 2½ cents per pound in the case of tires and 4½ cents per pound in the case of inner tubes. The tax shall apply to tires and inner tubes held for sale on, or in connection with, or held for use in the manufacture or production of, articles the sale of which will be subject to tax under section 3403 (a) or (b). The tax shall not apply to tires and inner tubes held for sale by the manufacturer, producer, or importer thereof, and to tires and inner tubes the sale of which will be subject under the provisions of sections 3444 (a) (2) and 3445 to the manufacturers' tax on tires and inner tubes.

(c) Definition.

For the purposes of this chapter, the term "rubber" includes synthetic and substitute rubber. (As amended Sept 20, 1941, 12:15 p.m., E S T., ch 412, title V, § 535, 55 Stat 709. Feb 25, 1944, 12.49 p.m., E W T., ch 63, title III, § 306, 58 Stat 64)

AMENDMENTS

1944—Subsec. (c) added by act Feb 25, 1944, cited to text

1941—Subsec (a), formerly entire section, was designated "(a) Tax" and pars (1) and (2) thereof were amended by act Sept 20, 1941, § 535 (c), (a), (b), respectively, cited to text. Amendments to pars. (1) and (2) substituted "5 cents" for "2¼ cents" and "9 cents" for "4 cents", respectively

Subsec (b) was added by act Sept 20, 1941, § 535 (c), cited to text

EFFECTIVE DATE

Act Feb 25, 1944, § 306, cited to text, was made effective on the first day of the first month which begins more than 10 days after the date of the enactment of this act by section 301 thereof

Act Sept 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct 1, 1941, by section 536 thereof

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept 20, 1941, see note set out under section 1650 of this title

§ 3401. Tax on toilet preparations, etc.

TERMINATION OF TAX

Act Sept 20, 1941, 12 15 p m, E S T, ch 412, title V, § 552 (b), 55 Stat 720, which was made effective on Oct 1, 1941, by section 558 thereof, provided as follows: "The tax imposed by section 3401 of the Internal Revenue Code shall not apply to articles sold on or after October 1, 1941"

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept 20, 1941, see note set out under section 1650 of this title

§ 3403. Tax on automobiles, etc.

* * * * *

(a) Automobile truck chassis, automobile truck bodies, automobile bus chassis, automobile bus bodies, truck and bus trailer and semitrailer chassis, truck and bus trailer and semitrailer bodies, tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer (including in each of the above cases parts or accessories therefor sold on or in connection therewith or with the sale thereof), 5 per centum. A sale of an automobile truck, bus, or truck or bus trailer or semitrailer, shall, for the purposes of this subsection, be considered to be a sale of the chassis and of the body

(b) Other automobile chassis and bodies, chassis and bodies for trailers or semitrailers suitable for use in connection with passenger automobiles, and motorcycles (including in each case parts or accessories therefor sold on or in connection therewith or with the sale thereof), except tractors, 7 per centum. A sale of an automobile, trailer, or semitrailer shall, for

the purposes of this subsection, be considered to be a sale of the chassis and of the body.

(c) Parts or accessories (other than tires and inner tubes and other than radios) for any of the articles enumerated in subsection (a) or (b), 5 per centum. For the purposes of this subsection and subsections (a) and (b), spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in subsection (a) or (b), shall be considered parts or accessories for such articles, whether or not primarily adapted for such use. This subsection shall not apply to chassis or bodies for automobile trucks or other automobiles. Under regulations prescribed by the Commissioner, with the approval of the Secretary, the tax under this subsection shall not apply in the case of sales of parts or accessories by the manufacturer, producer, or importer to a manufacturer or producer of any of the articles enumerated in subsection (a) or (b). If any such parts or accessories are resold by such vendee otherwise than on or in connection with, or with the sale of, an article enumerated in subsection (a) or (b) and manufactured or produced by such vendee, then for the purposes of this section the vendee shall be considered the manufacturer or producer of the parts or accessories so resold.

* * * * *

(e) If tires or inner tubes on which tax has been imposed under this chapter are sold on or in connection with, or with the sale of, a chassis, body, or motorcycle, there shall (under regulations prescribed by the Commissioner, with the approval of the Secretary) be credited against the tax under this section an amount equal to, in the case of an article taxable under subsection (a), 5 per centum, and in the case of an article taxable under subsection (b), 7 per centum—

(1) of the purchase price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) if such tires or inner tubes were taxable under section 3400 (relating to tax on tires, inner tubes, or automobile radios) or, in the case of automobile radios, if such radios were taxable under section 3404; or

(2) if such tires, inner tubes, or automobile radios were taxable under section 3444 (relating to use by manufacturer, producer, or importer) then of the price (less, in the case of tires, the part of such price attributable to the metal rim or rim base) at which such or similar tires, inner tubes, or automobile radios are sold, in the ordinary course of trade, by manufacturers, producers, or importers thereof, as determined by the Commissioner. In lieu of the rates of credit of 5 per centum and 7 per centum above provided, the rates, respectively, for the following periods, shall be as follows:

(A) With respect to the period after June 30, 1940, and before the effective date of the increase in tax on automobiles made by the Revenue Act of 1941,[1] 2½ per centum and 3½ per centum; and

(B) With respect to the period before July 1, 1940, 2 per centum and 3 per centum.

(f) Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 544 (d), 55 Stat. 712.

(As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 544, 553 (d), 55 Stat. 711, 721.)

[1] Revenue Act of 1941 is act Sept 20, 1941, cited to text.

AMENDMENTS

1941—Subsecs. (a), (b), and first sentence of (c) were amended by act Sept 20, 1941, § 544 (a), (a), and (b), respectively, cited to text

Subsec (e) was amended by act Sept 20, 1941, §§ 544 (c), 553 (d), cited to text. The former amended the subsection generally and the latter inserted matter relating to automobile radios.

Subsec (f) was repealed by act Sept 20, 1941, § 544 (d), cited to text

EFFECTIVE DATE

Act Sept 20 1941, § 544, cited to text and affecting subsecs (a), (b), (c), (e), and (f) of this section, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof Section 553 (d) of that act, also cited, and which affected subsec (e) of this section, was made effective on Oct 1, 1941, by section 558 thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept 20, 1941, see note set out under section 1650 of this title.

§ 3404. Tax on radio receiving sets, phonographs, phonograph records, and musical instruments.

There shall be imposed upon the following articles (including in each case, except in the case of musical instruments, parts or accessories therefor sold on or in connection with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to 10 per centum of the price for which sold:

(a) Radio receiving sets, automobile radio receiving sets, combination radio and phonograph sets, and phonographs.

(b) Chassis, cabinets, tubes, reproducing units, power packs, antennae of the "built-in" type, and phonograph mechanisms, which are suitable for use on or in connection with, or as component parts of, any of the articles enumerated in subsection (a), whether or not primarily adapted for such use.

(c) Phonograph records.

(d) Musical instruments. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 545, 55 Stat 712)

EFFECTIVE DATE

Act Sept 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct 1, 1941, by section 550 (a) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title.

ORGANS UNDER CONTRACT BEFORE OCT 1, 1941

Act Oct 21, 1942, 4.30 p m, E W T., ch. 619, title VI, § 610, 56 Stat. 977, provided as follows: "The tax under section 3404 (d) of the Internal Revenue Code shall not apply to the sale of an organ sold under a bona fide written contract entered into before October 1, 1941, and tax paid with respect to the sale of an organ under such a contract may be refunded, subject to the provisions of section 3443 (d) of the Internal Revenue Code."

§ 3405. Tax on mechanical refrigerators and self-contained air-conditioning units.

There shall be imposed on the following articles (including in each case parts or accessories therefor sold on or in connection with the sale thereof) sold by the manufacturer, producer, or importer a tax equivalent to 10 per centum of the price for which sold:

(a) Refrigerators.

Household type refrigerators (for single or multiple cabinet installations) having, or being primarily designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline.

(b) Refrigerating apparatus.

Cabinets, compressors, condensers, evaporators, expansion units, absorbers, and controls for, or suitable for use as parts of or with, household type refrigerators of the kind described in subsection (a) except when sold as component parts of complete refrigerators or refrigerating or cooling apparatus.

(c) Air-conditioners.

Self-contained air-conditioning units. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 546, 55 Stat. 713; Oct. 21, 1942, 4:30 p. m., E W. T., ch 619, title VI, § 614, 56 Stat. 978.)

AMENDMENTS

1942—Act Oct 21, 1942, cited to text, amended section in its entirety

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct 21, 1942, 4·30 p m., E W T., by section 601 thereof.

Act Sept 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title

§ 3406. Excise taxes imposed by the Revenue Act of 1941—(a) Imposition.

There shall be imposed on the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to the rate, on the price for which sold, set forth in the following paragraphs (including in each case parts or accessories of such articles sold on or in connection therewith, or with the sale thereof):

(1) Sporting goods.

Badminton nets; badminton rackets (measuring 22 inches over-all or more in length); badminton racket frames (measuring 22 inches over-all or more in length); badminton racket string; badminton shuttlecocks, badminton standards; baseballs; baseball bats (measuring 26 inches or more in length); baseball body protectors and shin guards; baseball gloves and mitts; baseball masks; basketballs; billiard and pool tables (measuring 45 inches over-all or more in length); billiard and pool balls and cues for such tables; bowling balls and pins; boxing gloves, masks, head guards, and ear guards; clay pigeons; cricket balls; cricket bats; croquet balls and mallets; curling stones; deck tennis rings, nets, and posts; fencing equipment; fishing rods, creels, reels, and artificial lures, baits, and flies; footballs; football harness; football helmets; golf bags (measuring 26 inches or more in length); golf balls; golf clubs (measuring 30 inches or more in length); gymnasium equipment and apparatus; hockey balls; hockey pucks; hockey sticks (measuring 30 inches or more in length); indoor baseballs; indoor baseball bats (measuring 26 inches or more in length); indoor baseball gloves and mitts; lacrosse balls; lacrosse sticks; mass balls; polo balls; polo mallets; push balls; skates; skis; ski poles; snow shoes; snow toboggans and sleds; soccer balls; softball balls; softball bats (measuring 26 inches or more in length); softball gloves and mitts; squash balls; squash rackets (measuring 22 inches over-all or more in length); squash racket frames (measuring 22 inches over-all or more in length); squash racket string; tennis balls; table tennis tables, balls, nets, and paddles; tennis nets; tennis rackets (measuring 22 inches over-all or more in length); tennis racket frames (measuring 22 inches over-all or more in length); tennis racket string; track hurdles; traps for throwing clay pigeons; vaulting poles, cross bars, and standards; volley balls, nets, and standards; water polo balls and goals; and wrestling head harness; 10 per centum.

(2) Luggage.

Trunks, valises, traveling bags, suitcases, hat boxes for use by travelers, fitted toilet cases (not including contents), and other traveler's luggage, and leather and imitation leather brief cases, 10 per centum. The tax imposed by this paragraph shall not be applicable with respect to any period for which a tax is imposed under section 1651.

(3) Electric, gas, and oil appliances.

Electric direct motor-driven fans and air circulators; electric, gas, or oil water heaters; electric flat irons; electric air heaters (not including furnaces); electric immersion heaters; electric heating pads and blankets; electric, gas, or oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises; and electric mixers, whippers, and juicers; 10 per centum.

(4) Photographic apparatus.

Cameras (except cameras weighing more than four pounds exclusive of lens and accessories) and lenses, photographic apparatus and equipment, and any apparatus or equipment designed especially for use in the taking of photographs or motion pictures or in developing, printing, or enlarging photographs or motion pictures, 25 per centum; unexposed photographic films (including motion picture films but not including X-ray film), photographic plates and sensitized paper, 15 per centum.

(5) Electric signs.

Neon-tube signs, electric signs, and electric advertising devices, 10 per centum.

(6) Business and store machines.

Adding machines, addressing machines, autographic registers, bank proof machines, billing machines, bookkeeping machines, calculating machines, card punching machines, cash registers, except cash registers of the type used in registering over-the-counter retail sales, change making machines, check writing machines, check signing machines, check canceling machines, check perforating machines, check cutting machines, check dating machines, other check protector machine devices, computing machines, coin counters, dictographs, dictating machine record shaving machines, dictating machines, duplicating machines, embossing machines, envelope opening machines, erasing machines, folding machines, fanfold machines, fare registers, fare boxes, listing machines, line-a-time and similar machines, mailing machines, multigraph machines, multigraph typesetting machines, multigraph type justifying machines, numbering machines, portable paper fastening machines, pay roll machines, pencil sharpeners, postal permit mailing machines, punch card machines, sorting machines, stencil cutting machines, shorthand writing machines, sealing machines, tabulating machines, ticket counting machines, ticket issuing machines, typewriters, transcribing machines, time recording devices, and combinations of any of the foregoing, 10 per centum.

(7) Rubber articles.

Articles of which rubber is the component material of chief weight, 10 per centum. The tax imposed under this paragraph shall not be applicable to footwear, articles designed especially for hospital or surgical use, or articles taxable under any other provision of this chapter.

(8) Washing machines.

Washing machines of the kind used in commercial laundries, 10 per centum. No tax shall be imposed under this paragraph on washing machines of the household type.

(9) Optical equipment.

Refractometers; spectrometers; spectroscopes; colorimeters; polariscopes; optical measuring instruments; telescopic sights; projection lenses and prisms; optical machinery; microscopes; telescopes; photo-micro and micro-projection apparatus, fire control optical instruments; and searchlight mirrors and reflectors; 10 per centum.

(10) Electric light bulbs and tubes.

Electric light bulbs and tubes, not including articles taxable under any other provision of this subchapter, 5 per centum.

(b) Exemption if article taxable as jewelry.

No tax shall be imposed under this section on any article taxable under section 2400 (relating to jewelry tax).

(c) Effective date.

This section shall take effect on October 1, 1941. (Added Sept. 21, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 551, 55 Stat. 716, and amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, §§ 607, 615, 56 Stat. 976, 978; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, §§ 304, 311, 58 Stat. 64, 69.)

AMENDMENTS

1944—Subsec. (a) (2) amended by act Feb. 25, 1944, cited to text, which added sentence beginning "The tax imposed", etc.

Subsec. (a) (3) amended by act Feb. 25, 1944, cited to text, which inserted "and" before "electric mixers, whippers, and juicers", and struck out "and household type electric vacuum cleaners".

1942—Subsecs. (4) and (6) were amended by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Act Feb. 25, 1944, §§ 304, 311, cited to text, was made effective on the first day of the first month which begins more than 10 days after the date of the enactment of this act by section 301 thereof

Act Oct 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4:30 p. m., E W T., by section 601 thereof

Act Sept 20, 1941, cited to text, was made effective on Oct 1, 1941, by section 558 thereof

TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days after the enactment of act Feb. 25, 1944, see section 1650 of this title and notes thereunder.

TERMINATION OF TAXES UNDER SUBSECS. (a) (5, 7–9)

Section 611 of act Oct. 21, 1942, cited to text, provided as follows:

"The taxes imposed by the following provisions shall not apply to the sale, by the manufacturer, producer, or importer, after the effective date of this Title (title VI of Revenue Act of 1942), of the articles taxable under such provisions.

"(a) Section 3406 (a) (5) of the Internal Revenue Code (relating to tax on electric signs).

"(b) Section 3406 (a) (7) of the Internal Revenue Code (relating to tax on rubber articles).

"(c) Section 3406 (a) (8) of the Internal Revenue Code (relating to tax on washing machines).

"(d) Section 3406 (a) (9) of the Internal Revenue Code (relating to tax on optical equipment)."

The effective date of title VI of Revenue Act of 1942, referred to in preceding note, is the same as the effective date of act Oct. 21, 1942, as shown in second paragraph of effective date note under this section.

§ 3407. Tax on firearms, shells, and cartridges.

There shall be imposed upon firearms, shells, and cartridges, sold by the manufacturer, producer, or importer, a tax equivalent to 11 per centum of the price for which so sold. The tax imposed by this section shall not apply (1) to articles sold for the use of any State, Territory of the United States, or political subdivision thereof, or the District of Columbia, or (2) to pistols and revolvers.

The taxes imposed by this section shall not apply to any firearm on which the tax provided by section 2720 has been paid.

The provisions of section 3452 (relating to expiration of taxes) shall not apply to the tax imposed by this section. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (18), 55 Stat. 707; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (3), 58 Stat. 64.)

AMENDMENTS

1944—Act Feb. 25, 1944, cited to text, amended second sentence of first par by changing "the United States, any State, Territory, or possession of the United States," to read "any State, Territory of the United States,".

1941—Act Sept. 20, 1941, cited to text, substituted "11 per centum" for "10 per centum".

EFFECTIVE DATE

Amendment of section by act Feb. 25, 1944, § 307 (a) (4), cited to text, was made applicable by section 307 (b) (2) thereof which provided as follows: "Despite the provisions of section 301, the amendments made by this section shall apply as follows: '(2) The amendments of sections 2700 (b) (1), 3407, and 3442 (3) (insofar as such section relates to the articles enumerated in section 3404) of the Internal Revenue Code, shall be applicable to sales made on or after the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war. Such amendments shall not apply to deny an exemption otherwise applicable with respect to any article sold pursuant to a contract entered into prior to the effective date of the amendments, or to any agreement or change order supplemental to such contract bearing the same Government contract number.'"

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title.

DEFINITION

Subsec. (b) (6) of act Feb. 25, 1944, § 307, cited to text provided as follows: "(6) For the purposes of this subsection the term 'date of the termination of hostilities in the present war' means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier."

EXEMPTIONS

Subsec. (c) of act Feb. 25, 1944, § 307, cited to text, as amended by act of Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title III, § 303, 59 Stat. 576, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States."

§ 3409. Tax on matches—(a) Manufacturers' tax.

There shall be imposed upon matches sold by the manufacturer, producer, or importer, a tax of 2 cents per 1,000 matches, except that in the case of fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk, the tax shall be 5½ cents per 1,000 matches.

(b) Floor stocks tax.

On matches subject to tax under subsection (a) which, on October 1, 1941, are held and intended for sale, or for disposition in connection with the sale of other articles, there shall be levied, assessed, collected, and paid a floor stocks tax at the rate of 2 cents per thousand matches. The tax shall not apply to matches in retail stocks held at the place where intended to be sold or disposed of. The tax shall not apply to matches held for sale by the manufacturer, producer, or importer thereof, nor to fancy wooden matches or wooden matches having a stained, dyed, or colored stick or stem. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 547, 55 Stat. 713.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct. 1, 1941, by section 550 (a) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title.

§ 3411. Tax on electrical energy for domestic or commercial consumption.

(a) There shall be imposed upon electrical energy sold for domestic or commercial consumption and not for resale a tax equivalent to 3⅓ per centum of the price for which so sold, to be paid by the vendor under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe. The sale of electrical energy to an owner or lessee of a building, who purchases such electrical energy for resale to the tenants therein, shall for the purposes of this section be considered as a sale for consumption and not for resale, but the resale to the tenant shall not be considered a sale for consumption.

(b) The provisions of sections 3441, 3444, and 3447 shall not be applicable with respect to the tax imposed by this section.

(c) No tax shall be imposed under this section upon electrical energy sold to any State, Territory of the United States, or political subdivision thereof, or the District of Columbia. None of the provisions of this section shall apply to publicly owned electric and power plants, or to electric and power plants or systems owned and operated by co-operative or non-profit corporations engaged in rural electrification. The right to exemption under this subsection shall be evidenced in such manner as the Commissioner, with the approval of the Secretary, may, by regulation, prescribe. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (19), 55 Stat. 707; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (4), 58 Stat. 64.)

AMENDMENTS

1944—Subsec. (c) amended by act Feb. 25, 1944, cited to text, which changed "the United States or to any State, Territory of the United States," to read "any State, Territory of the United States,".

1941—Act Sept. 20, 1941, cited to text, substituted "3⅓ per centum" for "3 per centum".

EFFECTIVE DATE

Act Feb. 25, 1944, § 307 (a) (4), cited to text, was made applicable by section 307 (b) (1) thereof, which provided as follows: "Despite the provisions of section 301, the amendments made by this section shall apply as follows: '(1) The amendments of sections 2406 (a), 3411 (c), and 3442 (3) (except as such section relates to the articles enumerated in section 3404) of the Internal Revenue Code shall be applicable to sales made on or after the first day of the first month which begins three months or more after the date of the enactment of this Act. Such amendments shall not apply to deny an exemption otherwise applicable with respect to any article sold pursuant to a contract entered into prior to the effective date of the amendments, or to any agreement or change

order supplemental to such contract bearing the same Government contract number.'"

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept 20, 1941, see note set out under section 1650 of this title

EXEMPTIONS

Subsec (c) of act Feb 25, 1944, § 307, cited to text, as amended by act of Nov 8, 1945, 5 17 p m, E S. T, ch 453, title III, § 303, 59 Stat 576, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States"

§ 3412. Tax on gasoline.

(a) There shall be imposed on gasoline sold by the producer or importer thereof, or by any producer of gasoline, a tax of 1½ cents a gallon, except that under regulations prescribed by the Commissioner with the approval of the Secretary the tax shall not apply in the case of sales to a producer of gasoline. (As amended Sept. 20, 1941, 12:15 p m., E S. T., ch 412, title V, § 521 (a) (20), 55 Stat 707.)

* * * * *

AMENDMENTS

1941—Subsec (a) was amended by act Sept. 20, 1941, cited to text, which substituted "1½ cents" for "1 cent."

EFFECTIVE DATE

The rates specified in act Sept 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title.

§ 3413. Tax on lubricating oils.

There shall be imposed upon lubricating oils sold in the United States by the manufacturer or producer a tax at the rate of 6 cents a gallon, to be paid by the manufacturer or producer. Every person liable for tax under this section shall register and file bond as provided in section 3412 (d). Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax shall be imposed under this section upon lubricating oils sold to a manufacturer or producer of lubricating oils for resale by him, but for the purposes of this chapter such vendee shall be considered the manufacturer or producer of such lubricating oils. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 521 (a) (21), 55 Stat. 707; Oct. 21, 1942, 4:30 p. m., E W. T., ch. 619, title VI, § 608, 56 Stat. 977.)

AMENDMENTS

1942—Rate changed from 4½ to 6 cents by act Oct. 21, 1942, cited to text

1941—Act Sept 20, 1941, cited to text, substituted "4½ cents" for "4 cents".

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct 21, 1942, 4:30 p m, E. W. T, by section 601 thereof.

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title.

SUBCHAPTER B.—IMPORT TAXES

PART I.—SPECIAL PROVISIONS

§ 3425. Copper.

SUSPENSION OF TAX ON SCRAP METALS DURING NATIONAL EMERGENCY

Act Mar. 13, 1942, ch 180, 56 Stat. 171, provided: "That no duties or import taxes shall be levied, collected, or payable under the Tariff Act of 1930, as amended, or under section 3425 of the Internal Revenue Code, with respect to scrap iron, scrap steel, as defined in paragraph 301 of the Tariff Act of 1930 (U S C., Title 19, sec 1001, par 301), relaying and rerolling rails, or nonferrous-metal scrap entered for consumption or withdrawn from warehouse for consumption during the period beginning with the day following the date of enactment of this Act and ending with the termination of the unlimited national emergency proclaimed by the President on May 27, 1941 [Proc No 2487, set out in note at beginning of Appendix to Title 50, War]."

SUBCHAPTER C.—GENERAL ADMINISTRATIVE PROVISIONS

§ 3440. Definition of sale.

For the purposes of this chapter the lease of an article (including any renewal or any extension of a lease or any subsequent lease of such article) by the manufacturer, producer, or importer shall be considered a taxable sale of such article. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412 title V, § 553 (a), 55 Stat. 720.)

EFFECTIVE DATE

Act Sept 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 3441. Sale price.

* * * * *

(c) (1) In the case of (A) a lease, (B) a contract for the sale of an article wherein it is provided that the price shall be paid by installments and title to the article sold does not pass until a future date notwithstanding partial payment by installments, (C) a conditional sale, or (D) a chattel mortgage arrangement wherein it is provided that the sales price shall be paid in installments, there shall be paid upon each payment with respect to the article that portion of the total tax which is proportionate to the portion of the total amount to be paid represented by such payment.

(2) In the application of paragraph (1) to the articles with respect to which the rate of tax is increased by the Revenue Act of 1941[1] or by the Revenue Act of 1940,[2] where the lease, contract of sale, or conditional sale, and delivery thereunder—

(A) was made before July 1, 1940, the total tax referred to in paragraph (1) shall be the tax at the rate in force on June 30, 1940, and not at any greater rate; or

(B) was made after June 30, 1940, and before October 1, 1941, the total tax referred to in paragraph (1) shall be the tax at the rate in force on September 30, 1941, and not at any greater rate.

(3) Despite the provisions of paragraph (1), no tax shall be imposed with respect to any article not taxable under the law in existence on the day before the date of the enactment of the Revenue Act of 1941,[1] if with respect to such article the lease, contract for sale, or conditional sale, and delivery thereunder, was made before October 1, 1941. (As amended Sept. 20, 1941, 12:15 p. m., E S. T., ch 412, title V, § 549, 55 Stat. 715; Oct. 21, 1942, 4:30 p. m., E W. T., ch. 619, title VI, § 618 (b), 56 Stat 979.)

* * * * *

[1] Revenue Act of 1941 is act Sept 20, 1941, cited to text
[2] Revenue Act of 1940 is act June 25, 1940, ch 419, 54 Stat. 516.

AMENDMENTS

1942—Subsec (c) (1) was amended by act Oct. 21, 1942, cited to text, which inserted clause (D).

1941—Subsec (c) was amended by act Sept 20, 1941, cited to text

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct 21, 1942, 4:30 p m, E W T, by section 601 thereof.

Act Sept 20, 1941, cited to text, was made effective on, and applicable only with respect to, the period beginning with Oct 1, 1941, by section 550 (a) thereof

§ 3442. Tax-free sales.

Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax under this chapter shall be imposed with respect to the sale of any article—

(1) for use by the vendee as material in the manufacture or production of, or as a component part of, an article enumerated in this chapter;

(2) for resale by the vendee for such use by his vendee, if such article is in due course so resold;

(3) for the exclusive use of any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia

For the purposes of this chapter the manufacturer or producer to whom an article is sold under paragraph (1) or resold under paragraph (2) shall be considered the manufacturer or producer of such article. The provisions of paragraphs (1) and (2) shall not apply with respect to tires, inner tubes, or automobile radios taxable under section 3404. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 553 (d), 55 Stat. 721; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (5), 58 Stat. 65.)

AMENDMENTS

1944—Subpar. (3) of first par. amended by act Feb 25, 1944, cited to text, which changed "the United States, any State, Territory," to read "any State, Territory of the United States,".

1941—Act Sept. 20, 1941, cited to text, inserted matter relating to automobile radios taxable under section 3404

EFFECTIVE DATE

Act Feb. 25, 1944, § 307 (a) (5), cited to text, was made applicable by section 307 (b) (1), (b) (2) thereof which provided as follows:

"Despite the provisions of section 301, the amendments made by this section shall apply as follows:

"'(1) The amendments of sections 2406 (a), 3411 (c), and 3442 (3) (except as such section relates to the articles enumerated in section 3404) of the Internal Revenue Code shall be applicable to sales made on or after the first day of the first month which begins three months or more after the date of the enactment of this Act Such amendments shall not apply to deny an exemption otherwise applicable with respect to any article sold pursuant to a contract entered into prior to the effective date of the amendments, or to any agreement or change order supplemental to such contract bearing the same Government contract number.

"'(2) The amendments of sections 2700 (b) (1), 3407 and 3442 (3) (insofar as such section relates to the articles enumerated in section 3404) of the Internal Revenue Code, shall be applicable to sales made on or after the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war Such amendments shall not apply to deny an exemption otherwise applicable with respect to any article sold pursuant to a contract entered into prior to the effective date of the amendments, or to any agreement or change order supplemental to such contract bearing the same Government contract number.'"

Act Sept. 20, 1941, cited to text, was made effective on Oct 1, 1941, by section 558 thereof

DEFINITION

Subsec. (b) (6) of act Feb. 25, 1944, § 307, cited to text, provided as follows. "(6) For the purposes of this subsection the term 'date of the termination of hostilities in the present war' means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier."

EXEMPTIONS

Subsec (c) of act Feb. 25, 1944, § 307, cited to text, as amended by act of Nov 8, 1945 5 17 p m, E S T, ch 453, title III, § 303, 59 Stat 576, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States."

§ 3443. Credits and refunds.

(a) * * *

(1) to a manufacturer or producer, in the amount of any tax under this chapter which has been paid with respect to the sale of any article (other than a tire, inner tube, or automobile radio taxable under section 3404) purchased by him and used by him as material in the manufacture or production of, or as a component part of, an article with respect to which tax under this chapter has been paid, or which has

been sold free of tax by virtue of section 3442, relating to tax-free sales.

* * * * *

(3) * * *

(A) such article was, by any person—

(i) resold for the exclusive use of any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia;

* * * * *

(v) in the case of unexposed motion picture films, used or resold for use in the making of news reel motion picture films. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 553 (c), (d), 55 Stat. 721; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (6), 58 Stat. 65.)

* * * * *

AMENDMENTS

1944—Subsec. (a) (3) (A) (i) amended by act Feb. 25, 1944, cited to text, which changed "the United States, any State, Territory of the United States," to read "any State, Territory of the United States,".

1941—Subsec. (a) (1) was amended and subsec. (a) (3) (A) (v) was added by act Sept. 20, 1941, § 553 (d), (c), respectively, cited to text

EFFECTIVE DATE

Act Feb 25, 1944, § 307 (a) (6), cited to text, was made effective by section 307 (b) (3) thereof which provided as follows "Despite the provisions of section 301, the amendments made by this section shall apply as follows: '(3) The amendment of section 3443 (a) (3) (A) (i) of the Internal Revenue Code shall not apply to deny the allowance of a credit or refund, otherwise allowable, with respect to the sale of any article by any person to the United States (A) prior to the date on which sales of such article to the United States become taxable, or (B) pursuant to a contract entered into prior to such date, or to any agreement or change order supplemental to such contract bearing the same Government contract number' "

Act Sept 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

EXEMPTIONS

Subsec (c) of act Feb 25, 1944, § 307, cited to text, as amended by act of Nov 8, 1945, 5.17 p. m., E S T, ch. 453, title III, § 303, 59 Stat. 576, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States."

§ 3444. Use by manufacturer, producer, or importer.

(a) If—

(1) any person manufactures, produces, or imports an article (other than a tire, inner tube, or automobile radio taxable under section 3404) and uses it (otherwise than as material in the manufacture or production of, or as a component part of, another article to be manufactured or produced by him which will be taxable under this chapter or sold free of tax by virtue of section 3442, relating to tax-free sales); or

(2) any person manufactures, produces, or imports a tire, inner tube, or automobile radio taxable under section 3404 and sells it on or in connection with, or with the sale of, an article taxable under section 3403 (a) or (b), relating to the tax on automobiles, or uses it;

he shall be liable for tax under this chapter in the same manner as if such article was sold by him, and the tax (if based on the price for which the article is sold) shall be computed on the price at which such or similar articles are sold, in the ordinary course of trade, by manufacturers, producers, or importers thereof, as determined by the Commissioner. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 553 (d), 55 Stat. 721.)

* * * * *

AMENDMENTS

1941—Subsecs. (a) (1) and (a) (2) were amended by act Sept. 20, 1941, cited to text, which inserted matter relating to automobile radios taxable under section 3404.

EFFECTIVE DATE

Act Sept 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 3452. Repealed. Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 501, 55 Stat. 706.

§ 3453. Existing contracts—(a) Tax payable by vendee.

If (1) any person has, prior to the effective date of Part V of Title V of the Revenue Act of 1941,[1] made a bona fide contract for the sale on or after such date, of any article with respect to the sale of which a tax is imposed by that Act or an existing rate of tax is increased by that Act, and (2) such contract does not permit the adding to the amount to be paid under such contract of the whole of such tax or increased rate of tax, then (unless the contract prohibits such addition) the vendee shall, in lieu of the vendor, pay so much of the tax as is not so permitted to be added to the contract price.

(b) Tax paid to vendor.

Taxes payable by the vendee shall be paid to the vendor at the time the sale is consummated, and shall be collected and paid to the United States by the vendor in the same manner as provided in section 3467. In case of failure or refusal by the vendee to pay such taxes to the vendor, the vendor shall report the facts to the Commissioner who shall cause collection of such taxes to be made from the vendee. (Added Sept. 20, 1941, 12.15 p. m., E. S. T., ch. 412, title V, § 553 (b), 55 Stat. 721.)

[1] Sections 551–558 of act Sept. 20, 1941, cited to text. Effective on Oct. 1, 1941, by section 558 thereof

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

Chapter 30.—TRANSPORTATION AND COMMUNICATION

SUBCHAPTER C—TRANSPORTATION OF PERSONS (NEW)

Sec.

3469. Tax on transportation of persons, etc.
- (a) Transportation
- (b) Exemption of certain trips
- (c) Seats, berths, etc.
- (d) Returns and payment.
- (e) Extensions of time.
- (f) Exemptions.

SUBCHAPTER E.—TRANSPORTATION OF PROPERTY (NEW)

3475. Transportation of property.

SUBCHAPTER A.—TRANSPORTATION OF OIL BY PIPE LINE

§ 3460. Tax—(a) Computation and payment.

There shall be imposed upon all transportation of crude petroleum and liquid products thereof by pipe line—

(1) A tax equivalent to 4½ per centum of the amount paid for such transportation, to be paid by the person furnishing such transportation.

(2) In case no charge for transportation is made, either by reason of ownership of the commodity transported or for any other reason, a tax equivalent to 4½ per centum of the fair charge for such transportation, to be paid by the person furnishing such transportation.

(3) If (other than in the case of an arm's length transaction) the payment for transportation is less than the fair charge therefor, a tax equivalent to 4½ per centum of such fair charge, to be paid by the person furnishing such transportation.

* * * * *

(c) Exempt transportation.

For the purposes of this section, the term "transportation" shall not include any movement through lines of pipe within the premises of a refinery, a bulk plant, a terminal, or a gasoline plant, if such movement is not a continuation of a taxable transportation. The crossing of rights-of-way, streets, highways, railroads, levees, or narrow bodies of water, in connection with such a movement, shall not of itself constitute such movement as being "transportation." (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 502, 521 (a) (22), 55 Stat. 706, 707; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 616, 56 Stat. 978.)

AMENDMENTS

1942—Subsec. (c) was added by act Oct. 21, 1942, cited to text.

1941—Subsec. (a) was amended by act Sept. 20, 1941, §§ 502, 521 (a) (22), cited to text. Former struck out "originating before July 1, 1945" at end of opening paragraph, and latter substituted "4½ per centum" for "4 per centum".

EFFECTIVE DATE

Act Oct. 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 601 thereof.

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title.

EXEMPTIONS

Subsec. (c) of act Feb. 25, 1944, ch. 63, title III, § 307, 58 Stat. 66, as amended by act of Nov. 8, 1945, 5 17 p. m., E. S. T., ch. 453, title III, § 303, 59 Stat. 576, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States."

SUBCHAPTER B—TELEGRAPH, TELEPHONE, RADIO, AND CABLE FACILITIES

§ 3465. Imposition and rate of tax.

(a) There shall be imposed:

(1) Telephone and telegraph, etc.

(A) On the amount paid within the United States for each telephone or radio telephone message or conversation for which the toll charge is more than 24 cents, a tax equal to 20 per centum of the amount so paid. If a bill is rendered the taxpayer for the services described in this subparagraph, the amount upon which the tax shall be based shall be the sum of all such charges included in the bill, and the tax shall not be based upon the charge for each item, separately, included in the bill.

(B) On the amount paid within the United States for each telegraph, cable, or radio dispatch or message a tax equal to 15 per centum of the amount so paid, except that in the case of each international telegraph, cable, or radio dispatch or message the rate shall be 10 per centum. If a bill is rendered the taxpayer for the services described in this subparagraph, the amount upon which the tax at each of the rates in this subparagraph shall be based shall be the sum of all such charges at that rate included in the bill, and the tax shall not be based upon the charge for each item, separately, included in the bill.

If the tax under subparagraph (A) or (B) is paid by inserting coins in coin-operated telephones, the tax shall be computed to the nearest multiple of 5 cents, except that where the tax is midway between multiples of 5 cents, the next higher multiple shall apply. Only one payment of a tax imposed by subparagraph (A) or (B) shall be required notwithstanding the lines or stations of one or more persons are used in the transmission of such dispatch, message, or conversation.

(2) Leased wires, etc.

(A) A tax equivalent to 15 per centum of the amount paid for leased wire, teletypewriter, or talking circuit special service, but not including an amount paid for leased wire, teletypewriter, or talking circuit special service used exclusively in rendering a service taxable under subparagraph (B).

(B) A tax equivalent to 5 per centum of the amount paid for any wire and equipment service (including stock quotation and information services, burglar alarm or fire alarm service, and all other similar services, but not including service described in subparagraph (A)).

The tax shall apply under this paragraph whether or not the wires or services are within a local exchange area.

(3) Local telephone service.

A tax equivalent to 10 per centum of the amount paid by subscribers for local telephone service and for any other telephone service in respect of which a tax is not payable under paragraph (1) or (2). Amounts paid for the installation of instruments, wires, poles, switchboards, apparatus, and equipment shall not be considered amounts paid for service. Service paid for by inserting coins in coin-operated telephones available to the public shall not be subject to the tax imposed by this paragraph, except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be subject to the tax.

(b) This section shall not apply to the amount paid for so much of the service described in paragraph (2) of subsection (a) as is utilized in the conduct, by a common carrier or telephone or telegraph company or a radio broadcasting station or network, of its business as such. (As amended Sept 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 548, 55 Stat. 714; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 606 (a), 56 Stat. 975.)

AMENDMENTS

1942—Act Oct. 21, 1942, cited to text, amended section in its entirety

EFFECTIVE DATE

Section 606 (b) of act Oct. 21, 1942, cited to text, provided as follows:

"(b) (1) The amendments to section 3465 (a) (1) made by subsection (a) shall be applicable only with respect to the period beginning with the effective date of this title (Title VI of Revenue Act of 1942)

"(2) The amendments to section 3465 (a) (2) and (3) made by subsection (a) shall apply only to amounts paid pursuant to bills rendered after the effective date of this title (Title VI of Revenue Act of 1942) for service for which no previous bill was rendered Where bills rendered after the effective date of this title (Title VI of Revenue Act of 1942) include charges for services previously rendered, the amendments shall not apply to such service as was rendered more than two months before the effective date of this title (Title VI of Revenue Act of 1942), and the provisions of section 3465 in effect at the time such prior service was rendered shall be applicable to the amounts paid for such service."

The effective date of title VI of act Oct 21, 1942, referred to in quoted paragraphs above, was provided for by section 601 of said act, which read: "This title shall take effect on the first day of the first month which begins more than 10 days after the date of the enactment of this Act (Oct 21, 1942, 4 30 p m, E W T)"

Act Sept 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct 1, 1941, by section 550 (a) thereof However, section 550 (c) and (d) of that act provided as follows:

"(c) Despite the provisions of subsection (a), the amendment of section 3465 (a) (2) made by section 548 of this Act (relating to tax on leased-wire, etc, services) shall be applicable only to amounts paid on or after such effective date for services rendered on or after October 1, 1941, and the provisions of such subsection before its amendment by section 548 shall be applicable with respect to the period before October 1, 1941

"(d) Despite the provisions of subsection (a), section 3465 (a) (3) of the Internal Revenue Code (relating to tax on telephone bills), added to the Internal Revenue Code by section 548 of this Act, shall apply only to the amounts paid in pursuance of bills rendered, after October 5, 1941, for services for which no previous bill was rendered Such section 3465 (a) (3) shall not apply to amounts paid for services otherwise taxable under section 3465 (a) (1) which were rendered before October 6, 1941, nor to amounts paid for services otherwise taxable under section 3465 (a) (2) which were rendered or paid for before October 6, 1941"

TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days after the enactment of act Feb 25, 1944, see section 1650 of this title and notes thereunder

§ 3466. Exemption from tax.

(a) No tax shall be imposed under section 3465 upon any payment received for services or facilities furnished to any State, Territory of the United States, or political subdivision thereof, or the District of Columbia, or an international organization, or any corporation created by Act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864.

(b) No tax shall be imposed under section 3465 (a) (1) and (2) upon any payment received from any person for services or facilities utilized in the collection of news for the public press, or a news ticker service furnishing a general news service similar to that of the public press, or radio broadcasting, or in the dissemination of news through the public press, or a news ticker service furnishing a general news service similar to that of the public press, or by means of radio broadcasting, if the charge for such services or facilities is billed in writing to such person. Section 3465 (a) (3) shall not be construed as imposing a tax on services and facilities described in section 3465 (a) (1) or (2) which are exempt from tax under this subsection.

(c) The right to exemption under this section shall be evidenced in such manner as the Commissioner with the approval of the Secretary may by regulation prescribe. (As amended Sept. 20, 1941, 12:15 p. m., E S T., ch. 412, title V, § 548, 55 Stat. 714; Feb 25, 1944, 12:49 p. m., E W. T, ch. 63, title III, § 307 (a) (7), 58 Stat. 65; Dec. 29, 1945, ch 652, title I, § 4 (1), 59 Stat. 671)

AMENDMENTS

1945—Subsec (a) amended by act Dec. 29, 1945, cited to text, which inserted a comma and "or an international organization" following "District of Columbia"

1944—Subsec. (a) amended by act Feb 25, 1944, cited to text, which changed "the United States, any State or Territory" to read "any State, Territory of the United States," and added "or any corporation * * * August 22, 1864"

EFFECTIVE DATE

Act Feb 25, 1944, § 307 (a) (7), cited to text, was made effective by section 307 (b) (4) thereof which provided as follows: "Despite the provisions of section 301, the amendments made by this section shall apply as follows '(4) The amendment of section 3466 of the Internal Revenue Code, insofar as it relates to the taxes imposed by section 3465 (a) (1), shall be applicable only with respect to messages and dispatches originating on or after the first day of the first month which begins three months or more after the date of the enactment of this Act Insofar as such amendment relates to the taxes imposed under section 3465 (a) (2) and (3) of the Internal Revenue Code, it shall be applicable only to amounts paid pursuant to bills rendered on or after the first day of the first month which begins three months or more after the date of the enactment of this Act for service for which no previous bill was rendered'"

Act Sept 20, 1941, cited to text, was made effective on, and applicable only with respect to the period beginning with, Oct 1, 1941, by section 550 (a) thereof.

EXEMPTIONS

Subsec (c) of act Feb. 25, 1944, § 307, cited to text, as amended by act of Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title III, § 303, 59 Stat. 576, provided as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States."

SUBCHAPTER C.—TRANSPORTATION OF PERSONS (New)

Subchapter was added by act Sept. 20, 1941, 12:15 p. m. E. S. T., ch. 412, title V, § 554 (b), 55 Stat. 721, section 554 (a) of which act redesignated former subchapter C to be "D". Said act Sept. 20, 1941, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 3469. Tax on transportation of persons, etc.—(a) Transportation.

There shall be imposed upon the amount paid within the United States, on or after October 10, 1941, for the transportation, on or after such effective date, of persons by rail, motor vehicle, water, or air, within or without the United States, a tax equal to 10 per centum of the amount so paid. Such tax shall apply to transportation by motor vehicles having a passenger seating capacity of less than ten adult passengers, including the driver, only when such vehicle is operated on an established line.

(b) Exemption of certain trips.

The tax imposed by subsection (a) shall not apply to amounts paid for transportation which do not exceed 35 cents, to amounts paid for commutation or season tickets for single trips of less than thirty miles, or to amounts paid for commutation tickets for one month or less.

(c) Seats, berths, etc.

There shall be imposed upon the amount paid within the United States for seating or sleeping accommodations in connection with transportation with respect to which a tax is imposed by subsection (a) a tax equivalent to 10 per centum of the amount so paid.

(d) Returns and payment.

The taxes imposed by this section shall be paid by the person making the payment subject to the tax. Each person receiving any payment specified in subsection (a) or (c) shall collect the amount of the tax imposed from the person making such payment, and shall, on or before the last day of each month, make a return, under oath, for the preceding month, and pay the taxes so collected to the collector in the district in which his principal place of business is located, or if he has no principal place of business in the United States, to the collector at Baltimore, Maryland. Such returns shall contain such information and be made in such manner as the Commissioner with the approval of the Secretary may by regulations prescribe.

(e) Extensions of time.

The Commissioner may extend the time for making returns and paying the taxes collected, under such rules and regulations as he shall prescribe with the approval of the Secretary, but no such extension shall be for more than ninety days.

(f) Exemptions.

(1) Governmental exemption.

The tax imposed by this section shall not apply to the payment for transportation or facilities furnished to any State, Territory of the United States, or political subdivision thereof, or the District of Columbia, or an international organization, or any corporation created by Act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864.

(2) Exemption of members of military and naval service.

The tax imposed by this section shall not apply to the payment for transportation or facilities furnished under special tariffs providing for fares of not more than 1¼ cents per mile applicable to round trip tickets sold to personnel of the United States Army, Navy, Marine Corps, and Coast Guard traveling in uniform of the United States, or to members of the military or naval forces of any of the other United Nations traveling in uniform of such nation, at their own expense when on official leave, furlough, or pass, including authorized cadets and midshipmen, issued on presentation of properly executed certificate. (Added Sept. 20, 1941, 12.15 p. m., E. S. T., ch. 412, title V, § 554 (b), 55 Stat. 721; and amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 609, 56 Stat. 977; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title III, § 307 (a) (8), 58 Stat. 65; Dec. 29, 1945, ch. 652, title I, § 4 (g), 59 Stat. 671.)

AMENDMENTS

1945—Subsec. (f) (1) amended by act Dec. 29, 1945, cited to text, which inserted a comma and "or an international organization" following "District of Columbia".

1944—Subsec. (f) (1) amended by act Feb. 25, 1944, cited to text, changed "the United States, or to any State or Territory" to read "any State, Territory of the United States," and added "or any corporation * * * August 22, 1864.".

1942—Subsecs. (a) and (c) were amended by act Oct. 21, 1942, cited to text, which inserted "10 per centum" for "5 per centum" and subsec. (f) (2) was amended by same act which inserted "or to members * * * of such nation."

EFFECTIVE DATE

Act Feb. 25, 1944, § 307 (a) (8), (a) (9), respectively, cited to text, by section 307 (b) (5) thereof which provided as follows: "Despite the provisions of section 301, the amendments made by this section shall apply as follows: '(5) The amendments of sections 3469 (f) (1) and 3475 (b) of the Internal Revenue Code shall be applicable only with respect to amounts paid on or after the first day of the first month which begins three months or more after the date of the enactment of this Act, except that the amendment of such section 3475 (b), insofar as it relates to the exemption of amounts paid by or to the War Shipping Administration shall be applicable for the period beginning December 1, 1943, and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war.'"

Act Oct. 21, 1942, cited to text, was made effective on the first day of the first month which began more than ten days after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 601 thereof.

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof

TEMPORARY INCREASE IN RATES

War tax which increased certain tax rates on the first day of the first month which begins more than 10 days after the enactment of act Feb. 25, 1944, see section 1650 of this title and notes thereunder.

EXEMPTIONS

Subsec. (c) of act Feb. 25, 1944, § 307, cited to text, as amended by act of Nov. 8, 1945, 5:17 p m., E S. T., ch. 453, title III, § 303, 59 Stat. 576, provide as follows: "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States."

CROSS REFERENCES

Stamp tax under chapter 11 of this title not to apply where taxable under this section, see note under said chapter 11, preceding section 1801

SUBCHAPTER D.—ADMINISTRATIVE PROVISIONS

This subchapter, formerly subchapter C, was redesignated "D" by act Sept. 20, 1941, 12 15 p. m., E S. T., ch. 412, title V, § 554 (a), 55 Stat 721, which was made effective on Oct 1, 1941, by section 558 thereof.

§ 3471. Refunds and credits.

(a) Credit or refund of any overpayment of tax imposed by Subchapter B, Subchapter C, or Subchapter E may be allowed to the person who collected the tax and paid it to the United States if such person establishes, to the satisfaction of the Commissioner, under such regulations as the Commissioner with the approval of the Secretary may prescribe, that he has repaid the amount of such tax to the person from whom he collected it, or obtained the consent of such person to the allowance of such credit or refund.

* * * * *

(c) Any person making a refund of any payment on which tax under Subchapter B, Subchapter C, or Subchapter E has been collected, may repay therewith the amount of tax collected on such payment, and the amount of tax so repaid may be credited against the tax under any subsequent return. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 554 (d) (2), 55 Stat. 722; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 620 (b), 56 Stat. 980.)

AMENDMENTS

1942—Subsecs. (a) and (c) were amended by act Oct. 21, 1942, cited to text, which inserted "or Subchapter E" in each. Section 620 (b) of said act purported to amend subsecs (a) and (b) but subsecs (a) and (c) were probably intended.

1941—Subsecs. (a) and (c) were amended by act Sept. 20, 1941, cited to text, which inserted "or subchapter C" after "subchapter B" wherever occurring.

EFFECTIVE DATE

Act Oct 21, 1942, cited to text, was made effective by section 620 (c) thereof as follows: "(c) The amendments made by this section (to sections 3471 and 3475) shall take effect on the first day of the first month which begins more than thirty days after the date of the enactment of this Act (Oct 21, 1942, 4:30 p m , E W. T.)"

Act Sept. 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

§ 3472. Regulations.

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 554 (d) (3), 55 Stat. 722.)

AMENDMENTS

1941—Act Sept 20, 1941, cited to text, struck out "of subchapters A and B" preceding "of this chapter."

EFFECTIVE DATE

Act Sept 20, 1941, cited to text, was made effective on Oct. 1, 1941, by section 558 thereof.

SUBCHAPTER E.—TRANSPORTATION OF PROPERTY (New)

AMENDMENTS

This subchapter was added by act Oct 21, 1942, 4:30 p. m., E. W. T., ch 619, title VI, § 620 (a), 56 Stat. 979.

§ 3475. Transportation of property—(a) Tax.

There shall be imposed upon the amount paid within the United States after the effective date of this section for the transportation, on or after such effective date, of property by rail, motor vehicle, water, or air from one point in the United States to another, a tax equal to 3 per centum of the amount so paid, except that, in the case of coal, the rate of tax shall be 4 cents per short ton. Such tax shall apply only to amounts paid to a person engaged in the business of transporting property for hire, including amounts paid to a freight forwarder, express company, or similar person, but not including amounts paid by a freight forwarder, express company, or similar person for transportation with respect to which a tax has previously been paid under this section. In the case of property transported from a point without the United States to a point within the United States the tax shall apply to the amount paid within the United States for that part of the transportation which takes place within the United States. The tax on the transportation of coal shall not apply to the transportation of coal with respect to which there has been a previous taxable transportation.

(b) Exemption of government transportation.

The tax imposed under this section shall not apply to (1) amounts paid for the transportation of property to or from the government of a State, Territory of the United States, or political subdivision thereof, or the District of Columbia, or an international organization, or any corporation created by Act of Congress to act in matters of relief under the treaty of Geneva of August 22, 1864, (2) amounts paid to the Post Office Department for the transportation of property, or (3) amounts paid by or to the War Shipping Administration for the

transportation of property by water from one point in the United States to another, except between points on the Great Lakes.

(c) Returns and payment.

The tax imposed by this section shall be paid by the person making the payment subject to the tax. Each person receiving any payment specified in subsection (a) shall collect the amount of the tax imposed from the person making such payment, and shall, on or before the last day of each month, make a return, under oath, for the preceding month, and pay the taxes so collected to the collector in the district in which his principal place of business is located, or if he has no principal place of business in the United States, to the collector at Baltimore, Maryland. Such returns shall contain such information and be made in such manner as the Commissioner with the approval of the Secretary may by regulations prescribe.

(d) Extensions of time.

The Commissioner may extend the time for making returns and paying the taxes collected, under such rules and regulations as he shall prescribe with the approval of the Secretary, but no such extension shall be for more than ninety days.

(e) Registration.

Every person engaged in the business of transporting property for hire, including freight forwarders, express companies, and similar persons, shall, on or before the sixtieth day after the effective date of this section, or within sixty days after first engaging in the business of transportation of property for hire, register his name and his place or places of business with the collector in the district in which is located the principal place of business of such person. Every such person who fails to register within the period specified shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $50. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title VI, § 620 (a), 56 Stat. 979, and amended Nov. 4, 1943, ch. 294, § 1, 57 Stat. 585; Feb. 25, 1944, 12:49 p. m., E W. T., ch. 63, title III, § 307 (a) (9), 58 Stat. 65; Dec. 29, 1945, ch. 652, title I, § 4 (h), 59 Stat. 671.)

AMENDMENTS

1945—Subsec (b) (1) amended by act Dec. 29, 1945, cited to text, which inserted a comma and "or an international organization" following "District of Columbia".

1944—Subsec. (b) amended generally by act Feb. 25, 1944, cited to text

1943 - Subsec (b) was amended by act Nov. 4, 1943, cited to text, by omitting words "by or to the United States or any agency or instrumentality of the United States" following "to amounts paid" and by adding all following "paid for the transportation of property".

EFFECTIVE DATE

Amendment of sections 3469 (f) (1) and 3475 (b) by act Feb. 25, 1944, § 307 (a) (8), (a) (9), respectively, cited to text, by section 307 (b) (5) thereof which provided as follows: "Despite the provisions of section 301, the amendments made by this section shall apply as follows: '(5) The amendments of sections 3469 (f) (1), and 3475 (b) of the Internal Revenue Code shall be applicable only with respect to amounts paid on or after the first day of the first month which begins three months or more after the date of the enactment of this Act, except that the amendment of such section 3475 (b), insofar as it relates to the exemption of amounts paid by or to the War Shipping Administration, shall be applicable for the period beginning December 1, 1943, and ending on the first day of the first month which begins six months or more after the date of the termination of hostilities in the present war.'"

Section 2 of act Nov 4, 1943, cited to text, provided as follows. "The amendment made by section 1 shall take effect with respect to amounts paid, on and after the first day of the first month which begins more than ten days after the date of the enactment of this Act, for the transportation of property on and after such first day."

Section 620 (c) of act Oct 21, 1942, cited to text, provided as follows "(c) The amendments made by this section (to sections 3471 and 3475) shall take effect on the first day of the first month which begins more than thirty days after the date of the enactment of this Act. (Oct 21, 1942, 4 30 p m., E W T)."

DEFINITION

Subsec (b) (6) of act Feb 25, 1944, § 307, cited to text, provided as follows: "(6) For the purposes of this subsection the term 'date of the termination of hostilities in the present war' means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier."

EXEMPTIONS

Subsec (c) of act Feb 25, 1944, § 307, cited to text, as amended by act of Nov 8, 1945, 5 17 p. m., E S T., ch 453, title III, § 303, 59 Stat. 576, provided as follows "Notwithstanding the amendments made by this section, the Secretary of the Treasury may authorize exemption from the taxes imposed by Chapter 19, 29, or 30 of the Internal Revenue Code as to any particular articles or services, or class of articles or services, to be purchased for the exclusive use of the United States, if he determines that the imposition of such taxes with respect to such articles or services, or class of articles or services, will cause substantial burden or expense which can be avoided by granting tax exemption and that the full benefit of such exemption, if granted, will accrue to the United States."

Chapter 31.—DOCUMENTS AND OTHER INSTRUMENTS

§ 3481. Transfer of bonds—(a) Imposition of tax.

On all sales, or agreements to sell, or memoranda of sales or deliveries of, or transfers of legal title to any of the instruments mentioned or described in section 1801 and of a kind the issue of which is taxable thereunder, whether made by any assignment in blank or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale (whether entitling the holder in any manner to the benefit of such instrument or not), on each $100 of face value or fraction thereof, 5 cents: *Provided*, That it is not intended by this chapter to impose a tax upon an agreement evidencing a deposit of instruments as collateral security for money loaned thereon, which instruments are not actually sold, nor upon the delivery or transfer for such purpose of instruments so deposited: *Provided further*, That the tax shall not be imposed upon deliveries or transfers to a broker for sale, nor upon deliveries or transfers by a broker to a customer for whom and upon whose order he has purchased same, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Pro-*

vided further, That the tax shall not be imposed upon deliveries or transfers from a fiduciary to a nominee of such fiduciary, or from one nominee of such fiduciary to another, if such instruments continue to be held by such nominee for the same purpose for which they would be held if retained by such fiduciary, or from the nominee to such fiduciary, but such deliveries or transfers shall be accompanied by a certificate setting forth the facts: *Provided further,* That where the change of ownership is by transfer of the instrument the stamp shall be placed upon the instrument; and in cases of an agreement to sell or where the transfer is by delivery of the instrument assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. Any person liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person, who makes any such sale, or who in pursuance of any such sale delivers any certificate or evidence of the sale of any such instrument, or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not exceeding $1,000, or be imprisoned not more than six months, or both.

* * * * *

(b) Transfers by operation of law.

No delivery or transfer under subsection (a) not otherwise exempt shall be exempt because effected by operation of law. The tax under subsection (a) shall not be imposed upon any delivery or transfer—

(1) From a decedent to his executor or administrator.

(2) From a minor to his guardian, or from a guardian to his ward upon attaining majority.

(3) From an incompetent to his committee or similar legal representative, or from a committee or similar legal representative to a former incompetent upon removal of disability.

(4) From a bank, trust company, financial institution, insurance company, or other similar entity, or nominee, custodian, or trustee therefor, to a public officer or commission, or person designated by such officer or commission or by a court, in the taking over of its assets, in whole or part, under State or Federal law regulating or supervising such institutions, nor upon redelivery or retransfer by any such transferee or successor thereto.

(5) From a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee, or from such trustee to such receiver, nor upon redelivery or retransfer by any such transferee or successor thereto.

(6) From a transferee under paragraphs (1) to (5), inclusive, to his successor acting in the same capacity, or from one such successor to another.

(7) From a foreign country or national thereof to the United States or any agency thereof, or to the government of any foreign country, directed pursuant to the authority vested in the President by section 5 (b) of the Trading with the Enemy Act (40 Stat. 415), as amended by the First War Powers Act (55 Stat. 838).[1]

(8) From trustees to surviving, substituted, succeeding, or additional trustees of the same trust.

(9) Upon the death of a joint tenant or tenant by the entireties, to the survivor or survivors.

No exemption shall be granted under this section unless the delivery or transfer is accompanied by a certificate setting forth such facts as the Commissioner, with the approval of the Secretary, may by regulation prescribe. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, §§ 504, 521 (a) (23), 55 Stat. 706, 707; Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 506 (b) (2), (g), 56 Stat. 958.)

[1] 50 U. S. C. App. § 5.

AMENDMENTS

1942—Subsec. (a) was amended by act Oct. 21, 1942, cited to text, by striking out a proviso which related to transfers in connection with a reorganization as defined in section 112 of Revenue Act of 1932.

Subsec. (b) was added by act Oct. 21, 1942, cited to text. Former subsec. (b) was repealed by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 504, 55 Stat. 706.

1941—Subsec. (a) was amended by act Sept. 20, 1941, § 521 (a) (23), cited to text, which substituted "5 cents" for "4 cents" in first paragraph.

Subsec. (b) was repealed by act Sept. 20, 1941, § 504, cited to text.

EFFECTIVE DATE

Amendment of subsec. (a) by act Oct. 21, 1942, cited to text, was made applicable to deliveries or transfers after Oct. 21, 1942, 4:30 p. m., E. W. T., by section 506 (h) (7) of said act.

Subsec. (b) as added by act Oct. 21, 1942, cited to text, was made applicable to deliveries and transfers on or after the thirtieth day after Oct. 21, 1942, by section 506 (h) (2) of said act.

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept. 20, 1941, see note set out under section 1650 of this title.

§ 3482. Conveyances.

Deed, instrument, or writing (unless deposited in escrow before April 1, 1932), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his, her, or their direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds $100 and does not exceed $500, 55 cents; and for each additional $500 or fractional part thereof, 55 cents. This section shall not apply to any instrument or writing given to secure a debt. (As amended Sept. 20, 1941, 12:15 p. m., E. S. T.,

ch. 412, title V, §§ 505, 521 (a) (24), 55 Stat. 706, 707.)

AMENDMENTS

1941—Act Sept. 20, 1941, §§ 505, 521 (a) (24), cited to text, respectively struck out "delivered before July 1, 1945" preceding parenthesis, and substituted "55 cents" for "50 cents"

EFFECTIVE DATE

The rates specified in act Sept. 20, 1941, cited to text, were made effective on, and applicable only with respect to the period after the date of enactment of that act, by section 521 (b) thereof.

TEMPORARY INCREASE IN RATES

Defense tax for 5-year period after June 30, 1940, which increased certain tax rates, and termination thereof by act Sept 20, 1941, see section 1650 (a) of this title and notes.

Chapter 32.—SUGAR

SUBCHAPTER C.—GENERAL PROVISIONS

§ 3508. Termination of taxes.

No tax shall be imposed under this chapter on the manufacture, use, or importation of sugar after June 30, 1947. (As amended Dec. 26, 1941, ch. 638, § 5, 55 Stat. 873; June 20, 1944, ch. 266, § 2, 58 Stat. 284.)

AMENDMENTS

1944—Act June 20, 1944, cited to text, amended section by substituting "June 30, 1947" for "June 30, 1945."

Chapter 33.—BITUMINOUS COAL

EXPIRATION BITUMINOUS COAL ACT OF 1937

The Bituminous Coal Act of 1937, sections 828-852 of Title 15, expired on August 23, 1943, upon authority of act May 21, 1943, ch 97, 57 Stat 82 For expiration of tax on bituminous coal, see section 3527 of this title.

§ 3527. Termination of tax.

The taxes imposed by this chapter shall not apply to the sale or other disposal, after August 23, 1943, of bituminous coal. (As amended Apr. 11, 1941, ch. 64, § 1 (b), 55 Stat. 134; Apr. 23, 1943, ch. 68, 57 Stat. 68; May 21, 1943, ch. 97, 57 Stat. 82.)

AMENDMENTS

1943—Act Apr 24, 1943, cited to text, amended section by striking out "April 25, 1943," and inserting "May 23, 1943"

Act May 21, 1943, cited to text, amended section by striking out "May 23, 1943" and inserting in lieu thereof "August 23, 1943"

Chapter 33A.—USE OF MOTOR VEHICLES AND BOATS (New)

Sec.

3540. Tax on use of motor vehicles and boats.
- (a) Imposition of tax.
- (b) Definitions.
- (c) Proration of tax
- (d) One payment per year.
- (e) Evidence of tax payment.
- (f) Manner of collection.
- (g) Cooperation of Post Office Department.
- (h) Sale of stamps by private persons
- (i) Penalties for unlawful use.
- (j) Exempt uses.

Chapter was added by act Sept 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 557, 55 Stat. 723, which was made effective on Oct 1, 1941, by section 558 of that act

§ 3540. Tax on use of motor vehicles and boats—(a) Imposition of tax.

There shall be imposed upon the use of motor vehicles and boats a tax, with respect to each year in which such use occurs, at the following rates:

(1) Motor vehicles—$5.

(2) Boats.—

Over-all length 16 feet or over but not over 28 feet, $5.

Over-all length over 28 feet but not over 50 feet, $10.

Over-all length over 50 feet but not over 100 feet, $40.

Over-all length over 100 feet but not over 150 feet, $100.

Over-all length over 150 feet but not over 200 feet, $150.

Over-all length over 200 feet, $200.

Such tax, in the case of a motor vehicle, shall be paid by the person in whose name the motor vehicle is, or is required to be, registered under the law of the State, Territory, or the District of Columbia in which such motor vehicle is, or is required to be, registered. Such tax, in the case of a boat, shall be paid by the owner of the boat The tax imposed by this section shall not apply to any use before February 1, 1942, and use before such date shall not be considered to be use within the meaning of this section.

(b) Definitions.

For the purposes of this section—

(1) The term "year" means the year beginning July 1.

(2) The term "motor vehicle" means all motor vehicles of the kind chiefly used for highway transportation.

(3) The term "boat" means all boats propelled by machinery, sail, or both, measuring sixteen feet or more in over-all length, owned by a citizen or resident of the United States. Such term does not include boats used chiefly for trade, or commercial fishing, or boats used without profit by any benevolent, charitable, or religious organization exclusively for furnishing aid, comfort, or relief to seamen, or boats used by the sea scouts department of the Boy Scouts of America chiefly for training scouts in seamanship.

(4) The term "use" in the case of the use of a motor vehicle means use on the public highways.

(c) Proration of tax.

If in any year the first use of the motor vehicle or boat is after July 31 the tax shall be reckoned proportionately from the first day of the month in which such use occurs to and including the 30th day of June following.

(d) One payment per year.

If the tax imposed by this section is paid with respect to any motor vehicle or boat for any year no further tax shall be imposed for such year with respect to such motor vehicle or boat.

(e) Evidence of tax payment.

The payment of the tax imposed by this section shall be evidenced by such suitable stamp, sticker,

or tag of such form, which shall be affixed to the motor vehicle or boat in such manner, as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

(f) Manner of collection.

The place, time, and manner of making payment of the tax, and of furnishing such stamp, sticker, or tag shall be such as may be provided in regulations prescribed by the Commissioner with the approval of the Secretary.

(g) Cooperation of Post Office Department.

The Commissioner shall furnish to the Postmaster General without prepayment a suitable quantity of stamps, stickers, or tags to be distributed to and kept on sale by postmasters in the United States. The Postmaster General may require each such postmaster to give additional or increased bond as postmaster for the value of the stamps, stickers, or tags furnished to him, and each such postmaster shall deposit the receipts from the sale of such stamps, stickers, or tags to the credit of and render accounts to the Postmaster General at such times and in such form as he may by regulations prescribe. The Postmaster General shall at least once monthly transfer all collections from this source to the Treasury as internal-revenue collections. The Postmaster General is authorized to cooperate to the fullest extent possible with the Commissioner in the sale of such stamps, stickers, or tags and in forwarding to the Commissioner or to the collector of internal revenue such blanks or forms as the Commissioner may determine necessary to the collection of the tax. There are authorized to be appropriated such sums as may be necessary to enable the Secretary of the Treasury to advance from time to time to the Postmaster General such sums as the Postmaster General may show shall be required for the expenses of the Post Office Department in performing in the District of Columbia and elsewhere all services required by this section.

(h) Sale of stamps by private persons.

If the Commissioner provides for the sale of stamps, stickers, or tags by persons not officers or employees of the United States he may require bond, with sufficient sureties, in a sum to be fixed by the Commissioner, conditioned for the faithful return, whenever required, of all quantities or amounts undisposed of, and for the payment for, all quantities or amounts sold or not remaining on hand. The Commissioner, with the approval of the Secretary, may from time to time make such regulations as he may find necessary to insure the safekeeping or prevention of illegal use of all such stamps, stickers, or tags.

(i) Penalties for unlawful use.

Any person liable for the tax under this section who uses or permits the use of the motor vehicle or boat before tax has been paid shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $25 or imprisoned for not more than thirty days, or both. Any person who uses or operates a motor vehicle or boat at a time when the stamp, sticker, or tag does not appear on the motor vehicle or boat in the manner provided in the regulations prescribed under subsection (e) or (f) shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $25.

(j) Exempt uses.

The tax imposed by this section shall not apply to the use of a motor vehicle or boat by the United States, a State, Territory, the District of Columbia, or a political subdivision of any of the foregoing. (Added Sept. 20, 1941, 12:15 p. m., E. S. T., ch. 412, title V, § 557, 55 Stat. 723.)

EFFECTIVE DATE

Act Sept. 20, 1941, cited to text, was made effective on Oct 1, 1941, by section 558 thereof

REPEAL OF SECTION

This section is repealed by act Nov 8, 1945, 5:17 p. m., E. S. T., ch. 453, title III, § 301, 59 Stat. 576, effective with respect to the period after June 30, 1946.

SUBTITLE D.—GENERAL ADMINISTRATIVE PROVISIONS

INVESTIGATION OF NONESSENTIAL FEDERAL EXPENDITURES

Act Sept. 20, 1941, 12·15 p m , E S. T., ch 412, title VI, § 601, 55 Stat 726, provided as follows:

"(a) There is hereby established a committee to investigate Federal expenditures (hereinafter referred to as the 'committee'), to be composed of (1) three members of the Senate Committee on Finance and three members of the Senate Committee on Appropriations, to be appointed by the President of the Senate, (2) three members of the House Committee on Ways and Means and three members of the House Committee on Appropriations, to be appointed by the Speaker of the House of Representatives; and (3) the Secretary of the Treasury, and the Director of the Bureau of the Budget A vacancy in the committee shall not affect the power of the remaining members to execute the functions of the committee, and shall be filled in the same manner as the original selection. A majority of the committee shall constitute a quorum, and the powers conferred upon them by this section may be exercised by a majority vote

"(b) It shall be the duty of the committee to make a full and complete study and investigation of all expenditures of the Federal Government with a view to recommending the elimination or reduction of all such expenditures deemed by the committee to be nonessential The committee shall report to the President and to the Congress the results of its study, together with its recommendations, at the earliest practicable date.

"(c) The committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, to employ such experts and such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable The provisions of sections 102 to 104, inclusive, of the Revised Statutes (Title 2, §§ 192, 193, 194) shall apply in case of any failure of any witness to comply with any subpena, or to testify when summoned under the authority of this section

"(d) The committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government

"(e) There is hereby authorized to be appropriated, the sum of $10,000, or so much thereof as may be necessary, to carry out the provisions of this section

"(f) All authority conferred by this section shall terminate upon the submission of the committee's final report"

Additional $10,000 for this committee was authorized by act Oct 26, 1942, ch 629, title II, 56 Stat 994

Additional $20,000 for this committee was authorized by act July 12, 1943, 4 p m , E W. T , ch 229, § 1, title I, 57 Stat 538

Additional $10,000 for this committee was authorized by act June 28, 1944, ch 304, title I, 58 Stat. 598

Additional $10,000 for this committee was authorized by Act Dec 22, 1944, ch. 660, title I, § 101, 58 Stat 854

Chapter 36.—COLLECTION

SUBCHAPTER A.—GENERAL PROVISIONS

§ 3656. Payment by check and money orders—(a) Certified, cashiers', and treasurers' checks and money orders—(1) Authority to receive.

It shall be lawful for collectors to receive for internal revenue taxes or in payment of stamps to be used in payment of internal revenue taxes certified, cashiers', and treasurers' checks drawn on National and State banks and trust companies, and United States postal, bank, express, and telegraph money orders, during such time and under such regulations as the Commissioner, with the approval of the Secretary, may prescribe.

(2) Discharge of liability—(A) Check duly paid.

No person who may be indebted to the United States on account of internal revenue taxes or stamps used or to be used in payment of internal revenue taxes who shall have tendered a certified, cashier's, or treasurer's check or money order as provisional payment therefor, in accordance with the terms of this subsection, shall be released from the obligation to make ultimate payment thereof until such certified, cashier's, or treasurer's check or money order so received has been duly paid.

(B) Check unpaid.

If any such check or money order so received is not duly paid the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of the bank on which drawn or for the amount of such money order upon all the assets of the issuer thereof; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank or issuer except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

(b) Other checks—(1) Authority to receive.

Collectors may receive checks in addition to those specified in subsection (a) in payment of taxes other than those payable by stamp during such time and under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe.

(2) Ultimate liability.

If a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and additions to the same extent as if such check had not been tendered. (As amended Dec. 22, 1944, ch. 672, 58 Stat. 912)

AMENDMENTS

1944—Act Dec. 22, 1944, cited to text, amended section generally to permit collectors to accept certified, cashiers', and treasurers' checks, money orders, and other checks, and changed section and subsec (a) and (b) catchlines

SUBCHAPTER B.—LIEN FOR TAXES

§ 3672. Validity against mortgagees, pledgees, purchasers, and judgment creditors—(a) Invalidity of lien without notice.

Such lien shall not be valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice thereof has been filed by the collector—

(1) Under State or Territorial laws.

In the office in which the filing of such notice is authorized by the law of the State or Territory in which the property subject to the lien is situated, whenever the State or Territory has by law authorized the filing of such notice in an office within the State or Territory; or

(2) With clerk of district court.

In the office of the clerk of the United States district court for the judicial district in which the property subject to the lien is situated, whenever the State or Territory has not by law authorized the filing of such notice in an office within the State or Territory; or

(3) With clerk of District Court of the United States for the District of Columbia.

In the office of the clerk of the District Court of the United States for the District of Columbia, if the property subject to the lien is situated in the District of Columbia. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 505, 56 Stat. 957.)

* * * * *

SUBCHAPTER F.—CLOSING AGREEMENTS AND COMPROMISES

§ 3761. Compromises.

CROSS REFERENCES

Compromises of liability for National Prohibition Act violations to conform to section, see Ex Ord. No. 9302 under section 601 of Appendix to Title 50, War.

Chapter 37.—ABATEMENTS, CREDITS, AND REFUNDS

Sec

3779 Extensions of time for payment of taxes by corporations expecting carry-backs (New)
3780 Tentative carry-back adjustments (New).
3781 Extension of time and tentative carry-back and amortization adjustments in the case of consolidated returns (New).

§ 3770. Authority to make abatements, credits, and refunds—(a) To taxpayers.

* * * * *

(4) Delegation of authority to collectors to make refunds.

The Commissioner is authorized to delegate, with the approval of the Secretary, to collectors any authority, duty, or function which the Commissioner is authorized or required to exercise or perform under paragraph (1), (2), or (3) of this subsection, or under section 322 or 1027, where the amount involved (exclusive of interest, penalties, additions to the tax, and additional amounts) does not exceed $1,000.

(5) Cross references.

For limitations on refunds and credits in case of—

Estate tax, see sections 910, 911, and 912.

Gift tax, see section 1027.

Income tax, see section 322

Miscellaneous taxes, see section 3313.

* * * * *

(c) Rule where no tax liability.

An amount paid as tax shall not be considered not to constitute an overpayment solely by reason of the fact that there was no tax liability in respect of which such amount was paid. (As amended June 9, 1943, 7 p. m., E. W. T., ch. 120, § 4 (c, d), 57 Stat. 140.)

AMENDMENTS

1943—Subsec. (a) amended by act June 9, 1943, cited to text, which inserted par. (4) and renumbered former par. (4) to be (5).

Subsec (c) added by act June 9, 1943, cited to text.

§ 3771. Interest on overpayments.

* * * * *

(d) Claims based on deduction for bad debts or worthless securities.

If credit or refund of any part of an overpayment would be barred under section 322 (b), except for paragraph (5) thereof, or under section 322 (d), except for clause (2) thereof, no interest shall be allowed or paid with respect to such part of the overpayment for any period beginning after the expiration of the period of limitation provided in section 322 (b) (1) for filing claim for credit or refund of such part of the overpayment and ending at the expiration of six months after the date on which the claim was filed or, in case no claim was filed and the overpayment was found by the Board, ending at the time the petition was filed with the Board.

(e) Claims based on carry-back of loss or credit.

If the Commissioner determines that any part of an overpayment is attributable to the inclusion in computing the net operating loss deduction for the taxable year of any part of the net operating loss for a succeeding taxable year or to the inclusion in computing the unused excess profits credit adjustment for the taxable year of any part of the unused excess profits credit for a succeeding taxable year, no interest shall be allowed or paid with respect to such part of the overpayment for any period before the filing of a claim for credit or refund of such part of the overpayment or the filing of a petition with the Board, whichever is earlier; nor for any period beginning with the date of filing of an application under section 3780 (a) relating to such part of the overpayment and ending with the last date the Commissioner's determination is required to be made under section 3780 (b); nor, in case an application is made under section 3780 (a), for any period before the first day of the month immediately following the month in which falls the last date prescribed by law (including any extension of time granted the taxpayer) for filing the return for the taxable year of the net operating loss or unused excess profits credit, or before the date on which the return is filed, whichever is later.

(f) Estimated tax and tax withheld at source.

For date of payment in respect of estimated tax and of tax withheld at source on wages, see section 322 (e).

(g) Claims based upon relief under section 722.

If any part of an overpayment for a taxable year beginning prior to January 1, 1942, is determined by the Commissioner to be attributable to the final determination of an application for relief or benefit under section 722 for any taxable year, no interest

shall be allowed or paid with respect to such part of the overpayment. If any part of an overpayment for a taxable year beginning after December 31, 1941, is determined by the Commissioner to be attributable to the final determination of an application for relief or benefit under section 722 for any taxable year, no interest shall be allowed or paid with respect to such part of the overpayment for any period prior to one year after the filing of such application, or September 16, 1945, whichever is the later. (As amended Oct 21, 1942, 4:30 p. m., E. W. T., ch. 619, title I, §§ 124 (c), 153 (d), 172 (f) (5), 56 Stat. 821, 848, 893; June 9, 1943, 7 p. m., E. W. T., ch. 120, § 4 (e), 57 Stat. 141; Dec. 17, 1943, ch. 346, § 2 (b), 57 Stat. 601; July 31, 1945, ch 340, § 6 (b), 59 Stat. 525.)

AMENDMENTS

1945—Subsec (e) amended by act July 31, 1945, cited to text, which struck out period following "whichever is earlier" and inserted a semicolon and all text following it.

1943—Subsec. (f), formerly subsec. (e) as added by act Oct. 21, 1942, § 172 (f) (5), cited to text, was relettered (f) and amended by act June 9, 1943, also cited.

Subsec. (g) was added by act Dec 17, 1943, cited to text

1942—Subsec. (d) was amended by act Oct. 21, 1942, cited to text

Subsec (e), set out first, was added by act Oct 21, 1942, § 153 (d), cited to text, and subsec. (e), set out second, was added by act Oct 21, 1942, § 172 (f) (5), also cited

EFFECTIVE DATE

Amendment by act Oct. 21, 1942, § 124 (c), cited to text, adding subsec. (d) thereto, was made effective with respect to taxable years beginning after Dec. 31, 1938, by section 124 (d) thereof.

Amendment by act Oct 21, 1942, § 153 (d), cited to text, adding subsec (e) set out first therein, was made applicable to taxable years beginning after Dec. 31, 1940, by section 153 (e) thereof

Amendment by act Oct. 21, 1942, § 172 (f) (5), cited to text, adding subsec. (c) set out second therein, was made effective Jan. 1, 1943, applicable to all wages (as defined in Part II of Subchapter D) paid on or after such date, by section 172 (g) thereof.

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title.

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 3772. Suits for refund.

* * * * *

(d) Suits against collector a bar.

A suit against a collector (or former collector) or his personal representative for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected shall be treated as if the United States had been a party to such suit in applying the doctrine of res judicata in all suits instituted after June 15, 1942, in respect of any internal revenue tax, and in all proceedings in the Board and on review of decisions of the Board where the petition to the Board was filed after such date. (As amended Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 503, 56 Stat. 956.)

DERIVATION

R. S. § 3226, as amended by acts Feb 27, 1877, ch. 69, § 1, 19 Stat 248; Nov. 23, 1921, ch 136, § 1318, 42 Stat. 314 (repealed June 2, 1924, ch 234, § 1100, 43 Stat 352); Mar 4, 1923, ch 276, § 2, 42 Stat. 1505; June 2, 1924, ch. 234, § 1014 (a), 43 Stat 343 (repealed Feb 26, 1926, ch. 27, § 1200, 44 Stat 125); Feb 26, 1926, ch 27, § 1113 (a), 44 Stat. 116; June 6, 1932, ch 209, § 1103 (a), 47 Stat 286; June 22, 1936, ch. 690, § 807, 49 Stat. 1745 Said R. S. § 3226 was revised from acts July 13, 1866, ch. 184, § 19, 14 Stat 152; June 6, 1872, ch. 315, § 44, 17 Stat. 257.

§ 3777. Reports of refunds and credits in excess of $75,000.

* * * * *

(c) Tentative adjustments.

Any credit or refund allowed or made under section 3780 (b) or under section 124 (k) shall be made without regard to the provisions of subsection (a). In any such case, if the credit or refund, reduced by any deficiency in such tax thereafter assessed and by deficiencies in any other tax resulting from adjustments reflected in the determination of the credit or refund, is in excess of $75,000, there shall be submitted to such committee a report containing the matter specified in subsection (a) at such time after the making of the credit or refund as the Commissioner shall determine the correct amount of the tax. (As amended July 31, 1945, ch. 340, § 4 (c), 59 Stat. 523; Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, §[1] 151, 59 Stat. 574.)

AMENDMENTS

1945—Subsec. (c) added by act July 31, 1945, cited to text, and amended by act Nov. 8, 1945, § 151, cited to text, which struck out "Carry-Back" in the heading and inserted "or under section 124 (k)" after "section 3780 (b)".

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title

§ 3779. Extensions of time for payment of taxes by corporations expecting carry-backs—(a) In general.

If a corporation, in any taxable year ending on or after September 30, 1945, files with the collector a statement, as provided in subsection (b), with respect to an expected net operating loss carry-back or unused excess profits credit carry-back from such taxable year, the time for payment of all or part of any tax imposed by chapter 1 or 2 for the taxable year immediately preceding such taxable year shall be extended, to the extent and subject to the conditions and limitations hereinafter provided in this section.

(b) Contents of statement.

The statement with respect to an expected carry-back referred to in subsection (a) of this section shall be sworn to in the manner prescribed by section 52 in the case of a return and shall be filed at such time and in such manner and form as the Commissioner, with the approval of the Secretary, may by regulations prescribe. Such statement shall set forth that the corporation expects to have a net operating loss carry-back, as provided in section 122 (b), or an unused excess profits credit carry-back, as provided in section 710 (c) (3), from the taxable year in which

such statement is made, and shall set forth, in such detail and with such supporting data and explanation as such regulations shall require—

(1) the estimated amount of the expected net operating loss or unused excess profits credit;

(2) the reasons, facts, and circumstances which cause the corporation to expect such net operating loss or unused excess profits credit;

(3) the amount of the reduction, attributable to the expected carry-back, in the aggregate of the taxes previously determined for all taxable years affected by the carry-back prior to the taxable year of the expected loss or unused credit; such taxes previously determined being ascertained in accordance with the method prescribed in section 3801 (d); and such reduction being determined by applying the expected carry-back in the manner provided by law to the items on the basis of which such taxes were determined but such reduction being decreased by the amount of any credits under section 780 properly allocable to such reduction;

(4) the tax or taxes and the amount thereof the time for payment of which is to be extended; and

(5) such other information for the purpose of carrying out the provisions of this section as may be required by such regulations.

The collector shall, upon request, furnish a receipt for any statement filed, which shall set forth the date of such filing.

(c) Amount to which extension relates and instalment payments.

The amount the time for payment of which may be extended under subsection (a) with respect to any tax shall not exceed the amount of such tax shown on the return, increased by any amount assessed as a deficiency (or as interest or additions to the tax) prior to the date of filing the statement and decreased by any amount paid or required to be paid prior to the date of such filing, and the total amount of the taxes the time for payment of which may be extended shall not exceed the amount stated under clause (3) of subsection (b). For the purposes of this subsection, an amount shall not be considered as required to be paid unless shown on the return or assessed as a deficiency (or as interest or addition to the tax), and an amount assessed as a deficiency (or as interest or additions to the tax) shall be considered to be required to be paid prior to the date of filing of the statement if the tenth day after notice and demand for its payment occurs prior to such date. If an extension of time under this section relates to only a part of a tax, the time for payment of the remainder shall be considered to be the dates on which payments would have been required if such remainder had been the tax and the taxpayer had elected to pay the tax in four equal instalments as provided in section 56 (b).

(d) Period of extension.

The extension of time for payment provided in this section shall expire—

(1) on the last day of the month in which falls the last date prescribed by law (including any extension of time granted the taxpayer) for the filing of the return for the taxable year of the expected net operating loss or unused excess profits credit, or

(2) if an application for tentative carry-back adjustment provided in section 3780 with respect to such loss or unused credit is filed before the expiration of the period prescribed in clause (1), on the date on which notice is mailed by registered mail by the Commissioner to the taxpayer that such application is allowed or disallowed in whole or in part.

(e) Revised statements.

Each statement filed under subsection (a) with respect to any taxable year shall be in lieu of the last statement previously filed with respect to such year. If the amount the time for payment of which is extended under a statement filed is less than the amount under the last statement previously filed the extension of time shall be terminated as to the difference between the two amounts.

(f) Termination by commissioner.

The Commissioner is not required to make any examination of the statement, but he may make such examination thereof as he deems necessary and practicable. The Commissioner shall terminate the extension as to any part of the amount to which it relates which he deems should be terminated because, upon such examination, he believes that, as of the time such examination is made, all or any part of the statement clearly is in a material respect erroneous or unreasonable.

(g) Payments on termination.

If an extension of time is terminated under subsection (e) or (f) with respect to any amount, then—

(1) no further extension of time shall be made under this section with respect to such amount, and

(2) the time for payment of such amount shall be considered to be the dates on which payments would have been required if there had been no extension with respect to such amount and the taxpayer had elected to pay the tax in four equal instalments as provided in section 56 (b).

(h) Jeopardy.

If the Commissioner believes that collection of the amount to which an extension under this section relates is in jeopardy, he shall immediately terminate such extension and notice and demand shall be made by the collector for payment of such amount.

(i) Interest.

In the case of an amount the time for payment of which has been extended, there shall be collected as part of such amount interest from the dates on which payments would have been required if there had been no extension and the taxpayer had elected to pay the tax in four equal instalments as provided in section 56 (b)—

(1) upon so much of such amount as is satisfied under section 3780 (b) by applying or crediting thereto, within the period of extension, a decrease in tax determined in connection with an applica-

tion under section 3780 (a), interest at the rate of 3 per centum per annum to the date of such satisfaction, except that on so much of such satisfied amount as is not in excess of the amount of the deficiencies assessed under section 3780 (b) and which is not so satisfied, the rate shall be 6 per centum per annum; and

(2) upon the remainder of the amount the time for payment of which has been extended, interest at the rate of 6 per centum per annum to the date such amount is paid.

If the Commissioner determines that during the period of extension credit or refund of an overpayment has been allowed or made, or a deficiency assessed, affecting the amount to which the extension relates and that the taxpayer could not have taken such overpayment or deficiency into account in the statement or a revised statement, appropriate adjustment shall be made in the interest. (Added July 31, 1945, ch. 340, § 4 (a), 59 Stat. 519.)

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title.

§ 3780. Tentative carry-back adjustments—(a) Application for adjustment.

A taxpayer may file an application for a tentative carry-back adjustment of the taxes for prior taxable years affected by a net operating loss carry-back, provided in section 122 (b), or an unused excess profits credit carry-back, provided in section 710 (c) (3), from any taxable year ending on or after September 30, 1945 The application shall be verified in the manner prescribed by section 51 or section 52 in the case of a return of such taxpayer, and shall be filed, on or after the date of filing of the return for the taxable year of the net operating loss or unused excess profits credit from which the carry-back results and within a period of twelve months from the end of such taxable year, in the manner and form required by regulations prescribed by the Commissioner with the approval of the Secretary. The application shall set forth, in such detail and with such supporting data and explanation as such regulations shall require—

(1) the amount of the net operating loss or unused excess profits credit;

(2) the amount of the tax previously determined for each prior taxable year affected by such carry-back; the tax previously determined being ascertained in accordance with the method prescribed in section 3801 (d);

(3) the amount of increase or decrease in each such tax, attributable to such carry-back; such increase or decrease being determined by applying the carry-back in the manner provided by law to the items on the basis of which such taxes were determined. If an application under section 124 (j) for tentative adjustment of tax with respect to amortization has been previously filed but such adjustment has not been previously determined, then for the purposes of this section the assessments, applications, credits, and refunds provided for in section 124 (k) shall be considered as having previously been made upon the basis of such application under section 124 (j);

(4) the amount by which the aggregate of such decreases exceeds the aggregate of such increases;

(5) the unpaid amount of each such tax, not including any amount required to be shown under paragraph (6);

(6) the amount, with respect to each tax for the taxable year immediately preceding the taxable year of such loss or unused credit, as to which an extension of time for payment under section 3779 is in effect; and

(7) such other information for the purposes of carrying out the provisions of this section as may be required by such regulations.

An application under this subsection shall not constitute a claim for credit or refund.

(b) Allowance of adjustments.

Within a period of ninety days from the date on which an application for a tentative carry-back adjustment is filed under subsection (a), or from the last day of the month in which falls the last date prescribed by law (including any extension of time granted the taxpayer) for filing the return for the taxable year of the net operating loss or unused excess profits credit from which such carry-back results, whichever is the later, the Commissioner shall make, to the extent he deems practicable in such period, a limited examination of the application, to discover omissions and errors of computation therein, and shall determine the amount of the increase or decrease in each tax attributable to such carry-back upon the basis of the application and the examination, except that the Commissioner may disallow, without further action, any application which he finds contains errors of computation which he deems cannot be corrected by him within such ninety-day period or material omissions. Each such increase shall be deemed determined as a deficiency and shall be assessed, without regard to the restrictions on assessment in section 272. Each such decrease shall be applied against any unpaid amount of the tax decreased (including any amount of such tax as to which an extension of time under section 3779 is in effect) and any remainder shall be credited—

(1) against the deficiencies (and additions to the tax) assessed under this subsection.

(2) against any unsatisfied amount of any tax for the taxable year immediately preceding the taxable year of the net operating loss or unused excess profits credit the time for payment of which tax is extended under section 3779, and

any remainder shall, within such ninety-day period, be either credited against any income, war profits, or excess profits tax or instalment thereof then due from the taxpayer, or refunded to the taxpayer. The application, credit or refund of a decrease determined under this subsection shall be deemed a credit or refund of an overpayment within the meaning of sections 781 (b) and 3807 (b) (1).

(c) Assessment of erroneous allowances.

If the Commissioner determines that the amount applied, credited or refunded under subsection (b)

is in excess of the overassessment attributable to the carry-back with respect to which such amount was applied, credited or refunded, he may assess the amount of the excess as a deficiency as if it were due to a mathematical error appearing on the face of the return, as provided in section 272 (f). Upon making such assessment, the Commissioner shall schedule as an overassessment the decrease in any other tax resulting from the adjustments reflected in the computation of the deficiency. (Added July 31, 1945, ch. 340, § 4 (a), 59 Stat. 521.)

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title

§ 3781. Extension of time and tentative carry-back and amortization adjustments in the case of consolidated returns.

If the corporation seeking an extension of time under section 3779, a tentative carry-back adjustment under section 3780, or a tentative adjustment with respect to an amortization deduction under section 124 (j) and (k), made or was required to make a consolidated return, either for the taxable year within which the net operating loss or the unused excess profits credit arises or within which the election is made to terminate the amortization period, or for a preceding taxable year affected by such loss, credit, or election, the provisions of such sections shall apply only to such extent and subject to such conditions, limitations, and exceptions as the Commissioner, with the approval of the Secretary, may by regulations prescribe. (Added July 31, 1945, ch. 340, § 4 (a), 59 Stat. 523)

SHORT TITLE

Short title of act July 31, 1945, cited to text, amending section, see note set out under section 124 of this title.

Chapter 38.—MISCELLANEOUS PROVISIONS

Sec

3802 Exemption of consular officers and employees of foreign states from payment of internal revenue taxes on imported articles (New).
(a) Rule of exemption.
(b) Certificate by Secretary of State
3803 Separability clause (New).
3804. Time for performing certain acts postponed by reason of war (New).
3805 Income tax due dates postponed in case of China Trade Act corporations (New).
3806 Mitigation of effect of renegotiation of war contracts or disallowance of reimbursement (New).
3807. Period of limitations in case of related taxes under chapter 1 and chapter 2 (New).
3808 Deferment of tax attributable to service pay for commissioned service and of tax attributable to pre-service earned income (New).
(a) Definitions.
(b) Extension of time for payment.
(c) Suspension of period of limitation.
(d) Estimated tax.

§ 3790. Prohibition of administrative review of Commissioner's decisions.

In the absence of fraud or mistake in mathematical calculation, the findings of facts in and the decision of the Commissioner upon (or in case the Secretary is authorized to approve the same, then after such approval) the merits of any claim presented under or authorized by the internal revenue laws shall not, except as provided in chapter 5, be subject to review by any other administrative or accounting officer, employee, or agent of the United States. In the absence of fraud or mistake in mathematical calculation, the allowance or nonallowance by the Commissioner, of interest on any credit or refund under the internal revenue laws shall not, except as provided in Chapter 5, be subject to review by any other administrative or accounting officer, employee, or agent of the United States. (As amended June 9, 1943, 7 p. m., E. W. T., ch. 120, § 4 (f), 57 Stat. 141.)

AMENDMENTS

1943—Act June 9, 1943, cited to text, added sentence at end beginning "In the absence", etc.

§ 3797. Definitions.

(a) * * *

* * * * *

(15) Military or naval forces of the United States.

The term "military or naval forces of the United States" includes the Marine Corps, the Coast Guard, the Army Nurse Corps, Female, the Women's Army Auxiliary Corps, the Navy Nurse Corps, Female, and the Women's Reserve branch of the Naval Reserve.

* * * * *

(17) Husband and wife.

As used in sections 22 (k), 23 (u), 171, and the last sentence of section 25 (b) (3), if the husband and wife therein referred to are divorced, wherever appropriate to the meaning of such sections, the term "wife" shall be read "former wife" and the term "husband" shall be read "former husband"; and, if the payments described in such sections are made by or on behalf of the wife or former wife to the husband or former husband instead of vice versa, wherever appropriate to the meaning of such sections, the term "husband" shall be read "wife" and the term "wife" shall be read "husband".

(18) International organization.

The term "international organization" means a public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act. (As amended Oct. 21, 1942, 4.30 p. m., E. W. T., ch 619, title I, § 120 (f), title V, § 511, 56 Stat. 970; May 29, 1944, 7 p. m., E. W T., ch. 210, part I, § 10 (i), 58 Stat. 240; Dec. 29, 1945, ch 652, title I, § 4 (i), 59 Stat. 671.)

* * * * *

AMENDMENTS

1945—Subsec (a) amended by act Dec. 29, 1945, cited to text, which added par (18).

1944—Subsec (a) (17) amended by act May 29, 1944, cited to text, which struck out "25 (b) (2) (A), and 171, and the last sentence of section 401 (a) (2)" and inserted in lieu thereof "171, and the last sentence of section 25 (b) (3)".

1942—Subsec (a), par. (15) was amended, and par. (17) was added by act Oct. 21, 1942, cited to text.

EFFECTIVE DATE

Amendment of subsec. (a) (17) by act May 29, 1944, § 10 (i), cited to text, was made applicable to taxable years beginning after Dec. 31, 1943, by section 2 thereof.

Amendment of subsec. (a), inserting new par. (17), by act Oct. 21, 1942, § 120 (f), cited to text, was made effective by section 120 (g) thereof as follows: "(g) The amendments made by this section (to sections 22 (b) (2), (k),

23 (u), 25 (b) (2) (A), 171 and 3797 (a) (17)) shall be applicable only with respect to taxable years beginning after December 31, 1941; except that if the first taxable year beginning after December 31, 1941, of the husband does not begin on the same day as the first taxable year beginning after December 31, 1941, of the wife, such amendments shall first become applicable in the case of the husband on the first day of the wife's first taxable year beginning after December 31, 1941, regardless of the taxable year of the husband in which such day falls."

TREATY OBLIGATIONS

Section 109 of act Oct. 21, 1942, cited to text, provided as follows: "No amendment made by this title shall apply in any case where its application would be contrary to any treaty obligation of the United States."

§ 3801. Mitigation of effect of limitation and other provisions in income tax cases.

* * * * *

(d) Ascertainment of amount of adjustment.

In computing the amount of an adjustment under this section there shall first be ascertained the tax previously determined for the taxable year with respect to which the error was made. The amount of the tax previously determined shall be the excess of—

(1) the sum of (A) the amount shown as the tax by the taxpayer upon his return (determined as provided in section 271 (b) (1) and (3)), if a return was made by the taxpayer and an amount was shown as the tax by the taxpayer thereon, plus (B) the amounts previously assessed (or collected without assessment) as a deficiency over—

(2) the amount of rebates, as defined in section 271 (b) (2), made.

There shall then be ascertained the increase or decrease in the tax previously determined which results solely from the correct exclusion, inclusion, allowance, disallowance, recognition, or nonrecognition, of the item, inclusion, deduction, credit, gain, or loss, which was the subject of the error. The amount so ascertained (together with any amounts wrongfully collected, as additions to the tax or interest, as a result of such error) shall be the amount of the adjustment under this section. (As amended May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 14 (b), 58 Stat. 246.)

* * * * *

AMENDMENTS

1944—Subsec. (d) amended by act May 29, 1944, cited to text, which omitted second sentence relating to ascertainment of amount of deduction, and inserted in lieu thereof sentence beginning "The amount of the tax previously determined", etc.

EFFECTIVE DATE

Subsec. (e) of act May 29, 1944, § 14, cited to text, provided in part, "The amendment made by subsection (b) to section 3801 (d) of the Internal Revenue Code shall, for the purposes of such section and sections 124, 130, and 3807 of such Code, be applicable in the determination of a tax previously determined only if such tax is for a taxable year beginning after December 31, 1942."

§ 3802. Exemption of consular officers and employees of foreign states from payment of internal revenue taxes on imported articles—(a) Rule of exemption.

No internal-revenue tax shall be imposed with respect to articles imported by a consular officer of a foreign state or by an employee of a consulate of a foreign state whether such articles accompany the officer or employee to his post in the United States, its insular possessions, or the Panama Canal Zone, or are imported by him at any time during the exercise of his functions therein, if—

(1) such officer or employee is a national of the state appointing him and not engaged in any profession, business, or trade within the territory specified in subsection (a);

(2) the articles are imported by the officer or employee for his personal or official use; and

(3) the foreign state grants an equivalent exemption to corresponding officers or employees of the Government of the United States stationed in such foreign state.

(b) Certificate by Secretary of State.

The Secretary of State shall certify to the Secretary of the Treasury the names of the foreign states which grant an equivalent exemption to the consular officers or employees of the Government of the United States stationed in such foreign states. (Added May 9, 1941, ch. 96, 55 Stat. 184.)

RENUMBER

Former section 3802 was renumbered "3803" by act May 9, 1941, cited to text.

§ 3803. Separability clause.

If any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remainder of the title, and the application of such provisions to other persons or circumstances, shall not be affected thereby. (Formerly § 3802, 53 Stat. 173; renumbered § 3803, May 9, 1941, ch. 96, 55 Stat. 184.)

§ 3804. Time for performing certain acts postponed by reason of war—(a) Individuals.

The period of time after December 6, 1941, during which an individual is continuously outside the Americas (if such period is longer than ninety days), and the next ninety days thereafter, shall be disregarded in determining, under the internal revenue laws, in respect of any tax liability (including any interest, penalty, additional amount, or addition to the tax) of such individual—

(1) Whether any of the following acts was performed within the time prescribed therefor:

(A) filing any return of income, estate, or gift tax (except income tax withheld at source and income tax imposed by Chapter 9 or any law superseded thereby);

(B) payment of any income, estate, or gift tax (except income tax withheld at source and income tax imposed by Chapter 9 or any law superseded thereby) or any installment thereof or of any other liability to the United States in respect thereof;

(C) filing a petition with the Board of Tax Appeals for redetermination of a deficiency, or for review of a decision rendered by the Board;

(D) allowance of a credit or refund of any tax;

(E) filing a claim for credit or refund of any tax;

(F) bringing a suit upon any such claim for credit or refund;

(G) assessment of any tax;

(H) giving or making any notice or demand, for the payment of any tax, or with respect to any liability to the United States in respect of any tax;

(I) collection, by the Commissioner or the collector, by distraint or otherwise, of the amount of any liability in respect of any tax;

(J) bringing suit by the United States, or any officer on its behalf, in respect of any liability in respect of any tax; and

(K) any other act required or permitted under the internal revenue laws specified in regulations prescribed under this section by the Commissioner with the approval of the Secretary;

(2) The amount of any credit or refund (including interest).

(b) Other taxpayers and other circumstances.

In any case to which subsection (a) does not apply in which it is determined by the Commissioner, under regulations prescribed by him with the approval of the Secretary, that—

(1) By reason of an individual being outside the Americas, or

(2) By reason of any locality (within or without the Americas) being an area of enemy action or being an area under the control of the enemy, as determined by the Commissioner, or

(3) By reason of an individual in the military or naval forces of the United States being outside the States of the Union and the District of Columbia, it is impossible or impracticable to perform any one or more of the acts specified in subsection (a), then in determining, under the internal-revenue laws whether such act was performed within the time prescribed therefor, in respect of any tax liability (including any interest, penalty, additional amount, or addition to tax) affected by the failure to perform such act within such time, and in determining the amount of any credit or refund (including interest) affected by such failure, there shall be disregarded such period after December 6, 1941, as may be prescribed by such regulations.

(c) Limitation on time to be disregarded.

The period of time disregarded under this section shall not extend beyond whichever of the following dates is the earlier:

(1) the fifteenth day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President; or

(2) in the case of an individual with respect to whom a period of time is disregarded under this section, the fifteenth day of the third month following the month in which an executor, administrator, or a conservator of the estate of such individual qualifies.

(d) Exceptions—(1) Tax in jeopardy; bankruptcy and receiverships; and transferred assets.

Notwithstanding the provisions of subsection (a) or (b), any action or proceeding authorized by section 146 (regardless of the taxable year for which the tax arose), 273, 274, 311, 872, 900, 1013, 1015, 1025, or 3660, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted. In any other case in which the Commissioner determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of subsections (a) and (b) shall not operate to stay collection of such amount by distraint or otherwise as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this paragraph the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under subsection (a) or (b). In any case to which this paragraph relates, if the Commissioner or collector is required to give any notice to or make any demand upon any person, such requirement shall be deemed to be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the Commissioner or collector is in an area for which United States post offices under instructions of the Postmaster General are not, by reason of the war, accepting mail for delivery at the time the notice or demand is signed. In such case the notice or demand shall be deemed to have been given or made upon the date it is signed.

(2) Action taken before ascertainment of right to benefits.

The assessment or collection of any internal revenue tax or of any liability to the United States in respect of any internal revenue tax, or any action or proceeding by or on behalf of the United States in connection therewith, may be made, taken, begun, or prosecuted in accordance with law, without regard to the provisions of subsection (a) or (b), unless prior to such assessment, collection, action, or proceeding it is ascertained that the person concerned is entitled to the benefits of subsection (a) or (b).

(3) Expiration of period of limitations prior to enactment of this section.

This section shall not operate to extend the time for performing any act specified in subsection (a) (1) (G), (H), (I), or (J) if such time under the law in force prior to the date of enactment of this section expired prior to such date.

(e) Definitions.

For purposes of this section—

(1) Americas.

The term "Americas" means North, Central, and South America (including the West Indies but not Greenland), and the Hawaiian Islands.

(2) When individual ceases to be outside Americas or within an area of enemy action.

For the purpose of determining whether any act specified in subsection (a) (1) (G), (H), (I), or (J) was performed within the time prescribed therefor, if any period of time is disregarded under this section by reason of any individual being outside the Americas or within an area of enemy action or control, such individual shall not, if he returns to the Americas or leaves such area after the date of enactment of this section, be deemed to have returned to the Americas or ceased to be within such area before the date upon which the Commissioner receives from such individual a notice thereof in such

form as the Commissioner, with the approval of the Secretary, shall by regulations prescribe. A similar rule shall be applied in the case of a member of the military or naval forces of the United States with respect to whom a period of time is disregarded under this section by reason of being outside the States of the Union and the District of Columbia.

(3) When executor, administrator, or conservator qualifies.

For the purpose of determining whether any act specified in subsection (a) (1) (G), (H), (I), or (J) was performed within the time prescribed therefor, the month in which an executor, administrator, or conservator qualifies, if he qualifies after the date of enactment of this section, shall be deemed to be the month in which the Commissioner receives from him a notice thereof in such form as the Commissioner, with the approval of the Secretary, shall by regulations prescribe. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 507 (a), 56 Stat. 961.)

EFFECTIVE DATE

Section 507 (c) of act Oct 21, 1942, cited to text, provided as follows "(c) The provisions of sections 3804 and 3805, as added by subsection (a) of this section, shall be effective as if they were enacted on December 7, 1941; except that the phrase 'date of enactment of this section', when used in subsections (d) (3) and (e) (2) and (3) of section 3804, means the date of enactment of this Act (Oct 21, 1942, 4·30 p m , E W. T) Any amount of interest, penalty, additional amount, or addition to the tax otherwise allowable as a refund or credit under the internal-revenue laws (including sections 3805 and 3804, except subsection (d) (2)) may be refunded or credited without regard to section 3804 (d) (2). No interest shall be allowed or paid by the United States upon any amount refunded or credited by reason of this subsection "

LIMITATION OF SECTION UNDER OTHER LAWS

Section 507 (b) (1, 2A) of act Oct. 21, 1942, cited to text, provided as follows.

"(b) (1) The amendments made by this section (adding sections 3804 and 3805 of this title and section 527 of Appendix to Title 50) shall not be construed to shorten any period fixed under the provisions of section 13 or 14 of the Act approved March 7, 1942 (Public Law 490—77th Congress), (50 U. S C. App §§ 1013, 1014) within which any act may be done, except that any action or proceeding authorized under section 3804 (d) (1) of the Internal Revenue Code, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted without regard to the period so fixed

"(2) (A) The amendments made by this section (adding sections 3804 and 3805 of this title and section 527 of Appendix to Title 50) shall not be construed to shorten any period fixed under the provisions of section 513 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U S C. App § 573) within which any act may be done, except that any action or proceeding authorized under section 3804 (d) (1) of the Internal Revenue Code, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted without regard to the period so fixed "

§ 3805. Income tax due dates postponed in case of China Trade Act corporations.

In the case of any taxable year beginning after December 31, 1940, no Federal income tax return of, or payment of any Federal income tax by, any corporation organized under the China Trade Act, 1922 (42 Stat. 849, U. S. C., Title 15, chapter 4), shall become due until the fifteenth day of the sixth month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President. Such due date is prescribed subject to the power of the Commissioner to extend the time for filing such return or paying such tax, as in other cases. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 507 (a), 56 Stat. 961.)

EFFECTIVE DATE

Section 507 (c) of act Oct 21, 1942, cited to text, provided as follows: "(c) The provisions of sections 3804 and 3805, as added by subsection (a) of this section, shall be effective as if they were enacted on December 7, 1941; except that the phrase 'date of enactment of this section', when used in subsections (d) (3) and (e) (2) and (3) of section 3804, means the date of enactment of this Act (Oct 21, 1942, 4·30 p. m , E W. T.). Any amount of interest, penalty, additional amount, or addition to the tax otherwise allowable as a refund or credit under the internal-revenue laws (including sections 3805 and 3804, except subsection (d) (2)) may be refunded or credited without regard to section 3804 (d) (2). No interest shall be allowed or paid by the United States upon any amount refunded or credited by reason of this subsection."

LIMITATION OF SECTION UNDER OTHER LAWS

See note under section 3804 of this title.

§ 3806. Mitigation of effect of renegotiation of war contracts or disallowance of reimbursement—(a) Reduction for prior taxable year—(1) Excessive profits eliminated for prior taxable year.

In the case of a contract with the United States or any agency thereof, or any subcontract thereunder, which is made by the taxpayer, if a renegotiation is made in respect of such contract or subcontract and an amount of excessive profits received or accrued under such contract or subcontract for a taxable year (hereinafter referred to as "prior taxable year") is eliminated and, in a taxable year ending after December 31, 1941, the taxpayer is required to pay or repay to the United States or any agency thereof the amount of excessive profits eliminated or the amount of excessive profits eliminated is applied as an offset against other amounts due the taxpayer, the part of the contract or subcontract price which was received or was accrued for the prior taxable year shall be reduced by the amount of excessive profits eliminated. For the purposes of this section—

(A) The term "renegotiation" includes any transaction which is a renegotiation within the meaning of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.)[1] or such section, as amended, any modification of one or more contracts with the United States or any agency thereof, and any agreement with the United States or any agency thereof in respect of one or more such contracts or subcontracts thereunder.

(B) The term "excessive profits" includes any amount which constitutes excessive profits within the meaning assigned to such term by subsection (a) of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.), as amended,[1] any part of the contract price of a contract with the United States or any agency thereof, any part of the subcontract price of a subcontract under such a contract, and any profits derived from one or more such contracts or subcontracts.

(C) The term "subcontract" includes any purchase order or agreement which is a subcontract within the meaning assigned to such term by subsection (a) of section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Cong., 2d Sess.), as amended.[1]

(2) Reduction of reimbursement for prior taxable year.

In the case of a cost-plus-a-fixed-fee contract between the United States or any agency thereof and the taxpayer, if an item for which the taxpayer has been reimbursed is disallowed as an item of cost chargeable to such contract and, in a taxable year beginning after December 31, 1941, the taxpayer is required to repay the United States or any agency thereof the amount disallowed or the amount disallowed is applied as an offset against other amounts due the taxpayer, the amount of the reimbursement of the taxpayer under the contract for the taxable year in which the reimbursement for such item was received or was accrued (hereinafter referred to as "prior taxable year") shall be reduced by the amount disallowed.

(3) Deduction disallowed.

The amount of the payment, repayment, or offset described in paragraph (1) or paragraph (2) shall not constitute a deduction for the year in which paid or incurred

(4) Exception.

The foregoing provisions of this subsection shall not apply in respect of any contract if the taxpayer shows to the satisfaction of the Commissioner that a different method of accounting for the amount of the payment, repayment, or disallowance clearly reflects income, and in such case the payment, repayment, or disallowance shall be accounted for with respect to the taxable year provided for under such method, which for the purposes of subsections (b) and (c) shall be considered a prior taxable year.

(b) Credit against repayment on account of renegotiation or allowance—(1) General rule.

There shall be credited against the amount of excessive profits eliminated the amount by which the tax for the prior taxable year under Chapter 1, Chapter 2A, Chapter 2B, Chapter 2D, and Chapter 2E, is decreased by reason of the application of paragraph (1) of subsection (a); and there shall be credited against the amount disallowed the amount by which the tax for the prior taxable year under Chapter 1, Chapter 2A, Chapter 2B, Chapter 2D, and Chapter 2E, is decreased by reason of the application of paragraph (2) of subsection (a).

(2) Special rules as to individuals for 1942 and 1943.

In the case of an individual subject to the provisions of sections 58, 59, and 60 of Chapter 1 and to the provisions of section 6 of the Current Tax Payment Act of 1943—[2]

(A) No credit shall be allowed under paragraph (1) of this subsection for any amount by which the tax for the taxable year 1942 under Chapter 1 is decreased by the application of paragraph (1) or paragraph (2) of subsection (a). If, contrary to the foregoing provisions of this subparagraph, any part of the amount shown on the return as such tax for the taxable year 1942 or any part of an amount assessed as such tax for such year or as an addition to such tax is credited against excessive profits eliminated for such year or against an amount disallowed for such year, the individual shall pay into the Treasury an amount equal to the amount of such credit, and if such amount is not voluntarily paid, the Commissioner shall, despite the provisions of the Current Tax Payment Act of 1943,[4] collect the same under the usual methods employed to collect the tax imposed by Chapter 1. For the purposes of this section the amount required by this subparagraph to be paid into the Treasury shall be considered as an amount of excessive profits eliminated for the taxable year 1942, or an amount disallowed for such year, as the case may be; and despite the provisions of the Current Tax Payment Act of 1943,[3] the payment of such amount shall not be considered as payment on account of the tax or estimated tax for the taxable year 1943.

(B) In the case of a renegotiation with respect to the taxable year 1942 which is made after the enactment of the Current Tax Payment Act of 1943 [3] and prior to the date on which the individual files his return for the taxable year 1943 and with respect to which payment or repayment of the excessive profits eliminated or any part thereof is deferred by agreement, if the amount shown as the tax on the return for the taxable year 1943 reflects the application of paragraph (1) of subsection (a) with respect to the taxable year 1942 and is computed in accordance with the provisions of section 6 of the Current Tax Payment Act of 1943,[4] there shall be credited against the excessive profits eliminated for the taxable year 1942 the amount by which the sum of the estimated tax previously paid for the taxable year 1943 and the payments on account of the taxable year 1942 which are treated as payments on account of the estimated tax for the taxable year 1943, exceeds the amount shown as the tax on the return for the taxable year 1943: *Provided,* That the amount allowable as a credit under the foregoing provisions of this subparagraph shall not exceed (i) the amount of credit of overpayment of tax provided for in the agreement deferring payment or repayment of excessive profits eliminated or (ii) the amount of excessive profits eliminated for the taxable year 1942 which, at the time the credit is allowed, have not been paid or repaid to the United States or an agency thereof or applied as an offset against other amounts due the individual. If any credit is allowed under this subparagraph, no other credit or refund under the internal revenue laws shall be made on account of the amount so allowed with respect to the taxable year 1943. Any credit of overpayment of tax allowed pursuant to the agreement deferring payment or repayment of

excessive profits eliminated shall be considered as a credit allowed under this subparagraph.

(C) Except as prevented by the provisions of the foregoing subparagraph (B), there shall be credited against the amount of excessive profits eliminated for the taxable year 1942 the amount by which the tax for the taxable year 1943 as computed under section 6 of the Current Tax Payment Act of 1943 [3] is decreased by reason of the application of paragraph (1) of subsection (a) with respect to the taxable year 1942; and there shall be credited against the amount disallowed for the taxable year 1942 the amount by which the tax for the taxable year 1943 as computed under section 6 of the Current Tax Payment Act of 1943 [2] is decreased by reason of the application of paragraph (2) of subsection (a) with respect to the taxable year 1942.

For the purposes of the foregoing provisions of this paragraph, the terms "taxable year 1942" and "taxable year 1943" shall have the meanings assigned to them by section 6 (g) of the Current Tax Payment Act of 1943.[2]

(3) Credit for barred year.

If at the time of the payment, repayment, or offset described in paragraph (1) or paragraph (2) of subsection (a), refund or credit of tax under Chapter 1, Chapter 2A, Chapter 2D, or Chapter 2E, for the prior taxable year, is prevented (except for the provisions of section 3801) by any provision of the internal-revenue laws other than section 3761, or by rule of law, the amount by which the tax for such year under such chapters is decreased by the application of paragraph (1) or paragraph (2) of subsection (a) shall be computed under this paragraph. There shall first be ascertained the tax previously determined for the prior taxable year. The amount of the tax previously determined shall be the excess of—

(1) the sum of (A) the amount shown as the tax by the taxpayer upon his return (determined as provided in section 271 (b) (1) and (3)), if a return was made by the taxpayer and an amount was shown as the tax by the taxpayer thereon, plus (B) the amounts previously assessed (or collected without assessment) as a deficiency, over—

(2) the amount of rebates, as defined in section 271 (b) (2), made. There shall then be ascertained the decrease in tax previously determined which results solely from the application of paragraph (1) or paragraph (2) of subsection (a) to the prior taxable year. The amount so ascertained, together with any amounts collected as additions to the tax or interest, as a result of paragraph (1) or paragraph (2) of subsection (a) not having been applied to the prior taxable year shall be the amount by which such tax is decreased.

(4) Interest.

In determining the amount of the credit under this subsection no interest shall be allowed with respect to the amount ascertained under paragraph (1) or paragraph (2); except that if interest is charged by the United States or the agency thereof on account of the disallowance for any period before the date of the payment, repayment, or offset, the credit shall be increased by an amount equal to interest on the amount ascertained under either such paragraph at the same rate and for the period (prior to the date of the payment, repayment, or offset) as interest is so charged.

(c) Credit in lieu of other credit or refund.

If a credit is allowed under subsection (b) with respect to a prior taxable year no other credit or refund under the internal-revenue laws founded on the application of subsection (a) shall be made on account of the amount allowed with respect to such taxable year. If the amount allowable as a credit under subsection (b) exceeds the amount allowed under such subsection, the excess shall, for the purposes of the internal-revenue laws relating to credit or refund of tax, be treated as an overpayment for the prior taxable year which was made at the time the payment, repayment, or offset was made (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 508, 56 Stat. 964, amended Feb 25, 1944, 12:49 p. m., E W. T., ch. 63, title VII, § 701 (c) (1–3), 58 Stat. 90; May 29, 1944, 7 p. m., E. W. T., ch. 210, part I, § 14 (b), 58 Stat. 246.)

[1] Section 403 of the Sixth Supplemental National Defense Appropriation Act (Public 528, 77th Congress, 2d Sess.), is set out as section 1191 of Appendix to Title 50, War

[2] Section 6 of Current Tax Payment Act of 1944 set out as a note under section 1622 of this title.

[3] Current Tax Payment Act of 1943 affected sections 22, 34, 35, 56, 58–60, 145, 217, 218, 294, 294 note, 322, prec 421, 421, 476, 476 note, 811 note, 1000 note, prec 1621, 1621, 1622, 1622 note, 1623–1632, 3770, 3771, 3790, prec. 3905, 3905, 3906 of this title

AMENDMENTS

1944—Subsec. (a) (1) (B) and (a) (1) (C) amended by act Feb 25, 1944, cited to text, which struck out "by the Revenue Act of 1942".

Subsec. (b) amended by act Feb 25, 1944, cited to text, which inserted "Chapter 2B" immediately following "Chapter 2A" wherever appearing in pars. (1) and (2), renumbered pars. (2) and (3) to be pars. (3) and (4), respectively, and inserted a new par (2)

Subsec (b) (3) amended by act May 29, 1944, cited to text, which omitted third sentence relating to credit for barred year, and inserted in lieu thereof sentence beginning "The amount of the tax previously determined" etc.

EFFECTIVE DATE

Subsec (c) of act May 29, 1944, § 14, cited to text, provided in part "The amendment made by subsection (b) to section 3806 (b) (3) of such Code shall, for the purposes of such section, be applicable in the determination of a tax previously determined only if such tax is for a taxable year beginning after December 31, 1942."

Amendments to subsecs (a) (1) (B), (a) (1) (C), (b) (1), (b) (2) [renumbered 3], (b) (4) by act Feb 25, 1944, § 701 (C) (1–3), cited to text, were effective on Feb. 25, 1944, 12:49 p m, E W T

Amendments made by addition of subsec. (b) (2) to section by act Feb 25, 1944, § 701 (c) (3), cited to text, were made effective by section 701 (c) (4) thereof, which provided as follows: "The amendments made by paragraph (2) shall be effective as if they were a part of section 3806 of the Internal Revenue Code on the date of the enactment of the Revenue Act of 1942"

§ 3807. Period of limitations in case of related taxes under chapter 1 and chapter 2.

(a) Definitions.

As used in this section—

(1) The term "tax previously determined" shall have the meaning assigned to such term by section 3801 (d).

(2) The term "the same taxable year" shall include any taxable year which coincides in whole or in part with the taxable year for which the determination referred to in subsection (b) is made.

(b) Extension of period of limitations.

If—

(1) under a determination in respect of a tax imposed by Chapter 1 or Chapter 2, a deficiency is assessed or a credit or refund of an overpayment is allowed, within the period of limitations properly applicable thereto, and

(2) the application of the law or facts determined in the ascertainment of such deficiency or overpayment to any other such tax of the taxpayer under Chapter 1 or Chapter 2 for the same taxable year would result in an increase or decrease in the amount of the tax previously determined in respect of such other tax, and

(3) on any date prior to the expiration of one year from the assessment of a deficiency or the allowance of a credit or refund in respect of the tax referred to in paragraph (1), the assessment of a deficiency or the allowance of a credit or refund in respect of the tax referred to in paragraph (2) is prevented (except for the provisions of section 3801 or 734) by the operation (whether before, on, or after the date of enactment of the Revenue Act of 1943) of any law or rule of law other than this section and other than section 3761 (relating to compromises),

then upon such date the increase or decrease in the tax referred to in paragraph (2) shall be considered a deficiency or an overpayment, as the case may be. Such deficiency may be assessed and collected or such overpayment may be credited or refunded as if on the date the deficiency is assessed or the credit or refund allowed in respect of the tax referred to in paragraph (1) one year remained before the expiration of the periods of limitation upon assessment or filing claim for refund in respect of the tax referred to in paragraph (2) for the same taxable year.

(c) Adjustment unaffected by other items, etc.

In determining whether an increase or decrease in the amount of the tax previously determined shall be considered to result from the application of the law or facts under a determination referred to in subsection (b) (1) changes shall be made in items which are the subject of such determination and in items which are affected thereby, and in no others. The amount which may be assessed or allowed as a credit or refund under subsection (b) shall not be diminished by any credit or set-off based upon any item which was not the subject of such determination or affected thereby. Such amount, if paid, shall not be recovered by a claim or suit for refund or suit for erroneous refund based upon any item which was not the subject of such determination or affected thereby, except in connection with a subsequent application of this section.

(d) Application to affiliated groups.

As used in subsection (b) the term "any other such tax of the taxpayer" shall, if the taxpayer was a member of an affiliated group, also include any other such tax of any other member of the group. (Added Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title V, § 513 (a), 58 Stat. 75.)

EFFECTIVE DATE

Addition of this section by act Feb. 25, 1944, § 513 (a), cited to text, was made applicable to taxable years beginning after Dec. 31, 1939, by section 513 (b) thereof.

§ 3808. Deferment of tax attributable to service pay for commissioned service and of tax attributable to pre-service earned income.

(a) Definitions.

As used in this section—

(1) Tax attributable to service pay.

The term "tax attributable to service pay" means—

(A) in the case of a war year for which the taxpayer had no gross income other than compensation for active service as a member of the military or naval forces of the United States, the tax imposed under chapter 1 for such year; or

(B) in the case of a war year for which the taxpayer had gross income in addition to compensation for active service as a member of the military or naval forces of the United States, the excess of the tax imposed under chapter 1 for such year over the tax that would have been imposed if such compensation had been excluded from gross income;

except that in the case of a commissioned officer (or a commissioned warrant officer) of the regular component of the Army, Navy, Marine Corps, or Coast Guard, such term shall not apply to any war year unless, at the time prescribed for the payment of the tax under chapter 1 for such year, a period of time was being disregarded under section 3804.

(2) War year.

The term "war year"—

(A) when used with respect to the tax attributable to service pay means any taxable year beginning after December 31, 1939, and before January 1, 1947; and

(B) when used with respect to the tax attributable to pre-service earned income means any taxable year beginning after December 31, 1939, but before January 1, 1942, and before the taxpayer entered upon active service as a member of the military or naval forces of the United States, but does not include any year unless part of the tax imposed by chapter 1 for such year became due any payable after the taxpayer entered upon such active service.

(3) Tax attributable to pre-service earned income.

The term "tax attributable to pre-service earned income" means the excess of the tax imposed by chapter 1 for any war year over the tax that would have been imposed for such year if there had been

excluded from the net income for such year the amount of the earned net income (as such term was defined in section 25 (a) (4) as in force with respect to such year, except that in computing such earned net income, compensation for active service in such forces shall be disregarded).

(4) First installment date.

The term "first installment date" means May 15, 1946, in the case of taxpayers released from active duty in the military or naval forces of the United States prior to December 1, 1945; and in other cases June 15, 1947, or the fifteenth day of the sixth month which begins after the date of the taxpayer's release from active duty in such forces, whichever is the earlier; except that, if the first installment date with respect to any war year would otherwise occur earlier than the fifteenth day of the third month following the close of such year, the first installment date with respect to such year shall be the fifteenth day of such third month.

(b) Extension of time for payment.

Upon application with respect to any war year, made prior to the first installment date, and under regulations prescribed by the Commissioner with the approval of the Secretary—

(1) the time for payment of an amount of the tax under chapter 1 for such year which is equal to the tax attributable to service pay for such year and which has not been paid before the filing of such application; and

(2) the time for the payment of an amount of the tax under chapter 1 for such year which is equal to the tax attributable to pre-service earned income for such year and which has not been paid before the filing of such application,

shall, in lieu of the time otherwise applicable, be as follows: one-twelfth thereof on the first installment date and an additional twelfth thereof every three months thereafter until such tax is paid.

(c) Suspension of period of limitation.

The running of the period of limitation provided in section 276 (c) (relating to the collection of the tax after assessment) in respect of any tax the time for the payment of which is prescribed under subsection (b), shall be suspended for the period beginning with the date of the filing of the application under such subsection and ending six months after the date prescribed therein for the payment of the last installment of such tax.

(d) Estimated tax.

If the taxpayer is eligible for the benefits of subsection (b) with respect to any war year—

(1) for the purposes of the application of section 58 with respect to such year, compensation for active service as a member of the military or naval forces of the United States may be disregarded in determining the gross income reasonably expected for such year, and in determining the estimated tax for such year; and

(2) for the purposes of section 294 (d) the tax for such year shall be determined as if such compensation were excluded from gross income.

This subsection shall not apply with respect to a taxpayer for any war year who at the time prescribed for making the declaration of estimated tax for such year is a commissioned officer (or a commissioned warrant officer) of the regular component of the Army, Navy, Marine Corps, or Coast Guard. (Added Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 142 (a), 59 Stat. 572.)

REFUND OF INTEREST PAID

Act Nov 8, 1945, § 142 (b), cited to text, provides as follows: "Any interest paid prior to the date of the enactment of this Act [Nov. 8, 1945, 5.17 p. m.] with respect to tax attributable to service pay for any war year, or with respect to tax attributable to pre-service earned income for any war year, shall be credited or refunded if claim therefor is filed with the Commissioner prior to January 1, 1947."

SUBTITLE E.—PERSONNEL

Chapter 39.—THE OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE

SUBCHAPTER B.—THE ASSISTANT TO THE COMMISSIONER

§ 3905. Appointment.

There shall be in the Bureau of Internal Revenue two Assistant Commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate. (As amended June 9, 1943, 7 p. m., E. W. T., ch. 120, § 9, 57 Stat. 150.)

AMENDMENTS

1943—Act June 9, 1943, cited to text, substituted "two Assistant Commissioners", for "one Assistant to the Commissioner."

§ 3906. Duties.

The Assistant Commissioners shall perform such duties as may be prescribed by the Commissioner or required by law. (As amended June 9, 1943, 7 p. m., E. W. T., ch. 120, § 9, 57 Stat. 150.)

AMENDMENTS

1943—Act June 9, 1943, cited to text, substituted "Assistant Commissioners", for "Assistant to the Commissioner."

SUBTITLE F.—THE JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

Chapter 48.—POWERS AND DUTIES OF THE JOINT COMMITTEE

Sec.

5012. Additional powers to obtain data (New).

§ 5012. Additional powers to obtain data.

(a) The Joint Committee on Internal Revenue Taxation or the Chief of Staff of such Joint Committee, upon approval of the Chairman or Vice-Chairman, is authorized to secure directly from the Bureau of Internal Revenue (including the Assistant General Counsel for the Bureau of Internal Revenue), or directly from any executive department, board, bureau, agency, independent establishment or instrumentality of the Government, information, suggestions, data, estimates and statistics, for the purpose of making investigations, reports and studies relating to internal revenue taxation.

(b) The Bureau of Internal Revenue (including the Assistant General Counsel for the Bureau of Internal Revenue), executive departments, boards, bureaus, agencies, independent establishments and instrumentalities are authorized and directed to furnish such information, suggestions, data, estimates and statistics directly to the Joint Committee on Internal Revenue Taxation or to the Chief of Staff of such Joint Committee, upon request made pursuant to this section. (Added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 512, 56 Stat. 970.)

Chapter 8.—FEDERAL ALCOHOL ADMINISTRATION ACT

§ 205. Unfair competition and unlawful practices.

* * * * *

(f) Advertising.

To publish or disseminate or cause to be published or disseminated by radio broadcast, or in any newspaper, periodical or other publication or by any sign or outdoor advertisement or any other printed or graphic matter, any advertisement of distilled spirits, wine, or malt beverages, if such advertisement is in, or is calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, unless such advertisement is in conformity with such regulations, to be prescribed by the Secretary of the Treasury, (1) as will prevent deception of the consumer with respect to the products advertised and as will prohibit, irrespective of falsity, such statements relating to age, manufacturing processes, analyses, guaranties, and scientific or irrelevant matters as the Secretary of the Treasury finds to be likely to mislead the consumer; (2) as will provide the consumer with adequate information as to the identity and quality of the products advertised, the alcoholic content thereof (except the statements of, or statements likely to be considered as statements of, alcoholic content of malt beverages and wines are prohibited), and the person responsible for the advertisement; (3) as will require an accurate statement, in the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, informing the consumer of the percentage of neutral spirits so used and of the name of the commodity from which such neutral spirits have been distilled, or in case of neutral spirits or of gin produced by a process of continuous distillation, the name of the commodity from which distilled; (4) as will prohibit statements that are disparaging of a competitor's products or are false, misleading, obscene, or indecent; (5) as will prevent statements inconsistent with any statement on the labeling of the products advertised. This subsection shall not apply to outdoor advertising in place on June 18, 1935, but shall apply upon replacement, restoration, or renovation of any such advertising. The prohibitions of this subsection and regulations thereunder shall not apply to the publisher of any newspaper, periodical, or other publication, or radio broadcaster, unless such publisher or radio broadcaster is engaged in business as a distiller, brewer, rectifier, or other producer, or as an importer or wholesaler, of distilled spirits, wine, or malt beverages, or as a bottler, or warehouseman and bottler, of distilled spirits, directly or indirectly or through an affiliate. (As amended Apr. 20, 1942, ch. 244, § 1 (h), 56 Stat. 219.)

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AMENDMENTS

1942—Act April 20, 1942, cited to text, amended subsec. (f), par. 1.

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EMERGENCY COURT OF APPEALS

Emergency Court of Appeals created by Emergency Price Control Act of 1942, and rules promulgated for same, see section 924 of Appendix to Title 50, War.

Part I.—JUDICIAL CODE

Chapter 1.—DISTRICT COURTS; ORGANIZATION

Sec.

9a Court reporters (New)
9b. Printing record on appeal (New).

CROSS REFERENCES

Enemies denied access to courts of United States, see Proc. No. 2561, set out under section 1554 of Title 10, Army

§ 1. (Judicial Code, section 1.) District Courts; judges; appointments and residence.

In each of the districts described in chapter five of this title there shall be a court called a district court, for which there shall be appointed one judge, to be called a district judge, except that in the Northern District of Alabama, the District of Arizona, the District of Connecticut, the Southern District of Illinois, the Eastern District of Illinois, the Eastern District of Louisiana, the Western District of Louisiana, the District of Maryland, the Eastern District of Missouri, the Western District of Missouri, the District of Montana, the District of Nebraska, the Northern District of New York, the Western District of New York, the District of Oregon, the Middle District of Pennsylvania, the Eastern District of Tennessee, the Southern District of Texas, the Western District of Texas, the Eastern District of Virginia, the Western District of Virginia, and the Western District of Washington there shall be an additional district judge in each; in the Southern District of Florida, the Northern District of Ohio, the Southern District of Ohio, the Western District of Pennsylvania and the Northern District of Texas, there shall be two additional judges in each; in the Northern District of California, the District of Massachusetts, the District of Minnesota, the District of New Jersey, and the Eastern District of Pennsylvania, there shall be three additional judges in each; in the Eastern District of Michigan there shall be four additional judges; in the Northern District of Illinois and the Eastern District of New York there shall be five additional judges in each; in the Southern District of California there shall be seven additional judges; and in the Southern District of New York there shall be eleven additional judges. In addition to those enumerated there shall be one district judge for the Eastern and Western Districts of Arkansas, one district judge for the Eastern and Western Districts of Kentucky, one district judge for the Eastern and Western Districts of Missouri, one district judge for the Northern, Eastern and Western Districts of Oklahoma, one district judge for the Eastern and Western Districts of South Carolina, and one district judge for the Eastern and Western Districts of Washington. (As amended Nov. 21, 1941, ch. 479, 55 Stat. 773; July 7, 1942, ch. 489, 56 Stat. 648; Dec. 24, 1942, ch. 817, 56 Stat. 1083; Dec. 24, 1942, ch. 827, 56 Stat. 1092.)

* * * * *

AMENDATORY AND SUPPLEMENTARY ACTS

ALABAMA

One additional judge for the Northern District of Alabama was authorized by act Dec 25, 1942, ch. 827, 56 Stat. 1092, which also provided that Birmingham shall be the official place of residence of the judge appointed pursuant thereto.

CALIFORNIA

Northern District. The Judicial Code authorized only one additional judge for the Northern District of California A second additional judgeship, authorized as temporary by act Sept. 14, 1922, cited to text, and considered by the Department of Justice to have been made permanent by act Mar. 3, 1927, ch. 336, also cited, was definitely made permanent by act July 7, 1942, cited to text. A third additional judge was authorized by act May 31, 1938, § 4, cited to text.

MASSACHUSETTS

One additional judge for the district of Massachusetts, authorized as temporary by act May 31, 1938, ch. 290, § 4, 52 Stat 585, was made permanent by act Nov 21, 1941, cited to text, which repealed the proviso thereof prohibiting the filling of the first vacancy among the judges of said District in office on May 31, 1938

TEMPORARY JUDGESHIPS

KANSAS

Act Oct. 16, 1945, ch. 419, 59 Stat. 545, provided for an additional judge for the District of Kansas and prohibited the filling of the first vacancy.

MASSACHUSETTS

Act May 31, 1938, ch. 290, § 4, 52 Stat. 585, authorizing the appointment of one additional judge for the district of Massachusetts, has been affected by act Nov. 21, 1941, cited to text, which repealed the proviso thereof prohibiting the filling of the first vacancy among the judges of said district in office on May 31, 1938. Said repeal has been treated as making the additional judgeship permanent, and the text of this section has been changed accordingly.

MISSOURI

Eastern and Western Districts. Act Dec. 24, 1942, ch 817, 56 Stat 1083, authorized the appointment of one additional judge for the eastern and western districts of Missouri and provided that the first vacancy occurring in such office should not be filled.

NEW JERSEY

Act May 24, 1940, ch. 209, § 2 (a), as amended Dec 22, 1944, ch. 663, § 1, 58 Stat. 887, authorized the appointment of one additional judge for the district of New Jersey. Act May 24, 1940, ch. 209, § 2 (d), as added Apr. 28, 1942, ch. 248, 56 Stat. 247, providing for an additional judge for the district of New Jersey was repealed by act Dec. 22, 1944, ch. 663, § 2, 58 Stat. 887.

OHIO

Act May 1, 1941, ch. 83, 55 Stat. 148, provided "That the President of the United States be, and he is hereby,

authorized to appoint, by and with the advice and consent of the Senate, one additional United States district judge for the northern district of Ohio. *Provided*, That the first vacancy occurring in the office of district judge in said district shall not be filled."

PENNSYLVANIA

* * * * *

Act May 24, 1940, ch. 209, § 2 (a), 54 Stat. 219, as amended by act Dec. 7, 1944, ch. 521, § 2, 58 Stat. 796, authorized the appointment of one additional judge for the Eastern District of Pennsylvania.

§§ 1a–4bb. Same; additional district judges for certain districts.

Subject matter of these sections is now contained in section 1 of this title and notes thereunder. They were based upon the following acts:

Section 1a from act June 5, 1936, ch. 515, §§ 1–3, 49 Stat. 1476, 1477.

Section 2 from acts Feb 26, 1919, ch 50, §§ 1, 2, 40 Stat 1183; June 25, 1921, ch 29, §§ 1, 2, 42 Stat 66, 67; Feb 17, 1925, ch. 254, §§ 1, 2, 43 Stat 949, and repealed in part by act Aug. 19, 1935, ch 558, § 2, 49 Stat. 659

Section 3 from acts Sept 14, 1922, ch 306, § 1, 42 Stat. 837; Mar 2, 1925, ch 397, §§ 1-3, 43 Stat 1098, May 29, 1928, ch 882, 45 Stat 974, July 3, 1930, ch 852, 46 Stat 1006; May 20, 1932, ch. 196, 47 Stat. 161

Section 3a from act May 31, 1938, ch 290, § 6, 52 Stat 585.

Section 3b from act May 20, 1932, ch 196, 47 Stat 161

Section 4 from act Mar 2, 1925, ch. 397, §§ 1-3, 43 Stat 1098

Section 4a from act Mar 3, 1927, ch 336, §§ 1, 2, 44 Stat 1372. An earlier section 4a was from act May 28, 1926, ch 414, § 2 (b), 44 Stat 672, which authorized the appointment of a district judge, a district attorney, and a marshal for the Middle District of Georgia, created by other provisions of that act

Section 4a-1 from act May 31, 1938, ch 290, § 4, 52 Stat 585

Section 4b from act Jan. 19, 1928, ch 10, §§ 1, 2, 45 Stat 52 An earlier section 4b was from act Mar 3, 1927, ch 297, § 1, 44 Stat 1346

Section 4c from act Feb 26, 1929, ch 333, §§ 1, 2, 45 Stat 1317 An earlier section 4c was from act Mar 3, 1927, ch 298, 44 Stat 1347

Section 4d from act Feb 26, 1929, ch 337, 45 Stat 1319 An earlier section 4d was from act Mar 3, 1927, ch 300, § 1, 44 Stat. 1348.

Section 4e from act Aug 2, 1935, ch 425, § 1, 49 Stat 508 An earlier section 4e was from act Mar 3, 1927, ch 332, 44 Stat 1370

Section 4f from act Aug 2, 1935 ch 425, § 2, 49 Stat 508 An earlier section 4f was from act Mar 3, 1927, ch 338, 44 Stat 1374

Section 4f-1 from act May 31, 1938, ch 290, § 4, 52 Stat 585

Section 4f-2 from act May 24, 1940, ch. 209, § 2 (c), 54 Stat 220

Section 4g from act Aug 2, 1935, ch 425, § 3, 49 Stat 508. An earlier section 4g was from act Mar 3, 1927, ch 344, 44 Stat 1380

Section 4h from act Aug 19, 1935, ch. 558, § 1, 49 Stat 659 An earlier section 4h was from act Jan. 19, 1928, ch 10, § 1, 45 Stat 52.

Section 4i from act Aug 28, 1935, ch. 793, 49 Stat. 945 An earlier section 4i was from act Jan 19, 1928, ch 10, § 2, 45 Stat 52

Section 4j from act June 15, 1936, ch. 544, 49 Stat 1491. An earlier section 4j was from act Jan. 17, 1929, ch 72, § 1, 45 Stat 1081

Section 4j-1 from act May 31, 1938, ch 290, § 4, 52 Stat. 585, as amended June 8, 1940, ch. 282, 54 Stat 253.

Section 4j-2 from act May 24, 1940, ch. 209, § 2 (a), 54 Stat 219

Section 4k from acts June 16, 1936, ch 585, § 1, 49 Stat. 1523; June 20, 1938, ch 528, 52 Stat 780 An earlier section 4k was from act Feb. 26, 1929, ch 333, § 1, 45 Stat. 1317.

Section 4k-1 from act May 24, 1940, ch 209, § 2 (a), 54 Stat 219.

Section 4l from act June 22, 1936, ch. 695, 49 Stat 1805. An earlier section 4l was from act Feb 26, 1929, ch. 333, § 2, 45 Stat 1317

Section 4m from act June 22, 1936, ch. 696, 49 Stat 1806. An earlier section 4m was from act Feb. 26, 1929, ch. 334, 45 Stat 1317.

Section 4n from act June 22, 1936, ch 693, 49 Stat 1804 An earlier section 4n was from act Feb 26, 1929, ch 337, 45 Stat 1319

Section 4o from act June 22, 1936, ch 694, 49 Stat. 1804. An earlier section 4o was from act Feb 28, 1929, ch. 358, § 1, 45 Stat. 1344

Section 4o-1 from act May 24, 1940, ch 209, § 2 (a), 54 Stat 219.

Section 4p from act Mar 18, 1938, ch. 47, 52 Stat 110. An earlier section 4p was from act Feb. 28, 1929, ch 380. 45 Stat 1409

Section 4p-1 from act May 31, 1938, ch. 290, § 4, 52 Stat. 585

Section 4q from act Mar 26, 1938, ch 53, §§ 1, 2, 52 Stat 120 An earlier section 4q was from act Mar. 1, 1929, ch. 418, § 1, 45 Stat 1422

Section 4q-1 from act May 31, 1938, ch 290, § 4, 52 Stat. 585

Section 4r from act May 31, 1938, ch. 290, § 4, 52 Stat. 585 An earlier section 4r was from act May 28, 1930, ch 346, § 1, 46 Stat 431

Section 4s from act May 31, 1938, ch 290, § 4, 52 Stat. 585 An earlier section 4s was from act June 27, 1930, ch 635, 46 Stat. 820

Section 4t from act May 31, 1938, ch 290, § 4, 52 Stat. 585 An earlier section 4t was from act June 27, 1930, ch 633, 46 Stat 819

Section 4t-1 from act Jan 20, 1940, ch 11, 54 Stat. 16.

Section 4u from act May 31, 1938, ch 290, § 4, 52 Stat. 585 An earlier section 4u was from act Feb 25, 1931, ch 296, 46 Stat 1417

Section 4u-1 from act May 24, 1940, ch 209, § 2 (a), 54 Stat 219.

Section 4v from act May 31, 1938, ch 290, § 4, 52 Stat. 585 An earlier section 4v was from act Feb 20, 1931, ch 244, 46 Stat 1196

Section 4w from act May 31, 1938, ch 290, § 4, 52 Stat. 585 An earlier section 4w was from act Feb 20, 1931, ch 245, 46 Stat. 1197.

Section 4x from act Aug 25, 1937, ch 771, § 1, 50 Stat 805.

Section 4y from act May 31, 1938, ch 290, § 4, 52 Stat. 585

Sections 4z and 4aa from act May 24, 1940, ch 209, § 2 (a), 54 Stat. 219

Section 4bb from act May 24, 1940, ch 209, § 2 (b), 54 Stat 220

§ 5b. Law clerks for district judges; number.

Not to exceed three law clerks to district judges shall be appointed in any one circuit. (As amended June 28, 1941, ch 258, title IV, 55 Stat. 301; July 2, 1942, ch. 472, title IV, 56 Stat. 504.)

AMENDMENT

1941—Act June 28, 1941, cited to text, increased the number of law clerks from two to three.

§ 9. Criers and bailiffs; appointment; salary and expenses; number; preference to veterans.

Each district judge may appoint a crier for the court in which he presides, who shall perform also the duties of bailiff and messenger, and who shall receive a salary of $1,800 per annum and, when necessarily absent from his designated post of duty on the business of the court, his actual traveling expenses and in lieu of his actual expenses for subsistence a per diem allowance to be prescribed by the Director of the Administrative Office of the United States Courts at a rate not to exceed $6.

The marshal for each district may appoint such a number of additional bailiffs, not exceeding four, as the district judge may determine, to maintain order in the courtroom, to wait upon the grand and petit juries, and for other necessary purposes, who shall be allowed for their services the sum of $6 per day to be paid only for actual attendance on days when the court is in session or the judge or a jury is present. In case the position of crier or bailiff is to be filled by the appointment of a person who has not previously served as either crier or bailiff, preference in the appointment shall be given to a person who has served in the military or naval forces of the United States in time of war and who has been honorably discharged therefrom, if in the opinion of the appointing officer such person is as well qualified as any other available person to perform to the satisfaction of the appointing officer all the duties of the position being filled. (As amended Dec. 7, 1944, ch. 522, § 1, 58 Stat. 796.)

AMENDMENTS

1944—Act Dec 7, 1944, § 1, cited to text, amended section generally by defining the number and duties of criers and bailiffs and regulating their compensation. Section 2 of said act repealed R. S. § 715 from which section was derived.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

§ 9a. (Judicial Code, section 5a.) Court reporters—(a) Appointment.

Each district court of the United States, including the District Court of the United States for the District of Columbia and the district courts in the Territories and insular possessions, shall appoint one or more court reporters for the district court in the manner provided for the appointment of the clerks of said courts. The number of reporters to be so appointed shall be determined by the Judicial Conference of Senior Circuit Judges (hereinafter referred to as the Judicial Conference). The persons to be so appointed shall possess the qualifications necessary for the satisfactory performance of the duties specified in subdivision (b) of this section, to be determined by standards which shall be formulated from time to time by the Judicial Conference, and shall take an oath to perform faithfully such duties. The court, with the approval of the Director of the Administrative Office of the United States Courts (hereinafter referred to as the Director) may appoint additional reporters for temporary service not exceeding three months, when there is more reporting work in the district than can be promptly performed by the authorized number of reporters and the urgency is so great as to render it impracticable to obtain the approval of the Judicial Conference. If the court and the Judicial Conference are of the opinion that in any district it is in the public interest that the duties of reporter should be combined with those of any other employee of the court, the Judicial Conference may authorize such a combination of positions and fix the salary therefor, as provided by subsection (c) hereof, any provision of law to the contrary notwithstanding.

(b) Duties.

One of the reporters so appointed for each district court shall attend at each session of the court and at every other proceeding that may be designated by rule of procedure or order of court or by one of the judges of the court, and shall record verbatim by shorthand or by mechanical means (1) all proceedings in criminal cases had in open court, whether in connection with plea, trial, or sentence; (2) all proceedings in all other cases had in open court unless the parties with the approval of the sitting judge shall specifically agree to the contrary; and (3) such other proceedings as a judge of the court may direct or as may be required by rule of procedure or order of the court or as may be requested by any party to the proceeding. The reporter shall attach his official certificate to the original shorthand notes or other original records so taken and promptly file them with the clerk of the court, who shall preserve them in the public records of the court for not less than ten years. Upon the request of any party to any proceeding which has been so recorded and who has agreed to pay the fee therefor or of a judge of the court, the reporter shall promptly transcribe the original records of the requested parts of the proceedings and attach thereto his official certificate, and shall then deliver the transcript to the party or judge making the request. He shall also transcribe and certify all pleas and proceedings in connection with the imposition of sentence in criminal cases and such other parts of the record of proceedings as may be required by rule of procedure or order of court. The reporter shall promptly deliver to the clerk for the records of the court a certified copy of any transcript that he may make of any part of the record of any proceeding. The transcript of the testimony and proceedings in any case when duly certified by such reporter shall be deemed prima facie a correct statement of such testimony and proceedings. No transcripts of the proceedings of the court shall be considered as official except those made from the records taken by the reporter so appointed. The said original notes or other original records and the said copy of transcript shall be open to inspection in the office of the clerk as provided by law with respect to books containing the docket or minute of judgments, or decrees thereof.

(c) Compensation.

Each reporter so appointed shall receive an annual salary, to be fixed from time to time by the Judicial Conference and to be paid in the same manner and at the same time that the salary of the clerk of the court is paid In fixing such salary the Judicial Conference shall take into account in each instance the amount of time the reporter is required to be in attendance upon the court engaged in the performance of his duties. Such salary shall be not less than $3,000 nor more than $6,000 per annum. The reporter shall also receive his traveling expenses and expenses incurred for subsistence

within the limitations prescribed by law for clerks of district courts while necessarily absent on official business from the place of his regular employment. All supplies shall be furnished by the reporter at his own expense. The reporter may charge and collect from parties, including the United States, who request transcripts, such fees therefor and no other, as may be prescribed from time to time by the court subject to the approval of the Judicial Conference. No fee shall be charged or taxed for any copy of a transcript delivered to the clerk for the records of court as required by subdivision (b) of this section. Fees for transcripts furnished in criminal or habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose; and the fees for transcripts furnished in other than criminal or habeas corpus proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge shall certify that the appeal is not frivolous but presents a substantial question. Except as to transcripts that are to be paid for by the United States, the reporter may require any party requesting a transcript to prepay the estimated fee therefor in advance of delivery of the transcript.

(d) Administration.

The Judicial Conference shall supervise and direct the administration of this section. Subject to this section and pertinent laws, it shall be the duty of the court to supervise and direct the reporter in the performance of his duties, including dealings with parties requesting transcripts. The Judicial Conference shall prescribe records which shall be maintained and reports which shall be filed by the reporter. Such records shall be inspected and audited in the same manner as the records and accounts of the clerk and may include records showing (1) the quantity of transcripts prepared, (2) the fees charged and the fees collected for transcripts, (3) any expenses incurred by the reporter in connection with transcripts, (4) the amount of time the reporter is in attendance upon the court for the purpose of recording proceedings, and (5) such other information as the Judicial Conference may determine.

(e) Taxation of fees as costs.

In the discretion of the court any part or all of the fees for transcripts may be taxed as costs in the case. Fees paid by the United States for transcripts furnished to persons allowed to appeal in civil cases in forma pauperis shall be taxed in favor of the United States as costs in the case. (Mar. 3, 1911, ch. 231, § 5a, as added Jan. 20, 1944, ch. 3, § 1, 58 Stat. 5.)

APPROPRIATIONS

Section 2 of act Jan. 20, 1944, cited to text, provided as follows: "There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated such sums as may be necessary to carry the provisions of this Act [section 9a of this title] into effect."

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

9b. Printing record on appeal.

Upon request of the appellant, the record on appeal, under rules 75 and 76 following section 723c of this title, shall be printed by a printer designated by the appellant. (Jan. 20, 1944, ch. 3, § 3, 58 Stat. 7.)

§ 17. (Judicial Code, section 13.) Disability of judge; accumulation of business; designation of another judge; application to District of Columbia.

(a) Whenever any district judge by reason of any disability or necessary absence from his district or the accumulation or urgency of business is unable to perform speedily the work of his district, the senior circuit judge of that circuit, or, in his absence, the circuit justice thereof, shall designate and assign any district judge of any district court within the same judicial circuit to act as district judge in such district and to discharge all the judicial duties of a judge thereof for such time as the business of the said district court may require. Whenever it is found impracticable to designate and assign another district judge within the same judicial circuit as above provided and a certificate of the needs of any such district is presented by said senior circuit judge or said circuit justice to the Chief Justice of the United States, he, or in his absence, the senior associate justice, shall designate and assign a district judge of an adjoining judicial circuit if practicable, or if not practicable, then of any judicial circuit, to perform the duties of district judge and hold a district court in any such district as above provided.

(b) Whenever, by reason of the volume, accumulation, or urgency of business in any circuit, or the disability or necessary absence from the circuit of one or more of the circuit judges, the circuit court of appeals is unable to perform speedily the work brought before it, and a certificate of the needs of the court is presented by the senior circuit judge or the circuit justice, the Chief Justice of the United States, or in his absence, the senior associate justice, may, if in his judgment the public interest requires, designate and assign any circuit judge of any other circuit, including circuit judges retired under section 375 of this title, as amended, to act as circuit judge in such circuit and discharge all the official duties of a circuit judge thereof for such time as in the opinion of the Chief Justice (or in his absence, the senior associate justice) the business of the circuit to which such circuit judge is temporarily assigned may require.

(c) Before any designation or assignment as herein provided for is made the senior circuit judge of the circuit from which the designated or assigned judge is to be taken shall consent thereto. All designations and assignments made hereunder shall be filed in the office of the clerk and entered on the minutes of both the court from and to which a judge is designated and assigned.

(d) For the purposes of sections 17–23 of this title, the District of Columbia shall be deemed to be a judicial circuit and the Chief Justice and Associate Justices of the United States Court of Appeals for the District of Columbia shall be deemed to be, respectively, the senior circuit judge and associate circuit judges of the circuit subject to the same duties and having the same power and authority as other senior circuit judges and associate circuit judges. (As amended Dec. 29, 1942, ch. 835, § 1, 56 Stat. 1094.)

AMENDMENTS

1942—Subsec (a) was so designated and amended by act Dec. 29, 1942, cited to text, which inserted "necessary," preceding first "absence."

Subsec (b) was added by act Dec 29, 1942, cited to text.

Subsec (c) was so designated and amended by act Dec. 29, 1942, cited to text, which omitted necessity of entry on minutes of United States Supreme Court and notice to clerk thereof of assignment.

Subsec. (d) was added by act Dec. 29, 1942, cited to text.

§ 18. (Judicial Code, section 14.) Power of designated judge.

Each district judge designated and assigned under the provisions of section 17 of this chapter may hold separately and at the same time a district court in the district or territory to which such judge is designated and assigned and discharge all the judicial duties of the district or territorial judge therein. Each circuit judge designated and assigned to serve temporarily as a circuit judge in another circuit may and shall, during the period of his assignment, exercise all the judicial powers and discharge and perform all the judicial duties of and be subject to the same assignments of duties as the circuit judges of the circuit to which he is designated and assigned for temporary duty. (As amended Dec. 29, 1942, ch. 835, § 2, 56 Stat. 1094.)

AMENDMENTS

1942—Act Dec 29, 1942, cited to text, added last sentence

§ 19. (Judicial Code, section 15.) Designation by Chief Justice.

If all the circuit judges and the circuit justice are absent from the circuit, or are unable to execute the provisions of section 17 (a) of this title, or if the district judge so designated is disabled or neglects to hold the court and transact the business for which he is designated, the clerk of the district court shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint in the manner aforesaid the judge of any district within such circuit or within any other circuit; and said appointment shall be transmitted to the clerk and be acted upon by him as directed in section 17 (c) of this title. (As amended Dec. 29, 1942, ch. 835, § 3, 56 Stat. 1095.)

AMENDMENTS

1942—Act Dec 29, 1942, cited to text, substituted "section 17 (a) of this title," and "section 17 (c) of this title" for "section 17 of this title" in two places.

§ 20. (Judicial Code, section 16.) New appointment and revocation.

Any such circuit judge, or circuit justice, or the Chief Justice (or in the absence of the Chief Justice, the senior associate justice), as the case may be, may, from time to time, if in his judgment the public interests so require, make a new designation and appointment of any other circuit or district judge, in the manner, for the duties, and with the powers mentioned in sections 17, 18, and 19 of this title, and revoke any previous designation and appointment. (As amended Dec. 29, 1942, ch. 835, § 4, 56 Stat. 1095.)

AMENDMENTS

1942—Act Dec 29, 1942, cited to text, inserted "(or in the absence of the Chief Justice, the senior associate justice)" and "circuit or" preceding "district judge."

§ 22. (Judicial Code, section 18, amended.) Circuit and other judges designated to hold district and other courts; powers.

(a) The Chief Justice of the United States (or in the absence of the Chief Justice, the senior associate justice), or the circuit justice of any judicial circuit, or the senior circuit judge thereof, may, if the public interest requires, designate and assign any circuit judge, including retired circuit judges, of a judicial circuit, and including circuit judges designated and assigned to temporary duty in the judicial circuit, to hold a district court within such circuit. The judges of the United States Court of Customs and Patent Appeals, or any of them, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States (or in the absence of the Chief Justice, the senior associate justice) the public interest requires, be designated and assigned by him for service from time to time, and until he shall otherwise direct, in the District Court of the United States for the District of Columbia, or the United States Court of Appeals for the District of Columbia, when requested by the Chief Justice of either of said courts.

(b) During the period of service of any judge designated and assigned under this chapter, he shall have all the powers and rights, and perform all the duties, of a judge of the circuit or district, or a justice of the court, to which he has been assigned (excepting the power of appointment to a statutory position or of permanent designation of newspaper or depository of funds). In case a trial has been entered upon before such period of service has expired and has not been concluded, the period of service shall be deemed to be extended until the trial has been concluded.

(c) Any designated and assigned judge who has held court in another district than his own shall have the power, notwithstanding his absence from such district and the expiration of the time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon, in writing filed with the clerk of the court where the trial or hearing was had, shall be as valid as if such action had been taken by him within that district and within the period of his designation.

(d) Likewise, any designated or assigned circuit judge who has served temporarily in a circuit court

of appeals other than his own shall have power, notwithstanding his absence from such circuit or the expiration of the time limit in his designation, to join as an associate circuit judge in the decision and final disposition of all matters submitted to him and his associate judges in such circuit court of appeals, and to join in the consideration and disposition of any petition for rehearing, or any motions, petitions, or further proceedings in respect of any submitted cause in the decision and disposition of which he has participated. (As amended Dec. 29, 1942, ch. 835, § 5, 56 Stat. 1095.)

AMENDMENTS

1942—Subsec (a), formerly first par., was so designated and amended by act Dec 29, 1942, cited to text.

Subsecs. (b) and (c), formerly second and third pars., were so designated by act Dec 29, 1942, cited to text

Subsec. (d) was added by act Dec. 29, 1942, cited to text

§ 23. (Judicial Code, section 19.) Same; duty of district or circuit judge.

It shall be the duty of the district or circuit judge who is designated and appointed under either of sections 17–22 of this title, to discharge all the judicial duties for which he is so appointed, during the time for which he is so appointed; and all the acts and proceedings in the courts held by him, or by or before him, in pursuance of said provisions, shall have the same effect and validity as if done by or before the circuit judges of the circuit, or the district judge of the district, as the case may be. (As amended Dec. 29, 1942, ch. 835, § 6, 56 Stat. 1096.)

AMENDMENTS

1942—Act Dec. 29, 1942, cited to text, which substituted "the circuit judges of the circuit or the district judge of the district as the case may be," for "the district judge of the said district"

Chapter 2.—DISTRICT COURTS; JURISDICTION

§ 41. (Judicial Code, section 24.) Original jurisdiction.

* * * * *

(26) Original jurisdiction of bills of interpleader, and of bills in the nature of interpleader.

Twenty-sixth. (a) Of suits in equity begun by bills of interpleader or bills in the nature of bills of interpleader duly verified, filed by any person, firm, corporation, association, or society having in his or its custody or possession money or property of the value of $500 or more, or having issued a note, bond, certificate, policy of insurance, or other instrument of the value or amount of $500 or more, or providing for the delivery or payment or the loan of money or property of such amount or value, or being under any obligation written or unwritten to the amount of $500 or more, if—

* * * * *

(Mar. 3, 1911, ch. 231, § 24, par. 26, as added Jan. 20, 1936, ch. 13, § 1, 49 Stat. 1096.)

* * * * *

(28) Setting aside order of Interstate Commerce Commission.

Twenty-eighth. Of cases brought to enjoin, set aside, annul, or suspend in whole or in part any order of the Interstate Commerce Commission. (Mar. 3, 1911, ch. 231, §§ 24, 207, 36 Stat. 1091, 1148; Dec. 21, 1911, ch. 5, 37 Stat. 46; Oct. 22, 1913, ch. 32, 38 Stat. 219; Oct. 6, 1917, ch. 97, § 1, 40 Stat. 395; Nov. 23, 1921, ch. 136, § 1310 (c), 42 Stat. 311; June 10, 1922, ch. 216, § 1, 42 Stat. 634; June 2, 1924, 4:01 p. m., ch. 234, § 1025 (c), 43 Stat. 348; Feb. 24, 1925, ch. 309, 43 Stat. 972; Feb. 26, 1926, ch. 27, §§ 1122 (c), 1200, 44 Stat. 121, 125; Mar. 2, 1929, ch. 488, § 1, 45 Stat. 1475; May 14, 1934, ch. 283, § 1, 48 Stat. 775; Jan. 20, 1936, ch. 113, § 1, 49 Stat. 1096; Aug. 21, 1937, ch. 726, § 1, 50 Stat. 738; Apr. 20, 1940, ch. 117, 54 Stat. 143.)

CODIFICATION

Subds. (1)–(26) are from pars. (1)–(26), respectively, of section 24 of the Judicial Code of Mar. 3, 1911, cited to text

Former subd (1a) was from acts May 14, 1934, ch 283, § 2, 48 Stat 775; Aug 21, 1937, ch 726, § 2, 50 Stat 738, which were formerly codified as subd. (1a) of this section although not enacted as such Said acts are now set out in note relating to saving clauses under subd (1) of this section

Subds (27) and (28) are from section 207 of the Judicial Code of Mar 3, 1911, cited to text

Prior provisions on subject of subsec (26) were contained in act Feb. 22, 1917, ch. 113, 39 Stat 929, as amended Feb 25, 1925, ch 317, 43 Stat 976, and repealed May 8, 1926, ch 273, § 4, 44 Stat 417; and in act May 8, 1926, ch 273, §§ 1–3, 44 Stat. 416, as repealed Jan 20, 1936, ch. 13, § 2, 49 Stat 1097

CROSS REFERENCES

Condemnation of prizes captured during present war, see section 821 of Appendix to Title 50, War.

§ 47. Injunctions as to orders of Interstate Commerce Commission; appeal to Supreme Court; time for taking.

CROSS REFERENCES

Single judge's powers in action in three-judge district court for interlocutory injunction and final hearing under this section, see section 792 of this title

§ 49. Repealed. Dec. 17, 1943, ch. 344, § 1, 57 Stat. 600.

Chapter 3.—DISTRICT COURTS; REMOVAL OF CAUSES

§ 71. (Judicial Code, section 28.) Removal of suits from State courts.

REMOVAL BY PLAINTIFF

An incongruity apparently exists because of that sentence of this section relating to remand of suits removed on affidavit of parties plaintiff ("At any time before the trial * * * the same to be remanded thereto"). Apparently no right of removal by the plaintiff has existed since the act of Mar 3, 1887, ch. 373, 24 Stat 552, as amended Aug 13, 1888, ch. 866, 25 Stat. 433. It has been suggested that this sentence might well be omitted since "it is now quite superfluous and serves only to confuse." Dobie on Federal Procedure, 1928, § 96, p. 382.

Chapter 5.—DISTRICT COURTS; DISTRICTS AND PROVISIONS APPLICABLE TO PARTICULAR STATES

§ 147. (Judicial Code, section 74.) Connecticut.

The State of Connecticut shall constitute one judicial district to be known as the "district of Connecticut". Terms of the district court shall be held at New Haven on the second Tuesday in February and the third Tuesday in September; and at Hartford on the second Tuesday in May and the first Tuesday in December. (As amended Dec. 28, 1945, ch 599, 59 Stat. 663.)

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section by deleting "at Norwalk on the third Tuesday in April; and at Columbia on the first Tuesday in September: Provided, That suitable rooms and accommodations shall be furnished for the holdings of said court and for the use of the officers of said court at Norwalk and Columbia free of expense to the Government of the United States.".

§ 150. (Judicial Code, section 77.) Georgia.

* * * * *

(b) The northern district shall include four divisions, constituted as follows: The Gainesville division, which shall include the territory embraced on January 1, 1925, in the counties of Banks, Barrow, Dawson, Forsyth, Habersham, Hall, Jackson, Lumpkin, Rabun, Stephens, Towns, Union, and White; the Atlanta division, which shall include the territory embraced on such date in the counties of Campbell, Cherokee, Clayton, Cobb, De Kalb, Douglas, Fannin, Fulton, Gilmer, Gwinnett, Henry, Milton, Newton, Pickens, and Rockdale; the Rome division, which shall include the territory embraced on such date in the counties of Bartow, Catoosa, Chattooga, Dade, Floyd, Gordon, Murray, Paulding, Polk, Walker, and Whitfield; and the Newnan division, which shall include the territory embraced on such date in the counties of Carroll, Coweta, Fayette, Haralson, Heard, Meriwether, Pike, Spalding, and Troup.

* * * * *

(d) The middle district shall include seven divisions, constituted as follows: The Athens division, which shall include the territory embraced on January 1, 1925, in the counties of Clarke, Elbert, Franklin, Greene, Hart, Madison, Morgan, Oconee, Oglethorpe, and Walton; the Macon division, which shall include the territory embraced on such date in the counties of Baldwin, Bibb, Bleckley, Butts, Crawford, Hancock, Houston, Jasper, Jones, Lamar, Monroe, Peach, Pulaski, Putnam, Twiggs, Upson, Washington, and Wilkinson; the Columbus division, which shall include the territory embraced on such date in the counties of Chattahoochee, Clay, Harris, Marion, Muscogee, Quitman, Randolph, Stewart, Talbot, and Taylor; the Americus division, which shall include the territory embraced on such date in the counties of Ben Hill, Crisp, Dooly, Lee, Macon, Schley, Sumter, Terrell, Webster, and Wilcox; the Albany division, which shall include the territory embraced on such date in the counties of Baker, Calhoun, Dougherty, Early, Miller, Mitchell, Turner, and Worth; the Valdosta division, which shall include the territory embraced on such date in the counties of Berrien, Clinch, Cook, Echols, Irwin, Lanier, Lowndes, and Tift; and the Thomasville division, which shall include the territory embraced on such date in the counties of Thomas, Brooks, Colquitt, Grady, Decatur, and Seminole.

(e) The terms of the district court for the Athens division shall be held at Athens on the first Mondays in June and December; for the Macon division at Macon on the third Mondays in April and October; for the Columbus division at Columbus on the first Mondays in March and September; for the Americus division at Americus on the third Mondays in January and the second Mondays in June: *Provided*, That suitable rooms and accommodations are furnished for holding court at Americus free of cost to the Government until a public building shall have been erected or put into proper condition for such purpose in said city; for the Albany division at Albany on the first Mondays in April and October; for the Valdosta division at Valdosta on the third Mondays in March and September; and for the Thomasville division on the third Mondays in May and November: *Provided further*, That suitable rooms and accommodations are furnished for holding court thereat free of cost to the Government at Thomasville.

(f) The southern district shall include five divisions, to be constituted as follows: The Augusta division, which shall include the territory embraced on January 1, 1925, in the counties of Burke, Columbia, Glascock, Jefferson, Lincoln, McDuffie, Richmond, Taliaferro, Warren, and Wilkes; the Dublin division, which shall include the territory embraced on such date in the counties of Dodge, Emanuel, Johnson, Laurens, Montgomery, Telfair, Toombs, Treutlen, and Wheeler; the Savannah division, which shall include the territory embraced on such date in the counties of Bryan, Bulloch, Candler, Chatham, Effingham, Evans, Jenkins, Liberty, Screven, and Tattnall; the Waycross division which shall include the territory embraced on such date in the counties of Atkinson, Bacon, Brantley, Charlton, Coffee, Pierce, and Ware; and the Brunswick division, which shall include the territory embraced on such date in the counties of Appling, Camden, Glynn, Jeff Davis, Long, McIntosh, and Wayne. (As amended Mar. 6, 1942, ch. 153, §§ 1–3, 56 Stat. 139; Oct. 29, 1945, ch. 435, § 1, 59 Stat. 550.)

* * * * *

AMENDMENTS

1945—Act Oct 29, 1945, cited to text, amended section by transferring "Ben Hill County" of the Waycross division of the southern judicial district to the Americus division of the middle judicial district.

1942—Act Mar. 6, 1942, §§ 1–3, amended subsecs. (b), (d), and (e), respectively, cited to text.

§ 153. (Judicial Code, section 80.) Indiana; divisions; terms; venue; officers.

The State of Indiana shall constitute two judicial districts, to be known as the northern and southern districts of Indiana.

A. For the purpose of holding terms of court the southern district of Indiana shall be divided into four divisions, constituted as follows: The Indianapolis division, which shall include the territory embraced within the counties of Bartholomew, Boone, Brown, Clinton, Decatur, Delaware, Fayette, Fountain, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Johnson, Madison, Marion, Monroe, Montgomery, Morgan, Randolph, Rush, Shelby, Tipton, Union, and Wayne; the Terre Haute division, which shall include the territory embraced within the counties of Clay, Greene, Knox, Owen, Parke, Putnam, Sullivan, Vermilion, and Vigo; the Evansville division, which shall include the territory embraced within the counties of Davies, Dubois, Gibson, Martin, Perry, Pike, Posey, Spencer, Vanderburg,

and Warrick; and the New Albany division, which shall include the territory embraced within the counties of Clark, Crawford, Dearborn, Floyd, Harrison, Jackson, Jefferson, Jennings, Lawrence, Ohio, Orange, Ripley, Scott, Switzerland, and Washington. (Mar. 3, 1911, ch. 231, § 80, 36 Stat. 1110, as amended Apr. 21, 1928, ch. 393, 45 Stat. 437.)

* * * * *

§ 158. (Judicial Code, section 83.) Kentucky.

CROSS REFERENCES

Mammoth Cave National Park as included in western district, see section 404c-2 of Title 16, Conservation.

§ 174. (Judicial Code, section 94.) Nevada.

The State of Nevada shall constitute one judicial district, to be known as the district of Nevada. Terms of the district court shall be held at Carson City on the first Mondays in February and May, at Las Vegas on the first Mondays in March and October, at Reno on the first Mondays in January and June, and at Elko on the first Monday in November: *Provided*, That suitable accommodations for holding court at Elko shall be provided without expense to the United States. (As amended Nov. 15, 1945, ch 482, 59 Stat. 582.)

AMENDMENTS

1945—Act Nov. 15, 1945, cited to text, amended section by transferring October term of court from Carson City to Las Vegas, by adding terms of court to be held at Reno and Elko, and by adding proviso.

§ 179a. Eastern district of North Carolina; times and places for holding court.

Former section 179a, act May 10, 1928, ch. 516, 45 Stat. 495, as amended Feb 28, 1933, ch 133, 47 Stat 1350, is now included in section 179 of this title

§ 180. (Judicial Code, section 99.) North Dakota.

The State of North Dakota shall constitute one judicial district to be known as the district of North Dakota. The territory embraced on the 1st day of January 1932, in the counties of Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, Logan, McIntosh, McLean, Mercer, Morton, Oliver, Sioux, Slope, and Stark shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Barnes, Cass, Dickey, Eddy, Foster, Griggs, LaMoure, Ransom, Richland, Sargent, Sheridan, Steele, Stutsman, and Wells shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Benson, Bottineau, Cavalier, Grand Forks, Nelson, McHenry, Pembina, Pierce, Ramsey, Rolette, Traill, Towner, and Walsh shall constitute the northeastern division; and the territory embraced on the date last mentioned in the counties of Burke, Divide, McKenzie, Mountrail, Renville, Ward, and Williams shall constitute the northwestern division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the second Tuesday in March; for the southeastern division, at Fargo on the second Tuesday in December and at Jamestown on the second Tuesday in October; for the northeastern division, at Devils Lake on the second Tuesday in May and at Grand Forks on the second Tuesday in November; and for the northwestern division, at Minot on the first Tuesday in October. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is held in his district. (As amended Apr. 10, 1926, ch. 112, 44 Stat. 237; June 3, 1930, ch. 394, 46 Stat. 495; June 29, 1932, ch. 305, 47 Stat. 341; June 19, 1934, ch. 664, 48 Stat. 1120, Dec. 16, 1944, ch. 604, 58 Stat. 815.)

AMENDMENTS

1944—Act Dec. 16, 1944, cited to text, amended section by striking out "at Minot on the second Tuesday in April," appearing at end of fourth sentence, and inserting in lieu thereof "at Minot on the first Tuesday in October"

§ 182a. Oklahoma; Okfuskee County made part of eastern judicial district.

This section has been superseded by section 182 of this title It constituted act Apr. 21, 1928, ch 395, 45 Stat. 440, entitled "An Act to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State"

§ 183. (Judicial Code, section 102.) Oregon.

The State of Oregon shall constitute one judicial district, to be known as the district of Oregon. Terms of the district court shall be held at Portland on the first Mondays in March, July, and November; at Pendleton on the first Tuesday in April; at Klamath Falls on the first Tuesday in June; and at Medford on the first Tuesday in October. The marshal and the clerk for said district shall each appoint, in the manner provided by law, at least one deputy at Pendleton and one at Medford, who shall reside and maintain an office at each of said places: *Provided*, That no terms of the court shall be held at Klamath Falls unless suitable quarters and accommodations for holding court are furnished without cost to the United States. (As amended Nov. 6, 1945, ch. 447, 59 Stat. 555.)

AMENDMENTS

1945—Act Nov 6, 1945, cited to text, amended section by inserting "at Klamath Falls on the first Tuesday in June," and added the proviso.

§ 184. (Judicial Code, section 103.) Pennsylvania.

The State of Pennsylvania is divided into three judicial districts, to be known as the eastern, middle, and western districts of Pennsylvania. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill. Terms of the district court shall be held at Philadelphia on the second Mondays in March and June, the third Monday in September, and the second Monday in December, each term to continue until the succeeding term begins. Terms of the district court shall be held at Easton, Pennsylvania, on the first Tuesdays in June and November of each year: *Provided, however*, That all writs, precepts, and processes shall be returnable to the terms at Philadelphia and all court papers shall be kept in the clerk's office at Philadelphia unless otherwise spe-

cially ordered by the court, and the terms at Philadelphia shall not be terminated or affected by the terms provided for at Easton. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Blair, Bradford, Cameron, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lebanon, Luzerne, Lycoming, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York. Terms of the district court shall be held at Scranton on the second Monday in March and the third Monday in October; at Harrisburg on the first Mondays in May and December; at Lewisburg on the third Monday in January; and at Williamsport on the first Monday in June. Terms of the United States District Court for the Middle District of Pennsylvania shall be held at Wilkes-Barre, Pennsylvania, on the second Monday of April and second Monday of September of each year: *Provided, however,* That all writs, precepts, and processes shall be returnable to the terms at Scranton and all court papers shall be kept in the clerk's office at Scranton unless otherwise specially ordered by the court, and the terms at Scranton shall not be terminated or affected by the terms herein provided for at Wilkes-Barre. The clerk of the court for the middle district shall maintain an office, in charge of himself or a deputy, at Lewisburg; the civil suits instituted at that place shall be tried there, if either party resides nearest that place of holding court, unless by consent of parties they are removed to another place for trial. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Allegheny, Armstrong, Beaver, Bedford, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland. Terms of the district court shall be held at Pittsburgh on the first Monday of May and the second Monday of November, and terms of the court shall be held at Erie on the third Monday of March and the third Monday of September. The clerk and marshal of said district shall have their principal offices at Pittsburgh, and shall maintain, by themselves or by their deputies offices at Erie.

The clerk shall place all cases in which the defendants reside in the counties of said district nearest Erie upon the trial list for trial at Erie, where the same shall be tried, unless the parties thereto stipulate that the same may be tried at Pittsburgh. (As amended Mar. 5, 1942, ch. 143, 56 Stat. 132.)

AMENDMENTS

1942—Act Mar 5, 1942, cited to text, detached Blair County from the western judicial district and attached it to the middle judicial district, and it further provided that such transfer should "not affect any case or proceedings now pending"

§ 184a. Same; terms at Easton.

Former section 184a, act June 27, 1930, ch 634, 46 Stat 820, is now included in section 184 of this title.

§ 186. (Judicial Code, section 105.) South Carolina.

* * * * *

The western district of South Carolina is divided into five divisions, to be known as the Anderson, Greenville, Greenwood, Rock Hill, and Spartanburg divisions. The Anderson division shall include the territory embraced in the counties of Anderson, Oconee, and Pickens. The Greenville division shall include the territory embraced in the counties of Greenville and Laurens. The Greenwood division shall include the territory embraced in the counties of Abbeville, Edgefield, Greenwood, McCormick, Newberry, and Saluda. The Rock Hill division shall include the territory embraced in the counties of Chester, Fairfield, Lancaster, and York. The Spartanburg division shall include the territory embraced in the counties of Cherokee, Spartanburg, and Union. The terms of the district court for the Anderson division shall be held at Anderson, for the Greenville division at Greenville, for the Greenwood division at Greenwood, for the Rock Hill division at Rock Hill, and for the Spartanburg division at Spartanburg. Terms of the district court for the western district shall be held at Greenville on the first Mondays in April and October; at Rock Hill the second Monday in March and the first Monday in September; at Greenwood the second Mondays in May and December; at Anderson the fourth Mondays in May and November; and at Spartanburg on the third Monday in February and the second Monday in September.

* * * * *

The eastern district of South Carolina is divided into five divisions, to be known as the Aiken, Charleston, Columbia, Florence, and Orangeburg divisions. The Aiken division shall include the territory embraced in the counties of Aiken, Allendale, Barnwell, and Hampton. The Charleston division shall include the territory embraced in the counties of Beaufort, Berkeley, Charleston, Clarendon, Colleton, Dorchester, Georgetown, and Jasper. The Columbia division shall include the territory embraced in the counties of Kershaw, Lee, Lexington, Richland, and Sumter. The Florence division shall include the territory embraced in the counties of Chesterfield, Darlington, Dillon, Florence, Horry, Marion, Marlboro, and Williamsburg. The Orangeburg division shall include the territory embraced in the counties of Calhoun, Bamberg, and Orangeburg. The terms of the district court for the Aiken division shall be held at Aiken, for the Charleston division at Charleston, for the Columbia division at Columbia, for the Florence division at Florence, and the Orangeburg division at Orangeburg. (As amended June 28, 1943, ch. 173, title II, § 204, 57 Stat. 244, Dec. 13, 1944, ch. 556, 58 Stat. 801.)

* * * * *

AMENDMENTS

1944—Act Dec. 13, 1944, cited to text, amended fifth paragraph of section by transferring Georgetown County from the Florence division and attaching it to the Charleston division.

1943—Act June 28, 1943, cited to text, amended third paragraph by striking out the words "at Greenwood the first Mondays in February and November" and inserting the words "At Greenwood the second Mondays in May and December".

§ 186a. Districts of South Carolina divided into divisions; terms; venue of criminal cases.

Former section 186a, act June 26, 1926, ch. 696, §§ 1–3, 44 Stat 773, is now included in section 186 of this title.

§ 188. (Judicial Code, section 107.) Tennessee.

* * * * *

(c) The middle district shall include the territory embraced on the 1st day of January 1940 in the counties of Cannon, Cheatham, Davidson, Dickson, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory on the date last mentioned in the counties of Hickman, Giles, Lawrence, Lewis, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the fourth Monday in January and the fourth Monday in September; for the Columbia division at Columbia on the first Monday in May and the second Monday in November; and for the northeastern division at Cookeville on the second Monday in June and the first Monday in December: *Provided*, That suitable accommodations for holding court at Columbia shall be provided by the local authorities but only until such time as such accommodations shall be provided upon the recommendation of the Director of the Administrative Office of the United States Courts in a public building or other quarters provided by the Federal Government for such purpose. (As amended Dec. 3, 1943, ch. 332, 57 Stat. 595.)

* * * * *

AMENDMENTS

1943—Act Dec 3, 1943, cited to text, amended so much of second sentence of subsec. (c) as precedes the proviso and which theretofore provided for terms of court as follows Nashville, second Monday in March and fourth Monday in September, Columbia, third Monday in June and fourth Monday in November; and for Cookeville, third Monday in April and first Monday in November.

§ 189. (Judicial Code, section 108.) Texas.

TERM OF COURT FOR SOUTHERN DISTRICT, CORPUS CHRISTI DIVISION

By order of the judge of the District Court of the United States for the Southern District of Texas, signed May 29, 1941, the times for holding said Court in the Corpus Christi Division were set out as follows: "One term beginning on the third Monday in March of each and every year hereafter, and one term beginning the third Monday in October of this and each and every year thereafter"

§ 189a. Northern District of Texas; new division; territory; terms; office of clerk.

Former section 189a, act May 26, 1928, ch 752, § 1, 45 Stat. 747, is now included in section 189 of this title

§ 192. (Judicial Code, section 111.) Virginia.

The State of Virginia is divided into two districts, to be known as the eastern and western districts of Virginia.

The eastern district shall include the territory embraced on July 1, 1910, in the counties of Accomac, Arlington, Amelia, Brunswick, Caroline, Charles City, Chesterfield, Culpeper, Dinwiddie, Elizabeth City, Essex, Fairfax, Fauquier, Gloucester, Goochland, Greensville, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Loudoun, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Powhatan, Prince Edward, Prince George, Prince William, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, and York.

Terms of the district court shall be held at Richmond on the first Mondays in April and October; at Norfolk on the first Mondays in May and November; and at Alexandria on the first Mondays in June and December.

The western district shall include the territory embraced on July 1, 1910, in the counties of Alleghany, Albemarle, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Cumberland, Dickenson, Floyd, Fluvanna, Franklin, Frederick, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Madison, Montgomery, Nelson, Page, Patrick, Pulaski, Pittsylvania, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe.

Terms of the district court shall be held at Abingdon on the second Mondays in April and November; at Big Stone Gap on the first Mondays in May and October; at Charlottesville on the first Monday in February and on the Wednesday next after the first Monday in August; at Danville on the fourth Monday in February and on the Wednesday next after the first Monday in September; at Harrisonburg on the third Monday in March and on the fourth Monday in October; at Lynchburg on the first Mondays in June and December; and at Roanoke on the first Mondays in January and July.

The clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Lynchburg, Roanoke, Danville, Charlottesville, Harrisonburg, Big Stone Gap, and Abingdon, which shall be kept open at all times for the transaction of the business of the court. (As amended Oct. 31, 1945, ch. 443, title II, § 202, 59 Stat. 554.)

AMENDMENTS

1945—Act Oct. 31, 1945, cited to text, amended section to reflect the change of name of Alexandria county to Arlington county.

§ 193. (Judicial Code, section 112.) Washington.

The State of Washington is divided into two districts, to be known as the eastern and western districts of Washington. The eastern district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Spokane, Stevens, Ferry, Okanogan, Chelan, Grant, Douglas, Lincoln, Adams, and Whitman, with the waters thereof, including all Indian reservations

within said counties, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Asotin, Garfield, Columbia, Franklin, Walla Walla, Benton, Klickitat, Kittitas, and Yakima, with the waters thereof, including all Indian reservations within said counties, which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Spokane on the first Tuesdays in April and September; for the southern division, at Yakima on the third Tuesday in May and on the second Tuesday in November, and at Walla Walla on the first Tuesdays in June and December. The western district shall include the territory embraced on the first day of July, nineteen hundred and ten, in the counties of Whatcom, Skagit, Snohomish, King, San Juan, Island, Kitsap, Clallam, and Jefferson, with the waters thereof, including all Indian reservations within said counties, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Pierce, Mason, Thurston, Chehalis, Pacific, Lewis, Wahkiakum, Cowlitz, Clarke, and Skamania, with the waters thereof, including all Indian reservations within said counties which shall constitute the southern division of said district. Terms of the district court for the northern division shall be held at Bellingham on the first Tuesdays in April and October; at Seattle on the first Tuesdays in May and November; and for the southern division, at Tacoma on the first Tuesdays in February and July. The clerks of the courts for the eastern and western districts shall maintain an office in charge of himself or a deputy at each place in their respective districts where terms of court are required to be held. (As amended Dec. 28, 1945, ch. 596, 59 Stat. 661.)

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section by changing location of terms of court of the southern division of the eastern district from "North Yakima" to "Yakima" and the times of said terms of court from the "first Tuesdays in May and October" to the "third Tuesday in May and the second Tuesday in November."

Chapter 6.—CIRCUIT COURTS OF APPEALS

§ 213. (Judicial Code, section 118.) Circuit judges.

There shall be in the first and fourth circuits, respectively, three circuit judges; in the tenth circuit, four circuit judges; in the third and seventh circuits, respectively, five circuit judges; in the second, fifth and sixth circuits, respectively, six circuit judges; and in the eighth and ninth circuits, respectively, seven circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. Each circuit judge shall receive a salary of $12,500 a year, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law. Nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided by other sections of the Judicial Code. (As amended Dec. 14, 1942, ch. 731, 56 Stat. 1050.)

THIRD CIRCUIT

An additional judge was authorized by act Dec. 7, 1944, ch. 521, § 1, 58 Stat. 796.

AMENDMENTS

1942—Act Dec. 14, 1942, cited to text, authorized an additional judge in the fifth circuit.

§ 215. (Judicial Code, section 119.) Allotment of justices to circuits.

The Chief Justice and associate justices of the Supreme Court shall be allotted among the circuits by an order of the court, and a new allotment shall be made whenever it becomes necessary or convenient by reason of the alteration of any circuit, or of the new appointment of a Chief Justice or associate justice, or otherwise. If a new allotment becomes necessary at any other time than during a term, it shall be made by the Chief Justice, and shall be binding until the next term and until a new allotment by the court. Whenever, by reason of death or resignation, no justice is allotted to a circuit, the Chief Justice may, until a justice is regularly allotted thereto, temporarily assign a justice of another circuit to such circuit. For the purposes of this section, the District of Columbia shall be deemed to be a judicial circuit. (As amended Dec. 23, 1944, ch. 724, 58 Stat. 925.)

AMENDMENTS

1944—Act Dec. 23, 1944, cited to text, amended section by adding last sentence.

§ 225. (Judicial Code, section 128.) Appellate jurisdiction.

* * * * *

(f) Review of decisions and judgments of district courts in criminal cases appealed by United States.

The circuit courts of appeals, including the United States Court of Appeals for the District of Columbia, are further empowered to review decisions and judgments of the district courts in criminal cases on appeals taken by the United States in cases where such appeals are permitted by law. (May 9, 1942, ch. 295, § 2, 56 Stat. 272.)

AMENDMENTS

1942—Act May 9, 1942, cited to text, added subsec. (f).

Chapter 7.—THE COURT OF CLAIMS

§ 245. Salary of clerk, assistant clerk, bailiff, and chief messenger.

APPROPRIATIONS

The Judiciary Appropriation Act of 1942, act June 28, 1941, ch. 258, 55 Stat. 299, and prior similar acts made an appropriation for the chief clerk under the headings "Court of Claims" "Salaries" at "not exceeding $6,500." This language was not continued in the Judiciary Appropriation Act for 1943, act July 2, 1942, ch. 472, 56 Stat. 468.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

§ 250a. Same; claims arising out of dredging operations; limitation.

The Court of Claims shall have jurisdiction to hear and determine claims for damages to oyster growers upon private or leased lands or bottoms arising from dredging operations and use of other machinery and equipment in making such improvements: *Provided*, That suits shall be instituted within two years after such operations shall have terminated. (As amended July 13, 1943, ch. 231, 57 Stat. 553.)

AMENDMENTS

1943—Act July 13, 1943, cited to text, extended the time for instituting suits from "one year" to "two years"

§ 268a. (Judicial Code, section 163.) Reporter—Commissioners of Court of Claims; appointment; fees; commissions to take testimony.

The Court of Claims shall have power to appoint commissioners to take testimony to be used in the investigation of claims which come before it, to prescribe the fees which they shall receive for their services, and to issue commissions for the taking of such testimony, whether taken at the instance of the claimant or of the United States. (R. S § 1075; Mar. 3, 1911, ch. 231, § 163, 36 Stat. 1140.)

REPORTER-COMMISSIONERS

Rule 54 of the Court of Claims provides in part, "In any case not referred to a commissioner of the court [appointed under section 269 of this title] any testimony taken therein shall be by deposition before a reporter-commissioner appointed under section 163 of the Judicial Code [this section] a judge of a court of record in a State or Territory of the United States, a United States commissioner, or a notary public"

Rule 66 prescribes the fees to be paid reporter-commissioners.

§ 270. Salary of commissioners; traveling and other expenses of chief justice, judges, commissioners, stenographers, and retired judges recalled to active duty.

Each of the said commissioners shall devote all of his time to the duties of his office and shall receive a salary of $7,500 per annum, payable monthly out of the Treasury. The chief justice, and any judge of the court, the commissioners, and stenographers authorized by the court, shall also receive their necessary traveling expenses and their actual expenses incurred for subsistence while traveling on duty and away from Washington in an amount not to exceed $10 per day in the case of the chief justice or any judge of the court, $7 per day in the case of commissioners, and $5 per day in the case of stenographers. Retired judges recalled to active duty in Washington or elsewhere shall be entitled to receive the same travel and subsistence expenses as provided for other judges in this section and sections 269 and 275a of this title while absent from their actual places of residence. The expenses of travel and subsistence herein authorized shall be paid upon order of the court. (As amended Oct. 16, 1941, ch. 443, 55 Stat. 741.)

AMENDMENTS

1941—Act Oct 16, 1941, cited to text, provided that this section was "reenacted and amended to read as follows"

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

§ 275a. Taking of evidence at any place within United States.

The chief justice, or any judge of the Court of Claims, may sit at any place within the United States to take evidence in any case instituted in said court. (As amended Oct. 16, 1941, ch. 443, 55 Stat. 741.)

AMENDMENTS

1941—Act Oct. 1, 1941, cited to text, provided that this section was "reenacted and amended to read as follows"

§ 278a. (Judicial Code, section 171.) Fees of reporter—commissioner by whom paid; cost of commission and notice.

When testimony is taken for the claimant, the fees of the commissioner before whom it is taken, and the cost of the commission and notice, shall be paid by such claimant; and when it is taken at the instance of the Government, such fees shall be paid out of the contingent fund provided for the Court of Claims, or other appropriation made by Congress for that purpose. (R. S. § 1085; Mar. 3, 1911, ch. 231, § 171, 36 Stat. 1141.)

CROSS REFERENCES

Reporter-commissioners, see note under section 268a of this title.

Chapter 7A.—THE CUSTOMS COURT

Sec.
296a. Payment of traveling expenses (New).

§ 296a. Payment of traveling expenses.

Traveling expenses of judges of the Customs Court shall be paid upon the written certificate of the judge. (June 26, 1944, ch. 277, title II, 58 Stat. 355; May 21, 1945, ch. 129, title IV, 59 Stat. 197.)

Chapter 8.—THE UNITED STATES COURT OF CUSTOMS AND PATENT APPEALS

§ 301a. Tenure and retirement of judges.

Former section 301a, act Mar. 2, 1929, ch. 488, § 1, 45 Stat. 1475, has been omitted from the Code It changed the title of United States Court of Customs Appeals to the United States Court of Customs and Patent Appeals

§ 301b. Tenure and retirement of judges of court.

Former section 301b has been renumbered 301a.

§§ 303–306.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

Chapter 9.—THE SUPREME COURT

§ 333. (Judicial Code, section 226.) Reporter; salary and allowances.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

§ 334. (Judicial Code, section 227.) Printing, binding, and distribution of reports and digests.

REFERENCES IN TEXT

Reference in first paragraph to "section 139a of this title" should read "sections 139 and 139a of Title 44."

Chapter 10.—PROVISIONS COMMON TO MORE THAN ONE COURT

Sec
375f. Same; recall and authorization to perform judicial duties (New).

§ 374b. Salaries of secretaries or law clerks of district judges.

The compensation of secretaries and law clerks of circuit and district judges (exclusive of any temporary additional compensation) shall be fixed by the Director of the Administrative Office without regard to sections 661–663, 664–673, and 674 of Title 5, except that the salary of a secretary shall conform with that of the main (CAF–4), senior (CAF–5), or principal (CAF–6) clerical grade, or assistant (CAF–7), or associate (CAF–8) administrative grade, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of the junior (P–1), assistant (P–2), associate (P–3), full (P–4), or senior (P–5) professional grade, as the appointing judge shall determine, subject to review by the judicial council of the circuit if requested by the Director, such determination by the judge otherwise to be final: *Provided further*, That (exclusive of any temporary additional compensation) the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed $6,500 per annum, except in the case of the senior circuit judge of each circuit and senior district judge of each district having five or more district judges, in which case the aggregate salaries shall not exceed $7,500. (As amended June 28, 1941, ch. 258, title IV, 55 Stat. 301; July 2, 1942, ch. 472, title IV, 56 Stat. 504; June 28, 1943, ch. 173, title II, § 201, 57 Stat. 242; June 26, 1944, ch. 277, title II, § 201, 58 Stat. 357; May 21, 1945, ch. 129, title IV, 59 Stat. 199.)

AMENDMENTS

1945—Act May 21, 1945, cited to text, amended section generally.

1943—Act June 28, 1943, cited to text, amended section generally.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

§ 375. (Judicial Code, section 260.) Salary of United States judges after resignation or retirement; recall to perform judicial duties; procedure where judge is mentally or physically disabled; effect on seniority.

When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office after having held a commission or commissions as judge of any such court or courts at least ten years, continuously or otherwise, and having attained the age of seventy years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his resignation for the office that he held at the time of his resignation. But, instead of resigning, any judge other than a Justice of the Supreme Court, who is qualified to resign under the foregoing provisions, may retire, upon the salary of which he is then in receipt, from regular active service on the bench, and the President shall thereupon be authorized to appoint a successor; but a judge so retiring may nevertheless be called upon by the senior circuit judge or judicial council of that circuit and be by such senior circuit judge or such council authorized to perform such judicial duties in such circuit as such retired judge may be willing to undertake, or he may be called upon by the Chief Justice and be by him authorized to perform such judicial duties in any other circuit as such retired judge may be willing to undertake or he may be called upon either by the presiding judge or senior judge of any other such court and be by him authorized to perform such judicial duties in such court as such retired judge may be willing to undertake. Any judge who has heretofore retired, or who hereafter retires, under the provisions of this section, may perform judicial duties only when so called and authorized as herein provided, or as provided by section 17–20, 22, and 23 of this title.

In the event any circuit judge, or district judge, having so held a commission or commissions at least ten years, continuously or otherwise, and having attained the age of seventy years as aforesaid, shall nevertheless remain in office, and not resign or retire as aforesaid, the President, if he finds any such judge is unable to discharge efficiently all the duties of his office by reason of mental or physical disability of permanent character, may, when necessary for the efficient dispatch of business, appoint, by and with the advice and consent of the Senate, an additional circuit judge of the circuit, or district judge of the district, to which such disabled judge belongs. Any judge who has heretofore retired or who hereafter retires voluntarily under the provisions of this section, or whose mental or physical condition caused the President to appoint an additional judge, shall be held and treated as if junior in commission to the remaining judges of said court, who shall, in the order of the seniority of their respective commissions, exercise such powers and perform such duties as by law may be incident to seniority. In districts where there may be more than one district judge, if the judges or a majority of them cannot agree upon the appointment of officials of the court, to be appointed by such judges, then the senior judge shall have the power to make such appointments: *Provided*, That in determining the seniority of district judges in any State for the purpose of exercising the power of appointing officials of the court, any district judge whose jurisdiction extends over more than one district shall be held and treated as if junior in commission to the other district judges in such State, in all districts except the district of his residence at the time of his appointment.

Upon the death, resignation, or retirement of any circuit or district judge, so entitled to resign, following the appointment of any additional judge as

provided in this section, the vacancy caused by such death, resignation, or retirement of the said judge so entitled to resign shall not be filled. (As amended May 11, 1944, ch. 192, § 1, 58 Stat. 218.)

AMENDMENTS

1944—Act May 11, 1944, cited to text, amended section by adding last sentence of par. 1, and second and third sentences in par. 2.

DISTRICT OF COLUMBIA

Section 3 of act May 11, 1944, cited to text, provided. "For the purpose of this Act [sections 375 and 375f of this title] the District of Columbia shall be considered as a judicial circuit."

§ 375f. Same; recall and authorization to perform judicial duties.

Any Justice of the Supreme Court who retires or who has retired under the provisions of sections 375b–375f may nevertheless be called upon by the Chief Justice and be by him authorized to perform such judicial duties, in any judicial circuit, including those of a circuit justice in such circuit, as such retired Justice may be willing to undertake; a circuit or district judge so retiring or retired may nevertheless be called upon by the senior circuit judge or judicial council of that circuit and be by such senior circuit judge or such judicial council authorized to perform such judicial duties in such circuit as such retired judge may be willing to undertake, or he may be called upon by the Chief Justice and be by him authorized to perform such judicial duties in any other circuit as such retired judge may be willing to undertake; and any judge of any other court of the United States so retiring or retired may be called upon by the presiding judge or senior judge of such court and be by him authorized to perform such judicial duties in such court as he may be willing to undertake. Any such judge so retiring or retired may perform judicial duties only when so called and authorized as herein provided. (Aug. 5, 1939, ch. 433, § 5, as added May 11, 1944, ch. 192, § 2, 58 Stat. 219.)

DISTRICT OF COLUMBIA

Section 3 of act May 11, 1944, cited to text, provided: "For the purpose of this Act [sections 375 and 375f of this title] the District of Columbia shall be considered as a judicial circuit."

§ 377c. Same; institution on refusal of Attorney General and district attorney.

If the Attorney General and district attorney shall refuse to institute a quo warranto proceeding on the request of a person interested, such person may apply to the court by verified petition for leave to have said writ issued; and if in the opinion of the court the reasons set forth in said petition are sufficient in law, the said writ shall be allowed to be issued by any attorney, in the name of the United States, on the relation of said interested person, on his compliance with the condition prescribed in section 377b of this title as to security for costs. (Mar. 3, 1901, ch. 854, § 1540, 31 Stat. 1420.)

§§ 380, 380a.

CROSS REFERENCES

Single judge's powers in action in three-judge district court for interlocutory injunction and final hearing under this section, see section 792 of this title.

§§ 381, 386.

CROSS REFERENCES

Applicability of sections 381–383 of this title to the insurance business, see sections 1011–1015 of Title 15, Commerce and Trade.

§ 400. (Judicial Code, section 274d.) Declaratory judgments authorized; procedure.

(1) In cases of actual controversy (except with respect to Federal taxes) the courts of the United States shall have power upon petition, declaration, complaint, or other appropriate pleadings to declare rights and other legal relations of any interested party petitioning for such declaration, whether or not further relief is or could be prayed, and such declaration shall have the force and effect of a final judgment or decree and be reviewable as such.

* * * * *

(Mar. 3, 1911, ch. 231, § 274d, as added June 14, 1934, ch. 512, 48 Stat. 955, and amended Aug. 30, 1935, ch. 829, § 405, 49 Stat. 1027.)

Chapter 11.—JURIES

Sec.
412a. Compensation of jury commissioners (New).

§ 412a. Compensation of jury commissioners.

The compensation of jury commissioners shall be $5.00 per day, not exceeding three days for any one term of court. (May 21, 1945, ch. 129, title IV, 59 Stat. 198.)

SIMILAR PROVISIONS

Similar provisions appear in prior appropriation acts as follows:

1945—June 26, 1944, ch 277, title II, 58 Stat 357.
1944—June 28, 1943, ch 173, title II, 57 Stat 242
1943—July 2, 1942, ch 472, title IV, 56 Stat 503.
1942—June 28, 1941, ch 258, title III, 55 Stat. 301.
1941—May 14, 1940, ch. 189, title IV, 54 Stat. 209.

Part II.—THE JUDICIARY

Chapter 15.—DISTRICT ATTORNEYS, MARSHALS, CLERKS, AND OTHER COURT OFFICERS, AND COMMISSIONERS

Sec
530a Purchase of United States Code Annotated and Lifetime Federal Digest (New).

§ 481a. District attorney for middle district of Georgia.

Section, act May 28, 1926, ch 414, § 2 (b), 44 Stat 672, has been incorporated in section 481 of this title

§ 484. Clerical assistance; salaries.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees

§ 490a. Marshal for middle district of Georgia.

Section, act May 28, 1926, ch. 414, § 2 (b), 44 Stat 672, has been incorporated in section 490 of this title.

§ 524. Residence of district attorneys, marshals, and clerks.

The Attorney General is authorized to fix and declare the place of the official residence of the district attorney and of each of his assistants: *Provided,* That the said assistants must be residents of

the district for which they are appointed, except that in the District of Columbia said assistants may reside within twenty miles of their district. The marshal's official residence shall be deemed to be at one of the places of holding court in the district, and the Attorney General shall be authorized to fix and declare the place of such official residence. Every clerk of the circuit or district court of the United States, the United States marshal, or United States district attorney, shall reside permanently in the district where his official duties are to be performed and shall give his personal attention thereto; and in case any such officer shall remove from his district, or shall fail to give personal attention to the duties of his office, except in case of sickness, such office shall be deemed vacant: *Provided*, That in the southern district of New York and in the District of Columbia said officers may reside within twenty miles of their districts. (As amended June 14, 1941, ch. 203, §§ 1, 2, 55 Stat. 251.)

AMENDMENTS

1941—First sentence was amended by act June 14, 1941, § 2, cited to text

Last sentence was amended by act June 14, 1941, § 1, cited to text

§ 527. Commissioners or receivers; persons ineligible.

Except as provided in section 591 of this title, no marshal or deputy marshal, attorney or assistant attorney of any district, jury commissioner, clerk of marshal, no bailiff, crier, juror, janitor of any Government building, nor any civil or military authority of the Government, except as provided in section 526 of this title, and no clerk or employee of any United States justice or judge shall have, hold, or exercise the duties of the United States commissioner. However, nothing in this section shall preclude a referee in bankruptcy or, a national park commissioner from appointment also as a United States commissioner: *Provided, however*, That a national park commissioner for his services as a United States commissioner shall receive no fees or other compensation in addition to his salary as a national park commissioner. And it shall not be lawful to appoint any of the officers named in this section receiver or receivers in any case or cases brought in the courts of the United States. (As amended Dec. 28, 1945, ch. 592, 59 Stat. 659.)

AMENDMENTS

1945—Act Dec. 1945, cited to text, amended section by inserting second sentence beginning "However, nothing * * *."

§ 530. Law books for judges transmitted to successors.

The reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than $6 50 per volume: *Provided*, That all books purchased hereunder for United States judges and other judicial officers shall be marked plainly "The Property of the United States", and such books shall in all cases be transmitted to their successors in office. (June 28, 1941, ch 258, title IV, 55 Stat. 301; July 2, 1942, ch. 472, title IV, 56 Stat. 504; June 28, 1943, ch. 173, title II, § 201, 57 Stat. 243; June 26, 1944, ch. 277, title II, § 203, 58 Stat. 358; May 21, 1945, ch. 129, title IV, 59 Stat. 200.)

AMENDMENTS

1944—Act June 26, 1944, cited to text, amended section by omitting reference to the ten libraries of the United States circuit courts of appeal, the Federal Register and continuations thereto, and the United States Code Annotated.

§ 530a. Purchase of United States Code Annotated and Lifetime Federal Digest.

No part of any appropriation shall be used to pay in excess of $2 per volume for the current and future volumes of the United States Code Annotated or in excess of $3.25 per volume for the current or future volumes of the Lifetime Federal Digest. (June 27, 1944, ch. 286, title II, § 212, 58 Stat. 387; May 3, 1945, ch. 106, title II, § 213, 59 Stat. 134.)

Chapter 16.—FEES, COMPENSATION, AND ACCOUNTS OF OFFICERS

FEES OF JURORS AND WITNESSES

Sec
604a Appropriations available for travel expenses of United States employees as Government witnesses (New).

CLERKS' FEES, SALARIES, EXPENSES, AND ACCOUNTS

§ 542. Same; compensation retained by; surplus paid into Treasury.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees

§ 543. Costs and fees in the Circuit Court of Appeals.

The costs and fees to be charged and collected in each circuit court of appeals and in the United States Circuit Court of Appeals for the District of Columbia, shall be prescribed from time to time by the Judicial Conference of Senior Circuit Judges. Such costs and fees shall be reasonable and uniform in all the circuits. (As amended Sept. 27, 1944, ch. 413, § 1, 58 Stat. 743.)

AMENDMENTS

1944—Act Sept. 27, 1944, amended section generally by taking the fee making power from each circuit court of appeals and lodging it in the Judicial Conference of Senior Circuit Judges

EFFECTIVE DATE

Section 2 of act Sept 27, 1944, cited to text, provided: "Until the effective date of action of the Judicial Conference of Senior Circuit Judges pursuant to section 1 of this Act [this section] the table of fees and costs now in effect in the circuit courts of appeals shall remain in force."

§ 544. Clerks of circuit courts of appeals; allowance and payment of office expenses, personal compensation, and so forth.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

§ 547. Criers, clerks, bailiffs, and messengers of circuit courts of appeals; compensation.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934

of Title 5, Executive Departments and Government Officers and Employees.

§ 549. Same; on institution of suit or proceeding.

Upon the institution of any suit or proceeding, whether by original process, removal, indictment, information, or otherwise, there shall be paid by the party or parties so instituting such suit or proceeding, as fees of the clerk for all services to be performed by him in such case or proceeding, except as hereinafter provided, the sum of $15: *Provided, however,* That the clerk shall not be required to account for any such fee not collected by him in any criminal case: *Provided further,* That nothing herein contained shall prohibit the court from directing by rule or standing order the collection at the time the services are rendered of the fees herein enumerated from either party, but all such fees shall be taxed as costs in the respective cases. (As amended Sept. 27, 1944, ch. 414, § 1, 58 Stat. 743.)

AMENDMENTS

1944—Act Sept. 27, 1944, cited to text, amended section by substituting the amount $15 for $5 and added both provisos

EFFECTIVE DATE

Section 6 of act Sept. 27, 1944, cited to text, provided: "This amendatory Act [sections 549–555 of this title] shall take effect thirty days after its enactment [Sept. 27, 1944]: *Provided,* That in all suits or actions or proceedings instituted prior to and pending of record on the effective date of this amendatory Act, fees for services thereafter performed by clerks of district courts of the United States shall be charged and collected as if this amendatory Act had not been enacted, and that until the effective date of action of the Judicial Conference of Senior Circuit Judges to prescribe fees for miscellaneous services pursuant to section 8 of the Act of February 11, 1925 [section 555 of this title], as amended by this Act, fees for miscellaneous services shall continue to be charged and collected as if this amendatory Act had not been enacted."

§§ 550, 551. Repealed. Sept. 27, 1944, ch. 414, § 2, 58 Stat. 744.

Section 550 was amended by act Mar. 3, 1942, ch. 124, § 1, 56 Stat. 122.

EFFECTIVE DATE

For effective date of repeals by act Sept. 27, 1944, ch 414, § 2, 58 Stat. 744, see note set out under section 549 of this title

§ 552. Fees of clerks of district courts on filing of petition for appeal or writ of certiorari.

Upon the filing of any separate or joint notice of appeal or petition for appeal (including assignment of errors) to any circuit court of appeals or the Supreme Court of the United States, or upon the receipt of any order allowing or notice of the allowance of an appeal or of a writ of certiorari from an appellate court, there shall be paid by the party or parties prosecuting such appeal or procuring such writ of certiorari, as an additional fee in said suit or action, or proceeding in bankruptcy, the sum of $5. (As amended Sept. 27, 1944, ch. 414, § 3, 58 Stat. 744.)

AMENDMENTS

1944—Act Sept. 27, 1944, cited to text, which amended section generally also incorporated reference to a "writ of certiorari."

EFFECTIVE DATE

For effective date of amendments by act Sept. 27, 1944, cited to text, see note set out under section 549 of this title.

§ 553. Fees of clerks of district courts on filing petition or application for habeas corpus, or appeal from deportation order.

Upon the filing of any petition or application for a writ of habeas corpus, or appeal from a deportation order of a United States commissioner, there shall be charged and collected by the clerk, from the petitioner or applicant, as full payment for all services performed or to be performed by him in said proceeding, the sum of $5. (As amended Sept. 27, 1944, ch. 414, § 4, 58 Stat. 744.)

AMENDMENTS

1944—Act Sept. 27, 1944, cited to text, amended section by omitting last sentence which read "If an appeal * * * collected by the clerk."

EFFECTIVE DATE

For effective date of amendments by act Sept. 27, 1944, cited to text, see note set out under section 549 of this title.

§ 554. Repealed. Sept. 27, 1944, ch. 414, § 2, 58 Stat. 744.

EFFECTIVE DATE

For effective date of repeals by act Sept. 27, 1944, ch 414, § 2, 58 Stat. 744, see note set out under section 549 of this title.

§ 555. Additional fees of clerks of district courts prescribed by Judicial Conference of Senior Circuit Judges.

In addition to the fees for services rendered in cases, hereinbefore enumerated, the clerk shall charge and collect, for miscellaneous services performed by him, except when on behalf of the United States, reasonable fees which shall be prescribed from time to time by the Judicial Conference of Senior Circuit Judges: *Provided,* That in each criminal case not provided for in section 562 of Title 18 the clerk shall furnish each defendant, upon his request, a copy of any information filed or indictment returned against him, the fees for said copy and the certificate thereto, at the rates fixed as herein provided for, to be taxed as costs; but such fees shall not be demanded of any such defendant unless and until by order, judgment, or decree of the court the costs in the case are assessed against him. (As amended Mar. 3, 1942, ch. 124, § 2, 56 Stat. 122; Sept. 27, 1944, ch. 414, § 5, 58 Stat. 744.)

AMENDMENTS

1944—Act Sept. 27, 1944, cited to text, amended section generally by omitting all 14 enumerated services for which fees were charged and in lieu provided that the Judicial Conference of Senior Circuit Judges would prescribe the fees

1942—Act Mar. 3, 1942, cited to text, amended section by repealing par. (8) which provided that the clerk should charge 1 per cent of moneys received and paid out.

EFFECTIVE DATE

For effective date of amendments by act Sept. 27, 1944, cited to text, see note set out under section 549 of this title.

§§ 558, 562, 569.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

MARSHALS' FEES

§ 574. Marshals; fees enumerated.

* * * * *

For the necessary expenses of keeping boats, vessels, or other property attached or libeled in admiralty, such amount as the court, on petition setting forth the facts under oath, may allow. (As amended May 29, 1930, ch. 356, 46 Stat. 486.)

In all cases in which the vessel or other property is sold by a public auctioneer or by some party other than the marshal or his deputy, the fee herein authorized to be paid to the marshal shall be reduced by the amount paid to said auctioneer or other party. (As amended Aug. 3, 1935, ch. 431, § 2, 49 Stat. 513.)

* * * * *

SALARIES, EXPENSES, AND ACCOUNTS OF DISTRICT ATTORNEYS AND MARSHALS

§ 577. Accounts of fees or costs not reexamined.

No accounts of fees or costs paid to any witness or juror, upon the order of any judge or commissioner, or to any witness upon the certificate of attendance of the United States attorney or assistant United States attorney, or to any juror upon the certificate of attendance of the clerk of the court, shall be so reexamined as to charge any marshal for an erroneous taxation of such fees or costs. Where the ministerial officers of the United States have incurred or shall incur extraordinary expense in executing the laws thereof, the payment of which is not specifically provided for, the President of the United States is authorized to allow the payment thereof under the special taxation of the district court of the district in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the judiciary. (As amended Oct. 13, 1941, ch. 431, § 1, 55 Stat. 736.)

AMENDMENTS

1941—Act Oct. 13, 1941, cited to text, amended section by inserting provisions with respect to payments upon certificate of attendance.

§§ 579, 580, 582, 584.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

§ 584a. Same; substitute transportation allowance.

United States marshals and their deputies may be allowed, in lieu of actual expenses of transportation, not to exceed 4 cents per mile for the use of privately owned automobiles when traveling on official business within the limits of their official station. (As amended June 28, 1941, ch. 258, title III, 55 Stat 295; July 2, 1942, ch. 472, title II, 56 Stat. 486; July 1, 1943, ch. 182, title II, § 1, 57 Stat. 286; June 28, 1944, ch. 294, title II, § 1, 58 Stat. 410; May 21, 1945, ch. 129, title II, 59 Stat. 183.)

AMENDMENTS

1944—Act June 28, 1944, cited to text, amended section by increasing mileage rate from 3 cents to 4 cents.

1943—Act July 1, 1943, cited to text, reduced the allowance from "4 cents per mile" to "3 cents per mile".

1942—Act July 2, 1942, cited to text, changed amount of allowance from 3 to 4 cents a mile

§ 592. District attorneys; traveling expenses; subsistence.

The necessary expenses for transportation and subsistence, in accordance with the Standardized Government Travel Regulations, of the United States district attorneys and their assistants, while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court, commissioner, or other committing magistrate, and while otherwise necessarily absent from their respective official residences on official business shall be allowed and paid in the following manner: That the accounts of the United States attorneys and assistant United States attorneys for expenses herein provided shall be made out monthly in accordance with rules and regulations prescribed by the Attorney General. And when said expense accounts are made out, as hereinbefore provided, and verified on oath before an officer authorized by law to administer oaths, they may be allowed and, upon certificate of the United States attorney, paid by the United States marshal for said district, and the amount of such payments shall be included in said marshal's accounts with the United States, and audited and allowed as provided by law. (As amended Dec. 24, 1942, ch. 825, § 3, 56 Stat. 1089.)

AMENDMENTS

1942—Act Dec 24, 1942, cited to text, amended section generally

§ 593. Same; clerks and messengers for southern district of New York.

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees

COMBINATION OF CRIERS AND BAILIFFS

§ 595. Criers of courts and attendants on juries.

Act Dec. 7, 1944, ch 522, § 2, 58 Stat 797, amended section by repealing R S § 715 from which section was derived

CROSS REFERENCES

Compensation for overtime, see section 935 of Title 5, Executive Departments and Government Officers and Employees.

Increase in basic compensation rates, see section 934 of Title 5, Executive Departments and Government Officers and Employees.

§ 596. Per diem of bailiffs.

REPEALED—Act June 28, 1941, ch. 258, title III, 55 Stat 295; act July 2, 1942, ch 472, title II, 56 Stat. 486, act July 1, 1943, ch. 182, title II, § 1, 57 Stat. 286, act June 28, 1944, ch 294, title II, § 1, 58 Stat 410; act May 21, 1945, ch. 129, title II, 59 Stat 184

FEES OF JURORS AND WITNESSES

§ 600. Grand and petit jurors; fees.

TEMPORARY REDUCTION IN FEES

Act June 30, 1932, ch. 314, § 323, 47 Stat. 413, reduced from $4 to $3, during the fiscal year 1933, the per diem fee authorized to be paid jurors under this section, and

ADMIRALTY RULES

RULE 44½. PRE-TRIAL PROCEDURE; FORMULATING ISSUES

Rule 16 of the Rules of Civil Procedure shall be applicable in cases in Admiralty. (Added May 4, 1942.)

§ 723c. Union of equity and action at law rules; power of Supreme Court.

FEDERAL RULES OF CIVIL PROCEDURE

RULES 75, 76

Printing record on appeal, see section 9b of this title.

RULE 81. APPLICABILITY IN GENERAL

Bankruptcy proceedings and appeals therein, application of Rules of Civil Procedure to such proceedings, see General Orders Nos. 36 and 37 following section 53 of Title 11, Bankruptcy.

§ 778. Death of parties; substitution of executor or administrator.

When either of the parties, whether plaintiff or petitioner or defendant, in any suit in any court of the United States, dies before final judgment, the executor or administrator of such deceased party may, in case the cause of action survives by law, prosecute or defend any such suit to final judgment. The defendant shall answer accordingly, and the court shall hear and determine the cause and render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator, having been duly served with a scire facias from the office of the clerk of the court where the suit is depending twenty days beforehand, neglects or refuses to become party to the suit, the court may render judgment against the estate of the deceased party in the same manner as if the executor or administrator had voluntarily made himself a party. The executor or administrator who becomes a party as aforesaid shall, upon motion to the court, be entitled to a continuance of the suit until the next term of said court.

The provisions of this section shall apply to suits in equity and in admiralty as well as to suits at law, and the jurisdiction of all courts of the United States shall extend to and over executors and administrators of any party, who dies before final judgment or decree, appointed under the laws of any State or Territory of the United States, and such courts shall have jurisdiction within two years from the date of the death of the party to the suit to issue its scire facias to executors and administrators appointed in any State or Territory of the United States which may be served in any judicial district by the marshal thereof. No executor or administrator shall be made a party unless such service is made before final settlement and distribution of the estate of said deceased party to the suit.

This section shall apply to suits in which any party has deceased prior to November 23, 1921, as well as to suits in which any party may have died thereafter or may die hereafter. (R. S. § 955; Nov. 23, 1921, ch. 142, §§ 1, 2, 42 Stat. 323, 324; Dec. 22, 1921, ch. 18, 42 Stat. 352.)

MODIFICATION

Sections 778–780 of this title have been modified in so far as they differ from Rules 25 and 81 of Federal Rules of Civil Procedure set out following section 723c of this title with relation to procedure in the District Courts of the United States. See notes of Advisory Committee under said rules.

§ 779. Death of one of several plaintiffs or defendants.

If there are two or more plaintiffs or defendants, in a suit where the cause of action survives to the surviving plaintiff or against the surviving defendant, and one or more of them dies, the writ or action shall not be thereby abated; but, such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff against the surviving defendant. (R. S. § 956.)

CROSS REFERENCES

Modification of this section, see note under section 778 of this title.

§ 780. Survival of actions, suits, or proceedings—(a) By or against officer of United States, District of Columbia, Canal Zone, or territory or insular possession of United States, or of county, and so forth, of such territory or insular possession.

Where, during the pendency of an action, suit, or other proceeding brought by or against an officer of the United States, or of the District of Columbia, or the Canal Zone, or of a Territory or an insular possession of the United States, or of a county, city, or other governmental agency of such Territory or insular possession, and relating to the present or future discharge of his official duties, such officer dies, resigns, or otherwise ceases to hold such office, it shall be competent for the court wherein the action, suit, or proceeding is pending, whether the court be one of first instance or an appellate tribunal, to permit the cause to be continued and maintained by or against the successor in office of such officer, if within six months after his death or separation from the office it be satisfactorily shown to the court that there is a substantial need for so continuing and maintaining the cause and obtaining an adjudication of the questions involved.

(b) By or against officer of State, county, city, and so forth.

Similar proceedings may be had and taken where an action, suit, or proceeding brought by or against an officer of a State, or of a county, city, or other governmental agency of a State, is pending in a court of the United States at the time of the officer's death or separation from the office.

(c) Notice of application for substitution of parties.

Before a substitution under this section is made, the party or officer to be affected, unless expressly consenting thereto, must be given reasonable notice of the application therefor and accorded an opportunity to present any objection which he may have. (Feb. 8, 1899, ch. 121, 30 Stat. 822; Feb. 13, 1925, ch. 229, § 11, 43 Stat. 941.)

CROSS REFERENCES

Modification of this section, see note under section 778 of this title.

§ 792. Three-judge district court actions for interlocutory injunction and final hearing; powers of single judge.

In any action in a district court wherein the action of three judges is required for the hearing and determination of an application for interlocutory injunction and for the final hearing by reason

of the provisions of sections 47, 380, or 380a of this title, or section 28 of Title 15 and section 44 of Title 49, as amended by section 1 of the Act of April 6, 1942, chapter 210, any one of such three judges may perform all functions, conduct all proceedings, except the trial of such action, and enter all orders required or permitted by the Rules of Civil Procedure for the District Courts of the United States in effect at the time, provided such single judge shall not appoint, or order a reference to a master, or hear and determine any application for, or vacation of, an interlocutory injunction, or dismiss the action, or enter a summary or final judgment on all or any part of the action: *Provided, however,* That any action of a single judge hereby permitted shall be subject to review at any time prior to final hearing by the court as constituted for final hearing, on application of any party or by order of such court on its own motion. (Apr. 6, 1942, ch. 210, § 3, 56 Stat. 199.)

JUDGMENTS

§ 811a. Repealed. Mar. 3, 1933, ch. 212, title II, § 14, 47 Stat. 1517.

This section, establishing rate of interest at 4 percent, was repealed by act Mar. 3, 1933, ch. 212, title II, § 14, 47 Stat. 1517, which restored the rate of interest applicable prior to the enactment of this section.

Chapter 19.—UNITED STATES AS PARTY DEFENDANT IN CERTAIN CASES

§ 901. Foreclosure of mortgages or other liens; quieting title; consent.

Upon the conditions herein prescribed for the protection of the United States, the consent of the United States is given to be named a party in any suit which is now pending or which may hereafter be brought in any United States district court, including those for the districts of Alaska, Hawaii, and Puerto Rico, and the District Court of the United States for the District of Columbia, and in any State court having jurisdiction of the subject matter, to quiet title to or for the foreclosure of a mortgage or other lien upon real estate or personal property, for the purpose of securing an adjudication touching any mortgage or other lien the United States may have or claim on the premises or personal property involved. (As amended Dec. 2, 1942, ch. 656, § 1, 56 Stat. 1026.)

AMENDMENTS

1942—Act Dec 2, 1942, cited to text, amended section by adding words "to quiet title to or" and "or personal property", the latter in both instances.

§ 902. Same; service; appearance; pleadings.

Service upon the United States shall be made by serving the process of the court with a copy of the bill of complaint upon the United States attorney for the district or division in which the suit has been or may be brought, or upon an assistant United States attorney or a clerical employee designated by the United States attorney in writing filed with the clerk of the court in which suit is brought, and by sending copies of the process and bill, by registered mail, to the Attorney General of the United States at Washington, District of Columbia. The complaint shall set forth with particularity the nature of the interest or lien of the United States on such property. The United States shall have sixty days after service as above provided, or such further time as the court may allow, within which to appear and answer, plead, or demur. (As amended Dec. 2, 1942, ch. 656, § 3, 56 Stat. 1026.)

AMENDMENTS

1942—Act Dec. 2, 1942, cited to text, amended section by adding sentence beginning with the words "The complaint shall set forth with particularity".

§ 904. Same; judicial sales; affirmative relief.

Except as herein otherwise provided, a judicial sale made in pursuance of a judgment in such a suit shall have the same effect respecting the discharge of the property from liens and encumbrances held by the United States as may be provided with respect to such matters by the law of the State, Territory, or District in which the land or personal property is situated: *Provided,* That a sale to satisfy a lien inferior to one of the United States, shall be made subject to and without disturbing the lien of the United States, unless the United States, by its attorneys, consents that the property may be sold free of its mortgage or lien and the proceeds divided as the parties may be entitled: *And provided further,* That where a sale of real estate is made to satisfy a lien prior to that of the United States, the United States shall have one year from the date of sale within which to redeem. In any case where the debt owing the United States is due, the United States may ask, by way of affirmative relief, for the foreclosure of its own lien or mortgage and in any case where property is sold to satisfy a first mortgage or first lien held by the United States, the United States may bid at the sale such sum not exceeding the amount of its claim with expenses of sale, as may be directed by the chief of the department, bureau, or other agency of the Government which has charge of the administration of the laws in respect of which the claim of the United States arises. (As amended Dec. 2, 1942, ch. 656, § 2, 56 Stat. 1026.)

AMENDMENTS

1942—Act Dec. 2, 1942, cited to text, amended section by adding words "or personal property" immediately following word "land" preceding first proviso, and words "of real estate" following word "sale" in second proviso

TITLE 29.—LABOR

Chapter 1.—BUREAU OF LABOR STATISTICS

§ 1. Design and duties of bureau generally.

The general design and duties of the Bureau of Labor Statistics shall be to acquire and diffuse among the people of the United States useful information on subjects connected with labor, in the most general and comprehensive sense of that word, and especially upon its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity. (June 13, 1888, ch. 389, § 1, 25 Stat. 182; Feb. 14, 1903, ch. 552, § 4, 32 Stat. 826; Mar. 18, 1904, ch. 716, 33 Stat. 136; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737.)

FORMER BOARD OF MATERNITY AND INFANT HYGIENE

See note to chapter 5 of Title 42, the Public Health and Welfare.

§ 3. Commissioner; appointment and tenure of office; compensation.

The Bureau of Labor Statistics shall be under the charge of a Commissioner of Labor Statistics, who shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for four years, unless sooner removed, and shall receive a salary. (June 13, 1888, ch. 389, § 2, 25 Stat. 182; Mar. 18, 1904, ch. 716, 33 Stat. 136; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737.)

§ 4. Duties of Commissioner in general.

It shall be the duty of the Commissioner of Labor Statistics to ascertain the effect of the customs laws, and the effect thereon of the state of the currency, in the United States, on the agricultural industry, especially as to its effect on mortgage indebtedness of farmers. He shall also establish a system of reports by which, at intervals of not less than two years, he can report the general condition, so far as production is concerned, of the leading industries of the country. He is also specially charged to investigate the causes of, and facts relating to, all controversies and disputes between employers and employees as they may occur, and which may tend to interfere with the welfare of the people of the different States. He shall also obtain such information upon the various subjects committed to him as he may deem desirable from different foreign nations, and what, if any, convict-made goods are imported into this country, and if so from whence. (June 13, 1888, ch. 389, § 7, 25 Stat. 183; Aug. 23, 1912, ch. 350, § 1, 37 Stat. 407; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737; May 29, 1928, ch. 901, § 1 (110), (111), 45 Stat. 994.)

§ 5. Bulletin as to labor conditions.

The Commissioner of Labor Statistics is hereby authorized to prepare and publish a bulletin of the Bureau of Labor Statistics, as to the condition of labor in this and other countries, condensations of State and foreign labor reports, facts as to conditions of employment, and such other facts as may be deemed of value to the industrial interests of the country. (Mar. 2, 1895, ch. 177, § 1, 28 Stat. 805; Mar. 18, 1904, ch. 716, 33 Stat. 136; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737.)

§ 7. Reports of labor statistics in Hawaii.

It shall be the duty of the United States Commissioner of Labor Statistics to collect, assort, arrange, and present in reports every five years statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as Congress may by law direct. The said commissioner is especially charged to ascertain the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress. (Apr. 30, 1900, ch. 339, § 76, 31 Stat. 155; Apr. 8, 1904, ch. 948, 33 Stat. 164; Mar. 4, 1913, ch. 141, § 3, 37 Stat. 737.)

Chapter 4.—VOCATIONAL REHABILITATION OF PERSONS INJURED IN INDUSTRY

Sec

31. Availability of funds.
32 State plans.
33. Payments to states.
34. Operation of state plans.
35 Services for state boards.
36 District of Columbia.
37. Administration.
38 Reports.
39. Appropriation.
40. Definitions.
41. Short title.
42–44. Omitted.
45–45b. Omitted.

§ 31. Availability of funds.

Moneys made available for the purpose pursuant to sections 31–41 of this title shall be used for making payments to States (and Alaska, Hawaii, and Puerto Rico, herein referred to as "States") which have submitted, and had approved by the Federal Security Administrator (herein referred to as the "Administrator"), State plans for vocational rehabilitation of disabled individuals. (June 2, 1920, ch. 219, § 1, as amended July 6, 1943, ch. 190, § 1, 57 Stat. 374.)

AMENDMENTS

1943—Act July 6, 1943, § 1, amended generally the entire act of June 2, 1920, ch. 219, 41 Stat. 735, as amended, which constituted sections 31–44 of this title, to read as set out under sections 31–41 of this title. The provisions of the original act of June 2, 1920, were substantially changed and rewritten.

EFFECTIVE DATE

Subd. (a) of section 3 of act July 6, 1943, cited to text, provided: "The Act of June 2, 1920 (former sections 31 44 of this title), as in effect prior to the enactment of this Act (July 6, 1943), and plans and regulations approved and promulgated thereunder prior to the enactment of this Act (July 6, 1943) may, notwithstanding the amendment made by section 1 of this Act (sections 31–41 of this title), be considered to remain in effect with respect to the period ending ninety days after the date of the enactment of this Act (July 6, 1943); and the plan formulated with the United States Employees' Compensation Commission pursuant to the Act of February 23, 1929, (former sections 31–501 of the District of Columbia Code), as in effect prior to the enactment of this Act (July 6, 1943), and regulations promulgated under such Act of February 23, 1929, (former sections 31 501 of the District of Columbia Code), prior to the enactment of this Act (July 6, 1943), shall remain in effect except to the extent they may be hereafter modified or superseded "

STATE COMPLIANCE WITH PLAN

Subd. (b) of section 3 of act July 6, 1943, cited to text, provided: "If any State cannot fully comply with the conditions of the Vocational Rehabilitation Act (sections 31–41 of this title), as amended by this Act (July 6, 1943, ch. 190, §§ 1–4, 57 Stat. 374), on the date of the enactment of this Act (July 6, 1943), such State may secure the benefits of the Vocational Rehabilitation Act as so amended (sections 31–41 of this title), until sixty days after the legislature of such State first meets in due course after such date of enactment or until the earliest effective date after such sixty days which could be given in such State to legislation passed within such sixty days to secure the benefits of this Act (sections 31–41 of this title), whichever is the later, if it complies therewith to the extent possible."

REPEAL

Section 2 of act July 6, 1943, cited to text, repealed sections 31–501 to 31–507 of District of Columbia Code relating to vocational rehabilitation of disabled residents of District of Columbia

SHORT TITLE

Section 4 of amendatory act of July 6, 1943, cited to text provided: "This Act may be cited as the 'Vocational Rehabilitation Act Amendments of 1943'."

§ 32. State plans.

(a) To be approvable under sections 31–41 of this title, a State plan for vocational rehabilitation shall—

(1) designate the State board of vocational education (herein referred to as the "State board") as the sole agency for the administration, supervision, and control of the State plan; except that where under the State's law, the State blind commission, or other agency which provides assistance or services to the adult blind is authorized to provide them vocational rehabilitation, the plan shall provide for administration by such State blind commission or other State agency of the part of the plan under which vocational rehabilitation is provided the blind: *Provided*, That in any State which by law has established a rehabilitation commission prior to the date of enactment of sections 31–41 of this title, with authority to provide rehabilitation services to disabled individuals, the State board may delegate to such commission all or any part of the operation of the State plan, under a written agreement of cooperation approved by the Administrator;

(2) provide that the State treasurer (or, if there be no State treasurer, the officer exercising similar functions for the State) be appointed as custodian of funds received under sections 31–41 of this title from the Federal Government and receive and provide for the proper custody of such funds;

(3) show the plan, policies, and methods to be followed in carrying out the work under the State plan and in its administration and supervision;

(4) provide that vocational rehabilitation under the plan shall be made available only to classes of employable individuals defined by the Administrator;

(5) contain such provisions as to the qualification of personnel for appointment in administering the plan as are necessary to the establishment and maintenance of personnel standards; the duty of the Administrator in approving a plan shall be solely the determination of whether the plan contains such provisions, but the Administrator shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provisions;

(6) provide such methods of administration, other than establishment and maintenance of personnel standards, as are found by the Administrator to be necessary for the proper and efficient administration of the plan;

(7) provide that the State board will make such reports, in such form and containing such information, as the Administrator may from time to time require, and comply with such provisions as he may from time to time find necessary to assure the correctness and verification of such reports;

(8) provide that no portion of any money paid to the State under sections 31–41 of this title shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings, or for the purchase or rental of any land for administrative purposes;

(9) provide such rules, regulations, and standards with respect to expenditures upon which Federal grants are made available under section 33 (a) of this title as the Administrator may find reasonable and necessary, including (A) provisions designed to secure good conduct, regular attendance, and cooperation of trainees and reduction of allowance in the case of on-the-job training; (B) maximum fees which may be paid for training and maximum duration of training; (C) maximum schedules of fees for surgery, therapeutic treatment, hospitalization, and medical examination, and for prosthetic devices; and (D) maximum rates of compensation of personnel; and

(10) provide that vocational rehabilitation provided under the State plan shall be available, under such rules and regulations as the Administrator shall prescribe, to any civil employee of

the United States disabled while in the performance of his duty and to any war disabled civilian (as defined in section 40 of this title).

(b) The Administrator shall approve any plan which he believes to be feasible and which fulfills the conditions specified in subsection (a) of this section, except that he shall not approve any plan which he finds contains such restrictions with respect to the expenditure of funds under such plan as would (1) substantially increase the costs of vocational rehabilitation in the State, or (2) seriously impair the effectiveness of the State plan in carrying out the purposes of sections 31–41 of this title. (June 2, 1920, ch. 219, § 2, as amended July 6, 1943, ch. 190, § 1, 57 Stat. 374.)

EFFECTIVE DATE

Effective date, see note under section 31 of this title

§ 33. Payments to States.

(a) From the sums made available pursuant to section 32 of this title, the Secretary of the Treasury shall pay to each State which has an approved plan for vocational rehabilitation, for each quarter or other shorter payment period prescribed by the Administrator, the sum of amounts he determines to be—

(1) the necessary cost (exclusive of administrative expenses) to such State under the plan of providing vocational rehabilitation during the period for which such payment is to be made to disabled individuals certified to the State by the Administrator as war disabled civilians;

(2) one-half of necessary expenditures under such plan in such period (exclusive of administrative expense) for rehabilitation training and medical examinations where necessary to determine eligibility for vocational rehabilitation, the nature of rehabilitation services required, or occupational limitations, in the case of other disabled individuals; and

(3) one-half of necessary expenditures under such plan in such period (exclusive of administrative expense) for rehabilitation services specified in subparagraphs (A), (B), (C), (D), and (E), to disabled individuals (not including war disabled civilians) found to require financial assistance with respect thereto, after full consideration of the eligibility of such individual for any similar benefit by way of pension, compensation, or insurance, such rehabilitation services being—

(A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical condition which is static and constitutes a substantial handicap to employment, but is of such a nature that such correction or modification should eliminate or substantially reduce such handicap within a reasonable length of time;

(B) necessary hospitalization, in no case to exceed ninety days, in connection with surgery or treatment specified in subparagraph (A);

(C) transportation, occupational licenses and customary occupational tools and equipment not mentioned elsewhere in this subsection;

(D) such prosthetic devices as are essential to obtaining or retaining employment;

(E) maintenance not exceeding the estimated cost of subsistence during training, including the cost of any necessary books and other training material.

(4) expenditures in such period necessary for the proper and efficient administration of the plan, including necessary administrative costs in connection with providing the foregoing services to, and guidance and placement of, disabled individuals.

(b) In the case of any State found by the Administrator to have substantially exhausted its funds available for necessary expenditures specified in subsection (a), he may increase amounts payable to such State under such subsection during periods prior to July 1, 1945, under such conditions as shall be prescribed in general regulations promulgated by him.

(c) The method of computing and paying amounts pursuant to subsections (a) and (b) shall be as follows:

(1) The Administrator shall from time to time estimate the amount to be paid to each State under the provisions of sections 31–41 of this title, such estimate to be based on (A) a report filed by the State containing its estimate of the total sum to be expended for vocational rehabilitation during the period for which such estimate is made, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such period, (B) a report filed by the State containing its estimate for such period of the administrative expenses to be incurred by the State board in carrying out its functions under such State plan, (C) records showing the number of individuals in the State needing and eligible under the State plan for vocational rehabilitation, and (D) such other investigation as the Administrator may find necessary.

(2) The Administrator shall then certify to the Secretary of the Treasury the amount so estimated by the Administrator for any period, reduced or increased, as the case may be, by any sum by which he finds that his estimate for any prior period was greater or less than the amount which should have been paid to the State for such prior period, except that such increases or reductions shall not be made to the extent that such sums have been applied to make the amount certified for any prior period greater or less than the amount estimated by the Administrator for such prior period.

(3) The Secretary of the Treasury shall, upon receiving such certification, pay, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, to the State, at the time or times fixed by the Administrator,

the amounts so certified. The money so received by the State shall be paid out in accordance with the provisions of the State plan. (June 2, 1920, ch. 219, § 3, as amended July 6, 1943, ch. 190, § 1, 57 Stat. 376.)

EFFECTIVE DATE

Effective date, see note under section 31 of this title.

§ 34. Operation of State plans.

Whenever the Administrator, after reasonable notice and opportunity for hearing to the State board, finds that in the administration of the plan there is—

(1) a failure to comply substantially with any provision of the plan approved by the Administrator under section 32 of this title; or

(2) a failure to afford reasonable cooperation with other Federal and State agencies providing vocational rehabilitation or similar services,

the Administrator shall notify such State board that further payments will not be made to the State under sections 31–41 of this title until he is satisfied that there will no longer be any such failure. Until he is so satisfied the Administrator shall make no further certification to the Secretary of the Treasury with respect to such State under sections 31–41 of this title. (June 2, 1920, ch. 219, § 4, as amended July 6, 1943, ch. 190, § 1, 57 Stat. 377.)

EFFECTIVE DATE

Effective date, see note under section 31 of this title.

§ 35. Services for State boards.

To facilitate the operation of State plans under sections 31–41 of this title, the Administrator is hereby authorized to enter into agreements with two or more State boards needing access to special facilities and services and to furnish to such boards, on a cost basis, services and facilities; and is hereby authorized to establish such needed facilities. Costs of establishing such facilities and furnishing such services for any State shall be paid from funds appropriated pursuant to sections 31–41 of this title, but shall be deemed expenditures under the State plan, and reimbursement with respect to such cost shall be made by deducting an amount equal to such cost from payments made to such State under sections 31–41 of this title. (June 2, 1920, ch. 219, § 5, as amended July 6, 1943, ch. 190, § 1, 57 Stat. 377.)

EFFECTIVE DATE

Effective date, see note under section 31 of this title.

§ 36. District of Columbia.

Out of funds made available for the purpose, the Administrator is authorized to provide vocational rehabilitation services to disabled persons actually residing in the District of Columbia and to formulate and carry out a plan of cooperation with the United States Employees' Compensation Commission with respect to the vocational rehabilitation of any such disabled residents as are civil employees of the United States disabled while in the performance of duty. In carrying out his functions under this section, the Administrator is authorized to utilize and enlarge facilities of appropriate units of the Federal Security Agency, and to enter into agreements and cooperative working arrangements with public agencies and private persons, agencies, and institutions, within the United States, its Territories, and possessions, for services and use of facilities of such persons, agencies, and institutions and to compensate them and such units for such services and use. (June 2, 1920, ch. 219, § 6, as amended July 6, 1943, ch. 190, § 1, 57 Stat. 378.)

EFFECTIVE DATE

Effective date, see note under section 31 of this title.

§ 37. Administration.

(a) In carrying out his duties under sections 31–41 of this title, the Administrator is authorized—

(1) to make studies, investigations, and reports with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, and their utilization in gainful and suitable employment;

(2) until July 1, 1945, to conduct appropriate courses of instruction for any personnel who participate or will participate in carrying out the purposes of sections 31–41 of this title, and to detail such personnel to attend such courses and appropriate courses of not more than six weeks' duration conducted by other public agencies and private agencies and organizations, which detail shall be part of the official duties of such employees;

(3) until July 1, 1945, to provide personnel so detailed with necessary books and other material and pay their tuition, or reimburse them for expenditures therefor; and, in any case where such detail is away from an employee's official station he may, for purposes of subsistence and traveling expenses, be deemed on travel status.

(b) Payment for use of facilities, and services obtained pursuant to sections 31–41 of this title by the Administrator from units of the Federal Security Agency or other Federal agencies, shall be by check either in advance or as reimbursement, for the actual or estimated cost of such facilities and services, and amounts so paid shall be credited, as determined by such Administrator, either to special working funds as provided in existing law or to the appropriation or appropriations against which charges are to be made or have been made in providing the facilities or services, and payment for services and facilities of other agencies shall be made by check to the payee or payees specified by such agencies.

(c) The Administrator is hereby authorized to make rules and regulations governing the administration of sections 31–41 of this title, and to delegate to any officer or employee of the United States such of his powers and duties, except the making of rules and regulations, as he finds necessary in carrying out the purposes of sections 31–41 of this title. (June 2, 1920, ch. 219, § 7, as amended July 6, 1943, ch. 190, § 1, 57 Stat. 378.)

EFFECTIVE DATE

Effective date, see note under section 31 of this title.

§ 38. Reports.

Annual reports shall be made to the Congress by the Administrator as to the administration of sections 31–41 of this title. (June 2, 1920, ch. 219, § 8, as amended July 6, 1943, ch. 190, § 1, 57 Stat. 379.)

EFFECTIVE DATE

Effective date, see note under section 31 of this title.

§ 39. Appropriation.

There are hereby authorized to be included for each fiscal year in the appropriations for the Federal Security Agency such sums as are necessary to carry out the provisions of sections 31–41 of this title, including an equitable share from District of Columbia funds of the sums made available for carrying out the purposes of section 36 of this title. (June 2, 1920, ch. 219, § 9, as amended July 6, 1943, ch. 190, § 1, 57 Stat. 379.)

EFFECTIVE DATE

Effective date, see note under section 31 of this title.

§ 40. Definitions.

As used in sections 31–41 of this title—

(a) The term "vocational rehabilitation" and the term "rehabilitation services" means any services necessary to render a disabled individual fit to engage in a remunerative occupation; and

(b) The term "war disabled civilian" means—

(1) Any civilian (except a person who is paid by the United States, or any department, agency, or instrumentality thereof, for services as a civilian defense worker) disabled while serving at any time after December 6, 1941, and prior to the termination of the present war as declared by Presidential proclamation or concurrent resolution of the Congress—

(A) in the Aircraft Warning Service; or

(B) as a member of the Civil Air Patrol; or

(C) as a member, in accordance with regulations prescribed by the Director of the Office of Civilian Defense, of the United States Citizens Defense Corps in the protective services engaged in civilian defense, as such protective services are established from time to time by regulation or order of such Director; or

(D) as a registered trainee taking training in accordance with regulations prescribed by such Director for such protective services, and

(2) Any civilian disabled while serving at any time after December 6, 1941, and prior to the termination of the present war as so declared as an officer or member of the crew of a vessel owned or chartered by the Maritime Commission, or the War Shipping Administration, or operated under charter from such Commission or Administration; but no individual shall be considered to be a war disabled civilian unless he is disabled as a result of disease or injury, or aggravation of a preexisting disease or injury, incurred in line of duty during such period, not due to his own misconduct. (June 2, 1920, ch 619, § 10, as amended July 6, 1943, ch. 190, § 1, 57 Stat. 379.)

EFFECTIVE DATE

Effective date, see note under section 31 of this title.

§ 41. Short title.

Sections 31–41 of this title may be cited as the "Vocational Rehabilitation Act". (June 2, 1920, ch. 619, § 11, as amended July 6, 1943, ch. 190, § 1, 57 Stat. 379.)

EFFECTIVE DATE

Effective date, see note under section 31 of this title.

§§ 42–44.

CODIFICATION

Section 42, formerly constituting part of section 7 of act June 2, 1920, ch 219, 41 Stat. 737, related to use of gifts or donations constituting special fund Said act June 2, 1920, was amended generally by act July 6, 1943, ch. 190, 57 Stat 374, which did not contain similar provisions.

Section 43, formerly constituting part of section 7 of act June 2, 1920, ch 219, 41 Stat. 737, related to report on gifts or donations Said act June 2, 1920, was amended generally by act July 6, 1943, ch. 190, 57 Stat. 374, which did not contain similar provisions.

Section 44, formerly constituting part of section 7 of act June 2, 1920, ch 219, 41 Stat. 737, related to prohibition of discrimination for or against persons entitled to benefits of act of June 2, 1920 Said act June 2, 1920, was amended generally by act July 6, 1943, ch. 190, 57 Stat. 374, which did not contain similar provisions.

EFFECTIVE DATE

Effective date, see note under section 31 of this title.

§§ 45–45b.

REFERENCES IN TEXT

References in these sections to "sections 31–44 of this title" should read "sections 31–41 of this title."

Chapter 4A.—EMPLOYMENT STABILIZATION

§ 48. Citation.

BOARD ABOLISHED

National Resources Planning Board was abolished August 31, 1943, by act June 26, 1943, ch. 145, title I, § 1, 57 Stat 170, and it was expressly provided that its functions were not to be transferred to any other agency, that the Director should exercise until January 1, 1944, such authority as was necessary to effectuate the discontinuance of the Board, and that the records and files of the Board should be transferred to the National Archives.

§ 48a. Definitions.

When used in sections 48–48g of this title—

(a) The term "board" means the National Resources Planning Board;

* * * * *

(Feb. 10, 1931, ch. 117, § 2, 46 Stat. 1084; Ex. Ord. No. 6623, Mar. 1, 1934; Reorg. Plan No. I, §§ 4, 6, eff. July 1, 1939, 4 F. R. 2727, 53 Stat. 1423; Reorg. Plan No. II, § 4 (e), (f), eff. July 1, 1939, 4 F. R. 2731, 53 Stat. 1433; Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F. R. 2108, 54 Stat. 1232.)

BOARD ABOLISHED

National Resources Planning Board was abolished August 31, 1943, by act June 26, 1943, ch 145, title I, § 1, 57 Stat. 170. See note under section 48 for Director's activities thereafter, transfer of records, etc

§§ 48b–48g.

BOARD ABOLISHED

National Resources Planning Board was abolished August 31, 1943, by act June 26, 1943, ch. 145, title I, § 1, 57 Stat. 170. See note under section 48 for Director's activities thereafter, transfer of records, etc.

Chapter 4B.—FEDERAL EMPLOYMENT SERVICE

§ 49. United States Employment Service; bureau established; transfer of records, employees, etc., of existing employment service.

CROSS REFERENCES

Transfer of Service to War Manpower Commission, see Ex. Ord. No. 9247, set out in note under section 601 of Appendix to Title 50, War.

Chapter 5.—LABOR DISPUTES; MEDIATION AND INJUNCTIVE RELIEF

§ 52. Statutory restriction of injunctive relief.

CROSS REFERENCES

Applicability of this section and section 53 of this title to the insurance business, see sections 1011–1015 of Title 15, Commerce and Trade.

Chapter 7.—NATIONAL LABOR RELATIONS

STABILIZATION OF WAGES AND SALARIES

Executive order stabilizing wages and salaries as inapplicable to this chapter, see Title VI, par. 1 of Ex. Ord No. 9250, set out in note under section 901 of Appendix to Title 50, War.

Chapter 8.—FAIR LABOR STANDARDS

STABILIZATION OF WAGES AND SALARIES

Executive order stabilizing wages and salaries as inapplicable to this chapter, see Title VI, par. 1 of Ex Ord No 9250, set out in note under section 901 of Appendix to Title 50, War.

§ 202. Congressional finding and declaration of policy.

CROSS REFERENCES

Payment of overtime wages on work relating to prosecution of war, see Ex. Ord No 9240, set out following section 611 of Appendix to Title 50, War.

§ 207. Maximum hours.

* * * * *

(b) * * *

* * * * *

(2) on an annual basis in pursuance of an agreement with his employer, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that the employee shall not be employed more than two thousand and eighty hours during any period of fifty-two consecutive weeks, or (As amended Oct. 29, 1941, ch. 461, 55 Stat. 756.)

* * * * *

AMENDMENTS

1941—Subsec. (b) (2) was amended by act Oct 29, 1941, cited to text.

FORTY-EIGHT HOUR WARTIME WORK WEEK

Ex. Ord. No. 9607, Aug 30, 1945, 10 F. R. 11191. By virtue of the authority vested in me by the Constitution and statutes as President of the United States it is ordered that Executive Order 9301 of February 9, 1943 [8 F. R. 1825] (formerly set out as note under this section), establishing a minimum wartime workweek of forty-eight hours, be, and it is hereby, revoked.

CROSS REFERENCES

Payment of overtime wages on work relating to prosecution of war, see Ex Ord No. 9240, set out following section 611 of Appendix to Title 50, War.

§ 211. Investigations, inspections, and records.

* * * * *

(c) Every employer subject to any provision of sections 201–219 of this title or of any order issued under this chapter shall make, keep, and preserve such records of the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time, and shall make such reports therefrom to the Administrator as he shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of sections 201–219 of this title or the regulations or orders thereunder. (June 25, 1938, ch. 676, § 11, 52 Stat. 1066.)

§ 213. Exemptions.

CROSS REFERENCES

Payment of overtime wages on work relating to prosecution of war, see Ex Ord. No. 9240, set out following section 611 of Appendix to Title 50, War.

TITLE 30.—MINERAL LANDS AND MINING

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Chapter 1.—THE BUREAU OF MINES

Sec
4f. Investigations of coal mines to obtain information relating to health and safety conditions (New).
4g Same, time of investigations (New).
4h. Same; admission of investigators to mines (New).
4i. Same; penalty for mine's refusal to admit investigator (New)
4j Same; information by mine concerning accidents (New).
4k. Same; reports to Congress of information obtained; other reports, publications, etc; availability to public; expenditure of funds in advancement of health or safety.
4l Same; agency charged with execution of sections 4f-4o; cooperation with states (New).
4m Same; creation of advisory committee; membership; functions (New).
4n Same, appointment, compensation, and qualifications of officers and employees (New)
4o Same; "commerce" defined (New).

§§ 1, 2–4.

CODIFICATION

Citation "Feb. 14, 1903, ch 552, § 12, 32 Stat 830" should be omitted from credit.

§ 4f. Investigations of coal mines to obtain information relating to health and safety conditions.

The Secretary of the Interior, acting through the United States Bureau of Mines, is hereby authorized and empowered to make or cause to be made annual or necessary inspections and investigations in coal mines the products of which regularly enter commerce or the operations of which substantially affect commerce—

(a) For the purpose of obtaining information relating to health and safety conditions in such mines, the causes of accidents involving bodily injury or loss of life in such mines, or the causes of occupational diseases originating in such mines, whenever such health or safety conditions, accidents, or occupational diseases burden or obstruct commerce or threaten to burden or obstruct commerce.

(b) For the purpose of obtaining information relating to health and safety conditions in such mines, the causes of accidents involving bodily injury or loss of life in such mines, or the causes of occupational diseases originating in such mines, as a basis for determining the most effective manner in which the public funds made available for the protection or advancement of health or safety in coal mines, and for the prevention or relief of accidents or occupational diseases therein may be expended for the accomplishment of such objects.

(c) For the purpose of obtaining information relating to health and safety conditions in such mines, the causes of accidents involving bodily injury or loss of life in such mines, or the causes of occupational diseases, originating in such mines, as a basis for the preparation and dissemination of reports, studies, statistics, and other educational materials pertaining to the protection or advancement of health or safety in coal mines and to the prevention or relief of accidents or occupational diseases in coal mines.

(d) For the purpose of obtaining information relating to accidents involving bodily injury or loss of life in such mines or relating to occupational diseases originating in such mines, to be transmitted to the Bureau of the Census for use in connection with the preparation and compilation of the various Census reports.

(e) For the purpose of obtaining information relating to health and safety conditions in such mines, the causes of accidents involving bodily injury or loss of life in such mines, or the causes of occupational diseases originating in such mines, to be transmitted to the Congress for its consideration in connection with legislative matters involving health and safety conditions, accidents, or occupational diseases in coal mines. (May 7, 1941, ch. 87, § 1, 55 Stat. 177.)

APPROPRIATIONS; SEPARABILITY OF PROVISIONS

Sections 10 and 12 of act May 7, 1941, cited to text, provided as follows:

"Sec. 10. There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the due execution of this Act (sections 4f–4o of this title).

"Sec. 12. If any provision of this Act (sections 4f–4o of this title), or the application thereof to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby."

§ 4g. Same; time of investigations.

The Secretary of the Interior, acting through the United States Bureau of Mines, is further authorized and empowered to make or cause to be made the inspections and investigations provided for in section 4f of this title at other than annual intervals at any time in his discretion when the making of such inspections or investigations in the mine concerned will be in furtherance of the purposes of sections 4f–4o of this title. (May 7, 1941, ch. 87, § 2, 55 Stat. 178.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title

§ 4h. Same; admission of investigators to mines.

The Secretary of the Interior acting through the United States Bureau of Mines, or any duly authorized representative of such Bureau, shall be entitled to admission to any coal mine the products of which regularly enter commerce or the operations of which substantially affect commerce, for the purpose of making any inspection or investigation authorized

under section 4f or section 4g of this title. (May 7, 1941, ch. 87, § 3, 55 Stat. 178.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4i. Same; penalty for mine's refusal to admit investigator.

Any owner, lessee, agent, manager, superintendent, or other person having control or supervision of any coal mine subject to the provisions of section 4f or section 4g of this title who refuses to admit the Secretary of the Interior, acting through the United States Bureau of Mines, or any duly authorized representative of such Bureau, to such mine, pursuant to the provisions of section 4h of this title, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding $500 or by imprisonment not exceeding sixty days, or by both. (May 7, 1941, ch. 87, § 4, 55 Stat. 178.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4j. Same; information by mine concerning accidents.

Every owner, lessee, agent, manager, superintendent, or other person having control or supervision of any coal mine the products of which regularly enter commerce or the operations of which substantially affect commerce shall furnish to the Secretary of the Interior, acting through the United States Bureau of Mines, or to any duly authorized representative of such Bureau, upon request, complete and correct information to the best of his knowledge concerning any or all accidents involving bodily injury or loss of life which occurred in such mine during the calendar year in which the request is made or during the preceding calendar year. (May 7, 1941, ch. 87, § 5, 55 Stat. 178.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4k. Same; reports to Congress of information obtained; other reports, publications, etc.; availability to public; expenditure of funds in advancement of health or safety.

The Secretary of the Interior, acting through the United States Bureau of Mines, is hereby authorized and directed—

(a) To report annually to the Congress, either in summary or detailed form, the information obtained by him under sections 4f–4o of this title, together with such findings and comments thereon and such recommendations for legislative action as he may deem proper;

(b) To compile, analyze, and publish, either in summary or detailed form, the information obtained by him under sections 4f–4o of this title, together with such findings concerning the causes of unhealthy or unsafe conditions, accidents, or occupational diseases in coal mines, and such recommendations for the prevention or amelioration of unhealthy or unsafe conditions, accidents, or occupational diseases in coal mines as he may deem proper;

(c) To prepare and disseminate reports, studies, statistics, and other educational materials pertaining to the protection or advancement of health or safety in coal mines and to the prevention or relief of accidents or occupational diseases in coal mines;

(d) To expend the funds made available to him for the protection or advancement of health or safety in coal mines, and for the prevention or relief of accidents or occupational diseases therein, in such lawful manner as he may deem most effective in the light of the information obtained under sections 4f–4o of this title to promote the accomplishment of the objects for which such funds are granted;

(e) To transmit to the Director of the Census, either in summary or detailed form, the information obtained by him under sections 4f–4o of this title, for use in connection with the preparation and compilation of the various Census reports; and

(f) To make available for public inspection, either in summary or detailed form, the information obtained under sections 4f–4o of this title, as soon as practicable after the acquisition of such information. (May 7, 1941, ch. 87, § 6, 55 Stat. 178.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4l. Same; agency charged with execution of sections 4f–4o; cooperation with States.

The execution of the provisions of sections 4f–4o of this title shall devolve upon the United States Bureau of Mines and the Secretary of the Interior may designate other bureaus or offices in the Department of the Interior to cooperate with the United States Bureau of Mines for such purpose. In order to promote sound and effective coordination of Federal and local activities within the field covered by sections 4f–4o of this title, the Secretary of the Interior, and the several bureaus and offices under his jurisdiction, shall cooperate with the official mine inspection or safety agencies of the several States and Territories, and, with the consent of the proper authorities thereof, may utilize the services of such agencies in connection with the administration of sections 4f–4o of this title. Copies of all findings, recommendations, reports, studies, statistics and information made public under the authority of clauses (b), (c), and (f) of section 4k of this title shall, whenever practicable, be furnished any cooperating State or Territorial agency which may request the same. (May 7, 1941, ch. 87, § 7, 55 Stat. 179.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4m. Same; creation of advisory committee; membership; functions.

The Secretary of the Interior, acting through the United States Bureau of Mines, may, in his discretion, create and establish an advisory committee composed of not more than six members to exercise consultative functions, when required by the Secretary, in connection with the administration of sections 4f–4o of this title. The said committee shall be composed

of representatives of coal-mine owners and of representatives of coal-mine workers in equal number. The members of said committee shall be appointed by the Secretary of the Interior without regard to the civil-service laws. (May 7, 1941, ch. 87, § 8, 55 Stat. 179.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4n. Same; appointment, compensation, and qualifications of officers and employees.

The Secretary of the Interior, acting through the United States Bureau of Mines, shall have authority to appoint, subject to the civil-service laws, such officers and employees as he may deem requisite for the administration of sections 4f–4o of this title; to fix, subject to sections 661–673 and 674 of Title 5, the compensation of officers and employees so appointed; and to prescribe the powers, duties, and responsibilities of all officers and employees engaged in the administration of sections 4f–4o of this title: *Provided, however,* That in the selection of persons for appointment as coal-mine inspectors no person shall be so selected unless he has the basic qualification of at least five years' practical experience in the mining of coal, and is recognized by the United States Bureau of Mines as having the training or experience of a practical mining engineer in those essentials necessary for competent coal-mine inspection; and in detailing coal-mine inspectors to the inspection and investigation of individual mines, due consideration shall be given to their previous practical experience in the work of mining coal in the State, district, or region where such inspections are to be made. (May 7, 1941, ch. 87, § 9, 55 Stat. 179.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§ 4o. Same; "commerce" defined.

For the purposes of sections 4f–4o of this title, the term "commerce" means trade, traffic, commerce, transportation, or communications between any State, Territory, possession, or the District of Columbia and any other State, Territory, or possession, of the United States, or between any State, Territory, possession, or the District of Columbia and any foreign country, or wholly within any Territory, possession, or the District of Columbia, or between points in the same State if passing through any other State or through any Territory, possession, or the District of Columbia or through any foreign country. (May 7, 1941, ch. 87, § 11, 55 Stat. 179.)

CROSS REFERENCES

Appropriations for and separability of provisions of act May 7, 1941, cited to text, see note under section 4f of this title.

§§ 5, 7–10.

CODIFICATION

Citation "Feb. 14, 1903, ch. 552, § 12, 32 Stat. 830" should be omitted from credit.

Chapter 2.—MINERAL LANDS AND REGULATIONS IN GENERAL

§ 27. Mining tunnels; right to possession of veins on line with; abandonment of right.

TEMPORARY SUSPENSION OF WORK REQUIREMENTS

Act June 22, 1944, ch 271, 58 Stat. 324, *provided:* "That during the period beginning on the date of enactment of this Act (June 22, 1944) and ending six months after the cessation of hostilities in the present wars as determined by proclamation of the President or concurrent resolution of the Congress, no location on the line of a tunnel run for the development of a vein or lode or for the discovery of mines, or veins or lodes not appearing on the surface, made by parties other than the owners of such tunnel, shall be considered valid because of the failure of such owners to prosecute work thereon with reasonable diligence as required by section 2323 of the Revised Statutes of the United States (this section); and no right to undiscovered veins on the line of any such tunnel shall be considered to have been abandoned because of any failure to prosecute work thereon during such period: *Provided,* That every claimant of any such tunnel site, in order to obtain the benefits of this Act (June 22, 1944, ch. 271, 58 Stat. 324), shall file or cause to be filed in the office where the location notice or certificate is recorded, within six months from the date of this Act, a notice of his desire to hold the tunnel site claim under this Act."

§ 28. Mining district regulations by miners; annual labor on claims pending issue of patent; expenditure on tunnels considered.

CROSS REFERENCES

Suspension of section, see note under section 28a of this title.

§ 28a. Annual assessment work on mining claims; suspension of requirement.

SUSPENSION OF ANNUAL ASSESSMENT WORK

Act May 3, 1943, ch 91, 57 Stat. 74, *provided.* "The provision of section 2324 of the Revised Statutes of the United States [section 28 of this title], which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including the Territory of Alaska, until the hour of 12 o'clock meridian on the 1st day of July after the cessation of hostilities in the present war as determined by proclamation of the President or concurrent resolution of the Congress: *Provided,* That every claimant of any such mining claim, in order to obtain the benefits of this Act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian of July 1 for each year that this Act remains in effect, a notice of his desire to hold said mining claim under this Act."

SIMILAR PROVISIONS

Provisions suspending requirement of annual assessment work on mining claims for the periods listed below were contained in the acts specified:

July 3, 1942 to (see Act)—Act July 3, 1942, ch 486, 56 Stat. 647.

July 1, 1941 to July 1, 1943—Act May 7, 1942, ch. 294, 56 Stat 271

Oct 17, 1940 to (see Act)—Act Oct 17, 1940, ch. 888, 54 Stat. 1188 (Men in military and naval service excused during service and six months after demobilization and during necessary hospitalization thereafter.)

July 1, 1937 to July 1, 1938—Act June 29, 1938, ch 815, 52 Stat. 1243

July 1, 1936 to July 1, 1937—Act June 24, 1937, ch 381, 50 Stat. 306

July 1, 1935 to July 1, 1936—Act April 24, 1936, ch 247, 49 Stat. 1238

July 1, 1934 to July 1, 1935—Act June 13, 1935, ch. 220, 49 Stat. 337.
July 1, 1933 to July 1, 1934—Act May 15, 1934, ch 289, 48 Stat 777.
July 1, 1932 to July 1, 1933—Act May 18, 1933, ch. 33, 48 Stat 72
July 1, 1931 to July 1, 1932—Res. June 6, 1932, ch. 210, 47 Stat 291, as amended by Res. June 30, 1932, ch 334, 47 Stat 474.
Jan 1, 1919 to Dec 31, 1919—Act Nov 13, 1919, ch. 106, 41 Stat 354
Jan. 1, 1919 to Dec 31, 1919—Act Aug 15, 1919, ch 49, 41 Stat 279
Jan. 1, 1917 to Dec 31, 1918—Res Oct 15, 1917, ch. 75, 40 Stat. 343
April 6, 1917 to (see Act)—Res July 17, 1917, ch. 39, 40 Stat 243 (Men in military and naval service excused during service and six months after demobilization)
Jan 1, 1913 to Dec 31, 1913—Act Dec. 1, 1913, ch 39, 38 Stat. 235.
April 21, 1898 to (see Act)—Act July 2, 1898, ch. 563, 30 Stat. 651 (men in military and naval service excused during service and six months after demobilization.)
Jan 1, 1894 to Dec. 31, 1894—Act July 18, 1894, ch 142, 28 Stat. 114
Jan 1, 1893 to Dec 31, 1893—Act Nov. 3, 1893, ch. 12, 28 Stat 6

NATIONAL DEFENSE WITHDRAWALS; SUSPENSION OF REQUIREMENTS

Act July 3, 1942, ch 486, 56 Stat 647, cited in above list provided as follows: "The provision of section 28 of this title which requires that on each mining claim located after May 10, 1872, and until a patent has been issued therefor, not less than $100 worth of labor shall be performed or improvements made during each year, shall be suspended as to all valid mining claims in the United States, including the Territory of Alaska, which are situated within the exterior limits of any area withdrawn by Executive order for purposes of national defense, and such suspension shall remain in force and effect until the end of the assessment year during which the order of withdrawal is vacated by the President or by Act of Congress. Where it is found necessary to utilize the surface of valid mining claims for purposes of national defense, the record holders thereof are authorized to enter into agreements providing for such use with any executive department or Federal agency exercising control or jurisdiction over the land."

EXTENSION OF TIME

Provisions extending time of annual assessment work on mining claims until the time listed below were contained in the acts specified:
July 1, 1938, to Sept. 1, 1939, act June 30, 1939, ch. 257, 53 Stat 991
May 10, 1872, to Jan 1, 1875, act June 6, 1874, ch. 220, 18 Stat 61
May 10, 1872, to June 10, 1874, act Mar. 1, 1873, ch 214, 17 Stat 483

§ 49. Lands in Missouri and Kansas; disposal as agricultural lands.

Except as otherwise provided in sections 181–194, 201, 202–208, 211–214, 223–229, 241, 251, and 261–263 of this title, within the States of Missouri and Kansas deposits of coal, iron, lead, or other mineral are excluded from the operation of the provisions of sections 22–24, 26–30, 33–35, 37, 39, 40–42, 47 of this title, and all lands in said States shall be subject to disposal as agricultural lands. (May 5, 1876, ch. 91, 19 Stat. 52; Feb. 25, 1920, ch. 85, § 1, 41 Stat. 437.)

§ 49h. Reports by State agencies; revocation of certificates to Treasury; appeal to Federal Security Administrator.

* * * * *

The Board may revoke any existing certificates or withhold any further certificate provided for in section 49f of this title, whenever it shall determine, as to any State, that the cooperating State agency has not properly expended the moneys paid to it or the moneys herein required to be appropriated by such State, in accordance with plans approved under sections 49–49c, 49d, 49e–49k of this title.

* * * * *

(June 6, 1933, ch. 49, § 9, 48 Stat. 116; Reorg. Plan No. I, §§ 201, 203, eff. July 1, 1939, 4 F. R. 2728, 53 Stat. 1424.)

Chapter 3.—LANDS CONTAINING COAL, PHOSPHATES, PETROLEUM, OIL, OIL SHALE, GAS, SODIUM, POTASSIUM, AND SO FORTH, AND BUILDING STONE

LEASES AND PROSPECTING PERMITS

1. GENERAL PROVISIONS

Sec
188a. Surrender of leases (New).

4. OIL AND GAS

226b Same, preference right to new lease upon expiration of five-year noncompetitive oil and gas lease (New).

DISPOSAL OF LANDS IN ALABAMA AS AGRICULTURAL LANDS

§ 171. Disposal as agricultural lands.

Except as otherwise provided in sections 181–194, 201, 202–208, 211–214, 223–229, 241, 251, 261–263 of this title, all public lands within the State of Alabama, whether mineral or otherwise, shall be subject to disposal only as agricultural lands. All lands which had been reported to the General Land Office prior to March 3, 1883, as containing coal and iron shall first be offered at public sale. (Mar. 3, 1883, ch. 118, 22 Stat. 487; Feb. 25, 1920, ch. 85, § 1, 41 Stat. 437.)

CODIFICATION

Section is from act Mar. 3, 1883, cited to text, which act contained an additional provision relating to pending homesteads, omitted because of its temporary nature
The exception clause has been inserted at the beginning of this section because of act Feb. 25, 1920, cited to text, which provided that deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, shall be subject to disposition in the form and manner provided by this act.

LEASES AND PROSPECTING PERMITS

1. GENERAL PROVISIONS

§ 183. Cancellation of prospecting permits.

CROSS REFERENCES

Surrender of leases, see section 188a of this title.

§ 184. Limitation on number of leases to one person; combinations or unlawful trusts.

CODIFICATION

Words "such sections" in second sentence should read "sections 181–194, 201, 202–208, 211–214, 223–229, 241, 251, and 261–263 of this title".

CROSS REFERENCES

Surrender of leases, see section 188a of this title.

§§ 187, 188.

CROSS REFERENCES

Surrender of leases, see section 188a of this title.

§ 188a. Surrender of leases.

The Secretary of the Interior is authorized to accept the surrender of any lease issued pursuant to ny of the provisions of sections 181–194, 201, 202–208, 211–214, 223–229, 241, 251, and 261–263 of this title, or any amendment thereof, where the surrender is filed in the General Land Office subsequent to the accrual but prior to the payment of the yearly rental due under the lease, upon payment of the accrued rental on a pro rata monthly basis for the portion of the lease year prior to the filing of the surrender. The authority granted to the Secretary of the Interior by this section shall extend only to cases in which he finds that the failure of the lessee to file a timely surrender of the lease prior to the accrual of the rental was not due to a lack of reasonable diligence, but it shall not extend to claims or cases which have been referred to the Department of Justice for purposes of suit. (Nov. 28, 1943, ch. 329, 57 Stat. 593.)

§ 189. Rules and regulations; rights of States not affected.

CROSS REFERENCES

Surrender of leases, see section 188a of this title.

2. COAL

§ 201. Division of land into leasing tracts; offer and award of leases; prospecting permits; notice of proposed lease.

CROSS REFERENCES

Surrender of leases, see section 188a of this title

§ 202. Common carriers; limitations of lease or permit.

No company or corporation operating a common-carrier railroad shall be given or hold a permit or lease under the provisions of sections 201–208 of this title for any coal deposits except for its own use for railroad purposes; and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations; and no such company or corporation shall receive or hold under permit or lease more than ten thousand two hundred and forty acres in the aggregate nor more than one permit or lease for each two hundred miles of its railroad lines served or to be served from such coal deposits exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam.

Nothing in this section shall preclude such a railroad of less than two hundred miles in length from securing one permit or lease thereunder but no railroad shall hold a permit or lease for lands in any State in which it does not operate main or branch lines. (As amended June 13, 1944, ch. 244, 58 Stat. 275.)

AMENDMENTS

1944—Act June 13, 1944, cited to text, amended section by inserting "more than ten thousand two hundred and forty acres in the aggregate nor" preceding "more than one permit", omitting "within the State in which such property is situated," and inserting in lieu thereof "served or to be served from such coal deposits" in first par., and by adding "but no railroad * * * or branch lines," in second par.

CROSS REFERENCES

Surrender of leases, see section 188a of this title.

§§ 203–207.

CROSS REFERENCES

Surrender of leases, see section 188a of this title.

3. PHOSPHATES

§§ 211–214.

CROSS REFERENCES

Surrender of leases, see section 188a of this title.

4. OIL AND GAS

§§ 221–222h. Prospecting permits; terms and conditions; extensions.

COMPROMISE OF CLAIMS FOR ACCRUED RENTAL

Act July 29, 1942, ch 534, § 2, 56 Stat. 726, provided as follows. "The Secretary of the Interior is authorized to make a compromise settlement of any claim for accrued rental under a lease issued pursuant to the provisions of section 13 of such Act of February 25, 1920, as amended (former section 221 of this title), in any case in which he determines that it would be financially beneficial to the United States to make such a compromise settlement or in any case in which he determines that collection of the full amount of such accrued rental from the lessee is inadvisable because of the lessee's financial resources being limited."

§ 223. Leases; amount and survey of land; term of lease; royalties and annual rental.

LIMITATION OF ROYALTY ON DISCOVERIES DURING WAR PERIOD

Act Dec 24, 1942, ch 812, 56 Stat. 1080, provided: "During the period of the national emergency proclaimed by the President May 27, 1941 (Proclamation Numbered 2487) (set out preceding section 1 of Appendix to Title 50), upon a determination by the Secretary of the Interior that a new oil or gas field or deposit has been discovered by virtue of a well or wells drilled within the boundaries of any lease issued pursuant to the provisions of the Act, approved February 25, 1920, as amended (U. S C, Title 30, secs 181–263), the royalty obligation of the lessee who drills such well or wells to the United States as to such new deposit shall be limited for a period of ten years following the date of such discovery to a flat rate of 12½ per centum in amount or value of all oil or gas produced from the lease."

CROSS REFERENCES

Surrender of leases, see section 188a of this title

§§ 225, 226.

CROSS REFERENCES

Surrender of leases, see section 188a of this title.

§ 226b. Same; preference right to new lease upon expiration of five-year noncompetitive oil and gas lease.

Upon the expiration of the five-year term of any noncompetitive oil and gas lease issued pursuant to the provisions of the Act of August 21, 1935 (49 Stat. 674), amending sections 185, 221, 223, and 226 of this title and maintained in accordance with the applicable statutory requirements and regulations, the record title holder shall be entitled to a preference right over others to a new lease for the same land pursuant to the provisions of section 226 of this title and under such rules and regulations as are then in force, if he shall file an application therefor within ninety days prior to the date of the expiration of the lease. The preference right herein granted shall not apply to lands which on the date of the expiration of a lease are within the known geologic structure of a producing oil or gas field. The term of any five-year lease expiring prior to December 31, 1946, main-

tained in accordance with the applicable statutory requirements and regulations and for which no preference right to a new lease is granted by this section, is extended to December 31, 1946. (July 29, 1942, ch. 534, § 1, 56 Stat. 726, as amended Dec. 22, 1943, ch. 376, 57 Stat. 608; Sept. 27, 1944, ch. 429, 58 Stat. 755; Nov. 30, 1945, ch. 495, 59 Stat. 587.)

AMENDMENTS

1945—Act Nov. 30, 1945, cited to text, amended last sentence of section by substituting "1946" for "1945" wherever appearing.

1944—Act Sept. 27, 1944, cited to text, amended last sentence of section by substituting "1945" for "1944" wherever appearing.

1943—Act Dec. 22, 1943, cited to text, amended section by adding the last sentence.

§§ 227–229.

CROSS REFERENCES

Surrender of leases, see section 188a of this title.

5. OIL SHALE

§ 241. Authority to make lease; survey of land; term of lease; royalties and annual rentals; rights of existing claimants.

CROSS REFERENCES

Surrender of leases, see section 188a of this title.

6. ALASKA OIL PROVISO

§ 251. Prospecting permits or leases to claimants of withdrawn lands; terms and conditions; fraud of claimants.

CROSS REFERENCES

Surrender of leases, see section 188a of this title.

7. SODIUM

§§ 261–263.

CROSS REFERENCES

Surrender of leases, see section 188a of this title.

Chapter 6.—SYNTHETIC LIQUID FUEL DEMONSTRATION PLANTS (NEW)

Sec.

321. Construction and operation of plants producing synthetic liquid fuel from coal, oil shale, agricultural and forestry products, size; amount of production.

322. Laboratory research and development; acquisition by purchase and license of secret processes, inventions, etc.; acquisition of land, plants, etc.; contracting for personnel; cooperation with other federal and state agencies.

323. Sale of products; disposal of lands, licenses, and patent rights.

324. Deposit of funds; reports to Congress.

325. Rules and regulations; delegation of Secretary's authority.

§ 321. Construction and operation of plants producing synthetic liquid fuel from coal, oil shale, agricultural and forestry products, size; amount of production.

The Secretary of the Interior, acting through the Bureau of Mines, within the limits of critical materials available, is authorized for not more than five years to construct, maintain, and operate one or more demonstration plants to produce synthetic liquid fuels from coal, oil shale, and other substances, and one or more demonstration plants to produce liquid fuels from agricultural and forestry products, with all facilities and accessories for the manufacture, purification, storage, and distribution of the products. The plants shall be of the minimum size which will allow the Government to furnish industry the necessary cost and engineering data for the development of a synthetic liquid-fuel industry and of such size that the combined product of all the plants constructed in accordance with this chapter will not constitute a commercially significant amount of the total national commercial sale and distribution of petroleum and petroleum products. Any activities under this chapter relating to the production of liquid fuels from agricultural and forestry products shall be carried out in cooperation with the Department of Agriculture and subject to the direction of the Secretary of Agriculture. (Apr. 5, 1944, ch. 172, § 1, 58 Stat. 190.)

APPROPRIATION

Section 6 of act April 5, 1944, cited to text, provided: "There is authorized to be appropriated not to exceed the sum of $30,000,000 to carry out the provisions of this Act [this chapter]."

§ 322. Laboratory research and development; acquisition by purchase and license of secret processes, inventions, etc.; acquisition of land, plants, etc.; contracting for personnel; cooperation with other Federal and State agencies.

In order to carry out the purpose of this chapter, the Secretary of the Interior is authorized—

(a) to conduct laboratory research and development work, and with pilot plants and semiworks plants to make careful process engineering studies along with structural engineering studies in order to ascertain lowest investment and operating costs, necessary to determine the best demonstration plant designs and conditions of operation;

(b) to acquire, by purchase, license, lease for a term of years or less, or donation, secret processes, technical data, inventions, patent applications, patents, irrevocable nonexclusive licenses, and other rights and licenses under patents granted by this or any other nation; to acquire by purchase, lease for a term of years or less, or donation, land, and any interest in land (including easements and leasehold interests), options on real or personal property, and plants and their facilities; to assume the obligation to pay rentals in advance on property so acquired, and to pay damages arising out of the use of any such property: *Provided, however,* That the maximum quantity of land or any interest therein, or any other property, acquired hereunder shall not exceed that necessary to carry on experiments for the purposes herein provided;

(c) to engage, by contract or otherwise, engineers, architects, and any private industrial organization or any educational institution he deems suitable, to do all or any part of the work of designing, constructing, or operating the plants, the operation to be under his supervision, and through leases or otherwise as he believes advisable;

(d) to cooperate with any other Federal or State department, agency, or instrumentality, and with any private person, firm, educational institution, or corporation, in effectuating the purposes of this chapter. (Apr. 5, 1944, ch. 172, § 2, 58 Stat. 190.)

§ 323. Sale of products; disposal of lands, licenses, and patent rights.

The Secretary of the Interior is authorized to sell the products of the plants at not more than actual cost, including amortization of capital expenses, as

determined by him, to any department, agency, or instrumentality of the Federal or any State government, but priority shall be given to orders placed by the War or Navy Departments. Any remaining products may be sold at going prices to any purchaser through regular commercial channels. The Secretary of the Interior, subject to approval by Congress, shall also have authority to dispose of any lands or other real or personal property acquired, but in his opinion no longer useful, for the purposes of this chapter; and he shall have authority to grant, on such terms as he may consider appropriate, licenses under patent rights acquired under this chapter: *Provided,* That such licenses are consistent with the terms of the agreements by which such patent rights are acquired. No patent acquired by the Secretary of the Interior under this chapter shall prevent any citizen of the United States, or corporation created under the laws of the United States or any State thereof, from using any invention, discovery, or process covered by such patent, or restrict such use by any such citizen or corporation, or be the basis of any claim against any such person or corporation on account of such use. (Apr. 5, 1944, ch. 172, § 3, 58 Stat. 191.)

§ 324. Deposit of funds; reports to Congress.

All moneys received under this chapter for products of the plants and royalties shall be paid into the Treasury as miscellaneous receipts. The Secretary of the Interior shall render to Congress on or before the first day of January of each year a report of all operations under this chapter. (Apr. 5, 1944, ch. 172, § 4, 58 Stat. 191.)

§ 325. Rules and regulations; delegation of Secretary's authority.

The Secretary of the Interior may issue rules and regulations to effectuate the purposes of this chapter. The authority and duties of the Secretary of the Interior under this chapter shall be exercised through the Bureau of Mines of the Department of the Interior. (Apr. 5, 1944, ch. 172, § 5, 58 Stat. 191.)

TITLE 31.—MONEY AND FINANCE

Chap. Sec.
14. Financial Control of Government Corporations (New) 841

Chapter 1.—THE NATIONAL BUDGET AND AUDIT SYSTEM

Sec.
GENERAL ACCOUNTING OFFICE
43. Same; acting Comptroller General during temporary vacancy in offices of Comptroller General and Assistant Comptroller General (New).

THE BUDGET

§ 16. Bureau of Budget; director and assistant director; Budget, etc., to be prepared by bureau.

There is created in the Executive Office of the President a bureau to be known as the Bureau of the Budget. There shall be in the bureau a director and an assistant director, who shall be appointed by the President and receive salaries of $10,000 a year each. The assistant director shall perform such duties as the director may designate, and during the absence or incapacity of the director or during a vacancy in the office of director he shall act as director. The bureau, under such rules and regulations as the President may prescribe, shall prepare for him the Budget, and any supplemental or deficiency estimates, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments or establishments. (As amended Reorg. Plan No. I, § 1, eff. July 1, 1939, 4 F. R. 2727, 53 Stat. 1423; Apr. 28, 1942, ch. 247, title III, 56 Stat. 234.)

AMENDMENTS

1942—Act April 28, 1942, cited to text, increased the salary of the assistant director from $7,500 a year to "$10,000 per annum after the date of the enactment of this Act."

§ 18. Detailed study of departments and establishments by bureau.

STUDY OF APPROPRIATIONS AND CONTRACT AUTHORIZATIONS GRANTED FOR THE PROSECUTION OF THE WAR; REPORT TO CONGRESS

The Second Deficiency Appropriation Act of 1944, act June 28, 1944, ch. 304, title III, § 303, 58 Stat. 628, provided: "The President shall direct the Bureau of the Budget to maintain a continuous study of appropriations and contract authorizations granted for the national defense, war agencies, and the prosecution of the present wars for the purpose of submitting for the consideration of Congress, when the state of the wars make such action possible, a list showing the condition of the balances of each of such appropriations and contract authorizations together with his recommendations for the repeal of such of those funds or portions thereof as are deemed no longer required for the purposes for which they were granted."

CROSS REFERENCES

Investigation of nonessential Federal expenditures, see note under Subtitle D, preceding section 3600 of Title 26, Internal Revenue Code.

§ 19. Powers and duties transferred to bureau.

CROSS REFERENCES

Director of Bureau as Director of Federal Reporting Services, see section 139a of Title 5, Executive Departments and Government Officers and Employees.

§ 21. Information for bureau by departments and establishments; access to books, papers, etc., thereof.

EX ORD NO. 9384 SUBMISSION OF REPORTS TO FACILITATE BUDGETING ACTIVITIES OF THE FEDERAL GOVERNMENT

Ex Ord No 9384, Oct. 4, 1943, 8 F. R. 13782, provided: By virtue of the authority vested in me as President of the United States, and particularly by the Budget and Accounting Act, 1921, as amended (Title 31, U. S. Code, Secs. 1–24) (sections 1–24 of this title), it is hereby ordered as follows:

1. In order to facilitate budgeting activities, all departments and establishments of the Executive Branch of the Federal Government, now or hereafter authorized by law to plan, propose, undertake, or aid public works and improvement projects financed in whole or in part by the Federal Government, shall prepare and keep up-to-date, by means of at least an annual revision, carefully planned and realistic long-range programs of such projects (all such programs being hereinafter referred to as "advance programs").

2. (a) Whenever any estimate of appropriation is submitted to the Bureau of the Budget (hereinafter referred to as the "Bureau") by such departments and establishments for the carrying out of any public works and improvement project or projects whether by contract, force account, Government plant and hired labor, or other similar procedure, or for the financing of any such project or projects whether by grants-in-aid, loans, or other forms of financial assistance, or for examinations, surveys, investigations, plans and specifications, or other planning activities, whether preliminary or detailed, for any such project or projects (all such survey and planning activities being hereinafter referred to as "plan preparation"), the advance program or programs relating to the proposed work or expenditure shall be submitted to the Bureau as an integral part of the justification of the estimates presented.

(b) All such departments and establishments shall submit to the Bureau at the earliest possible date estimates of such supplemental appropriations for the fiscal years 1944 and 1945 as are necessary to provide plan preparation for those public works and improvement projects proposed for undertaking during the first three years of their advanced programs. Thereafter, in order that plans for these public works and improvement projects will always be available in advance, all such departments and establishments shall prepare and submit to the Bureau during each fiscal year estimates of such appropriations as may be necessary to provide plan preparation for those projects proposed for undertaking during the succeeding three fiscal years of their advance programs All such estimates shall be accompanied by recommendations as to the additional legislation, or amendments to existing legislation, that may be necessary to bring projects in their advance programs to an appropriate state of readiness for prompt undertaking when and where needed

3. The Director of the Bureau, upon the basis of the estimates and advance programs submitted in accordance with the provisions of paragraph 2 of this order, shall report to the President from time to time, but not less than once a year, consolidated estimates and advance programs in the form of an over-all advance program for the Executive Branch of the Government.

4 Before any department or establishment shall submit to the Congress, or to any committee or member thereof, a report relating to, or affecting in whole or in part, its advance programs, or the public works and improvement projects comprising such programs, or the results of any

plan preparation for such programs or projects, such report shall be submitted to the Bureau for advice as to its relationship to the program of the President. When such report is thereafter submitted to the Congress, or to any committee or member thereof, it shall include a statement of the advice received from the Bureau

5 The data and reports required by this order, and such other data, reports, and information as may from time to time be requested by the Bureau concerning advance programs, or the status of any public works and improvement projects included therein, or the results or status of any plan preparation for such programs or projects, shall be submitted to the Bureau in such form and manner as the Director of the Bureau shall prescribe. The Director of the Bureau shall from time to time issue such regulations as he deems necessary to effectuate this order, and his determinations with respect to the scope and application of this order shall be controlling

6. The term "department and establishments" as used in this Executive Order shall be deemed to include any executive department, independent commission, board, bureau, office, agency, regulatory commission or board, Government-owned or controlled corporation, or other establishment of the Government, and the municipal government of the District of Columbia, but shall not include the legislative or judicial branches of the Government.

7 Executive Order No 8455, dated June 26, 1940, is hereby revoked.

GENERAL ACCOUNTING OFFICE

§ 41. Creation; control and direction of; certain offices abolished; officers, employees, books, papers, etc., transferred to General Accounting Office; seal thereof.

CROSS REFERENCES

Coordination of executive bureaus, offices, etc., in interest of national defense and for successful prosecution of war as inapplicable to General Accounting Office, see section 601 of Appendix to Title 50, War.

§ 42. Comptroller General and Assistant Comptroller General.

TEMPORARY INCREASE IN COMPTROLLER GENERAL'S SALARY

Act April 5, 1941, ch. 40, § 1, 55 Stat. 112, contained the following proviso: "That the salary of the Comptroller General shall be at the rate of $12,000 per annum effective on the date of enactment of this Act, so long as the position is held by the present incumbent."

TEMPORARY INCREASE IN ASSISTANT COMPTROLLER GENERAL'S SALARY

Act June 26, 1943, ch. 145, title I, § 1, 57 Stat 181, contained the following proviso·

"The salary of the Assistant Comptroller General shall be at the rate of $9,000 per annum effective on the date of enactment of this Act, so long as the position is held by the present incumbent"

§ 43a. Same; acting Comptroller General during temporary vacancy in offices of Comptroller General and Assistant Comptroller General.

The Comptroller General shall designate an employee of the General Accounting Office to act as Comptroller General during the absence or incapacity of the Comptroller General and the Assistant Comptroller General, or during a vacancy in both of such offices. (June 27, 1944, ch. 286, title I, § 1, 58 Stat. 371.)

§ 58. Transferred.

Section has become section 57 of this title.

Chapter 2.—AUDIT AND SETTLEMENT OF ACCOUNTS

Sec.

80a. Same; extension of time during war or emergency (New).
80b. Administrative examination of accounts of United States Marine Corps expenditures (New).
80c. Administrative examination of accounts of Navy expenditures; extension of time during war or emergency (New).
82b Disbursing officers of executive branch of the Government; examination of vouchers (New).
82c. Certifying officers, bond; accountability; relief by Comptroller General (New).
82d Same; enforcement of liability (New).
82e Disbursing officers excepted from sections 82b–82e of this title (New)
82f Certifying and disbursing officers' accountability for correctness of computations of certified vouchers (New).
82g. Disbursing or certifying officer; exemption from liability for overpayments for transportation (New)
95a Relief of disbursing officers of Army (New)

CROSS REFERENCES

Additional wartime functions of disbursing officers, see sections 1705–1707 of Appendix to Title 50, War.

§ 72. Same; settlement of accounts.

REPEALS

Act Aug 14, 1912, ch 288, § 1, 37 Stat 309, which changed name of Public Health and Marine Hospital Service of the United States to Public Health Service was repealed by act July 1, 1944, ch 373, title VI, § 611, 58 Stat. 714 Said act July 1, 1944, retained the name Public Health Service

CROSS REFERENCES

Death, resignation or separation from office of Chief Disbursing Officer as affecting settlement, see section 249b of Title 5, Executive Departments, Government Officers and Employees.

§ 80a. Same; extension of time during war or emergency.

The time for examination of monthly accounts covering expenditures by disbursing officers of the Army after the date of actual receipt by bureaus and offices of the War Department and before transmitting the same to the General Accounting Office, as limited by section 267 of Title 5 and sections 44, 45, 78, 80, and 496 of this title, and notwithstanding the provisions of section 80 of this title, is hereby extended, in time of war or during any emergency declared by Congress or determined by the President and for a period of eighteen months after such war or emergency shall have ceased to exist, from sixty to ninety days. (Nov. 21, 1941, ch. 499, 55 Stat. 781.)

REFERENCES IN TEXT

Words "as limited by section 267 of Title 5 and sections 44, 45, 78, 80, and 496 of this title, and notwithstanding the provisions of section 80 of this title" originally read "as limited by section 12 of the Act of July 31, 1894 (28 Stat. 209), as amended by section 4 of the Act of March 2, 1895 (28 Stat 807), by the Act of March 2, 1901 (31 Stat. 910), and by the Act of June 10, 1921 (42 Stat. 24), and notwithstanding the provisions of the Act of July 9, 1918 (40 Stat. 892)". For complete distribution of the various acts referred to, see Tables.

§ 80b. Administrative examination of accounts of United States Marine Corps expenditures.

The time for examination of monthly accounts covering expenditures by disbursing officers and special disbursing agents of the United States Navy, United States Marine Corps, and United States Coast Guard after the date of actual receipt at the administrative office or offices designated to make

the examination, and before transmitting the same to the General Accounting Office as limited by sections 78 and 496 of this title and section 267 of Title 5, is hereby extended from twenty to sixty days. In time of war or national emergency and for a period of eighteen months after such war or emergency shall have ceased to exist, the time for examination of such monthly accounts is hereby extended from sixty to ninety days. (Dec. 26, 1941, ch. 629, 55 Stat. 862, as amended Dec. 23, 1944, ch. 720, 58 Stat. 923.)

AMENDMENTS

1944—Act Dec. 23, 1944, cited to text, amended section by inserting "is hereby extended from twenty to sixty days" and omitting "is hereby extended from sixty * * * shall have ceased to exist", and added second sentence.

§ 80c. Administrative examination of accounts of Navy expenditures; extension of time during war or emergency.

The time for examination of quarterly accounts covering expenditures by disbursing officers of the United States Navy after the date of actual receipt in the Bureau of Supplies and Accounts, Navy Department, and before transmitting the same to the General Accounting Office, as limited by sections 78 and 496 of this title and section 267 of Title 5, is hereby extended from sixty to ninety days in time of war or during any emergency declared by Congress and for a period of eighteen months after such war or emergency shall have ceased to exist. (Feb. 20, 1942, ch. 95, 56 Stat. 94.)

§ 82. Administrative examination of accounts.

CROSS REFERENCES

Certifying officers, bond, liability for improper payment and relief by Comptroller General, see section 82c of this title

Disbursements by officers of executive branch of Government, see section 82b of this title.

Enforcement of liability, see section 82d of this title.

§ 82b. Disbursing officers of executive branch of the Government; examination of vouchers.

Notwithstanding the provisions of section 82 of this title, and section 4 of Executive Order Numbered 6166, dated June 10, 1933, disbursing officers under the executive branch of the Government shall (1) disburse moneys only upon, and in strict accordance with, vouchers duly certified by the head of the department, establishment, or agency concerned, or by an officer or employee thereof duly authorized in writing by such head to certify such vouchers; (2) make such examination of vouchers as may be necessary to ascertain whether they are in proper form, duly certified and approved, and correctly computed on the basis of the facts certified; and (3) be held accountable accordingly. (Dec. 29, 1941, ch. 641, § 1, 55 Stat. 875.)

REFERENCES IN TEXT

Section 4 of Executive Order Numbered 6166, dated June 10, 1933, cited to text, is set out as note following section 132 of Title 5, Executive Departments and Government Officers and Employees.

EFFECTIVE DATE

Section 5 of act Dec 29, 1941, cited to text, provided: "This Act (sections 82b–82e of this title) shall become effective on the first day of the fourth month following the date of its enactment."

CROSS REFERENCES

Designation of certifying officers by the Liaison Officer, see section 215a of this title.

§ 82c. Certifying officers; bond; accountability; relief by Comptroller General.

The officer or employee certifying a voucher shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved; (2) be required to give bond to the United States, with good and sufficient surety approved by the Secretary of the Treasury, in such amount as may be determined by the head of the department, agency, or establishment concerned, pursuant to standards prescribed by the Secretary of the Treasury, and under such conditions as may be prescribed by the Secretary of the Treasury; and (3) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved: *Provided*, That the Comptroller General may, in his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and that the United States has received value for such payment: *Provided further*, That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 67 of Title 49 whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land-grant deductions. (Dec. 29, 1941, ch. 641, § 2, 55 Stat. 875.)

EFFECTIVE DATE

Effective date of act Dec. 29, 1941, cited to text, see note under section 82b of this title.

§ 82d. Same; enforcement of liability.

The liability of certifying officers or employees shall be enforced in the same manner and to the same extent as now provided by law with respect to enforcement of the liability of disbursing and other accountable officers; and they shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification. (Dec. 29, 1941, ch. 641, § 3, 55 Stat. 876.)

EFFECTIVE DATE

Effective date of act Dec. 29, 1941, cited to text, see note under section 82b of this title.

CROSS REFERENCES

Enforcement of liability of disbursing and other accountable officers, see sections 506, 508, 510, and 511 of this title.

§ 82e. Disbursing officers excepted from sections 82b–82e of this title.

Nothing contained in sections 82b–82e of this title shall apply to the disbursing functions under the jurisdiction of the War Department, the Navy Department (including the Marine Corps), and the Panama Canal, except those pertaining to departmental salaries and expenses in the District of Columbia. (Dec. 29, 1941, ch. 641, § 4, 55 Stat. 876.)

EFFECTIVE DATE

Effective date of act Dec. 29, 1941, cited to text, see note under section 82b of this title.

§ 82f. Certifying and disbursing officers' accountability for correctness of computations of certified vouchers.

The responsibility and accountability of certifying officers under sections 82b–82e of this title shall be deemed to include the correctness of the computations of certified vouchers and disbursing officers shall not be held accountable under section 82b of this title for the correctness of such computations. (Apr. 28, 1942, ch. 247, title III, 56 Stat. 244.)

§ 82g. Disbursing or certifying officer; exemption from liability for overpayments for transportation.

No disbursing or certifying officer of the United States shall be held liable for overpayments made for transportation furnished on Government bills of lading or transportation requests when said overpayments are due to the use of improper transportation rates, classifications, or the failure to deduct the proper amount under land-grant laws or equalization and other agreements. (June 1, 1942, ch. 320, 56 Stat. 306.)

§ 95a. Relief of disbursing officers of Army.

The General Accounting Office shall relieve any disbursing officer of the Army charged with responsibility on account of loss or deficiency while in the line of duty, of Government funds, vouchers, records, or papers, in his charge, where such loss or deficiency occurred without fault or negligence on the part of said officer: *Provided,* That the Secretary of War shall have determined that the officer was in the line of his duty, and the loss or deficiency occurred without fault or negligence on his part: *Provided further,* That the determination by the Secretary of War of the aforesaid questions shall be conclusive upon the General Accounting Office: *And provided further,* That this section shall be applicable only to the actual physical loss of Government funds, vouchers, records, or papers, and shall not include deficiencies in the accounts of disbursing officers of the Army resulting from illegal or erroneous payments. (Dec. 13, 1944, ch. 552, 58 Stat. 800.)

§ 102. Payment of claims for pay and allowances.

CROSS REFERENCES

Certificates in connection with pay and allowance accounts of civilian and military personnel of War and Navy Departments, see section 836 of Appendix to Title 50, War.

§ 119. Repealed. Dec. 3, 1945, ch. 515, § 2, 59 Stat. 594, eff. Dec. 1, 1945.

Provisions of this section are now covered by section 528 of this title.

§ 123. Regulation of delivery in foreign countries of checks against funds of United States; prohibition in absence of assurance that payee will receive and be able to negotiate check.

Hereafter no check or warrant drawn against funds of the United States, or any agency or instrumentality thereof, shall be sent from the United States (including its Territories and possessions and the Commonwealth of the Philippine Islands) for delivery in a foreign country in any case in which the Secretary of the Treasury determines that postal, transportation, or banking facilities in general, or local conditions in the country to which such check or warrant is to be delivered, are such that there is not a reasonable assurance that the payee will actually receive such check or warrant and be able to negotiate the same for full value: *Provided,* That any check drawn against funds of the United States for benefits under the laws administered by the Veterans' Administration, for delivery in the United States, its Territories, or possessions, to a guardian, curator, conservator, or other person legally vested with the care of any person in a foreign country, shall be deemed to be drawn for delivery in such foreign country and subject to the provisions of this Act, and the Secretary of the Treasury shall be furnished necessary notification by the Administrator of Veterans' Affairs as to each such check: *Provided further,* That the Administrator of Veterans' Affairs is authorized to except from the provisions of the foregoing proviso any check wherein the application of this amendment would result in reduction, discontinuance, or denial of benefits which otherwise might be used for the care of a dependent of such person. (Oct. 9, 1940, ch. 796, § 1, 54 Stat. 1086, as amended Dec. 2, 1942, ch. 659, 56 Stat. 1028.)

AMENDMENTS

1942—Act Dec. 2, 1942, cited to text, amended section by adding provisos.

REFERENCES IN TEXT

Words "this amendment" in proviso beginning "That the Administrator of Veterans' Affairs is authorized" first appeared in amendment by act Dec. 2, 1942, cited to text, adding this and preceding proviso.

Chapter 5.—THE BUREAU OF ENGRAVING AND PRINTING

Sec.
180. Night differential pay for employees in clerical-mechanical service (New).

§ 180. Night differential pay for employees in clerical-mechanical service.

All employees of the Bureau of Engraving and Printing who hold positions in the clerical-mechanical service, and who are assigned to perform their work at night, shall be paid in respect of their regular work week of forty hours and except when in leave status, a rate of compensation which is 15 per centum in excess of the day rate for the same work: *Provided,* That night work shall be construed to mean all work on any established shift

or tour of duty, half or more of which occurs after 6 o'clock postmeridian or before 6 o'clock antemeridian. (July 1, 1944, ch. 357, 58 Stat. 648.)

Chapter 6.—DEBTS DUE BY, OR TO, THE UNITED STATES

Sec.
215a. Claims in connection with Office for Emergency Management (New).
222a, 222b. Repealed.
222c. Settlement of claims for loss of property in military service (New).
222d. Availability of appropriations (New).
222e. Settlement of claims of military personnel or civilian employees of Navy Department or Navy (New).
222f. Availability of appropriations (New).
223b. Settlement of claims incident to activities of Army or War Department (New).
223c. Same; appropriations (New).
223d. Settlement of claims incident to activities of Navy or Navy Department (New).
224d. Settlement of claims for damages caused by United States armed forces in foreign countries (New).
224e. Same; payments out of certain appropriations (New).
224f. Same; application to existing law (New).
224g. Same; applicable claims (New).
224h. Same; application to Coast Guard (New).
224i. Same; settlement of claims by commission (New).
224i–1. Same; application to Philippine Islands (New).
224j. Settlement of claims for loss or damage resulting from use or occupancy of real estate by Army (New).

CROSS REFERENCES

Settlement of claims by American nationals against Mexican government, see sections 661 et seq. of Title 22, Foreign Relations and Intercourse.

§ 194. Compromise.

Upon a report by a district attorney, or any special attorney or agent having charge of any claim in favor of the United States, showing in detail the condition of such claim, and the terms upon which the same may be compromised, and recommending that it be compromised upon the terms so offered, and upon the recommendation of the General Counsel for the Department of the Treasury, the Secretary of the Treasury is authorized to compromise such claim accordingly. But the provisions of this section shall not apply to any claim arising under the postal laws. (R. S. § 3469; May 10, 1934, ch. 277, 11:40 a. m., § 512, 48 Stat. 758.)

COMPROMISE OF CASES REFERRED TO DEPARTMENT OF JUSTICE

Functions of prosecuting in the courts of the United States claims and demands by, and offenses against, the United States, and of defending claims and demands against the United States, then exercised by any agency or officer were transferred to the Department of Justice; and as to any case referred to that Department for prosecution or defense in the courts, the function of decision whether and in what manner to prosecute, compromise, etc., then exercised by any agency or officer, was transferred to the Department of Justice by Ex. Ord. No. 6166, § 5, June 10, 1933, set out as note under section 132 of Title 5, Executive Departments and Government Officers and Employees.

CROSS REFERENCES

Compromise of cases under revenue laws, see section 3761 of Title 26, Internal Revenue Code.

§§ 209–214. Repealed. May 29, 1945, ch. 135, § 3, 59 Stat. 225.

§ 215. Settlement of claims not exceeding $1,000; certification of amounts found due to Congress; time for presentation.

INAPPLICABLE TO WAR DEPARTMENT

Section 4 of act July 3, 1943, ch. 189, 57 Stat. 373, provided that sections 215, 216, and 217 "shall hereafter be inapplicable to the War Department."

INAPPLICABLE TO NAVY DEPARTMENT

Section 4 of act Dec. 28, 1945, ch. 597, 59 Stat. 662, provided in part that these sections "shall be inapplicable to the Navy Department sixty days after Dec. 28, 1945." Said provisions are now covered by section 223d of this title.

CROSS REFERENCES

Maneuvers, gun fire, etc., of Army, settlement of claims not exceeding $1,000 for damages to private property caused by, see section 208 of Title 5, Executive Departments and Government Officers and Employees.

Settlement of claims arising from actions of United States armed forces in foreign countries during National Emergency, see section 224d of this title and note thereunder.

§ 215a. Claims in connection with Office for Emergency Management.

The Liaison Officer is hereby authorized, in connection with the operations of the constituent agencies of the Office for Emergency Management, to consider, ascertain, adjust, determine, and certify claims against the United States in accordance with section 215 of this title, and to designate certifying officers in accordance with sections 82b–82e of this title. (July 25, ch. 524, title I, 56 Stat. 707.)

§§ 216, 217.

INAPPLICABLE TO WAR DEPARTMENT

Section 4 of act July 3, 1943, ch. 189, 57 Stat. 373, provided that sections 215, 216, and 217 "shall hereafter be inapplicable to the War Department."

INAPPLICABLE TO NAVY DEPARTMENT

Section 4 of act Dec. 28, 1945, ch. 597, 59 Stat. 662, provided in part that these sections "shall be inapplicable to the Navy Department sixty days after Dec. 28, 1945." Said provisions are now covered by section 223d of this title.

§§ 218–222b. Repealed. May 29, 1945, ch. 135, § 3, 59 Stat. 225.

Section 222a, as added to act Mar. 3, 1885, ch. 335, § 5a, by act July 3, 1943, ch. 189, § 6, 57 Stat. 374, related to the delegation of authority by the Secretary of War to settle claims and the conclusiveness of settlements.

Section 222b, as added to act Mar. 3, 1885, ch. 335, § 5b, by act July 3, 1943, ch. 189, § 6, 57 Stat. 374, related to the application of former sections 218–222a of this title to civilian personnel and employees.

§ 222c. Settlement of claims for loss of property in military service.

The Secretary of War, and such other officer or officers as he may designate for such purposes and under such regulations as he may prescribe, are authorized to consider, ascertain, adjust, determine, settle, and pay any claim against the United States, including claims not heretofore satisfied arising on or after December 7, 1939, of military personnel and civilian employees of the War Department or of the Army, when such claim is substantiated, and the property determined to be reasonable, useful, necessary, or proper under the attendant circumstances, in such manner as the Secretary of War may by regulation prescribe, for damage to or loss, destruction, capture, or abandonment of personal property occurring incident to their service, or to replace such personal property in kind: *Provided*, That the damage to or loss, destruction, capture, or abandonment

of property shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agent, or employee, and shall not have occurred at quarters occupied by the claimant within continental United States (excluding Alaska) which are not assigned to him or otherwise provided in kind by the Government. No claim shall be settled under this section and sections 222d and 223b of this title unless presented in writing within one year after the accident or incident out of which such claim arises shall have occurred: *Provided*, That if such accident or incident occurs in time of war, or if war intervenes within two years after its occurrence, any claim may, on good cause shown, be presented within one year after peace is established. Any such settlement made by the Secretary of War, or his designee, under the authority of this section and sections 222d and 223b of this title and such regulations as he may prescribe hereunder, shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary. (May 29, 1945, ch. 135, § 1, 59 Stat. 225.)

SHORT TITLE

Section 5 of act May 29, 1945, cited to text, provided: "This act [sections 222c, 222d and 223b of this title] may be cited as the 'Military Personnel Claims Act of 1945'."

§ 222d. Availability of appropriations.

Such appropriations as may be required for the settlement of claims under the provisions of this section and sections 222c and 223b of this title are authorized. Appropriations available to the War Department for the settlement of claims under the provisions of the Act of March 3, 1885 (23 Stat. 350), as amended, shall be available for the settlement of claims under the provisions of this section and sections 222c and 223b of this title. (May 29, 1945, ch. 135, § 2, 59 Stat. 225.)

REFERENCES IN TEXT

"Act of March 3, 1885 (23 Stat. 350), as amended" referred to in text was formerly set out as sections 218-222b of this title, and was repealed by section 3 of act May 29, 1945, cited to text.

§ 222e. Settlement of claims of military personnel or civilian employees of Navy Department or Navy.

The Secretary of the Navy and his designees are further authorized to exercise with respect to claims of military personnel or civilian employees of the Navy Department or of the Navy for damages to or loss, destruction, capture, or abandonment of personal property occurring incident to their service, the respective powers conferred upon the Secretary of War and his designees by sections 222c and 222d of this title. (Dec. 28, 1945, ch. 597, § 2, 59 Stat. 662.)

§ 222f. Availability of appropriations.

Such appropriations as may be required for the payment of claims under the provisions of this section and sections 222e and 223d of this title are authorized. Appropriations available to the Navy Department shall be available for the settlement of claims by the Secretary of the Navy or his designees under the provisions of this section and sections 222e and 223d of this title. (Dec. 28, 1945, ch. 597, § 3, 59 Stat. 662.)

§ 223. Settlement of claims for loss or damage to private property from operations, etc., of Army.

REPEATED—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 372; act July 2, 1942, ch 477, § 1, 56 Stat. 615; act July 1, 1943, ch. 185, § 1, 57 Stat. 352.

CROSS REFERENCES

Maneuvers, gun fire, etc, of Army, settlement of claims not exceeding $1,000 for damages to private property caused by, see section 208 of Title 5, Executive Departments and Government Officers and Employees.

§ 223a. Repealed. April 22, 1943, ch. 67, § 5, 57 Stat. 67.

CODIFICATION

Section, act Apr. 18, 1918, ch. 57, 40 Stat. 532, related to presentation of claims by inhabitants of France or any other European country not an enemy, for damages by American military forces.

§ 223b. Settlement of claims incident to activities of Army or War Department.

The Secretary of War, and, subject to appeal to the Secretary of War, such other officer or officers as he may designate for such purposes and under such regulations as he may prescribe, are hereby authorized to consider, ascertain, adjust, determine, settle and pay in an amount not in excess of $500, or in time of war not in excess of $1,000, where accepted by the claimant in full satisfaction and final settlement, any claim against the United States arising on or after May 27, 1941, when such claim is substantiated in such manner as the Secretary of War may by regulation prescribe, for damage to or loss or destruction of property, real or personal, or for personal injury or death, caused by military personnel or civilian employees of the War Department or of the Army while acting within the scope of their employment, or otherwise incident to noncombat activities of the War Department or of the Army, including claims for damage to or loss or destruction, by criminal acts, of registered or insured mail while in the possession of the military authorities, claims for damage to or loss or destruction of personal property bailed to the Government and claims for damages to real property incident to the use and occupancy thereof, whether under a lease, express or implied, or otherwise: *Provided*, That the damage to or loss or destruction of property, or the personal injury or death, shall not have been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agent, or employee. No claim shall be settled under this section unless presented in writing within one year after the accident or incident out of which such claim arises shall have occurred: *Provided*, That if such accident or incident occurs in time of war, or if war intervenes within one year after its occurrence, any claim may on good cause shown be presented within one year after peace is established. The amount allowed on account of personal injury or death shall be limited to reasonable medical, hospital, and burial expenses actually incurred, except that no payment shall be made to any claimant in reimbursement for medical or hospital services furnished at the expense of the United States nor, in the case of burial, of such portion of the expense thereof as may be otherwise paid by the United States. Any such settlement made by the Secretary of War, or his designee, under the authority of this section and such regulations as

he may prescribe hereunder, shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary. The provisions of this section shall not be applicable to claims arising in foreign countries or possessions thereof which are cognizable under the provisions of section 224d of this title or to claims for personal injury or death of military personnel or civilian employees of the War Department or of the Army if such injury or death occurs incident to their service. The Secretary of War may report such claims as exceed $500, or in time of war $1,000, to Congress for its consideration. (July 3, 1943, ch. 189, § 1, 57 Stat. 372, as amended May 29, 1945, ch. 135, § 4, 59 Stat. 225.)

AMENDMENTS

1945—Act May 29, 1945, cited to text, amended section by omitting "damage to or loss or destruction of property of military personnel or civilian employees of the War Department or of the Army, for" following "claims for", "such persons" following "or death of", and "damage, loss, destruction" following "if such" in the next to the last sentence

EFFECTIVE DATE

Section 4 of act May 29, 1945, cited to text, provided in part that the amendment of this section should be "effective as of the date of approval of said Act [Act July 3, 1943, cited to text]."

§ 223c. Same; appropriations.

Such appropriations as may be required for the settlement of claims under the provisions of section 223b of this title are hereby authorized. Appropriations available to the War Department for the settlement of claims under the provisions of other laws shall be available for the settlement of claims of the same character under the provisions of section 223b of this title. (July 3, 1943, ch. 189, § 2, 57 Stat. 373.)

§ 223d. Settlement of claims incident to activities of Navy or Navy Department.

The Secretary of the Navy and his designees are authorized to exercise with respect to any claim against the United States for damages to or loss or destruction of property, real or personal, or for personal injury or death, caused by military personnel or civilian employees of the Navy Department, or of the Navy while acting within the scope of their employment, or otherwise incident to noncombat activities of the Navy Department or of the Navy, the respective powers conferred upon the Secretary of War and his designees by sections 223b and 223c of this title. (Dec. 28, 1945, ch. 597, § 1, 59 Stat. 662.)

CROSS REFERENCES

Availability of appropriations, see section 222f of this title.

§ 224. Settlement of claims for damages from operation of Army aircraft.

Claims (not exceeding $500 each) for damage to private property including claims of military and civilian personnel in and under the War Department, and for injury to persons other than military personnel resulting from the operation of aircraft at home and abroad may be settled when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Corps and the Secretary of War. (As amended June 30, 1941, 6:20 p. m., E. S. T., ch. 262, §1, 55 Stat. 378; July 2, 1942, ch. 477, § 1, 56 Stat. 620; July 1, 1943, ch. 185, § 1, 57 Stat. 357.)

CODIFICATION

Text of section was from act July 2, 1942, ch 477, § 1, 56 Stat 620, cited to text. Provisions on this subject were contained in other acts cited to text.

§ 224a. Settlement of claims for personal injury or death caused by Government officers and employees in foreign countries.

CODIFICATION

Catchline has been revised.

INAPPLICABLE TO ARMY AND WAR DEPARTMENT PERSONNEL

Section 7 of act July 3, 1943, ch 189, 57 Stat 374 provided that this section "shall hereafter be inapplicable to acts of officers, enlisted men, and employees of the Army and officers, employees, or agents of the War Department."

§ 224b. Settlement of claims for damages caused by Federal Bureau of Investigation.

CODIFICATION

Catchline has been revised.

§ 224c. Settlement of claims for damages caused by Post Office Department and services.

CODIFICATION

Catchline has been revised.

§ 224d. Settlement of claims for damages caused by United States armed forces in foreign countries.

For the purpose of promoting and maintaining friendly relations by the prompt settlement of meritorious claims, the Secretary of War and the Secretary of the Navy, and such other officer or officers as the Secretary of War or the Secretary of the Navy, as the case may be, may designate for such purposes and under such regulations as he may prescribe, are hereby authorized to appoint a Claims Commission or Commissions, each composed of one or more officers of the Army, Navy, or Marine Corps, as the case may be, to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction and in final settlement, of claims, including claims of insured but excluding claims of subrogees, on account of damage to or loss or destruction of public property both real and personal, or on account of damage to or loss or destruction of private property both real and personal or personal injury or death of inhabitants of a foreign country, including places located therein which are under the temporary or permanent jurisdiction of the United States, arising in such foreign country, including claims for damage to or loss or destruction of personal property bailed to the Government and claims for damages incident to the use and occupancy of real property, whether under a lease, express or implied, or otherwise, when such damage, loss, destruction, or injury is caused by Army, Navy, or Marine Corps forces, or individual members thereof, including military personnel and civilian employees thereof, or otherwise incident to noncombat activities of such forces, where the amount of such claim does not exceed $5,000: *Provided*, That no claim shall be considered by such Commissions unless presented within one year after the occurrence of the accident or incident out of which such claim arises except

that claims arising out of accidents or incidents occurring after December 6, 1941, but prior to May 1, 1943, may be presented at any time prior to May 1, 1944: *Provided further*, That any such settlements made by such Commissions shall be subject to such regulations as the Secretary of War or the Secretary of the Navy may prescribe and may, in cases where the amount exceeds $2,500 but does not exceed $5,000, be subject to the approval of such commanding or other officer of Army, Navy, or Marine Corps forces, as the case may be, as the Secretary of War or the Secretary of the Navy may prescribe; and the Secretary of War and the Secretary of the Navy, respectively, shall have authority, if he deems any claim in excess of $5,000 to be meritorious, to certify such amount as may be found to be just and reasonable thereon to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of such claim, the amount claimed, and the amount allowed: *Provided further*, That no claim of any national of any country at war with the United States, or of any ally of such enemy country, except as the Commission or the local military commander shall determine that the claimant is friendly to the United States, and no claim resulting from action by the enemy or resulting directly or indirectly from any act by our armed forces engaged in combat, shall be allowed under sections 224d to 224i–1 of this title: *Provided further*, That any such settlements made by such Commissions under the authority of such sections shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary. (Jan. 2, 1942, ch. 645, § 1, 55 Stat. 880, as amended Apr. 22, 1943, ch. 67, § 1, 57 Stat. 66.)

AMENDMENTS

1943—Act April 22, 1943, cited to text, amended section generally.

CROSS REFERENCES

Settlement of claims arising from actions of United States armed forces, see sections 218, 224a of this title, section 208 of Title 5, Executive Departments and Government Officers and Employees, and section 600 of Title 34, Navy.

§ 224e. Same; payments out of certain appropriations.

All payments in settlement of claims under section 224d of this title shall be made out of the appropriation, current at the time of settlement, for "Pay, subsistence, and transportation of naval personnel", as to claims settled by Commissions composed of officers of the Navy or Marine Corps, and out of the appropriation, current at the time of settlement, for "Finance Service, Army", as to claims settled by Commissions composed of officers of the Army. (Jan. 2, 1942, ch. 645, § 2, 55 Stat. 880, as amended Apr. 22, 1943, ch. 67, § 2, 57 Stat. 67.)

AMENDMENTS

1943—Act Apr. 22, 1943, cited to text, amended section generally.

§ 224f. Same; application to existing law.

Sections 224d to 224i–1 of this title shall be supplementary to, and not in lieu of, all other provisions of law authorizing consideration, ascertainment, adjustment, determination, or payment of claims by the Secretary of War and the Secretary of the Navy, respectively. (Jan. 2, 1942, ch. 645, § 3, 55 Stat. 880, as amended Apr. 22, 1943, ch. 67, § 3, 57 Stat. 67.)

AMENDMENTS

1943—Act Apr. 22, 1943, cited to text, inserted word "ascertainment."

§ 224g. Same; applicable claims.

Sections 224d to 224i–1 of this title shall be applicable to claims not heretofore satisfied arising on or after May 27, 1941: *Provided*, That as to any claim in excess of $1,000 such sections shall be applicable for the purpose of payment thereof, or the purpose of the certification thereof to Congress for payment, only if the accident or incident out of which such claim arises has occurred, or shall occur, subsequent to December 6, 1941. (Jan. 2, 1942, ch. 645, § 4, as added Apr. 22, 1943, ch. 67, § 4, 57 Stat. 67.)

§ 224h. Same; application to Coast Guard.

Claims of the type described in section 224d of this title on account of damage to or loss or destruction of property both real and personal, or personal injury or death of any person, caused by Coast Guard forces, or individual members, including military personnel and civilian employees thereof, or otherwise incident to activities of such forces, arising at any time while the Coast Guard shall be operating as a part of the Navy may be considered, ascertained, adjusted, determined, and paid in the manner in sections 224d to 224i–1 of this title provided for the settlement of Navy and Marine Corps claims, except that in such cases one or more officers of the Coast Guard may be appointed by the Secretary of the Navy to a Claims Commission or Commissions or as officers to approve settlements of claims made by such Commission or Commissions, and all payments in settlement of such claims shall be made out of the appropriation "General expenses, Coast Guard": *Provided*, That no claims on account of damage to or loss or destruction of property, or personal injury or death, caused by Coast Guard forces, or individual members thereof, or otherwise incident to the activities of such forces, shall be considered, ascertained, adjusted, determined, or paid under the provisions of sections 224d to 224i–1 of this title at any time when the Coast Guard shall be operating under the Treasury Department. (Jan. 2, 1942, ch. 645, § 6, as added Apr. 22, 1943, ch. 67, § 6, 57 Stat. 67.)

§ 224i. Same; settlement of claims by commission.

In time of war, any claims, whether Army, Navy, Marine Corps, or Coast Guard, which may be settled under sections 224d to 224i–1 of this title may, at the request of the service concerned, be settled by any Commission or Commissions appointed under sections 224d to 224i–1 of this title even though not composed of officers of the service concerned, subject to reimbursement by the service for whom the claims were settled pursuant to the provisions of sections 224d to 224i–1 of this title. (Jan. 2, 1942, ch. 645, § 7, as added Apr. 22, 1943, ch. 67, § 7, 57 Stat. 67.)

§ 224i–1. Same; application to Philippine Islands.

Sections 224d to 224i–1 of this title shall be applicable, notwithstanding other provisions hereof, to

claims of inhabitants of the Philippine Islands arising in such islands which would be within the provisions of said sections but for the fact that the Philippine Islands is not foreign territory: *Provided*, That such claims arising out of accidents or incidents occurring in time of war may on good cause shown be presented within one year after peace is established. (Jan. 2, 1942, ch. 645, § 8, as added July 31, 1945, ch. 338, 59 Stat. 511.)

§ 224j. Settlement of claims for loss or damage resulting from use or occupancy of real estate by Army.

Settlement of claims (not exceeding $500 each) for damages to or loss of private property resulting from the use and occupancy of real estate by the Army, that have accrued or may hereafter accrue, shall be made when payment thereof will be accepted by the owners of the property in full satisfaction of such damages, and each claim is substantiated in such manner as the Secretary of War may prescribe by regulations and is approved by the Secretary of War, or by such officer or officers as he may designate, whose action thereon shall be conclusive. (July 1, 1943, ch. 185, § 1, 57 Stat 359.)

§ 232. Same; suits; procedure.

(A) The several district courts of the United States, the District Court of the United States for the District of Columbia, the several district courts of the Territories of the United States, within whose jurisdictional limits the person doing or committing such act shall be found, shall wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit.

(B) Except as hereinafter provided, such suit may be brought and carried on by any person, as well for himself as for the United States, the same shall be at the sole cost and charge of such person, and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent, in writing, of the judge of the court and the district attorney, first filed in the case, setting forth their reasons for such consent.

(C) Whenever any such suit shall be brought by any person under clause (B) notice of the pendency of such suit shall be given to the United States by serving upon the United States attorney for the district in which such suit shall have been brought a copy of the bill of complaint and by sending, by registered mail, to the Attorney General of the United States at Washington, District of Columbia, a copy of such bill together with a disclosure in writing of substantially all evidence and information in his possession material to the effective prosecution of such suit. The United States shall have sixty days, after service as above provided, within which to enter appearance in such suit. If the United States shall fail, or decline in writing to the court, during said period of sixty days to enter any such suit, such person may carry on such suit. If the United States within said period shall enter appearance in such suit the same shall be carried on solely by the United States. In carrying on such suit the United States shall not be bound by any action taken by the person who brought it, and may proceed in all respects as if it were instituting the suit: *Provided*, That if the United States shall fail to carry on such suit with due diligence within a period of six months from the date of its appearance therein, or within such additional time as the court after notice may allow, such suit may be carried on by the person bringing the same in accordance with clause (B) above. The court shall have no jurisdiction to proceed with any such suit brought under clause (B) or pending suit brought under this section whenever it shall be made to appear that such suit was based upon evidence or information in the possession of the United States, or any agency, officer or employee thereof, at the time such suit was brought: *Provided, however*, That no abatement shall be had as to a suit pending on December 23, 1943 if before such suit was filed such person had in his possession and voluntarily disclosed to the Attorney General substantial evidence and information which was not theretofore in the possession of the Department of Justice.

(D) In any suit whether or not on appeal pending on December 23, 1943, brought under this section, the court in which such suit is pending shall stay all further proceedings, and shall forthwith cause written notice, by registered mail, to be given the Attorney General that such suit is pending, and the Attorney General shall have sixty days from the date of such notice to appear and carry on such suit in accordance with clause (C).

(E) (1) In any such suit, if carried on by the United States as herein provided, the court may award to the person who brought such suit, out of the proceeds of such suit or any settlement of any claim involved therein, which shall be collected, an amount which in the judgment of the court is fair and reasonable compensation to such person for disclosure of the information or evidence not in the possession of the United States when such suit was brought. Any such award shall in no event exceed one-tenth of the proceeds of such suit or any settlement thereof.

(2) In any such suit when not carried on by the United States as herein provided, whether heretofore or hereafter brought, the court may award to the person who brought such suit and prosecuted it to final judgment, or to settlement, as provided in clause (B), out of the proceeds of such suit or any settlement of any claim involved therein, which shall be collected, an amount, not in excess of one-fourth of the proceeds of such suit or any settlement thereof, which in the judgment of the court is fair and reasonable compensation to such person for the collection of any forfeiture and damages; and such person shall be entitled to receive to his own use such reasonable expenses as the court shall find to have been necessarily incurred and all costs the court may award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: *Provided*, That such person shall be liable for all costs incurred by himself in such case and shall have no claim therefor on the United States. (As amended Dec. 23, 1943, ch. 377, § 1, 57 Stat. 608.

AMENDMENTS

1943—Act Dec. 23, 1943, cited to text, amended section generally.

§ 234. Repealed. Dec. 23, 1943, ch. 377, § 2, 57 Stat. 609.

Chapter 8.—COINS, COINAGE, AND CURRENCY

COINS AND COINAGE

Sec.
317e–1 Expenses of coinage (New).

COINS AND COINAGE

CROSS REFERENCES

War 5-cent pieces of silver and copper, see section 642 et seq. of Appendix to Title 50, War

§ 317. Minor coins; weight and alloy.

SECTION SUSPENDED WITH RESPECT TO CONTENTS OF ONE-CENT PIECE

Treasury Department order of Dec. 23, 1942, 7 F. R. 10837, suspended the provisions of this section insofar as they affect the contents of one-cent pieces. The order provided:

"§ 101 1 One-cent piece (a) Until further notice, or until December 31, 1946, whichever shall first occur, the 1-cent piece coined by the United States mints, shall have the following physical properties:

"(1) It shall be composed of steel with the obverse and reverse sides covered with a coating of 00025 inches of zinc.

"(2) It shall weigh 41 5 grains

"(3) It shall have a diameter of 750 inches.

"(4) It shall be in the shape of a disc

"(5) It shall not vary in weight by more than 3 grains; it shall not vary in diameter by more than 002 inches, and the zinc coating shall not exceed .001 inches

"(6) It shall contain the same design, devices and legends as those used since 1909, for the 1-cent piece coined pursuant to amended section 3515 of the Revised Statutes (U. S. C Title 31, sec. 317)

"(b) After January 1, 1943 and during the period in which the above described 1-cent piece is coined, the coinage of 1-cent pieces pursuant to the provisions of amended section 3515 of the Revised Statutes (U S. C. title 31, sec 317) shall be suspended.

"This order may be modified or revoked at any time."

CROSS REFERENCES

War 5-cent pieces of silver and copper, see section 642 et seq of Appendix to Title 50, War

§ 317a. Same; conservation of strategic war metals; 1- and 3-cent pieces; period of coinage; composition; silver content; application of other laws.

(a) There shall be included among the coins of the United States one or more special series of coins: *Provided*, That the coinage, issuance, and circulation of the coins provided for by this section shall be subject in all respects to the conditions, terms, provisions, limitations, and exceptions specified in subsections (b) to (j) hereof.

(b) No denomination or series of coins provided for by this section shall be coined unless and until the Secretary of the Treasury shall have issued an order that shall (1) prescribe the particular denomination or series, stating the pertinent physical properties, including content, weight, dimensions, shape, and design: *Provided*, That in determining such physical properties the Secretary shall take into consideration the use of such coins in coin-operated devices; and (2) state that he has determined, after consultation with the appropriate officials charged with the production of war material, that the coinage and circulation of the particular series will operate to conserve strategic metals in furtherance of the war effort.

(c) There shall be no coinage pursuant to the provisions of this section after December 31, 1946.

(d) The coinage provided for by this section shall not be of other denominations than 1 cent piece and 3 cent piece, and the amount of coinage of each such denomination shall be prescribed by the Secretary of the Treasury.

(e) Each denomination of coins provided for by this section shall constitute a series: *Provided*, That if one denomination is coined in more than one physical form or composition, the pieces of each different physical form or composition shall constitute a separate series.

(f) The coinage provided for by this section shall be in pieces of such metallic, or other or different content, weight, dimensions, shape, limits of tolerance, and design (including devices and legends), as the Secretary of the Treasury may by regulation prescribe for the particular denomination or series: *Provided*, That no silver shall be used for the coinage provided for by this section except as specified in subsection (g) hereof.

(g) For the coinage of any series, the Secretary of the Treasury is hereby authorized to allocate to the Director of the Mint, at such times and in such amounts as the Secretary of the Treasury deems necessary, any silver bullion in the monetary stocks of the United States not then held for redemption of any outstanding silver certificates. Silver contained in any pieces coined under section 1 of this section shall be accounted for by entries in the fund established for the purchase of metal for minor coinage: *Provided*, That the value of any silver bullion accounted for in said fund shall not be considered for the purpose of determining the statutory limit of said fund: *Provided further*, That the gain from the coinage of silver hereunder shall be accounted for by entries in the minor coinage profit fund. If any series is coined of silver or in part of silver, the pieces of said series shall nevertheless be deemed to be other than silver coins, subsidiary silver coins, silver coinage, or subsidiary silver coinage within the meaning of the monetary laws of the United States.

(h) The coinage provided for by this section shall be minor coinage, and the provisions of section 340 of this title, as amended, shall apply with respect to any necessary purchases of metal or other material for the coinage provided for by this section: *Provided, however*, That contracts for said purchases may be entered into in accordance with the provisions of section 611 of Appendix to Title 50.

(i) For the purpose of section 341 of this title, as amended, the coinage provided for in this section shall be in the same category as the minor coins referred to in said section 341.

(j) Except as provided in sections 317a–317f of this title, the coinage provided for by this section shall be subject in all respects to the monetary laws of the United States, including, but not by way of limitation, the laws pertaining to counterfeiting, to

legal tender, and to the distribution, exchange, and redemption of coins and currency. (Dec. 18, 1942, ch. 767, § 1, 56 Stat. 1064.)

APPROPRIATION

Section 6 of act Dec 18, 1942, cited to text, provided: "There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000 which shall be available for expenditure under the direction of the Secretary of the Treasury and in his discretion, for any purpose in connection with the carrying out of this Act (sections 317a–317f of this title)."

§ 317b. Same; suspension of coinage of certain coins authorized.

During the period when the coinage provided for by section 317a of this title may be coined, the Secretary of the Treasury is hereby authorized in his discretion to cause the coinage of any or all of the other minor coins to be suspended for the whole of said period or for any part or parts thereof. (Dec. 18, 1942, ch. 767, § 2, 56 Stat. 1065.)

§ 317c. Same; recoinage and sale of worn and uncurrent coins.

The Secretary of the Treasury shall cause all worn and uncurrent minor coin of the United States, heretofore or hereafter issued, received in the Treasury, to be melted down, the resulting metal and material to be used for coinage or sold, which sale is hereby authorized. Such coin (including any metal and material derived therefrom), and any loss resulting from the difference between the nominal or face value of such coin and the amount the same will produce in new coin, and any loss resulting from the sale of the metal or other material, shall be accounted for by entries in the fund established for the purchase of metal for minor coinage and said fund shall be reimbursed out of the special fund denominated the minor coinage profit fund: *Provided*, That the value of any coin (including any metal and material derived therefrom) accounted for as provided herein shall not be considered for the purpose of determining the statutory limit of the fund established for the purchase of metal for minor coinage. The proceeds from any sale pursuant to this section shall be accounted for by entries in the fund established for the purchase of metal for minor coinage. (Dec. 18, 1942, ch. 767, § 3, 56 Stat. 1065.)

CROSS REFERENCES

Purchase of metal for minor coinage; minor coinage profit fund, see section 340 of this title

§ 317d. Same; place of coinage; authority to make contracts.

The Director of the Mint shall cause the coinage provided for by section 317a of this title to be coined in the United States coinage mints or to be coined in whole or in part at such other places or plants as the Director may, with the approval of the Secretary of the Treasury, designate; and the Director, with the approval of the Secretary, is hereby authorized to enter into such contracts as may be necessary to carry out the purposes of sections 317a–317f of this title. (Dec. 18, 1942, ch. 767, § 5, 56 Stat. 1066.)

§ 317e. Uncurrent silver dollars; formation into bars; use for coinage.

All worn and uncurrent standard silver dollars now held or hereafter received in the Treasury shall be formed into bars of such weights and degrees of fineness as the Secretary of the Treasury may direct; and the Director of the Mint is hereby authorized to cause the bars obtained pursuant to the provisions of this section to be used for coinage: *Provided, however*, That whenever such bars are obtained from standard silver dollars held as security for outstanding silver certificates, an equal amount of silver shall be allocated as security for outstanding silver certificates when such bars are used for coinage. (Dec. 18, 1942, ch. 767, § 4, 56 Stat. 1066.)

§ 317e–1. Expenses of coinage.

To enable the Secretary of the Treasury to carry out the provisions of section 317e of this title, the expenses or adjustments in connection with the forming of worn and uncurrent standard silver dollars into bars shall be charged against the gain arising from the coinage of such bars. (Mar. 18, 1943, ch. 17, title I, § 1, 57 Stat. 32.)

§ 317f. Rules and regulations to effectuate sections 317a–317e.

The Secretary of the Treasury is hereby authorized to issue such orders, regulations, and instructions as he may deem necessary or proper to carry out the purposes of sections 317a–317f of this title. (Dec. 18, 1942, ch. 767, § 7, 56 Stat. 1066.)

§ 340. Purchase of metal for minor coinage; profit fund.

For the purchase of metal for the minor coinage, authorized by this chapter, a sum not exceeding $1,000,000 in lawful money of the United States shall, upon the recommendation of the Director of the Mint and in such sums as he may designate, with the approval of the Secretary of the Treasury, be transferred to the credit of the superintendents of the mints at Philadelphia, San Francisco, and Denver, at which establishments, until otherwise provided by law, such coinage shall be carried on. The superintendents, with the approval of the Director of the Mint as to price, terms, and quantity shall purchase the metal required for such coinage by public advertisement, and the lowest and best bid shall be accepted, the fineness of the metals to be determined on the mint assay. The gain arising from the coinage of such metals into coin of a nominal value, exceeding the cost thereof, shall be credited to the special fund denominated the minor coinage profit fund; and this fund shall be charged with the wastage incurred in such coinage, and with the cost of distributing said coins, as hereinafter provided. The balance remaining to the credit of this fund, and any balance of the profits accrued from minor coinage under former Acts, shall be, from time to time, and at least twice a year, covered into the Treasury of the United States. (As amended June 21, 1941, ch. 213, 55 Stat. 255.)

AMENDMENTS

1941—Act June 21, 1941, cited to text, substituted the figure "$1,000,000" for "$600,000."

§§ 346, 350.

CROSS REFERENCES

War 5-cent pieces of silver and copper, see section 642 et seq. of Appendix to Title 50, War.

Chapter 10.—THE PUBLIC MONEYS

Sec.
487a. Proceeds from disposal of scientific or technical equipment, etc., by Director of the Office of Scientific Research and Development (New)
529h. Same; advances by the Office of Scientific Research and Development (New).

CHECK FORGERY INSURANCE FUND (New)

561. Creation of fund; appropriations
562. Payments from fund to payees, etc., of lost or stolen checks on United States paid on forged indorsements.
563. Criminal or civil liability of forger and subsequent indorsers; deposit of collections
564. Rules and regulations.

§ 486a. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section, which provided for collections by Public Health Service for care of foreign seamen, is now covered by section 221 of Title 42, The Public Health and Welfare.

§ 487a. Proceeds from disposal of scientific or technical equipment, etc., by Director of the Office of Scientific Research and Development.

The Director of the Office of Scientific Research and Development may sell, lease, lend, or otherwise dispose of, under such terms and conditions as he may deem advisable, devices, scientific or technical equipment, models, or other articles of personalty, developed, constructed, produced in or purchased for the performance of its scientific or medical contracts, except articles acquired for administrative purposes, and all receipts from such disposition to nongovernmental agencies shall be covered into the Treasury as miscellaneous receipts. (July 12, 1943, 2 p. m., E W. T., ch. 228, § 1, 57 Stat. 530; June 28, 1944, ch. 301, title I, § 1, 58 Stat. 539; July 17, 1945, ch. 319, § 1, 59 Stat. 476.)

§ 493a. Army officers permitted to keep receipts from sales and other sources for current expenditures.

REPEATED—Act June 30 1941, 6:20 p. m., E. S T., ch. 262, § 1, 55 Stat. 369; act July 2, 1942, ch. 477, § 1, 56 Stat. 613; act July 1, 1943, ch. 185, § 1, 57 Stat. 349, act June 28, 1944, ch 303, § 1, 58 Stat 575; act July 3, 1945, ch. 265, § 1, 59 Stat. 386

§ 495a. Use by officers of Navy and Marine Corps of moneys for current expenditures.

REPEATED—Act May 6, 1941, ch. 86, 55 Stat 161; act Feb 7, 1942, ch 46, title I, 56 Stat. 64; act June 26 1943, ch 147, § 1, 57 Stat 204; act June 22 1944, ch 269, § 1, 58 Stat. 309; act May 29, 1945, ch. 130, § 1, 59 Stat. 209.

§ 528. Duplicates for lost, stolen, destroyed, mutilated or defaced checks—(a) Issuance of duplicates; bond of indemnity; liability for erroneous issuance.

Except as provided in this section, whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the Secretary of the Treasury is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued to transfer the amount of the original check from the account of the drawer to a special deposit account carried in the name of the Secretary of the Treasury on the books of the Treasurer of the United States, and to issue against such special deposit account to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, upon the receipt and approval by the Secretary of the Treasury of an undertaking to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid: *Provided,* That nothing contained in this section shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check: *And provided further,* That the authority conferred in this section to issue substitute checks may, in the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, be exercised without limitation of time.

(b) Exceptions.

An undertaking of indemnity shall not be required under subsection (a) of this section in any of the following classes of cases except as provided in this subsection: (1) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States (including the postal service when carrying mail for any officer, employee, agent or agency of the United States when performing services in connection with an official function of the United States, but not including the postal service when otherwise acting solely in its capacity as a public carrier of the mail), or of a person thereunto duly authorized as lawful agent of the United States, or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of sections 134–134h of this title, this section, and section 738a of this title; (2) if substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; (3) if the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States; (4) if the amount of the check is not more than $200; (5) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation, the whole of whose capital is owned by the United

States, a foreign government, or a Federal Reserve bank: *Provided, however*, That in any of the foregoing classes of cases the Secretary of the Treasury may require an undertaking of indemnity if he deems it essential to the public interest.

(c) Checks drawn on depositaries in foreign countries or United States Territories and possessions; liability for erroneous issuance.

Notwithstanding the provisions of subsections (a) and (b) of this section whenever it is clearly proved to the satisfaction of the Secretary of the Treasury that any original check of the United States drawn on a depositary in a foreign country or a Territory or possession of the United States, including the Panama Canal Zone and the Philippine Islands, is lost, stolen, or wholly or partly destroyed, or is so mutilated or defaced as to impair its value to its owner or holder, the drawer of the original check or such other officer or employee of the United States as may be authorized by the Secretary of the Treasury with the concurrence of the head of the department or agency upon whose behalf the original check was issued is authorized, before the close of the fiscal year following the fiscal year in which the original check was issued, to issue to the owner or holder thereof a substitute under current date showing such information as may be necessary to identify the original check, drawn against the account of the drawer of the original check or such other account as may be available for the payment of such substitute, upon the receipt and approval by the Secretary of the Treasury of an undertaking, to indemnify the United States, in such form and amount and with such surety, sureties, or security, if any, as the Secretary of the Treasury may require; but no such substitute shall be payable if the original check shall first have been paid. Nothing contained in this section shall be deemed to relieve any certifying officer or his sureties or any disbursing officer or his sureties of any liability to the United States on account of any payment resulting from the erroneous issuance of the original check.

(d) Rules and regulations.

The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary for the administration of the provisions of this section.

(e) Post Office Department check.

Notwithstanding the provisions of subsections (a), (b), (c), and (d) of this section, whenever any original check of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a substitute, marked "duplicate" and showing the number, date, and payee of the original check, before the close of the fiscal year following the fiscal year in which the original check was issued, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided*, That when such original check does not exceed in amount the sum of $100 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a substitute check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check.

(f) Payment of substitute check.

Substitutes issued under this section, drawn on the Treasurer of the United States, except those for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, shall be deemed to be original checks and shall be payable under the conditions set forth in section 725t of this title. Substitutes for checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws shall be payable without limitation of time.

(g) Definitions.

The term "original check" wherever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (e) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.

(h) Delegation and redelegation of authority.

Any power, authority, or discretion conferred upon the Secretary of the Treasury by this section may be delegated by him, in whole or in part, subject to such terms and conditions as he may prescribe, to such individuals as he may designate within the Treasury Department or to the head of any other department or agency of the Government or of any Federal Reserve bank, and the head of such department or agency or Federal Reserve bank may, when such action is not inconsistent with the terms and conditions of the delegation by the Secretary of the Treasury, redelegate any power, authority, or discretion conferred upon him pursuant to this subsection to any officer or employee within such department, agency, or Federal Reserve bank. (As amended Dec. 3, 1945, ch. 515, § 1, 59 Stat. 592.)

AMENDMENTS

1945—Subsec. (a) amended generally by act Dec. 3, 1945, cited to text.

Subsec. (b) amended by act Dec. 3, 1945, cited to text, which amended entire subsec. generally.

Subsec. (c) added by act Dec. 3, 1945, cited to text.

Subsec. (d), formerly subsec. (c), was relettered and reenacted without change by act Dec. 3, 1945, cited to text.

Subsec. (e), formerly subsec. (d), was relettered, "(c), and (d)" was substituted for "and (d)" following "subsections (a), (b)," and "$100" was substituted for "$50" in proviso by act Dec 3, 1945, cited to text

Subsec. (f), formerly subsec. (e), was relettered and amended generally by act Dec. 3, 1945, cited to text.

Subsec. (g), formerly subsec (f), amended by act Dec. 3, 1945, cited to text, which relettered subsec (f) to be subsec (g) and substituted "subsection (e)" for "subsection (d)" following "as used in".

Subsec. (h) added by act Dec 3, 1945, cited to text.

EFFECTIVE DATE

Section 3 of act Dec 3, 1945, cited to text, provided that this section should become effective on Dec. 1, 1945.

CROSS REFERENCES

Forged indorsements, settlement with payees of lost or stolen checks, see section 561 et seq. of this title.

§ 529. Advances of public moneys; prohibition against.

OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

Advances of funds in connection with contracts entered into by such Office were authorized by act July 25, 1942, ch. 524, title I, 56 Stat 709

CROSS REFERENCES

Availability of funds for acquisition of lands and rights pertaining thereto, etc., by Secretary of War without compliance with this section, see sections 767 and 771 of Appendix to Title 50, War

§ 529h. Advances by the Office of Scientific Research and Development.

Notwithstanding the provisions of section 529 of this title, in the expenditure of any funds heretofore or hereafter allocated to it, contracts entered into by the Office of Scientific Research and Development may provide for payments in advance of the rendering of the service or the delivery of the article contracted for, subject to such limitations as the Director of the Office of Scientific Research and Development may prescribe. (Dec. 17, 1941, ch 591, title III, 55 Stat. 819)

§ 542. Repealed. July 11, 1941, ch. 290, § 4, 55 Stat. 585.

CHECK FORGERY INSURANCE FUND (New)

§ 561. Creation of fund; appropriations.

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, to be available until expended, to be used by the Treasurer of the United States, under the direction of the Secretary of the Treasury, for making settlement with the payees and special indorsees of certain checks drawn on the Treasurer of the United States, as hereinafter provided. There is hereby further authorized to be appropriated from time to time such additional sums as may be necessary for such purpose. There shall be on deposit with the Treasurer of the United States in a special deposit account a revolving fund, to be known as the check forgery insurance fund (hereinafter referred to as "the fund"), to be composed of the sum of $50,000 and such further sums as may hereafter be appropriated from time to time, together with all recoveries deposited to the credit of the fund as hereinafter provided. (Nov. 21, 1941, ch. 489, § 1, 55 Stat. 777.)

EFFECTIVE DATE

Section 5 of act Nov 21, 1941, cited to text, provided as follows "This Act (Title 31, §§ 561–564) shall take effect on the sixtieth day following the date of its enactment"

§ 562. Payments from fund to payees, etc., of lost or stolen checks on United States paid on forged indorsements.

Whenever it is established (a) that any check heretofore or hereafter drawn on the Treasurer of the United States has been lost or stolen, without the fault of the payee or a holder who is a special indorsee and whose indorsement is necessary to the further negotiation of such check, (b) that such check has thereafter been negotiated and paid by the Treasurer on a forged indorsement of the payee's or special indorsee's name, (c) that the payee or special indorsee has not participated either directly or indirectly in the proceeds of such negotiation or payment, and (d) that reclamation from the forger or transferees or parties on such check subsequent to the forgery has been or may be delayed or be unsuccessful, the Treasurer of the United States is authorized and directed to draw on the fund prior to reclamation to pay such payee or special indorsee the amount of such check, without interest. (Nov. 21, 1941, ch. 489, § 2, 55 Stat. 777.)

EFFECTIVE DATE

Effective date of act Nov 21, 1941, cited to text, see note under section 561 of this title

CROSS REFERENCES

Duplicates for lost, stolen, mutilated, etc., checks, see section 528 of this title

§ 563. Criminal or civil liability of forger and subsequent indorsers; deposit of collections.

Nothing contained in this subchapter shall be construed to relieve the forger from civil or criminal liability, nor to relieve any transferee or party on such check subsequent to the forgery from liability on his express or implied guaranty of prior indorsements, or liability to make refund to the Treasurer of the United States, and all amounts received by the Treasurer by way of reclamation from such persons, or other persons making repayment on behalf of such persons, to the extent that such amounts are necessary to reimburse the fund for payments made to payees or special indorsees therefrom shall forthwith be deposited to the credit of the fund and shall be available for the purposes thereof. (Nov. 21, 1941, ch. 489, § 3, 55 Stat. 778.)

EFFECTIVE DATE

Effective date of act Nov 21, 1941, cited to text, see note under section 561 of this title

§ 564. Rules and regulations.

The Secretary of the Treasury shall have the power to make such rules and regulations as he may deem necessary or proper for the administration of the provisions of this subchapter. (Nov. 21, 1941, ch. 489, § 4, 55 Stat. 778.)

EFFECTIVE DATE

Effective date of act Nov. 21, 1941, cited to text, see note under section 561 of this title.

Chapter 11.—APPROPRIATIONS

GENERAL PROVISIONS

Sec
645a Naval procurement fund, establishment; expenditures; reimbursement of fund from appropriations chargeable; adjustment of accounts (New).
650b. Travel expenses of War Department personnel attending technical, scientific, etc., meeting (New).
663a Appropriation for salaries of certain judicial officers; other uses prohibited, payment (New)
690. Collections under lapsed appropriations covered into Treasury as miscellaneous receipts (New)
691. Independent offices appropriations available for expenses of certain committees, boards, and interagency groups (New).

GENERAL PROVISIONS

§ 583. Enumeration of estimates required.

* * * * *

(6) Public Health Service. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

* * * * *

(9) Trusses for soldiers. Repealed. May 23, 1944, ch. 202, § 3, 58 Stat. 226.

* * * * *

§ 644. Naval stock fund; charges against.

There shall be a naval stock fund, which shall be charged with the cost of all stores procured for and credited with the value of all issues or sales made from the naval supply account. Deficiencies under appropriations for the Naval Establishment for the fiscal year 1920 and prior years shall be charged to this fund, to which shall be transferred the unexpended balances of annual appropriations for the Naval Establishment for the fiscal years 1919 and 1920. (As amended July 3, 1942, ch. 484, 56 Stat. 646.)

AMENDMENTS

1942—Act July 3, 1942, cited to text, redesignated the naval supply account fund to be the naval stock fund

CROSS REFERENCES

Transfer to naval procurement fund of existing obligations not representing acquisition of materials for stock, see note under section 645a of this title

§ 644a. Same; printing stock catalogue.

The cost of printing a Federal standard stock catalogue, and changes therein, when compiled and adopted by such Federal agency as may be designated by the President, shall be charged to the "Naval Stock Fund", and this fund shall be reimbursed, when copies are issued to the several departments and establishments, from the appropriations available for the procurement of supplies. (As amended July 3, 1942, ch. 484, 56 Stat. 646.)

AMENDMENTS

1942—Act July 3, 1942, cited to text, redesignated the naval supply account fund to be the naval stock fund.

§ 645a. Naval procurement fund; establishment; expenditures; reimbursement of fund from appropriations chargeable; adjustment of accounts.

There is hereby established under the Bureau of Supplies and Accounts the naval procurement fund, and there is authorized to be appropriated from time to time such sums as may be necessary to accomplish the purposes of this fund: *Provided*, That thereafter expenditures may be made from the naval procurement fund for material (other than material for stock) and for personal and contractual services under such regulations as the Secretary of the Navy may prescribe: *Provided further*, That no expenditure shall be incurred under the naval procurement fund, which is not properly chargeable to available funds under a naval appropriation, and the naval procurement fund shall be promptly reimbursed from the appropriate naval appropriations for all expenditures properly chargeable thereto on the basis of transfer and counterwarrants prepared in the Navy Department and certified to the Secretary of the Treasury by a duly authorized representative of the Navy: *Provided further*, That such warrants when signed by the Secretary of the Treasury shall be entered in the appropriation accounts as of the fiscal year in which the expenditures were made and without revision by any officer of the Government; any adjustments between accounts subsequently found necessary in the audit and settlement of the accounts by the General Accounting Office shall be made as of current dates on the basis of new transfer and counterwarrants: *Provided further*, That advance check payments may be made to the Naval Procurement Fund upon written request to the Paymaster General of the Navy from the appropriate naval appropriation for all or any part of the costs ultimately chargeable to such naval appropriation, subject to appropriate adjustments being made on the basis of the completed actual cost of the supplies, materials, equipment, and services involved. (July 3, 1942, ch. 484, 56 Stat. 645.)

TRANSFER OF CERTAIN OBLIGATIONS FROM NAVAL STOCK FUND

Act July 3, 1942, cited to text, besides affecting this section, further provided: "That the Paymaster General of the Navy is authorized to transfer to the Naval Procurement Fund for payment any existing obligations under the naval stock fund which do not represent the acquisition of materials for stock"

TERMINATION OF FUND

Act June 22, 1944, ch. 269, § 1, 58 Stat. 310 provided: "The Naval Procurement Fund shall not be employed beyond the duration of the present wars except to liquidate obligations incurred prior to the termination of such wars".

§ 650a. Appropriations for travel of Military Establishment and War Department personnel; charged with expenses of personnel relieved from duty while traveling under orders.

REPEATED—Act June 30, 1941, 6 20 p m E S T, ch 262, § 1, 55 Stat 371; act July 2, 1942, ch 477, § 1, 56 Stat 614; act July 1, 1943, ch 185, § 1, 57 Stat 351, act June 28, 1944, ch. 303, § 1, 58 Stat. 577, act July 3, 1945, ch. 265, § 1, 59 Stat. 388

§ 650b. Travel expenses of War Department personnel attending technical, scientific, etc., meeting.

In addition to the authority contained in sections 21, 22, and 49 of Title 32, a total of not to exceed $15,000 of the appropriations available to the War Department chargeable with expenses of travel shall be available for expenses incident to attendance at meetings of technical, professional, scientific, and other similar organizations, when, in the judgment of the Secretary of War, such attendance would be of benefit in the conduct of the work of the War De-

partment. (June 28, 1944, ch. 303, § 1, 58 Stat. 577, as amended July 3, 1945, ch. 265, § 1, 59 Stat. 388.)

AMENDMENTS

1945—Act July 3, 1945, cited to text, amended section by increasing amount of money from $7,500 to $15,000.

§ 663a. Appropriation for salaries of certain judicial officers; other uses prohibited; payment.

After July 2, 1942, no part of the funds appropriated for salaries of judges, the Attorney General, Assistant Attorneys General, Solicitor General, district attorneys, marshals, and clerks of court shall be used for any other purpose whatsoever, but such salaries shall be allotted out of appropriations made for such salaries and retained by the Department or the Administrative Office of the United States Courts and paid to such officials severally, as and when such salaries fall due and without delay. (July 2, 1942, ch. 472, title V, 56 Stat. 506.)

§ 665. Expenditures in excess of appropriations; voluntary service forbidden; apportionment of appropriations for contingent expenses or other general purposes.

OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

Contracts by such Office for investigations or experiments may provide for indemnifying contractor out of subsequent appropriations against loss or damage to persons or property, under acts July 25, 1942, ch 524, title I, 56 Stat 709; July 12, 1943, 3 p m , E W T., ch 228, § 1, 57 Stat 530, June 28, 1944, ch 301, title I, § 1, 58 Stat. 538, 539; July 17, 1945, ch. 319, § 1, 59 Stat. 476)

OFFICE OF THE COORDINATOR OF INTER-AMERICAN AFFAIRS; OFFICE OF WAR INFORMATION

Contracts for use of international shortwave radio stations and facilities may provide for indemnity of owners and operators of such stations against loss or damage on account of injury to persons or property arising from use of such stations or facilities, under acts Oct 26, 1942, ch. 629, title II, 56 Stat 996, 997, July 12, 1943, 3 p m , E. W T , ch 228, § 1, 57 Stat 529; June 28, 1944, ch 301, title I, § 1, 58 Stat. 538, 539, July 17, 1945, ch. 319, § 1, 59 Stat. 477.)

§ 686. Purchase or manufacture of stores or materials or performance of services by bureau or department for another bureau or department.

(a) Any executive department or independent establishment of the Government, or any bureau or office thereof, if funds are available therefor and if it is determined by the head of such executive department, establishment, bureau, or office to be in the interest of the Government so to do, may place orders with any other such department, establishment, bureau, or office for materials, supplies, equipment, work, or services, of any kind that such requisitioned Federal agency may be in a position to supply or equipped to render, and shall pay promptly by check to such Federal agency as may be requisitioned, upon its written request, either in advance or upon the furnishing or performance thereof, all or part of the estimated or actual cost thereof as determined by such department, establishment, bureau, or office as may be requisitioned; but proper adjustments on the basis of the actual cost of the materials, supplies, or equipment furnished, or work or services performed, paid for in advance, shall be made as may be agreed upon by the departments, establishments, bureaus, or offices concerned: *Provided*, That the War Department, Navy Department, Treasury Department, Civil Aeronautics Administration, and the Maritime Commission may place orders, as provided herein, for materials, supplies, equipment, work, or services, of any kind that any requisitioned Federal agency may be in a position to supply, or to render or to obtain by contract: *Provided further*, That if such work or services can be as conveniently or more cheaply performed by private agencies such work shall be let by competitive bids to such private agencies. Bills rendered, or requests for advance payments made, pursuant to any such order, shall not be subject to audit or certification in advance of payment.

* * * * *

(c) Orders placed as provided in subsection (a) shall be considered as obligations upon appropriations in the same manner as orders or contracts placed with private contractors. Advance payments credited to special working funds shall remain available to the procuring agency for entering into contracts and other uses during the fiscal year or years for which the appropriation involved was made and thereafter until said appropriation lapses under the law to the surplus fund of the Treasury. (As amended July 20, 1942, ch. 507, 56 Stat. 661; Laws 1943, ch. 150, §1, 57 Stat 219.)

AMENDMENTS

1943—Subsec (c) was amended by act June 26, 1943, cited to text, which substituted second sentence for provisions relating to issuance of stores from stock on hand

1942—Act July 20, 1942, cited to text, amended subsec (a) generally and added first proviso

CROSS REFERENCES

Orders or contracts for materials placed with Government-owned establishments deemed obligations, see section 23 of Title 41, Public Contracts

§ 686c. Repealed. L. 1943, ch. 150, § 2, eff. June 26, 1943.

§ 690. Collections under lapsed appropriations covered into Treasury as miscellaneous receipts.

Any collection which otherwise would be for depositing to the credit of an appropriation where such appropriation has lapsed and the balance reverted to the surplus fund shall be deposited for covering into the general fund of the Treasury as miscellaneous receipts. (Apr. 25, 1945, ch 95, title I, 59 Stat. 90.)

§ 691. Independent offices appropriations available for expenses of certain committees, boards, and interagency groups.

Appropriations of the executive departments and independent establishments of the Government shall be available for the expenses of committees, boards, or other interagency groups engaged in authorized activities of common interest to such departments and establishments and composed in whole or in part of representatives thereof who receive no additional compensation by virtue of such membership: *Provided*, That employees of such departments and establishments rendering service for such committees, boards, or other groups, other than as representatives, shall receive no additional compensation by virtue of such service. (May 3, 1945, ch. 106, title II, § 214, 59 Stat. 134.)

PERMANENT ANNUAL APPROPRIATIONS

§ 711. Permanent indefinite appropriations.

* * * * *

(9) Public Health Service. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

* * * * *

PERMANENT APPROPRIATIONS REPEAL

§ 725c. Same.

CROSS REFERENCES

Appropriation of special fund for operation of dams and other navigation structures owned by the United States, see section 810 of Title 16, Conservation

§ 725r. Fees deposited in Treasury.

Effective July 1, 1935, moneys received as Patent Office fees; unearned moneys, lands (Interior Department); reentry permit fees (Justice Department); naturalization fees (Justice Department); and registry fees (Justice Department); and held in the official checking accounts of disbursing officers, shall be deposited in the Treasury of the United States to appropriately designated trust-fund receipt accounts and shall be available for refunds, and for transfer of the earned portions thereof into appropriate receipt fund titles on the books of the Government: *Provided*, That donations, quasi-public and unearned moneys carried in official checking accounts of disbursing officers and of others required to account to the Comptroller General (excluding clerks and marshals of the United States district courts), administered by officers of the United States by virtue of their official capacity, shall be deposited similarly into the Treasury as trust funds and are hereby appropriated and made available for disbursement under the terms of the trust. (As amended Dec. 21, 1944, ch. 631, § 2, 58 Stat. 845.)

AMENDMENTS

1944—Act Dec. 21, 1944, cited to text, amended section by changing word "including" to "excluding" within parenthetical clause in proviso

§ 725s. Same; trust funds.

(a) * * *

* * * * *

(80) (81) Abolished. June 15, 1943, ch. 125, §§ 1 (a), 2 (a), 57 Stat. 152, 153, eff. July 1, 1943.

* * * * *

(As amended June 15, 1943, ch 125, §§ 1 (a), 2 (a), 57 Stat. 152, 153.)

NAVAL HOSPITAL FUND ABOLISHED

Section (1 a, b) of act June 15, 1943 cited to text, provided "Effective July 1, 1943, (a) the trust fund, naval hospital fund (48 Stat 1235 (80) (7s815), 31 U S C 725-(a) (80)), is abolished and any unobligated balance remaining therein as of that date shall be covered into the surplus fund of the Treasury; (b) moneys theretofore required by law to be paid into such fund from annual appropriations shall remain to the credit of the appropriation concerned."

NAVY FINES AND FORFEITURES FUND ABOLISHED

Section 2 (a, b) of act June 15, 1943, provided: "Effective July 1, 1943, (a) the trust fund, Navy fines and forfeitures (48 Stat. 1235 (81) (7s984); 31 U S C 725s (a) (81)), is abolished, and any unobligated balance remaining therein as of that date shall be covered into the surplus fund of the Treasury, (b) moneys theretofore required by law to be paid into such fund from annual appropriations, and all pay forfeited by law or by the terms of a court-martial sentence, shall remain to the credit of the appropriation concerned."

TRANSFER OF ACCRUED MONEYS IN NAVY FUNDS

Section 3 of act June 15, 1943, cited to text, provided in part that all moneys accruing to the naval hospital fund (7s815) and navy fines and forfeitures fund (7s984), which were abolished by sections 1 and 2 of said Act, prior to July 1, 1943, but not credited thereto prior to such date, should be covered into the surplus fund of the Treasury

§ 725v. Moneys in registry of any United States courts; dispositions; disposition of all fees and other collections; exceptions.

(a) Moneys in, or payable into, the registry of any United States court, in the discretion of the court, may be deposited in official checking accounts with the Treasurer of the United States, subject to disbursement on order approved by the court.

(b) All fees and other collections other than moneys referred to in subsection (a) of this section, received by clerks of the United States courts and United States marshals shall be deposited in official checking accounts with the Treasurer of the United States, subject to disbursement by such clerks and marshals. At the close of each accounting period the earned portions of such fees and collections accruing to the United States shall be deposited into the Treasury of the United States to the credit of the appropriate receipt accounts. The provisions of this subsection shall not apply in the Territory of Alaska, or in the Virgin Islands. (As amended Dec. 21, 1944, ch. 631, § 1, 58 Stat. 844.)

AMENDMENTS

1944—Subsec. (b) added by act Dec 21, 1944, cited to text

Chapter 12.—THE PUBLIC DEBT

Sec
734c Use of Government owned silver for war purposes (New)
741a. Sale and disposition of bonds, notes, and other securities (New)
742a Same, by Federal tax Acts (New)
757d. Proof of death to support credit allowance in Federal Reserve Bank accounts on transfer, redemption, payment, etc., of Government securities (New)
757e Acceptance by Treasurer of gifts and bequests of Government securities (New).

OBLIGATIONS OF FOREIGN GOVERNMENTS

804b. Same, exemption of members of both the International Monetary Fund and the Bank for Reconstruction and Rehabilitation (New).

CROSS REFERENCES

Investigation of nonessential Federal expenditures, see note under Subtitle D, preceding section 3600 of Title 26, Internal Revenue Code

§ 734c. Use of Government owned silver for war purposes.

The President is authorized, through the Secretary of the Treasury, upon the recommendation of the Chairman of the War Production Board, to sell, or lease for domestic purposes for a period not longer than six months after the cessation of hostilities in the present war, as proclaimed by the President, upon such terms as the Secretary of the Treasury shall deem advisable, to any person, partnership,

association, or corporation, or any department of the Government, for purposes, including but not limited to the making of munitions of war and the supplying of civilian needs, and the converting of existing plants to those purposes, any silver held or owned by the United States: *Provided,* That no silver shall be sold under this section at less than 71.11 cents per fine troy ounce: *Provided further,* That at all times the ownership and the possession or control within the United States of an amount of silver of a monetary value equal to the face amount of all outstanding silver certificates heretofore or hereafter issued by the Secretary of the Treasury shall be maintained by the Treasury. (July 12, 1943, ch. 223, 57 Stat. 520.)

TERMINATION DATE

Section 2 of act July 12, 1943, cited to text, as amended by act Dec. 20, 1944, ch. 624, 58 Stat. 837, provided that this section should terminate on Dec. 31, 1945.

§ 738a. Interest-bearing security destroyed, mutilated, defaced, lost or stolen.

* * * * *

(c) Definitions.

The term "interest-bearing security of the United States" or "security", wherever used in this section, means any direct obligation of the United States issued pursuant to law for valuable consideration and which by its terms bears interest, or is issued on a discount basis, and includes (but is not limited to) bonds, notes, certificates of indebtedness, and Treasury bills, and interim certificates issued for any such security, and also means any bond issued under section 780 of the Internal Revenue Code. (As amended Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, § 153, 59 Stat. 574.)

* * * * *

CODIFICATION

Act July 8, 1937, § 8, cited to text and the source of this section, contained a subsec. (e) at the end thereof, repealing sections 735–738 of this title.

AMENDMENTS

1945—Subsec. (c) amended by act Nov. 8, 1945, § 153, cited to text, which added "and also means any bond issued under section 780 of the Internal Revenue Code" at the end of the section.

§ 741a. Sale and disposition of bonds, notes, and other securities.

(a) Notwithstanding the provisions of section 302 of Title 40, the Secretary of the Treasury is authorized to sell, exchange, or otherwise dispose of any bonds, notes, or other securities, acquired by him on behalf of the United States under judicial process or otherwise, or delivered to him by an executive department or agency of the United States for disposal, or to enter into arrangements for the extension of the maturity thereof, in such manner, in such amounts, at such prices, for cash, securities, or other property, or any combination thereof, and upon such terms and conditions as he may deem advisable and in the public interest. No such bonds, notes, or other securities of any single issuer having at the date of disposal an aggregate face or par value, or in the case of no-par stock an aggregate stated or book value, in excess of $1,000,000 which may be held by the Secretary of the Treasury at any one time, shall be sold or otherwise disposed of under the authority of this section.

(b) Nothing contained in this section shall be construed to supersede or impair any authority otherwise granted to any officer or executive department or agency of the United States to sell, exchange, or otherwise dispose of any bonds, notes, or other securities, acquired by the United States under judicial process or otherwise. (Apr. 3, 1945, ch. 51, § 5, 59 Stat. 48.)

§ 742. Exemption from taxation; by State or local authority.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of this title.

§ 742a. Same; by Federal tax Acts.

(a) Interest upon obligations, and dividends, earnings, or other income from shares, certificates, stock, or other evidences of ownership, and gain from the sale or other disposition of such obligations and evidences of ownership issued on or after March 28, 1942, by the United States or any agency or instrumentality thereof shall not have any exemption, as such, and loss from the sale or other disposition of such obligations or evidences of ownership shall not have any special treatment, as such, under Federal tax Acts now or hereafter enacted; except that any such obligations which the United States Maritime Commission or the Federal Housing Administration had, prior to March 1, 1941, contracted to issue at a future date, shall when issued bear such tax-exemption privileges as were, at the time of such contract, provided in the law authorizing their issuance. For the purposes of this subsection a Territory, a possession of the United States, and the District of Columbia, and any political subdivision thereof, and any agency or instrumentality of any one or more of the foregoing, shall not be considered as an agency or instrumentality of the United States.

(b) The provisions of this section shall, with respect to such obligations and evidences of ownership, be considered as amendatory of and supplementary to the respective Acts or parts of Acts authorizing the issuance of such obligations and evidences of ownership, as amended and supplemented.

(c) Nothing contained herein shall be construed to amend or repeal sections 114 and 115 of the Revenue Act of 1941. (Feb. 19, 1941, ch. 7, § 4, 55 Stat. 9; Mar. 28, 1942, ch. 205, § 6, 56 Stat. 190.)

REFERENCES IN TEXT

Revenue Act of 1941, §§ 114 and 115, affected sections 42 and 117 (a) (1) of Title 26, Internal Revenue Code.

AMENDMENTS

1942—Act Mar. 28, 1942, cited to text, amended section generally. Prior thereto, section had consisted of subsecs. (a) and (b) only.

§§ 744–751, 753, 754.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of this title.

§ 754a. Issuance of obligations for purchase or refunding public indebtedness.

Any obligations authorized by sections 745, 747, 752, 752a, 753, 754, 754a, 754b, 757, 757b, 757c, 758, 760, 764–766, 769, 771, 773, 774, and 801 of this title may be issued for the purchase, redemption, or refunding, at or before maturity, of any outstanding bonds, notes, certificates of indebtedness, Treasury bills, or savings certificates of the United States, and any money received from the sale of such obligations or any other money in the general fund of the Treasury may, under such rules, regulations, terms, and conditions as the Secretary of the Treasury may prescribe, be used for such purchase, redemption, or refunding. (As amended Mar. 28, 1942, ch. 205, § 4, 56 Stat. 189.)

§ 754b. Interest; discount; price; manner of sale; receivability in payment of taxes; exchange for other obligations.

(a) Any obligations authorized by sections 752, 753, and 754 of this title, may be issued on an interest-bearing basis, on a discount basis, or on a combination interest-bearing and discount basis, at such price or prices and with interest computed in such manner and payable at such time or times as the Secretary of the Treasury may prescribe; and any such obligations may be offered for sale on a competitive or other basis under such regulations and upon such terms and conditions as the Secretary of the Treasury may prescribe; and his decision with respect to any such issue shall be final.

(b) Any obligations authorized by sections 745, 747, 752, 752a, 753, 754, 754a, 754b, 757, 757b, 757c, 758, 760, 764–766, 769, 771, 773, 774, and 801 of this title and redeemable upon demand of the owner or holder may, under such regulations and upon such terms and conditions as the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury may prescribe, be receivable by the United States in payment of any taxes imposed by the United States.

(c) Any obligations authorized by sections 745, 747, 752, 752a, 753, 754, 754a, 754b, 757, 757b, 757c, 758, 760, 764–766, 769, 771, 773, 774, and 801 of this title may, under such regulations and upon such terms as the Secretary of the Treasury may prescribe, be issued in exchange for any obligations of any agency or instrumentality of the United States which are unconditionally guaranteed both as to principal and interest by the United States, at or before their maturity. (As amended Mar. 28, 1942, ch. 205, § 3, 56 Stat. 189.)

§ 755. First Liberty loan; certificates of indebtedness.

TERMINATION OF AUTHORITY TO ISSUE OBLIGATIONS

The authority granted in this section to issue obligations was terminated by act Feb 19, 1941, ch. 7, § 2 (b) (2), 55 Stat. 7.

§§ 756, 757.

TERMINATION OF AUTHORITY TO ISSUE OBLIGATIONS

The authority granted in these sections to issue obligations was terminated by act Feb. 19, 1941, ch 7, § 2 (b) (1), 55 Stat. 7.

§ 757b. Public debt limit; limitations on obligations issued under Second Liberty Loan.

The face amount of obligations issued under authority of sections 745, 747, 752–754b, 757, 757b, 757c, 758, 760, 764–766, 769, 771, 773, 774 (2), and 801 of this title and the face amount of obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), shall not exceed in the aggregate $300,000,000,000 outstanding at any one time. (As amended Feb. 19, 1941, ch. 7, § 2 (a), 55 Stat. 7, eff. Mar. 1, 1941; Mar. 28, 1942, ch 205, § 2, 56 Stat. 189; Apr. 12, 1943, ch. 52, § 2, 57 Stat. 63; June 9, 1944, ch. 240, § 2, 58 Stat. 272; Apr. 3, 1945, ch. 51, § 2, 59 Stat. 47.)

AMENDMENTS

1945—Act Apr. 3, 1945, cited to text, amended section by inserting "and the face * * * Secretary of the Treasury),", and by raising the limit from $260,000,000,000 to $300,000,000,000.

1944—Act June 9, 1944, cited to text, amended section by raising debt limit from $210,000,000,000 to $260,000,000,000.

1943—Act April 12, 1943, cited to text, increased amount from $125,000,000,000 to $210,000,000,000.

1942—Act Mar 28, 1942, cited to text, amended section generally, increasing debt limitation from 65 to 125 billion dollars.

SHORT TITLE

Section 1 of act Apr. 3, 1945, cited to text, provided. "That this act [sections 741a, 757c (h), 757c (1), 757d, and 757e of this title] may be cited as the 'Public Debt Act of 1945'."

Section 1 of act June 9, 1944, cited to text, provided. "That this Act [this section] may be cited as the Public Debt Act of 1944."

REPEAL

Section 301 of act June 25, 1940, ch 419, title III, 54 Stat. 526, was repealed by act Feb. 19, 1941, ch. 7, § 2 (c), 55 Stat. 31.

§ 757c. United States savings bonds and Treasury savings certificates—(a) Authority to issue; use of proceeds.

The Secretary of the Treasury, with the approval of the President, is authorized to issue, from time to time, through the Postal Service or otherwise, United States savings bonds and United States Treasury savings certificates, the proceeds of which shall be available to meet any public expenditures authorized by law, and to retire any outstanding obligations of the United States bearing interest or issued on a discount basis. The various issues and series of the savings bonds and the savings certificates shall be in such forms, shall be offered in such amounts, subject to the limitation imposed by section 757b of this title, and shall be issued in such manner and subject to such terms and conditions consistent with subsections (b), (c), and (d) hereof, and including any restrictions on their transfer, as the Secretary of the Treasury may from time to time prescribe.

(b) Issuance on discount or interest-bearing basis; terms and conditions; limitation of purchases.

Savings bonds and savings certificates may be issued on an interest-bearing basis, on a discount basis, or on a combination interest-bearing and discount basis and shall mature, in the case of bonds, not more than twenty years, and in the case of cer-

tificates, not more than ten years, from the date as of which issued. Such bonds and certificates may be sold at such price or prices, and redeemed before maturity upon such terms and conditions as the Secretary of the Treasury may prescribe: *Provided*, That the interest rate on, and the issue price of, savings bonds and savings certificates and the terms upon which they may be redeemed shall be such as to afford an investment yield not in excess of 3 per centum per annum, compounded semiannually. The denominations of savings bonds and of savings certificates shall be such as the Secretary of the Treasury may from time to time determine and shall be expressed in terms of their maturity values. The Secretary of the Treasury is authorized by regulation to fix the amount of savings bonds and savings certificates issued in any one year that may be held by any one person at any one time.

(c) Issuance of savings stamps; removal of limitation on denominations of postal-savings stamps.

The Secretary of the Treasury may, under such regulations and upon such terms and conditions as he may prescribe, issue, or cause to be issued, stamps, or may provide any other means to evidence payments for or on account of the savings bonds and savings certificates authorized by this section, and he may make provision for the exchange of savings certificates for savings bonds. The limitation on the authority of the Postmaster General to prescribe the denominations of postal-savings stamps contained in the second paragraph of section 756 of Title 39, is removed; and the Postmaster General is authorized, for the purposes of such section and to encourage and facilitate the accumulation of funds for the purchase of savings bonds and savings certificates, to prepare and issue postal-savings stamps in such denominations as he may prescribe.

(d) Exemption from taxation; circulation privilege.

The provisions of section 747 of this title (relating to exemptions from taxation), shall apply to savings bonds issued before March 1, 1941. For purposes of taxation any increment in value represented by the difference between the price paid and the redemption value received (whether at or before maturity) for savings bonds and savings certificates shall be considered as interest. The savings bonds and the savings certificates shall not bear the circulation privilege.

(e) Appropriation for expenses.

The appropriation for expenses provided by sections 760 and 761 of this title shall be available for all necessary expenses under this section, and the Secretary of the Treasury is authorized to advance, from time to time, to the Pastmaster [1] General from such appropriation such sums as are shown to be required for the expenses of the Post Office Department and of the Postal Service, in connection with the handling of savings bonds, savings certificates, and stamps or other means provided to evidence payment therefor, which sums may be used for additional employees or any other expenditure, wherever or in whatever class of post office incurred, in connection with such handling.

(f) Issuance of certain bonds discontinued.

No further original issue of bonds authorized by section 760 of Title 39, shall be made after July 1, 1935.

(g) Postal employees as fiscal agents for issuance, etc., of bonds, certificates or stamps.

At the request of the Secretary of the Treasury the Postmaster General, under such regulations as he may prescribe, shall require the employees of the Post Office Department and of the Postal Service to perform, without extra compensation, such fiscal agency services as may be desirable and practicable in connection with the issue, delivery, safekeeping, redemption, or payment of the savings bonds and savings certificates, or in connection with any stamps or other means provided to evidence payments.

(h) Redemption of savings bonds; qualifications of paying agents.

The Secretary of the Treasury, under such regulations as he may prescribe, may authorize or permit payments in connection with the redemption of savings bonds to be made by commercial banks, trust companies, savings banks, savings and loan associations, building and loan associations (including cooperative banks), credit unions, cash depositories, industrial banks, and similar financial institutions. No bank or other financial institution shall act as a paying agent until duly qualified as such under the regulations prescribed by the Secretary, nor unless (1) it is incorporated under Federal law or under the laws of a State, Territory, possession, the District of Columbia, or the Commonwealth of the Philippine Islands; (2) in the usual course of business it accepts, subject to withdrawal, funds for deposit or the purchase of shares; (3) it is under the supervision of the banking department or equivalent authority of the jurisdiction in which it is incorporated; and (4) it maintains a regular office for the transaction of its business.

(i) Losses resulting from redemption of savings bonds; exemptions from liability; repayment; report to Congress.

Any losses resulting from payments made in connection with the redemption of savings bonds shall be replaced out of the fund established by sections 134, 134a–134h of title 5, and sections 528, 738a of this title under such regulations as may be prescribed by the Secretary of the Treasury. The Treasurer of the United States, any Federal Reserve bank, or any qualified paying agent authorized or permitted to make payments in connection with the redemption of such bonds, shall be relieved from liability to the United States for such losses, upon a determination by the Secretary of the Treasury that such losses resulted from no fault or negligence on the part of the Treasurer, the Federal Reserve bank, or the qualified paying agent. The Post Office Department or the Postal Service shall be relieved from such liability upon a joint determination by the Postmaster General and the Secretary of the Treasury that such losses resulted from no fault or negligence on the part of the Post Office Department or the Postal Service. The provisions of section 134b of title 5 with respect to the finality of decisions by the Secre-

tary of the Treasury shall apply to the determinations made pursuant to this subsection. All recoveries and repayments on account of such losses, as to which replacement shall have been made out of the fund, shall be credited to it and shall be available for the purposes thereof. The Secretary of the Treasury shall include in his annual report to the Congress a statement of all payments made from the fund pursuant to this subsection. (As amended Feb. 19, 1941, ch. 7, § 3, 55 Stat. 7, eff Mar. 1, 1941; Apr. 12, 1943, ch. 52, § 3, 57 Stat. 63; Apr. 3, 1945, ch. 51, § 3, 59 Stat. 47.)

[1] So in original. Probably should read "Postmaster".

AMENDMENTS

1945—Subsec (h) amended by act Apr 3, 1945, cited to text, which substituted "commercial banks, trust * * * of its business" for "incorporated banks and trust companies.".

Subsec (i) amended by act Apr. 3, 1945, cited to text, which substituted "qualified pay agent" for "incorporated bank of trust company" wherever appearing in the second sentence

1943—Subsecs (h) and (i) were added by act Apr. 12, 1943, cited to text.

1941—Subsecs (a) and (b) were amended by act Feb 19, 1941, cited to text

Subsec. (c) was added by act Feb 19, 1941, cited to text, which renumbered former subsec (c) to be "(d)".

Subsecs. (d)–(g), formerly (c)–(f), respectively, were renumbered and amended by act Feb. 19, 1941, cited to text.

CROSS REFERENCES

Postal-savings stamps, termination of Postmaster General's authority to issue, see section 756a of Title 39, The Postal Service.

§ 757d. Proof of death to support credit allowance in Federal Reserve Bank accounts on transfer, redemption, payment, etc., of Government securities.

A finding of death made by any official or agency of the United States authorized by section 1005 of Appendix to Title 50, or by any other law to make such a finding, or by the Secretary of War or the Secretary of the Navy, shall be a sufficient proof of death to support the allowance of credit in the accounts of any Federal Reserve bank or accountable officer of the Treasury Department in any case involving the transfer, exchange, reissue, redemption, or payment of bonds and other obligations of the United States, including those obligations guaranteed by the United States for which the Treasury Department acts as transfer agent. (Sept. 24, 1917, ch. 56, § 23, as added Apr. 3, 1945, ch. 51, § 4, 59 Stat. 48.)

§ 757e. Acceptance by Treasurer of gifts and bequests of Government securities.

Whenever any direct obligation of the United States, bearing interest or sold on a discount basis is donated to the United States, is bequeathed by will to the United States, become[1] the property of the United States under the terms of a trust, or is by its terms payable upon the death of the owner to the United States or any officer thereof in his official capacity, the Treasurer of the United States upon receipt of such obligation shall effect redemption thereof. If under applicable law such gift, bequest, or other transfer to the United States is subject to a gift or inheritance tax, the Treasurer shall pay such tax out of the proceeds of redemption and shall deposit the balance in the Treasury as miscellaneous receipts or as otherwise authorized by law. If no tax is payable the entire proceeds shall be so deposited. (Sept. 24, 1917, ch. 51, § 24, as added Apr. 3, 1945, ch. 51, § 4, 59 Stat. 48.)

[1] So in original. Probably should read "becomes".

§ 760. Second and third Liberty loans; appropriation to pay expenses of issue of bonds; report of expenditures.

UNAVAILABILITY OF APPROPRIATION DURING FISCAL YEAR 1946

Act Apr. 24, 1945, ch. 92, title I, 59 Stat. 59, provided in part: "the indefinite appropriation provided by section 10 of the Second Liberty Bond Act, as amended [this section], shall not be available for obligation during the fiscal year 1946."

§ 761. Appropriations for expenses available for subsequent public debt issues.

APPROPRIATION FOR EXPENSES DURING FISCAL YEARS

Appropriations for expenses during fiscal years 1944 and 1945 carried in Treasury and Post Office Appropriation Acts June 30, 1943, ch 179, title I, § 1, 57 Stat. 255, Apr. 22, 1944, ch 175, title I, § 1, 58 Stat. 199, respectively, were not carried in Treasury and Post Office Appropriation Act, 1946, Apr. 24, 1945, ch. 92, title I, 59 Stat. 59.

§ 761a. Limitations of section 761 as inapplicable to certain savings bond transactions.

REPEALED—Act May 31, 1941, ch 156, title I, § 1, 55 Stat 216; act July 25, 1942, ch 524, title I, 56 Stat. 720

§ 769. Certificates of indebtedness; taxation; expense of issue.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of this title

OBLIGATIONS OF FOREIGN GOVERNMENTS

§ 804a. Financial transactions with foreign governments in default to United States prohibited.

CROSS REFERENCES

Export-Import Bank of Washington as exempt from the provisions of this section, see section 635h of Title 12, Banks and Banking.

Members of both the International Monetary Fund and the Bank for Reconstruction and Rehabilitation as exempt from the provisions of this section, see section 804b of this title.

§ 804b. Same; exemption of members of both the International Monetary Fund and the Bank for Reconstruction and Rehabilitation.

While any foreign government is a member both of the International Monetary Fund and of the International Bank for Reconstruction and Development, section 804a of this title shall not apply to the sale or purchase of bonds, securities, or other obligations of such government or any political subdivision thereof or of any organization or association acting for or on behalf of such government or political subdivision, or to the making of any loan to such government, political subdivision, organization, or association. (Apr. 13, 1934, ch. 112, § 3, as added July 31, 1945, ch. 339, § 9, 59 Stat. 516.)

Chapter 13.—CREDIT AND CURRENCY EXPANSION

§ 821. Purchase of Treasury bills and other obligations of United States; issuance of United States notes to repay money borrowed and purchase Government bonds; retirement of notes; legal tender; regulation of value of gold and silver coins.

* * * * *

(b) * * *

(1) Repealed. June 12, 1945, ch. 186, § 4, 59 Stat. 238.

(2) By proclamation to fix the weight of the gold dollar in grains nine tenths fine, and also to fix the weight of the silver dollar in grains nine tenths fine at a definite fixed ratio in relation to the gold dollar at such amounts as he finds necessary from his investigation to stabilize domestic prices or to protect the foreign commerce against the adverse effect of depreciated foreign currencies, and to provide for the unlimited coinage of such gold and silver at the ratio so fixed, or in case the Government of the United States enters into an agreement with any government or governments under the terms of which the ratio between the value of gold and other currency issued by the United States and by any such government or governments is established, the President may fix the weight of the gold dollar in accordance with the ratio so agreed upon, and such gold dollar, the weight of which is so fixed, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity with this standard and it shall be the duty of the Secretary of the Treasury to maintain such parity, but in no event shall the weight of the gold dollar be fixed so as to reduce its present weight by more than 50 per centum. Nor shall the weight of the gold dollar be fixed in any event at more than 60 per centum of its present weight. The powers of the President specified in this paragraph shall be deemed to be separate, distinct, and continuing powers, and may be exercised by him, from time to time, severally or together, whenever and as the expressed objects of this section in his judgment may require; except that such powers shall expire June 30, 1943, unless the President shall sooner declare the existing emergency ended. (As amended June 30, 1941, ch. 265, § 2, 55 Stat. 396; June 12, 1945, ch. 186, § 4, 59 Stat. 238.)

* * * * *

AMENDMENTS

1945—Act June 12, 1945, cited to text, repealed subsec (b) (1).

REGULATION OF VALUE OF GOLD AND SILVER COINS

The first par. of subsec. (b) (2) as amended by act June 30, 1941, ch 265, § 2, 55 Stat. 396, which authorized the President to fix by proclamation the weight of gold and silver dollars, expired by its own volition on June 30, 1943, and has been omitted from this section.

CROSS REFERENCES

Provisions relating to legal tender are set out as section 462 of this title.

§ 822a. Stabilization of exchange value of dollar; stabilization fund; payment of subscription to International Monetary Fund; repayment covered into Treasury.

* * * * *

(b) To enable the Secretary of the Treasury to carry out the provisions of this section there is hereby appropriated, out of the receipts which are directed to be covered into the Treasury under section 408b of this title, the sum of $2,000,000,000, which sum when available shall be deposited with the Treasurer of the United States in a stabilization fund (hereinafter called the "fund") under the exclusive control of the Secretary of the Treasury, with the approval of the President, whose decisions shall be final and not be subject to review by any other officer of the United States. The fund shall be available for expenditure, under the direction of the Secretary of the Treasury and in his discretion, for any purpose in connection with carrying out the provisions of this section, including the investment and reinvestment in direct obligations of the United States of any portions of the fund which the Secretary of the Treasury, with the approval of the President, may from time to time determine are not currently required for stabilizing the exchange value of the dollar. Such fund shall not be used in any manner whereby direct control and custody thereof pass from the President and the Secretary of the Treasury. The proceeds of all sales and investments and all earnings and interest accruing under the operations of this section shall be paid into the fund and shall be available for the purposes of the fund.

(c) The Secretary of the Treasury is directed to use $1,800,000,000 of the fund established in this section to pay part of the subscription of the United States to the International Monetary Fund; and any repayment thereof shall be covered into the Treasury as a miscellaneous receipt. (As amended June 30, 1941, ch. 265, § 1, 55 Stat. 395; Apr. 29, 1943, ch. 76, §§ 1, 2, 57 Stat. 68; July 31, 1945, ch 339, § 7 (a), 59 Stat. 514.)

AMENDMENTS

1945—Subsec. (c) amended by act July 31, 1945, cited to text, which omitted expiration date of section entirely and inserted in lieu thereof present provisions

1943—Subsec. (b) amended by act April 29, 1943, § 1, cited to text, which inserted sentence beginning "Such fund shall not be used"

Subsec (c) amended by act April 29, 1943, § 2, cited to text, by striking out "June 30, 1943," and inserting "June 30, 1945."

1941—Act June 30, 1941, changed date from "June 30, 1941" to "June 30, 1943"

Chapter 14.—FINANCIAL CONTROL OF GOVERNMENT CORPORATIONS (New)

SUBCHAPTER I.—PURPOSES

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841 Declaration of policy.

SUBCHAPTER II.—WHOLLY OWNED GOVERNMENT CORPORATIONS

846. Definition of "wholly owned Government corporation".
847 Preparation of annual budget program; form, content, and manner of presentation.
848. Transmission of budget programs to Congress, amendments; effective date.
849. Consideration of programs by Congress; enactment of necessary legislation; effect of section on certain existing authority of corporations.
850. Audit of financial transactions, rules and regulations; retention of certain powers of Tennessee Valley Authority; place of audit; access to books, records, etc.; effective date.

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851. Audit report to Congress; scope and contents; specific itemization of operations without color of authority; copies to President, etc.
852. Corporation deemed Government agency; approval by Congress; effect; entity unaffected.

SUBCHAPTER III.—MIXED-OWNERSHIP GOVERNMENT CORPORATIONS

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866. Auditing expenses.
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(d) Exemption of corporations under certain conditions; exemption of certain corporations
869. Creation, organization, or acquisition of corporations; liquidation of certain corporations; reincorporated.

SUBCHAPTER I—PURPOSES

§ 841. Declaration of policy.

It is declared to be the policy of the Congress to bring Government corporations and their transactions and operations under annual scrutiny by the Congress and provide current financial control thereof. (Dec. 6, 1945, ch. 557, § 2, 59 Stat. 597.)

POPULAR NAME

Congress in enacting this legislation provided by section 1 of act Dec 6, 1945, cited to text, that the title of this act should be the "Government Corporation Control Act".

SUBCHAPTER II.—WHOLLY OWNED GOVERNMENT CORPORATIONS

§ 846. Definition of "wholly owned Government corporation".

As used in this chapter the term "wholly owned Government corporation" means the Commodity Credit Corporation; Federal Intermediate Credit Banks; Production Credit Corporations; Regional Agricultural Credit Corporations; Farmers Home Corporation; Federal Crop Insurance Corporation; Federal Farm Mortgage Corporation; Federal Surplus Commodities Corporation; Reconstruction Finance Corporation; Defense Plant Corporation; Defense Supplies Corporation; Metals Reserve Company; Rubber Reserve Company; War Damage Corporation; Federal National Mortgage Association; the RFC Mortgage Company; Disaster Loan Corporation; Inland Waterways Corporation; Warrior River Terminal Company; The Virgin Islands Company; Federal Prison Industries, Incorporated; United States Spruce Production Corporation; Institute of Inter-American Affairs; Institute of Inter-American Transportation; Inter-American Educational Foundation, Incorporated; Inter-American Navigation Corporation; Prencinradio, Incorporated; Cargoes, Incorporated; Export-Import Bank of Washington; Petroleum Reserves Corporation; Rubber Development Corporation; U. S. Commercial Company; Smaller War Plants Corporation; Federal Public Housing Authority (or United States Housing Authority) and including public housing projects financed from appropriated funds and operations thereof; Defense Homes Corporation; Federal Savings and Loan Insurance Corporation; Home Owners' Loan Corporation; United States Housing Corporation; Panama Railroad Company; Tennessee Valley Authority; and Tennessee Valley Associated Cooperatives, Incorporated. (Dec. 6, 1945, ch. 557, title I, § 101, 59 Stat. 597.)

§ 847. Preparation of annual budget program; form, content, and manner of presentation.

Each wholly owned Government corporation shall cause to be prepared annually a budget program, which shall be submitted to the President through the Bureau of the Budget on or before September 15 of each year. The Bureau of the Budget, under such rules and regulations as the President may establish, is authorized and directed to prescribe the form and content of, and the manner in which such budget program shall be prepared and presented. The budget program shall be a business-type budget, or plan of operations, with due allowance given to the need for flexibility, including provision for emergencies and contingencies, in order that the corporation may properly carry out its activities as authorized by law. The budget program shall contain estimates of the financial condition and operations of the corporation for the current and ensuing fiscal years and the actual condition and results of operation for the last completed fiscal year. Such budget program shall include a statement of financial condition, a statement of income and expense, an analysis of surplus or deficit, a statement of sources and application of funds, and such other supplementary statements and information as are necessary or desirable to make known the financial condition and operations of the corporation. Such statements shall include estimates of operations by major types of activities, together with estimates of administrative expenses, estimates of borrowings, and estimates of the amount of Government capital funds which shall be returned to the Treasury during the fiscal year or the appropriations required to provide for the restoration of capital impairments. (Dec. 6, 1945, ch. 557, title I, § 102, 59 Stat. 598.)

§ 848. Transmission of budget programs to Congress; amendments; effective date.

The budget programs of the corporations as modified, amended, or revised by the President shall be

transmitted to the Congress as a part of the annual Budget required by sections 1, 2, 11, 13–18, 20–24, 41–55, 471, and 581 of this title. Amendments to the annual budget programs may be submitted from time to time.

Budget programs shall be submitted for all wholly owned Government corporations covering operations for the fiscal year commencing July 1 1946, and each fiscal year thereafter. (Dec. 6, 1945, ch 557, title I, § 103, 59 Stat. 593)

§ 849. Consideration of programs by Congress; enactment of necessary legislation; effect of section on certain existing authority of corporations.

The budget programs transmitted by the President to the Congress shall be considered and, if necessary, legislation shall be enacted making available such funds or other financial resources as the Congress may determine The provisions of this section shall not be construed as preventing wholly owned Government corporations from carrying out and financing their activities as authorized by existing law, nor shall any provisions of this section be construed as affecting in any way the provisions of section 831y of Title 16. The provisions of this section shall not be construed as affecting the existing authority of any wholly owned Government corporation to make contracts or other commitments without reference to fiscal-year limitations. (Dec. 6, 1945, ch. 557, title I, § 104, 59 Stat. 598.)

§ 850. Audit of financial transactions; rules and regulations; retention of certain powers of Tennessee Valley Authority; place of audit; access to books, records, etc.; effective date.

The financial transactions of wholly owned Government corporations shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States: *Provided*, That such rules and regulations may provide for the retention at the offices of such corporations, in whole or in part, of any accounts of accountable officers, covering corporate financial transactions, which are required by existing law to be settled and adjusted in the General Accounting Office, and for the settlement and adjustment of such accounts in whole or n part upon the basis of examinations in the course of the audit provided by this section, but nothing in this proviso shall be construed as affecting the powers reserved to the Tennessee Valley Authority in section 831h (b) of Title 16. The audit shall be conducted at the place or places where the accounts of the respective corporations are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the respective corporations and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The audit shall begin with the first fiscal year commencing after the enactment of this chapter. (Dec. 6, 1945, ch. 557, title I, § 105, 59 Stat. 599.)

§ 851. Audit report to Congress; scope and contents; specific itemization of operations without color of authority; copies to President, etc.

A report of each such audit for each fiscal year ending on June 30 shall be made by the Comptroller General to the Congress not later than January 15 following the close of the fiscal year for which such audit is made. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep Congress informed of the operations and financial condition of the several corporations, together with such recommendations with respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital noted in the audit and recommendations for the return of such Government capital or the payment of such dividends as, in his judgment, should be accomplished. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law A copy of each report shall be furnished to the President, to the Secretary of the Treasury, and to the corporation concerned at the time submitted to the Congress. (Dec. 6, 1945, ch. 557, title I, § 106, 59 Stat. 599.)

§ 852. Corporation deemed Government agency; approval by Congress; effect; entity unaffected.

Whenever it is deemed by the Director of the Bureau of the Budget, with the approval of the President, to be practicable and in the public interest that any wholly owned Government corporation be treated with respect to its appropriations, expenditures, receipts, accounting, and other fiscal matters as if it were a Government agency other than a corporation, the Director shall include in connection with the budget program of such corporation in the Budget a recommendation to that effect. If the Congress approves such recommendation in connection with the budget program for any fiscal year, such corporation, with respect to subsequent fiscal years, shall be regarded as an establishment other than a corporation for the purposes of sections 1, 2, 11, 13–18, 20–24, 41–55, 471, and 581 of this title, and other provisions of law relating to appropriations, expenditures, receipts, accounts, and other fiscal matters, and shall not be subject to the provisions of this chapter other than this section. The corporate entity shall not be affected by this section. (Dec. 6, 1945, ch. 557, title I, § 107, 59 Stat. 599)

SUBCHAPTER III.—MIXED-OWNERSHIP GOVERNMENT CORPORATIONS

§ 856. Definition of "mixed-ownership Government corporations".

As used in this chapter the term "mixed-ownership Government corporations" means (1) the Cen-

tral Bank for Cooperatives and the Regional Banks for Cooperatives, (2) Federal Land Banks, (3) Federal Home Loan Banks, and (4) Federal Deposit Insurance Corporation. (Dec. 6, 1945, ch. 557, title II, § 201, 59 Stat. 600.)

§ 857. Audit of financial transactions; rules and regulations; place of audit; access to books, records, etc.; effective date.

The financial transactions of mixed-ownership Government corporations for any period during which Government capital has been invested therein shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the respective corporations are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the respective corporations and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The audit shall begin with the first fiscal year commencing after the enactment of this chapter. (Dec. 6, 1945, ch. 557, title II, § 202, 59 Stat. 600.)

§ 858. Audit report to Congress; scope and contents; specific itemization of operations without color of authority; copies to President, etc.

A report of each such audit for each fiscal year ending on June 30 shall be made by the Comptroller General to the Congress not later than January 15, following the close of the fiscal year for which such audit is made. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities, capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep Congress informed of the operations and financial condition of, and the use of Government capital by, each such corporation, together with such recommendations with respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit and recommendations for the return of such Government capital or the payment of such dividends as, in his judgment, should be accomplished. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the President, to the Secretary of the Treasury, and to the corporation concerned at the time submitted to the Congress. (Dec. 6, 1945, ch. 557, title II, § 203, 59 Stat. 600.)

§ 859. Presidential recommendations as to return of Government capital to Treasury.

The President shall include in the annual Budget any recommendations he may wish to make as to the return of Government capital to the Treasury by any mixed-ownership corporation. (Dec. 6, 1945, ch. 557, title II, § 204, 59 Stat. 601.)

SUBCHAPTER IV.—MISCELLANEOUS PROVISIONS

§ 866. Auditing expenses—(a) Payment by General Accounting Office; reimbursement; disposition of reimbursing funds; utilization of reports.

The expenses of auditing the financial transactions of wholly owned and mixed-ownership Government corporations as provided in sections 850 and 857 of this title shall be borne out of appropriations to the General Accounting Office, and appropriations in such sums as may be necessary are authorized: *Provided*, That each such corporation shall reimburse the General Accounting Office for the full cost of any such audit as billed therefor by the Comptroller General, and the General Accounting Office shall deposit the sums so reimbursed into the Treasury as miscellaneous receipts: *Provided further*, That in making the audits provided in said sections the Comptroller General shall, to the fullest extent deemed by him to be practicable, utilize reports of examinations of Government corporations made by a supervising administrative agency pursuant to law.

(b) Employment of personnel; compensation.

For the purpose of conducting such audit the Comptroller General is authorized in his discretion to employ not more than ten persons without regard to sections 661–663, 664–673 and 674 of Title 5, only one of whom may be compensated at a rate of as much as but not more than $10,000 per annum, and to employ by contract, without regard to section 5 of Title 41, professional services of firms and organizations for temporary periods or for special purposes.

(c) Audit authorization.

The audit provided in sections 850 and 857 of this title shall be in lieu of any audit of the financial transactions of any Government corporation required to be made by the General Accounting Office for the purpose of a report to the Congress or to the President under any existing law.

(d) Limitation of payment for private audits; exception.

Unless otherwise expressly provided by law, no funds of any Government corporation shall be used to pay the cost of any private audit of the financial records of the offices of such corporation, except the cost of such audits contracted for and undertaken prior to April 25, 1945. (Dec. 6, 1945, ch. 557, title III, § 301, 59 Stat. 601.)

§ 867. Depositary for banking or checking accounts; exemption of temporary accounts and accounts of certain corporations.

The banking or checking accounts of all wholly owned and mixed-ownership Government corporations shall be kept with the Treasurer of the United

States, or, with the approval of the Secretary of the Treasury, with a Federal Reserve bank, or with a bank designated as a depositary or fiscal agent of the United States: *Provided*, That the Secretary of the Treasury may waive the requirements of this section under such conditions as he may determine: *And provided further*, That this section will not apply to the establishment and maintenance in any bank for a temporary period of banking and checking accounts not in excess of $50,000 in any one bank. The provisions of this section shall not be applicable to Federal Intermediate Credit Banks, Production Credit Corporations, the Central Bank for Cooperatives, the Regional Banks for Cooperatives, or the Federal Land Banks, except that each such corporation shall be required to report annually to the Secretary of the Treasury the names of the depositaries in which such corporation keeps a banking or checking account, and the Secretary of the Treasury may make a report in writing to the corporation, to the President, and to the Congress which he deems advisable upon receipt of any such annual report. (Dec. 6, 1945, ch. 557, title III, § 302, 59 Stat. 601.)

§ 868. Bonds, notes, and debentures, etc.—(a) Maturity dates, interest rates, terms and conditions.

All bonds, notes, debentures, and other similar obligations which are on or after December 6, 1945, issued by any wholly owned or mixed-ownership Government corporation and offered to the public shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be subject to such terms and conditions, shall be issued in such manner and at such times and sold at such prices as have been or as may be approved by the Secretary of the Treasury.

(b) Limitations on sale and purchase; waiver.

On or after December 6, 1945, no wholly owned or mixed-ownership Government corporation shall sell or purchase any direct obligation of the United States or obligation guaranteed as to principal or interest, or both, for its own account and in its own right and interest, at any one time aggregating in excess of $100,000, without the approval of the Secretary of the Treasury: *Provided*, That the Secretary of the Treasury may waive the requirement of his approval with respect to any transaction or classes of transactions subject to the provisions of this subsection for such period of time and under such conditions as he may determine.

(c) Delegation of authority by Secretary of the Treasury.

The Secretary of the Treasury is authorized to exercise any of the functions vested in him by this section through any officer, or employee of any Federal agency whom he may designate, with the concurrence of the head of the agency concerned, for such purpose.

(d) Exemption of corporations under certain conditions; exemption of certain corporations.

Any mixed-ownership Government corporation from which Government capital has been entirely withdrawn shall not be subject to the provisions of section 867 of this title or of this section during the period such corporation remains without Government capital. The provisions of subsections (a) and (b) of this section shall not be applicable to Federal Intermediate Credit Banks, Production Credit Corporations, the Central Bank for Cooperatives, the Regional Banks for Cooperatives, or the Federal Land Banks, except that each such corporation shall be required to consult with the Secretary of the Treasury prior to taking any action of the kind covered by the provisions of subsections (a) and (b) of this section, and in the event an agreement is not reached, the Secretary of the Treasury may make a report in writing to the corporation, to the President, and to the Congress stating the grounds for his disagreement. (Dec. 6, 1945, ch. 557, title III, § 303, 59 Stat. 601.)

§ 869. Creation, organization, or acquisition of corporations; liquidation of certain corporations; reincorporation.

(a) No corporation shall be created, organized, or acquired on or after December 6, 1945, by any officer or agency of the Federal Government or by any Government corporation for the purpose of acting as an agency or instrumentality of the United States, except by Act of Congress or pursuant to an Act of Congress specifically authorizing such action.

(b) No wholly owned Government corporation created by or under the laws of any State, Territory, or possession of the United States or any political subdivision thereof, or under the laws of the District of Columbia, shall continue after June 30, 1948, as an agency or instrumentality of the United States, and no funds of, or obtained from, the United States or any agency thereof, including corporations, shall be invested in or employed by any such corporation after that date, except for purposes of liquidation. The proper corporate authority of every such corporation shall take the necessary steps to institute dissolution or liquidation proceedings on or before that date: *Provided*, That prior thereto any such corporation may be reincorporated by Act of Congress for such purposes and term of existence and with such powers, privileges, and duties as authorized by such Act, including the power to take over the assets and assume the liabilities of its respective predecessor corporation. (Dec. 6, 1945, ch. 557, title III, § 304, 59 Stat. 602.)

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TITLE 32.—NATIONAL GUARD

Chapter 1.—COMPOSITION, ORGANIZATION, AND CONTROL GENERALLY

§ 3. Exemptions from militia duty.

CROSS REFERENCES

Exemption from militia duty in Alaska Militia, see section 474 of Title 48, Territories and Insular Possessions.

§§ 4, 4c.

CROSS REFERENCES

Organization and composition of Alaska Militia, see sections 473 and 475 of Title 48, Territories and Insular Possessions

§ 11. Adjutant general for each State, Territory, and District of Columbia.

CROSS REFERENCES

Appointment of Adjutant General of Alaska National Guard, see section 477 of Title 48, Territories and Insular Possessions

§ 12. Appointment of adjutant generals for Territories and District of Columbia.

CROSS REFERENCES

Qualifications of Adjutant General of Alaska National Guard, see section 477 of Title 48, Territories and Insular Possessions.

§ 13. Annual reports by adjutant generals of States, etc.

CROSS REFERENCES

Duties of Adjutant General of Alaska National Guard, see section 477 of Title 48, Territories and Insular Possessions

Chapter 3.—ARMAMENT, EQUIPMENT, AND SUPPLIES

§ 33. Issue of arms, equipment, material, uniforms, etc., to National Guard.

CROSS REFERENCES

Issuance of arms and equipment to Alaska Territorial Guard, see section 479 of Title 48, Territories and Insular Possessions.

§ 42 Care of animals; armament, etc.

NUMBER OF CARETAKERS

Number of caretakers for heavier-than-air squadrons increased from thirteen to twenty-one by act June 13, 1940, cited to text, and reaffirmed by act June 30, 1941, 6 20 p. m., E S T., ch. 262, § 1, 55 Stat 385

§§ 44, 47–1, 51.

REPEATED.—Act June 30, 1941, 6 20 p m , E S T , ch 262, § 1, 55 Stat. 386

Provisions of this section, last appearing in the Military Appropriation Act of 1942, were not repeated in the Military Appropriation Act of 1943, act July 2, 1942, ch. 477, 56 Stat. 612.

Chapter 10.—PAY AND ALLOWANCES

CROSS REFERENCES

Pay and allowances generally, see Title 37, Pay and Allowances.

Warrant officers' and enlisted men's longevity credit for service since June 30, 1925, see section 18a of Title 37, Pay and Allowances.

§§ 143, 148.

CODIFICATION

Sections have been eliminated from the Code. Present provisions on this subject are contained in section 114 of Title 37, Pay and Allowances

§ 156. Uniforms, accouterments and equipment furnished to officers at cost.

CROSS REFERENCES

Persons commissioned as officers in Army, uniforms and equipment allowance for, see section 904a of Title 10, Army.

§ 159. Payment of arrears.

CODIFICATION

Section has been eliminated from the Code It was in part from act June 30, 1922, ch 253, title I, 42 Stat 749, as amended Mar 4, 1923, ch 281, § 3, 42 Stat 1508; May 11, 1926, ch 288, 44 Stat 531, and in part from act Sept 14, 1922, ch 307, § 3, 42 Stat 841

Present provisions on this subject are contained in section 103 of Title 37, Pay and Allowances.

Chapter 15.—MISCELLANEOUS PROVISIONS

§ 194. Maintenance of other troops by States and Territories; issue of arms and equipment by Secretary of War.

(a) No State or Territory or Puerto Rico or the Canal Zone shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this title: *Provided*, That nothing contained in this title shall be construed as limiting the rights of the States and Territories and Puerto Rico and the Canal Zone in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this title shall prevent the organization and maintenance of State or Territorial police or constabulary.

(b) Under such regulations as the Secretary of War may prescribe for the organization, standards of training, instruction, and discipline, the organization by and maintenance within any State or Territory or Puerto Rico or the Canal Zone of such military forces other than a National Guard as may be provided by the laws of such State or Territory is hereby authorized while any part of the National Guard of the State or Territory or Puerto Rico or the Canal Zone concerned is in active Federal service: *Provided*, That under such regulations as the Secretary of War may prescribe for the organization, standards of training, instruction, and discipline, the organization by and maintenance within the Virgin Islands of the United States of such military forces as may be provided by the laws of the Legislative Assembly of the Virgin Islands is hereby authorized: *Provided further*, That such forces shall not be called, ordered, or in any manner drafted, as

such, into the military services of the United States; however, no person shall, by reason of his membership in any such unit, be exempted from military service under any Federal law: *Provided further,* That the Secretary of War is authorized in his discretion and under such regulations as he may prescribe to use appropriations for the Military Establishment for any expenses of the United States incident to the training of the military forces authorized by this subsection except for pay, subsistence, medical care and treatment, and transportation of members of such military forces between their homes and the places of performance of such training: *And provided further,* That the Secretary of War, in his discretion and under regulations determined by him, is authorized to issue, from time to time, for the use of such military units, to any State or Territory or Puerto Rico or the Virgin Islands or the Canal Zone, upon requisition of the Governor thereof, such arms, ammunition, clothing, and equipment as he deems necessary. The provisions of this subsection shall terminate upon the expiration of six months after the termination of the present war, or at such earlier time as the Congress by concurrent resolution, or the President by proclamation, may designate. (As amended Aug. 18, 1941, ch. 363, 55 Stat. 628; Oct. 1, 1942, ch. 570, 56 Stat. 762; June 26, 1944, ch. 279, 58 Stat. 359.)

AMENDMENTS

1944—Subsec. (b) amended by act June 26, 1944, cited to text, which inserted third proviso.

1942—Act Oct. 1, 1942, cited to text, amended section generally, among other changes dividing section into subsections and inserting provisions relating to Virgin Islands.

1941—Act Aug. 18, 1941, cited to text, extended application of section to Puerto Rico and Canal Zone.

TITLE 33.—NAVIGATION AND NAVIGABLE WATERS

Chapter 2.—INTERNATIONAL RULES FOR NAVIGATION AT SEA

PRELIMINARY

CROSS REFERENCES

Exemption of certain Navy and Coast Guard vessels from navigation rules concerning lights, see sections 1731 and 1732 of Appendix to Title 50, War.

Chapter 3.—NAVIGATION RULES FOR HARBORS, RIVERS, AND INLAND WATERS GENERALLY

PRELIMINARY

CROSS REFERENCES

Exemption of certain Navy and Coast Guard vessels from navigation rules concerning lights, see sections 1731 and 1732 of Appendix to Title 50, War

Chapter 4.—NAVIGATION RULES FOR GREAT LAKES AND THEIR CONNECTING AND TRIBUTARY WATERS

PRELIMINARY

CROSS REFERENCES

Exemption of certain Navy and Coast Guard vessels from navigation rules concerning lights, see sections 1731 and 1732 of Appendix to Title 50, War.

Chapter 5.—NAVIGATION RULES FOR RED RIVER OF THE NORTH AND RIVERS EMPTYING INTO GULF OF MEXICO AND TRIBUTARIES

PRELIMINARY

CROSS REFERENCES

Exemption of certain Navy and Coast Guard vessels from navigation rules concerning lights, see sections 1731 and 1732 of Appendix to Title 50, War.

Chapter 9.—PROTECTION OF NAVIGABLE WATERS AND OF HARBOR AND RIVER IMPROVEMENTS GENERALLY

IN GENERAL

Sec.

426a. Additional investigations concerning erosion of shores of coastal and lake waters, payment of costs; definition of shores (New).

426b Same; applicability of existing laws; projects referred to Beach Erosion Board (New)

426c. Same; report by Beach Erosion Board (New).

426d Same; payment of expenses (New).

IN GENERAL

§ 403a. Obstruction of navigable waters; creation or continuance; punishment.

Section, acts Sept. 19, 1890, ch. 907, § 10, 26 Stat. 454, Mar. 3, 1911, ch. 231, § 292, 36 Stat. 1167, was omitted from Code

§ 426a. Additional investigations concerning erosion of shores of coastal and lake waters; payment of costs; definition of shores.

In addition to participating in cooperative investigations and studies with agencies of the various States as authorized in section 426 of this title, it shall be the duty of the Chief of Engineers, through the Beach Erosion Board, to make general investigations with a view to preventing erosion of the shores of the United States by waves and currents and determining the most suitable methods for the protection, restoration, and development of beaches; and to publish from time to time such useful data and information concerning the erosion and protection of beaches and shore lines as the Board may deem to be of value to the people of the United States. The cost of the general investigations authorized by sections 426a–426d of this title shall be borne wholly by the United States. As used in said sections, the word "shores" includes the shore lines of the Atlantic and Pacific Oceans, the Gulf of Mexico, the Great Lakes, Lake Champlain, and estuaries and bays directly connected therewith. (July 31, 1945, ch. 334, § 1, 59 Stat. 508.)

§ 426b. Same; applicability of existing laws; projects referred to Beach Erosion Board.

All provisions of existing law relating to examinations and surveys and to works of improvement of rivers and harbors shall apply, insofar as practicable, to examinations and surveys and to works of improvement relating to shore protection; except that all projects having to do with shore protection shall be referred for consideration and recommendation to the Beach Erosion Board instead of to the Board of Engineers for Rivers and Harbors. (July 31, 1945 ch. 334, § 2, 59 Stat. 508)

§ 426c. Same; report by Beach Erosion Board.

The Beach Erosion Board, in making its report on any cooperative investigation and studies under the provisions of section 426 of this title, relating to shore protection work shall, in addition to any other matters upon which it may be required to report, state its opinion as to (a) the advisability of adopting the project; (b) what public interest, if any, is involved in the proposed improvement; and (c) what share of the expense, if any, should be borne by the United States. (July 31, 1945, ch. 334, § 3, 59 Stat. 508.)

§ 426d. Same; payment of expenses.

Any expenses incident and necessary in the undertaking of the general investigations authorized by sections 426a–426d of this title may be paid from funds appropriated prior to or after July 31, 1945, for examinations, surveys, and contingencies for rivers and harbors. (July 31, 1945, ch. 334, § 4, 59 Stat. 508.)

§§ 427–430. Repealed. July 31, 1945, ch. 334, § 5, 59 Stat. 508.

Chapter 10.—ANCHORAGE GROUNDS AND HARBOR REGULATIONS GENERALLY

§ 471. Establishment by Secretary of War of anchorage grounds and regulations generally.

CROSS REFERENCES

Control by Coast Guard of anchorage and movement of vessels in territorial waters for safety of naval vessels, see section 191c of Title 50, War

Chapter 12.—RIVER AND HARBOR IMPROVEMENTS GENERALLY

GENERAL PROVISIONS

Sec.
544b. Employment of physicians to examine employees; fee or employment basis; validation of prior agreements (New).

PARTICULAR WORK ON IMPROVEMENTS

603a. Removal of snags and debris, and straightening, clearing, and protecting channels in navigable waters (New).

GENERAL PROVISIONS

§ 544b. Employment of physicians to examine employees; fee or employment basis; validation of prior agreements.

The Chief of Engineers may authorize the employment of physicians under agreement, to make such physical examinations of employees or prospective employees as he may consider essential, on a fee or regular employment basis, and all agreements entered into prior to March 2, 1945, for such purposes are validated, and the Comptroller General is authorized and directed to allow credit in the accounts of disbursing officers for reasonable payments made prior to March 2, 1945, for such services. (Mar. 2, 1945, ch. 19, § 5, 59 Stat. 24)

§ 561. Repealed. July 3, 1943, ch. 189, § 5, 57 Stat. 374.

PARTICULAR WORK OR IMPROVEMENTS

§ 603. Repealed. Mar. 2, 1945, ch. 19, § 3, 59 Stat. 23.

Section is now covered by section 603a of this title.

§ 603a. Removal of snags and debris, and straightening, clearing, and protecting channels in navigable waters.

The Secretary of War is authorized to allot not to exceed $300,000 from any appropriations made prior to or after March 2, 1945, for any one fiscal year for improvement of rivers and harbors, for removing accumulated snags and other debris, and for protecting, clearing, and straightening channels in navigable harbors and navigable streams and tributaries thereof, when in the opinion of the Chief of Engineers such work is advisable in the interest of navigation or flood control (Mar. 2, 1945, ch. 19, § 3, 59 Stat. 23.)

Chapter 15.—FLOOD CONTROL

Sec
701a–1 Same, definition of "flood control"; jurisdiction of Federal investigations (New)
701b–5. Same, appropriations subject to priority restrictions (New)
701c–2 Same, acquisition and sale of land (New)
701c–3 Same, lease receipts, payment of portion to states (New).
701m Insufficient congressional authorization; preparations for and modification of project (New)
Sec.
701n. Rescue work; repair and maintenance of projects threatened by flood (New)
702a–1¾. Same, further modification; adoption (New).
702a–12 Same; modified Lower Mississippi River project as of August 18, 1941 (New)
708. Sale of surplus waters for domestic and industrial uses; disposition of moneys (New)
709 Regulations for use of storage waters; application to Tennessee Valley Authority (New).

§ 701a–1. Same; definition of "flood control"; jurisdiction of Federal investigations.

The words "flood control" as used in section 701 of this title, shall be construed to include channel and major drainage improvements, and that Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and water-flow retardation and soil-erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress. (Dec. 22, 1944, ch 665, § 2, 58 Stat. 889.)

§ 701b. Same; supervision of Secretary of War and Secretary of Agriculture; reclamation projects unaffected.

Hereafter Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run-off and waterflow retardation and soil-erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress; and that in their reports upon examinations and surveys, the Secretary of War and the Secretary of Agriculture shall be guided as to flood-control measures by the principles set forth in section 701a of this title in the determination of the Federal interests involved: *Provided*, That the foregoing grants of authority shall not interfere with investigations and river improvements incident to reclamation projects that may now be in progress or may be hereafter undertaken by the Bureau of Reclamation of the Interior Department pursuant to any general or specific authorization of law. (As amended Aug. 18, 1941, ch. 377, § 1, 55 Stat. 638.)

§ 701b–1. Transfer of jurisdiction in certain cases to Department of Agriculture.

CROSS REFERENCES

Additional appropriation, see note under section 701f–1 of this title

§ 701b–2. Same; cooperation by Secretaries of War and Agriculture; expenditures.

In carrying out the purposes of sections 701a, 701b, 701c, 701d, 701e, 701f, and 701h of this title, as

amended and supplemented, the Secretary of War and the Secretary of Agriculture are hereby authorized to cooperate with institutions, organizations, and individuals, and to utilize the services of Federal, State, and other public agencies, and to pay by check to the cooperating public agency, either in advance or upon the furnishing or performance of said services, all or part of the estimated or actual cost thereof; and to make expenditures for personal services and rent in the District of Columbia and elsewhere, for purchase of reference and law books and periodicals, for printing and binding, for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motorboats for official use, and for other necessary expenses. The provisions of this section shall be applicable to any funds heretofore appropriated for the prosecution by the Secretary of Agriculture of works of improvement for measures of run-off and water-flow retardation and soil-erosion prevention upon watersheds. (As amended Aug. 18, 1941, ch. 377, § 8, 55 Stat. 650.)

AMENDMENTS

1941—Act Aug. 18, 1941, cited to text, changed the reference near the beginning of this section, and added the last sentence to the section.

§ 701b–5. Same; appropriations subject to priority restrictions.

No part of appropriations made available to the Secretary of Agriculture for preliminary examinations and surveys, as authorized by law, for run-off and water-flow retardation and soil-erosion prevention on the watersheds of flood-control projects, shall be obligated for initiating work upon new projects or for prosecuting work upon projects heretofore commenced, unless they accord with priorities specifically approved by the Secretary of War and the Secretary of Agriculture. (June 2, 1943, ch. 115, § 1, 57 Stat. 96; June 26, 1944, ch. 275, § 1, 58 Stat. 329; Mar. 31, 1945, ch. 45, § 1, 59 Stat. 41.)

§ 701c. Same; rights-of-way, easements, etc.; acquisition by local authorities; maintenance and operation; protection of United States from liability for damages; requisites to run-off and water-flow retardation and soil-erosion prevention assistance.

APPLICATION TO ACT AUG 18, 1941

Act Aug 18, 1941, ch 377, § 2, 55 Stat 638, provided in part: "That section 3 of the Act approved June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress) (Title 33, § 701c), as amended by section 2 of the Act approved June 28, 1938 (Public, Numbered 761, Seventy-fifth Congress) (Title 33, § 701c note, 701c–1), shall apply to all works authorized in this Act, except that for any channel improvement or channel rectification project provisions (a), (b), and (c) of section 3 of said Act of June 22, 1936, shall apply thereto, and except as otherwise provided by law: * * * *Provided further*, That the authorization for any flood-control project heretofore or herein adopted requiring local cooperation shall expire five years from the date on which local interests are notified in writing by the War Department of the requirements of local cooperation, unless said interests shall within said time furnish assurances satisfactory to the Secretary of War that the required cooperation will be furnished * * *"

APPLICATION TO ACT DEC. 22, 1944

Act Dec. 22, 1944, ch. 665, § 3, 58 Stat 889, provided that this section should apply to all works authorized by said act Dec 22, 1944, except that for any channel improvement or rectification project provisions (a), (b), and (c) shall apply except as otherwise provided by law, and further provided that authorizations for any flood-control project adopted requiring local cooperation would expire 5 years from date of notification of necessity of cooperation to local interests, unless within that time local interests give satisfactory assurances to the Secretary of War that the required cooperation will be furnished.

§ 701c–2. Same; acquisition and sale of land.

The provisions of sections 558a and 593–595 of this title relating to river and harbor improvements are hereby made applicable to works of flood control heretofore or hereafter authorized. (Aug 18, 1941, ch. 377, § 6, 55 Stat. 650.)

§ 701c–3. Same; lease receipts; payment of portion to States.

25 per centum of all moneys received and deposited in the Treasury of the United States during any fiscal year on account of the leasing of lands acquired by the United States for flood control purposes shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such property is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such property is situated: *Provided*, That when such property is situated in more than one State or county the distributive share to each from the proceeds of such property shall be proportional to its area therein. (Aug. 18, 1941, ch. 377, § 7, 55 Stat. 650.)

§ 701f. Same; appropriation; payment of employees from funds of Works Progress Administration.

LIST OF WORKS OF IMPROVEMENT

Works of improvement adopted and authorized to be prosecuted are listed in act Aug. 18, 1941, ch. 377, § 3, 55 Stat 639.

LIST OF LOCALITIES FOR EXAMINATIONS AND SURVEYS

Localities at which preliminary examination and surveys are authorized to be made are listed in act Aug. 18, 1941, ch 377, § 4, 55 Stat 648.

§ 701f–1. Same; appropriation.

ADDITIONAL APPROPRIATIONS

Act Aug 18, 1941, ch. 377, § 10, 55 Stat 651, provided as follows: "SEC. 10. That the sum of $275,000,000 is hereby authorized to be appropriated for carrying out the improvements herein, the sum of $10,000,000 additional is authorized to be appropriated and expended in equal amounts by the Departments of War and Agriculture for carrying out any examinations and surveys provided for in this Act and any other Acts of Congress to be prosecuted by said departments There is also hereby authorized to be appropriated for expenditure by the Department of Agriculture in carrying on works of improvement of the character specified in section 7 of the Flood Control Act of June 28, 1938 (Title 33, § 701b–1), and which the Department is not otherwise authorized to undertake, such additional sums, not to exceed $5,000,000, as may be necessary for that purpose All appropriations necessary for operation and maintenance of flood-control works authorized by law to be operated and maintained by the United States are hereby authorized."

§ 701g. Same; removal of obstructions; clearing channels.

The Secretary of War is hereby authorized to allot not to exceed $500,000 from any appropriations heretofore or hereafter made for any one fiscal year for flood control, for removing accumulated snags and other debris and clearing and straightening channels in navigable streams and tributaries thereof, when in the opinion of the Chief of Engineers such work is advisable in the interest of flood control: *Provided*, That not more than $25,000 shall be allotted for this purpose for any single tributary from the appropriations for any one fiscal year. (As amended Aug. 18, 1941, ch. 377, § 9, 55 Stat. 650.)

§ 701j. Same; installation in dams of facilities for future development of hydroelectric power.

SIMILAR PROVISIONS

A similar provision with reference to dams authorized in such act was contained in act Aug. 18, 1941, ch. 377, § 3, 55 Stat. 639

§ 701m. Insufficient Congressional authorization; preparations for and modification of project.

In any case where the total authorization for a project heretofore or hereafter authorized by Congress is not sufficient to complete plans that may have been made the Chief of Engineers is authorized in his discretion to plan and make expenditures on preparations for the project, such as the purchase of lands, easements, and rights-of-way; readjustments of roads, railroads, and other utilities; removal of towns, cemeteries, and dwellings from reservoir sites; and the construction of foundations. The Chief of Engineers is also authorized in his discretion to modify the plan for any dam or other work heretofore or hereafter authorized so that such dam or work will be smaller than originally planned with a view to completing a useful improvement within an authorization: *Provided*, That the smaller structure shall be located on the chosen site so that it will be feasible at some future time to enlarge the work in order to permit the full utilization of the site for all purposes of conservation such as flood control, navigation, reclamation, the development of hydroelectric power, and the abatement of pollution. (Aug. 18, 1941, ch. 377, § 2, 55 Stat. 638.)

§ 701n. Rescue work; repair and maintenance of projects threatened by flood.

The Secretary of War is hereby authorized to allot, from any appropriations heretofore or hereafter made for flood control, not to exceed $1,000,000 for any one fiscal year to be expended in rescue work or in the repair or maintenance of any flood-control work threatened or destroyed by flood. (Aug. 18, 1941, ch. 377, § 5, 55 Stat. 650.)

CROSS REFERENCES

Mississippi River projects, see section 702g of this title.

§ 702a-1½. Same; further modification; adoption.

The project for flood control of the Lower Mississippi River adopted by sections 702a—702a-1½, 702-2—702a-11, 702b—702d, and 702e—702m of this title is hereby modified and, as modified, is hereby authorized and adopted. (Aug. 18, 1941, ch. 377, § 3, 55 Stat. 642.)

CROSS REFERENCES

Modification of Lower Mississippi River flood control project by act Aug. 18, 1941, cited to text, see section 702a-12 of this title.

§ 702a-12. Same; modified Lower Mississippi River project as of August 18, 1941.

(a) The existing engineering plan for flood control in the alluvial valley of the Mississippi River is hereby modified so as to provide for the construction of plan 4 as set forth in the report of the Mississippi River Commission, dated March 7, 1941, to the Chief of Engineers, except that the levees in the Yazoo Basin on the east bank of the Mississippi River south of the Coahoma-Bolivar County line in said plan shall have a three-foot freeboard over the project flood, and all levees shall be constructed with adequate section and foundation to conform to increased levee heights. The Boeuf Floodway in the project adopted by sections 702a, 702b–702d, 702e–702g, 702h–702j, 702k, 702l, and 702m of this title, and the Eudora Floodway as well as the Northward Extension and the back protection levee extending from the head of the said Eudora Floodway north to the Arkansas River in the project adopted by sections 702a-1, 702a-2—702a-11, 702g-1, 702j-1, 702j-2, 702k-1, and 702k-2 of this title, are hereby abandoned, and the provisions of said sections relating to the prosecution of work on said floodways and extension are hereby repealed.

(b) The project for flood control of the Yazoo River shall be as authorized by sections 701c, 701c-1, 702a-1, 702a-2—702a-10, 702g-1, 702j-1, 702j-2, 702k-1, and 702k-2 of this title, except that the Chief of Engineers may, in his discretion, from time to time, substitute therefor combinations of reservoirs, levees, and channel improvements; and except that the extension of the authorized project and improvements contemplated in plan C of the report of March 7, 1941, of the Mississippi River Commission are authorized, including the extension of the levee on the east bank of the Mississippi River generally along the west bank of the Yazoo River to a connection in the vicinity of Yazoo City with the Yazoo River levee, authorized by the existing project for protection against headwater floods of the Yazoo River system, and the adjustment in the discretion of the Chief of Engineers of the grades of the existing levees in the backwater area on the east bank of Yazoo River below Yazoo City, all at an estimated additional cost of $11,982,000: *Provided*, That the Chief of Engineers shall fix the grade of the extension levees along the Yazoo River, with higher levees in his discretion, so that their construction will give the maximum practical protection without jeopardizing the safety and integrity of the main Mississippi River levees: *And provided further*, That prior to the beginning of construction local authorities shall furnish satisfactory assurances that they will (1) maintain the levees in accordance with the provisions of section 702c of this title, and will (2) not raise the levees in the backwater above the limiting elevations established therefor by the Chief of Engineers.

(c) In the development of the authorized project, the construction of a levee and improvements contemplated in the report of March 7, 1941, of the Mississippi River Commission from the main-line levee on the west bank of the Mississippi River in the vicinity of Shaw, Louisiana, westward and northward to the vicinity of Newlight, Louisiana, for the protection of that part of the Red River backwater known as the Tensas-Cocodrie area at an estimated cost of $6,976,000 is hereby authorized: *Provided*, That the Chief of Engineers shall fix the grade of said levee, with a higher levee in his discretion, so that its construction will give the maximum practical protection without jeopardizing the safety and integrity of the main Mississippi River levees: *And provided further*, That prior to the beginning of construction local authorities shall furnish satisfactory assurances that they will (1) maintain the levee in accordance with the provisions of section 702c of this title, and will (2) not raise the said levee above the limiting elevations established therefor by the Chief of Engineers: *Provided further*, That subject to the foregoing conditions of local cooperation the Chief of Engineers may in his discretion substitute other levees and appurtenant works for, or make such modifications of, the levees and improvements herein authorized for the protection of the Tensas-Cocodrie area as may be found after further investigation to afford protection to a larger area in the Red River Backwater at a total cost not to exceed $14,000,000 and without jeopardizing the safety and integrity of the main Mississippi River levees and without preventing or jeopardizing the diversions contemplated in the adopted project through the Atchafalaya River and Atchafalaya Basin.

(d) The Chief of Engineers, with approval of the Secretary of War, shall reimburse local authorities for actual expenditures found by the Chief of Engineers to be reasonable, for providing at the request of the United States, in accordance with local legal procedure or custom, rights-of-way and flowage easements required for future setbacks of main-line Mississippi River levees

(e) The existing engineering plan for flood control of the Saint Francis River is hereby modified so as to permit the substitution for the suspended portions of the original project below Oak Donnick, Arkansas, of the construction of a ditch in Cross County, Arkansas, beginning in the vicinity of the outlet end of the existing Oak Donnick to Saint Francis Bay floodway and terminating in Saint Francis Bay about two miles north of Riverfront, including the construction of a highway bridge at State Highway Numbered 42 made necessary by the ditch construction: *Provided*, That local interests give assurances satisfactory to the Secretary of War that they will (1) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction; (2) hold and save the United States free from damages due to the construction works; and (3) maintain the works after completion in accordance with regulations prescribed by the Secretary of War.

(f) In the development of the authorized project, the construction of improvements for Bayou Rapides, Boeuf, and Cocodrie, Louisiana, contemplated in the report dated March 24, 1941, of the Special Board of Officers at an estimated cost of $2,600,000 is hereby authorized.

(g) The total authorizations heretofore made for the flood control project of the alluvial valley of the Mississippi River shall not be increased by reason of any provision in sections 701b, 701b–2, 701c–2, 701c–3, 701g, 701m, 701n, 702a–1¾, and 702a–12 of this title and section 1026b of Title 10, except for the additional amounts necessary for the Yazoo and Red River backwater improvements, and any appropriations heretofore or hereafter made or authorized for said project as herein or heretofore modified may be expended upon any feature of the said project, notwithstanding any restrictions, limitations, or requirements of existing law: *Provided*, That funds hereafter expended for maintenance shall not be considered as reducing present remaining balances of authorizations. (June 15, 1936, ch. 548, as added Aug. 18, 1941, ch. 377, § 3, 55 Stat. 642.)

§ 702d. Same; flowage rights; condemnation proceedings; benefits to property.

The United States shall provide flowage rights for additional destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River: *Provided*, That in all cases where the execution of the flood-control plan herein adopted results in benefits to property such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid.

The Secretary of War may cause proceedings to be instituted for the acquirement by condemnation of any lands, easements, or rights of way which, in the opinion of the Secretary of War and the Chief of Engineers, are needed in carrying out this project, the said proceedings to be instituted in the United States district court for the district in which the land, easement, or right of way is located. In all such proceedings the practice, pleadings, forms, and modes of proceedings shall conform as near as may be to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the State within which such district court is held, any rule of the court to the contrary notwithstanding. When the owner of any land, easement, or right of way shall fix a price for the same which, in the opinion of the Secretary of War is reasonable, he may purchase the same at such price, and the Secretary of War is also authorized to accept donations of lands, easements, and rights of way required for this project The provisions of sections 594 and 595 of this title are made applicable to the acquisition of lands, easements, or rights of way needed for works of flood control: *Provided*, That any land acquired under the provisions of this section shall be turned over without cost to the ownership of States or local interests. (As amended Nov. 30 1945, ch. 496, 59 Stat. 587.)

AMENDMENTS

1945—Act Nov 30, 1945, cited to text, amended section by deleting second sentence of second par. reading "In all

such proceedings the court, for the purpose of ascertaining the value of the property and assessing the compensation to be paid, shall appoint three commissioners, whose award, when confirmed by the court, shall be final." and inserting in lieu thereof a new sentence reading "In all such * * * the contrary notwithstanding.".

§ 702g. Same; appropriation for emergency fund.

CROSS REFERENCES

Rescue work and repair and maintenance of projects threatened by flood, generally, see section 701n of this title

§ 702h. Same; prosecution of project by Mississippi River Commission; president of commission; salaries.

CROSS REFERENCES

Retirement rank, pay, and allowances of officer of Corps of Engineers serving 4 years as President of Mississippi River Commission, see section 1026b of Title 10, Army.

§ 708. Sale of surplus waters for domestic and industrial uses; disposition of moneys.

The Secretary of War is authorized to make contracts with States, municipalities, private concerns, or individuals, at such prices and on such terms as he may deem reasonable, for domestic and industrial uses for surplus water that may be available at any reservoir under the control of the War Department: *Provided,* That no contracts for such water shall adversely affect then existing lawful uses of such water. All moneys received from such contracts shall be deposited in the Treasury of the United States as miscellaneous receipts. (Dec. 22, 1944, ch. 665, § 6, 58 Stat. 890.)

§ 709. Regulations for use of storage waters; application to Tennessee Valley Authority.

It shall be the duty of the Secretary of War to prescribe regulations for the use of storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds provided on the basis of such purposes, and the operation of any such project shall be in accordance with such regulations: *Provided,* That this section shall not apply to the Tennessee Valley Authority, except that in case of danger from floods on the Lower Ohio and Mississippi Rivers the Tennessee Valley Authority is directed to regulate the release of water from the Tennessee River into the Ohio River in accordance with such instructions as may be issued by the War Department. (Dec. 22, 1944, ch. 665, § 7, 58 Stat. 890.)

CROSS REFERENCES

Tennessee Valley Authority, see section 831 et seq of Title 16, Conservation.

Chapter 16.—LIGHTHOUSES

Sec.
763c. Hospital facilities for officers and employees (New)

§ 721a. Deposit of damage payments; disbursement.

The Coast Guard is authorized, whenever an aid to navigation or other property belonging to the Coast Guard is damaged or destroyed by a private person, and such private person or his agent shall pay to the satisfaction of the proper official of the Coast Guard for the cost of repair or replacement of such property, to accept and deposit such payments, through proper officers of the Fiscal Service, Treasury Department, in special deposit accounts in the Treasury, for payment therefrom to the person or persons repairing or replacing the damaged property and refundment of amounts collected in excess of the cost of the repairs or replacements concerned. In the event such payment is deposited subsequent to payment by the Coast Guard from appropriated funds to the person or persons repairing or replacing the damaged property, such payment shall be deposited to the credit of the appropriation current at the time the collection is made. (As amended July 11, 1941, ch. 290, § 2, 55 Stat. 585.)

AMENDMENTS

1941—Act July 11, 1941, cited to text, substituted "Coast Guard" for "Lighthouse Service" before the words "is damaged or destroyed", and added last sentence.

§ 732. Exchange of right-of-way pertaining to Coast Guard.

The Secretary of the Treasury is authorized, whenever he shall deem it advisable, to exchange any right-of-way of the United States in connection with lands pertaining to the United States Coast Guard for such other right-of-way as may be advantageous to the Service,[1] under such terms and conditions as he may deem to be for the best interests of the Government; and in case any expenses, not exceeding the sum of $500, are incurred by the United States in making such exchange, the same shall be payable from the appropriation "Coast Guard, General Expenses" for the fiscal year during which such exchange shall be effected (As amended July 11, 1941, ch. 290, § 1, 55 Stat. 584.)

[1] So in original. Probably should read "Coast Guard"

AMENDMENTS

1941—Act July 11, 1941, cited to text, amended section by substituting "United States Coast Guard" for "Lighthouse Service."

§ 733. Approval by Attorney General of title to site before expenditure of moneys; acquisition by United States of jurisdiction over lands.

CROSS REFERENCES

Acquisition of land and interests therein, and construction prosecuted thereon, without compliance with this section, see section 767 of Appendix to Title 50, War.

Exception in case of strategic network of highways, see section 114 of Title 23, Highways

§§ 747, 747a. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Sections 747 and 747a, which provided for medical care for personnel of former Lighthouse Service by Public Health Service, is now covered by section 763c of this title.

§ 763b. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section, which provided for hospital facilities for retired officers and employees of former Lighthouse Service, is now covered by section 763c of this title

§ 763c. Hospital facilities for officers and employees.

Subject to regulations of the President, lightkeepers, assistant lightkeepers, and officers and crews of vessels of the former Lighthouse Service, including any such persons who subsequent to June 30, 1939, have involuntarily been assigned to other civilian duty in the Coast Guard, who were entitled

to medical relief at hospitals and other stations of the Public Health Service prior to enactment of sections 201–286 of Title 42, and who are now or hereafter on active duty or who have been or may hereafter be retired under the provisions of section 763 of this title, shall be entitled to medical, surgical, and dental treatment and hospitalization at hospitals and other stations of the Public Health Service: *Provided,* That such persons while on active duty shall also be entitled to care and treatment in accordance with the provisions of section 249 (e) of title 42. (July 1, 1944, ch. 373, title VI, § 610 (b), 58 Stat. 714.)

Chapter 17.—COAST AND GEODETIC SURVEY

GENERAL PROVISIONS

Sec.
851a. Same; distribution in rank (New).
852b. Assistant Director; appointment; active and retired rank, pay, and allowances (New).
854a. Promotion of officers (New).
854a-1. Temporary promotions in time of war or national emergency; limitations (New).
854a-2. Same; pay and allowances; date of acceptance of promotion (New).
854b Personnel Board; composition; powers and duties (New).
854c Same, submission of reports to President for approval (New).
855a. Assignment to projects of Army and Navy outside continental United States or in hazardous military areas; rights and benefits (New).
864b. Retirement of officers; transfer to retired list of officers recommended for retirement; numerical limitations (New).
864c Same; pay of officers retired upon recommendation of Personnel Board (New).
864d Same; rank and pay of officers retired for duty-incurred disability (New).
864e Same; officers commended for performance of combat duty; advance in rank; pay (New).
868a. Purchase of supplies by personnel from Army, Navy or Marine Corps (New).
870 Burial expenses and death gratuities to dependents of commissioned officers (New).
871. (New; Repealed)
872. Extra compensation for bomber or fathometer reader duties; compensation for observation of weather conditions (New).

GENERAL PROVISIONS

Cross References

Pay and allowances generally, see Title 37, Pay and Allowances

War overtime pay provisions as inapplicable to vessel employer of Coast and Geodetic Survey, see section 1413 of Appendix to Title 50, War

§ 851. Commissioned personnel; relative rank with Navy; retired officers; assistant director.

There are in the Coast and Geodetic Survey, commissioned officers as follows: One director with relative rank of captain in the Navy; two hydrographic and geodetic engineers with relative rank of captain in the Navy; seven hydrographic and geodetic engineers with relative rank of commander in the Navy; nine hydrographic and geodetic engineers with relative rank of lieutenant commander in the Navy; thirty-eight hydrographic and geodetic engineers with relative rank of lieutenant in the Navy; fifty-five junior hydrographic and geodetic engineers with relative rank of lieutenant (junior grade) in the Navy; twenty-nine aides with relative rank of ensign in the Navy, and officers retired in accordance with law: *Provided,* That the Secretary of Commerce may designate one of the hydrographic and geodetic engineers to act as assistant director. (As amended June 28, 1941, ch. 258, title II, 55 Stat. 283; July 2, 1942, ch. 472, title III, 56 Stat. 495.)

Amendments

1941—The proviso of this section was repeated in acts June 28, 1941, July 2, 1942, cited to text.

Cross References

Assistant director, later provisions on, see section 852b of this title.

Later provisions specifying the proportional distribution in rank of active-list officers are contained in section 851a of this title.

§ 851a. Same; distribution in rank.

The total number of commissioned officers on the active list of the Coast and Geodetic Survey shall be distributed in rank relative with officers of the Navy in the proportion of five in the grade of captain to eight in the grade of commander, to eighty-seven in the grades of lieutenant commander, lieutenant, lieutenant (junior grade) and ensign, inclusive: *Provided,* That the number of officers in the grade of lieutenant commander shall not exceed 35 per centum of the total authorized number of commissioned officers on the active list. (Jan. 19, 1942, ch. 6, § 1, 56 Stat. 6.)

Repeal of Inconsistent Laws

Section 11 of act Jan. 19, 1942, cited to text, provided as follows. "All laws or parts of laws inconsistent with the provisions of this Act (affecting sections 851a, 852b, 854a-854c, 864b–864d, 868a, and 870 of this title) are hereby repealed, and the provisions of this Act shall be in effect in lieu thereof."

§ 852a. Same; appointment; vacancy; rank; pay and allowances.

Cross References

Pay and allowances of officers of equivalent rank of general officers, see section 107 of Title 37, Pay and Allowances

§ 852b. Assistant Director; appointment; active and retired rank, pay, and allowances.

The President is authorized to appoint, by and with the advice and consent of the Senate, an officer on the active list of the Coast and Geodetic Survey not below the rank of commander to serve as Assistant Director; his appointment shall not create a vacancy and while holding said office he shall have the rank, pay, and allowances of rear admiral (lower half): *Provided,* That any officer who may be retired while serving as Director or Assistant Director, or who has or shall have served four years as Director or Assistant Director and is retired after completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade or rank held by him as Director or Assistant Director. (Jan. 19, 1942, ch. 6, § 8, 56 Stat. 8.)

Repeals

Repeal of inconsistent laws, see note under section 851a of this title

§ 854a. Promotion of officers.

(a) Promotions to the grades of captain and commander shall be made as vacancies occur and shall

be by selection from the next lower respective grades upon recommendation of the Personnel Board hereinafter authorized.

(b) Except as otherwise provided in sections 851a, 852b, 854a–854c, 864b–864d, 868a, and 870 of this title, lieutenants, lieutenants (junior grade), and ensigns shall be promoted to the respective grades of lieutenant commander, lieutenant, and lieutenant (junior grade) in the order in which the names appear on the current lineal list hereinafter authorized as the officers become credited with seventeen years', ten years', and three years' service, respectively: *Provided,* That lieutenants with not less than fourteen years' accredited service and lieutenants (junior grade) with not less than seven years' accredited service may be promoted to the grades of lieutenant commander and lieutenant, respectively, at any time in such numbers as will not cause the resulting number of officers in each of the grades of lieutenant commander and lieutenant to exceed 28 per centum of the total authorized force of commissioned officers on the active list: *Provided further,* That for purposes of pay, longevity pay, allowances, promotion, or retirement, which are now or may hereafter be authorized for officers appointed after June 30, 1922, there shall be counted in addition to active commissioned service, service as deck officer and junior engineer in excess of one year.

(c) All promotions, when made, shall be effective from the date of the respective vacancies, and promotions to all grades shall be made by the President, by and with the advice and consent of the Senate.

(d) Each officer shall be assumed to have, for promotion purposes, at least the same length of service as any officer junior to him on the lineal list hereinafter authorized, except that an officer who has lost numbers on the lineal list shall be assumed to have for promotion purposes no greater service than the officer next above him in his new position on the lineal list.

(e) Whenever a final fraction occurs in computing the authorized number of officers of any grade, the nearest whole number shall be regarded as the authorized number: *Provided,* That the total number of officers as authorized by law shall not be increased as a result of the computations prescribed herein, and if necessary the number of officers in the lowest grade shall be reduced accordingly: *Provided further,* That no officer shall be reduced in grade or pay or separated from the active list as the result of any computations made to determine the authorized number of officers in the various grades. (Jan. 19, 1942, ch. 6, § 2, 56 Stat. 6.)

REFERENCES IN TEXT

Words "hereinafter" and "herein" appeared in act Jan. 19, 1942, cited to text, which act affected sections 851a, 852b, 854a–854c, 864b 864d, 868a, and 870 of this title.

REPEALS

Repeal of inconsistent laws, see note under section 851a of this title.

§ 854a–1. Temporary promotions in time of war or national emergency; limitations.

Personnel of the Coast and Geodetic Survey shall be subject in like manner and to the same extent and with the same relative conditions as are provided for personnel of the Navy to sections 350–350j of Title 34, except that temporary appointments and promotions shall be limited as follows:

(1) Commissioned officers in the service of the War Department or of the Navy Department, under the provisions of sections 854–858 of this title, may, upon recommendation, respectively, of the Secretary of War or the Secretary of the Navy, be temporarily promoted to higher ranks or grades.

(2) Commissioned officers in the service of the Coast and Geodetic Survey may be temporarily promoted to fill vacancies in ranks and grades caused by the transfer of commissioned officers to the service and jurisdiction of the War or Navy Departments under the provisions of sections 854–858 of this title

(3) Regularly appointed deck officers and junior engineers may be temporarily appointed to the rank and grade of ensign: *Provided,* That the number of deck officers and junior engineers holding such temporary appointments shall not exceed the number of officers transferred to the War and Navy Departments under provisions of sections 854–858 of this title. (Dec. 3, 1942, ch. 670, § 1, 56 Stat. 1038.)

§ 854a–2. Same; pay and allowances; date of acceptance of promotion.

Any commissioned officer of the Coast and Geodetic Survey promoted to a higher grade at any time after December 7, 1941, shall be deemed for all purposes to have accepted his promotion to higher grade upon the date such promotion is made by the President unless he shall expressly decline such promotion, and shall receive the pay and allowances of the higher grade from such date unless he is entitled under some other provision of law to receive the pay and allowances of the higher grade from an earlier date. No such officer who shall have subscribed to the oath of office required by section 16 of Title 5, shall be required to renew such oath or to take a new oath upon his promotion to a higher grade, if his service after the taking of such an oath shall have been continuous. (Dec. 3, 1942, ch. 670, § 3, 56 Stat. 1039.)

§ 854b. Personnel Board; composition; powers and duties.

At least once a year and at such other times as may be necessary, the Secretary of Commerce shall appoint and convene a Personnel Board consisting of not less than five officers not below the rank of commander on the active list of the Coast and Geodetic Survey, to make the computations prescribed herein, to prepare and maintain a lineal list on which the names of all officers on the active list shall be arranged in such order as the board may determine, and to make selections and recommendations for the promotion and retirement of officers as herein prescribed. (Jan. 19, 1942, ch. 6, § 3, 56 Stat. 7.)

REFERENCES IN TEXT

Word "herein" appeared in act Jan 19, 1942, cited to text, which act affected sections 851a, 852b, 854a–854c, 864b–864d, 868a, and 870 of this title

REPEALS

Repeal of inconsistent laws, see note under section 851a of this title.

§ 854c. Same; submission of reports to President for approval.

Each report of the Personnel Board shall be submitted to the President for approval or disapproval: *Provided,* That in case any recommendation by the board is not acceptable to the President, the board shall be so informed and shall make such further recommendations as shall be acceptable to the President and, if necessary, the board shall be reconvened for this purpose: *Provided further,* That when the report of the board shall have been approved, the recommendations therein shall be carried out in accordance with the provisions of sections 851a, 852b, 854a–854c, 864b–864d, 868a, and 870 of this title. (Jan. 19, 1942, ch 6, § 4, 56 Stat. 7.)

REPEALS

Repeal of inconsistent laws, see note under section 851a of this title.

§ 855. Cooperation with and transfer to Army or Navy generally.

TRANSFER OF OFFICERS AND VESSELS

By reason of the present national emergency certain vessels of the Coast and Geodetic Survey were transferred to the jurisdiction of the Navy Department and certain officers of the Survey were transferred to the jurisdiction of the Navy and War Departments by Ex Ord. No. 9072, Feb 24, 1942, 7 F. R 1531, Ex Ord. No 9113, March 28, 1942, 7 F R 2495, Ex Ord No 9187, June 30, 1942, 7 F. R 5035; Ex Ord No. 9236, Sept. 3, 1942, 7 F. R 6988.

§ 855a. Assignment to projects of Army and Navy outside continental United States or in hazardous military areas; rights and benefits.

Commissioned officers of the Coast and Geodetic Survey who are assigned, during the period of the present war, to duty on projects for the War Department or the Navy Department in areas outside the continental United States or in Alaska, or in coastal areas of the United States, determined by the War or Navy Department to be of immediate military hazard, shall, while on such duty, be entitled to the rights and benefits provided by law for officers of the Coast and Geodetic Survey who are actually transferred to the service of the War Department or the Navy Department: *Provided,* That the benefits of this section shall be applicable also to commissioned officers of the Coast and Geodetic Survey serving in the Philippine Islands on December 7, 1941. (Dec. 3, 1942, ch. 670, § 2, 56 Stat. 1038.)

§ 859. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CROSS REFERENCES

Present provisions relating to pay and allowances of personnel of Coast and Geodetic Survey are contained in Title 37, Pay and Allowances

§§ 861a, 861c.

CODIFICATION

Sections have been eliminated from the Code. Present provisions on this subject are contained in section 112 of Title 37, Pay and Allowances.

§ 864b. Retirement of officers; transfer to retired list of officers recommended for retirement; numerical limitations.

The President may transfer to the retired list from the grades of captain, commander, lieutenant commander, and lieutenant such officers as have been recommended for retirement by the Personnel Board: *Provided,* That the total number of officers so retired in any fiscal year shall not exceed the whole number nearest 1 per centum of the total authorized number of commissioned officers on the active list, and, except as otherwise required by law, the number of officers so retired plus the number of officers retired for age in any fiscal year shall not exceed 3 per centum of the total authorized number of commissioned officers on the active list: *Provided further,* That all transfers to the retired list pursuant to sections 851a, 852b, 854a–854c, 864b–864d, 868a, and 870 of this title shall become effective on the next ensuing July 1 and the resulting vacancies may be filled as of that date. (Jan. 19, 1942, ch. 6, § 5, 56 Stat. 7.)

REPEALS

Repeal of inconsistent laws, see note under section 851a of this title

§ 864c. Same; pay of officers retired upon recommendation of Personnel Board.

Officers retired pursuant to section 864b of this title shall receive pay at the rate of 2½ per centum of their active-duty pay at the time of retirement multiplied by the number of years of service for which entitled to credit in the computation of their pay on the active list, not to exceed a total of 75 per centum of said active-duty pay: *Provided,* That a fractional year of six months or more shall be considered a full year in computing the number of years' service by which the rate of 2½ per centum is multiplied. (Jan. 19, 1942, ch. 6, § 6, 56 Stat. 8.)

REPEALS

Repeal of inconsistent laws, see note under section 851a of this title.

§ 864d. Same; rank and pay of officers retired for duty-incurred disability.

Should an officer fail in his physicial[1] examination for promotion and be found incapacitated for service by reason of physical disability contracted in line of duty, he shall be retired with the rank to which he would otherwise be entitled to be promoted, with retired pay at the rate of 75 per centum of the active-duty pay of that grade. (Jan. 19, 1942, ch. 6, § 7, 56 Stat. 8.)

[1] So in original. Probably should read "physical".

REPEALS

Repeal of inconsistent laws, see note under section 851a of this title.

§ 864e. Same; officers commended for performance of combat duty; advance in rank; pay.

All officers of the Coast Guard and the Coast and Geodetic Survey who have been specially commended for their performance of duty in actual combat by the head of the executive department under whose jurisdiction such duty was performed, shall, upon retirement, be placed upon the retired list with the rank of the next higher grade and with three-fourths of the active-duty pay of the grade in which serving at the time of retirement. (June 6, 1942, ch. 383, 56 Stat. 328.)

CODIFICATION

Provisions similar to those of this section are also set out as section 174a of Title 14, Coast Guard.

§ 868a. Purchase of supplies by personnel from Army, Navy, or Marine Corps.

Commissioned officers, ships' officers, and members of the crews of vessels of the Coast and Geodetic Survey shall be permitted to purchase commissary and quartermaster supplies as far as available from the Army, Navy, or Marine Corps at the prices charged officers and enlisted men of those services. (Jan. 19, 1942, ch. 6, § 10, 56 Stat. 8.)

REPEALS

Repeal of inconsistent laws, see note under section 851a of this title.

§ 869. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section, which provided for medical, dental, etc., treatment of Coast and Geodetic Survey's personnel and their families, is now covered by section 253 of title 42, The Public Health and Welfare.

§ 870. Burial expenses and death gratuities to dependents of commissioned officers.

The provisions of sections 924–928 of Title 34, relating to the burial expenses of Navy personnel, and the provisions of section 943 of Title 34, relating to the payment of a death gratuity to dependents of commissioned officers and other personnel of the Navy or Marine Corps, shall apply to commissioned officers of the Coast and Geodetic Survey, except that the duties and obligations imposed in said sections upon the Secretary of the Navy are imposed for the purposes of sections 851a, 852b, 854a–854c, 864b–864d, 868a, and 870 of this title upon the Secretary of Commerce who shall cause the necessary payments to be made from funds appropriated for the Coast and Geodetic Survey: *Provided,* That the provisions of this section shall be effective from December 8, 1941. (Jan. 19, 1942, ch. 6, § 9, 56 Stat 8, as amended Mar. 29, 1944, ch. 141, § 4, 58 Stat 130.)

AMENDMENTS

1944—Act Mar. 29, 1944, § 4, cited to text, amended section by inserting "or as hereafter amended" following "Marine Corps"

REPEALS

Repeal of inconsistent laws, see note under section 851a of this title.

§ 871. Repealed. Dec. 28, 1945, ch. 597, § 4, 59 Stat. 662.

Section, act Oct. 27, 1943, ch 287, § 6, 57 Stat. 583, provided for reimbursement for property lost or destroyed in service while serving with the Navy.

CROSS REFERENCES

Section is also set out as section 70a of Title 42, The Public Health.

§ 872. Extra compensation for bomber or fathometer reader duties; compensation for observation of weather conditions.

Extra compensation at not to exceed $15 per month is to be paid to each member of the crew of a vessel when assigned duties as bomber or fathometer reader, and at not to exceed $1 per day for each station to employees of other Federal agencies while observing tides or currents or tending seismographs. (May 21, 1945, ch. 129, title III, 59 Stat. 191.)

SIMILAR PROVISIONS

Similar provisions appear in prior appropriation acts as follows.

1945—June 28, 1944, ch. 294, title III, 58 Stat. 419
1944—July 1, 1943, ch. 182, title III, 57 Stat. 295.
1943—July 2, 1942, ch. 472, title III, 56 Stat 494
1942—June 28, 1941, ch. 258, title II, 55 Stat. 282.

Chapter 18.—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

CROSS REFERENCES

Application of chapter for compensation for disability or death to persons employed at Military, Air, and Naval Bases outside the United States, see sections 1651–1654 of Title 42, The Public Health and Welfare

Application of chapter for compensation for injury, death, or detention of employees of contractors with United States outside of the United States, see sections 1701–1706 and 1711–1717 of Title 42, The Public Health and Welfare.

TITLE 34.—NAVY

Chapter 1.—ORGANIZATION GENERALLY

MEDICAL CORPS

Sec
21a. Appointment of female physicians and surgeons (New).

DENTAL CORPS

51a. Rank of rear admiral, grade; number (New).
53 Dental functions of Bureau of Medicine and Surgery (New).
54 Functions of Dental Division; chief of Division, rank, pay, and allowances (New)
55. Establishment of dental services on ships and shore stations; limitations; repeals; reductions in grade or rank (New).

SUPPLY CORPS

61a. Same, age of chief ship's clerk or ship's clerk (New).

COMMISSIONED WARRANT AND WARRANT OFFICERS

132a. Ship's clerks, aerographers, photographers, torpedomen, and chiefs (New)

GRADES, NUMBER, AND DISTRIBUTION OF LINE AND STAFF

§ 2. Authorized number of officers of the line.

The total authorized number of commissioned officers of the active list of the line of the Navy, exclusive of commissioned warrant officers, shall be equal to 5½ per centum of the authorized enlisted strength of the active list. (As amended Apr. 22, 1941, ch. 74, § 3, 55 Stat. 145.)

INCREASE OF NUMBER

Appointment of commissioned warrant and warrant officers to rank and grade of commissioned officers, see section 338 of this title.

§ 3. Number of commissioned officers of staff corps.

INCREASE OF NUMBER

Appointment of commissioned warrant and warrant officers to rank and grade of commissioned officers, see section 338 of this title.

§ 4. Distribution of officers of the line.

SUSPENSION OF PERIODIC COMPUTATIONS

Suspension of provisions relating to periodic computations to determine number, permanent promotion, etc., of line officers of the Regular Navy and the Marine Corps, see section 806 of Appendix to Title 50, War

§ 11. Appointment of commissioned officers of staff corps.

CROSS REFERENCES

Modification of age requirements for certain officers, see section 808 of Appendix to Title 50, War.

MEDICAL CORPS

§ 21. Acting appointments; how made.

The President is hereby authorized to appoint for temporary service one hundred acting assistant surgeons, who shall have the rank and compensation of assistant surgeons: *Provided*, That the Secretary of the Navy may appoint in time of war or national emergency declared by the President to exist, for temporary service, such acting assistant surgeons as the exigencies of the service may require, who shall receive the compensation of assistant surgeons. (As amended Mar. 17, 1941, ch. 17, 55 Stat. 43.)

§ 21a. Appointment of female physicians and surgeons.

Hereafter during the present war and six months thereafter there shall be included in the Medical Departments of the Army and Navy such licensed female physicians and surgeons as the Secretary of War and the Secretary of the Navy may consider necessary, whose qualifications, duties, and assignments shall be in accordance with regulations to be prescribed by the Secretary and who shall be appointed and at his discretion removed by the Surgeon General of the Army or Navy, subject to the approval of the Secretary of War or the Secretary of the Navy. Those appointed shall be commissioned in the Army of the United States or the Naval Reserve, and shall receive the same pay and allowances and be entitled to the same rights, privileges, and benefits as members of the Officers' Reserve Corps of the Army and the Naval Reserve of the Navy with the same grade and length of service: *Provided*, That female physicians and surgeons appointed in the Medical Corps of the Naval Reserve shall be restricted to the performance of shore duty within the continental United States only and shall not be assigned to duty on board vessels of the Navy or in combat aircraft. (Apr. 16, 1943, ch 63, 57 Stat. 65, as amended Nov. 8, 1943, ch. 297, § 2, 57 Stat. 587.)

AMENDMENTS

1943—Act Nov 8, 1943, cited to text, amended section by adding proviso to last sentence.

CROSS REFERENCES

Provisions of act April 16, 1943, cited to text, are also set out as section 92a of Title 10, Army.

§ 22. Assistant surgeon; age.

CROSS REFERENCES

Modification of age requirements for certain officers, see section 808 of Appendix to Title 50, War.

NURSE CORPS

CROSS REFERENCES

Pay and allowances of nurses, see section 113 of Title 37, Pay and Allowances.

DENTAL CORPS

§ 51a. Rank of rear admiral; grade; number.

The rank of rear admiral in the grade of dental surgeon is hereby established in the Dental Corps of the United States Navy, and dental officers shall

become eligible for selection and promotion to this rank under the provisions governing the selection and promotion of other staff officers to the rank of rear admiral contained in sections 348–348t of this title, or in existing law: *Provided*, That there shall not be more than one officer in the Dental Corps in the permanent rank of rear admiral, exclusive of additional numbers. The pay, allowances, and retirement for rear admiral, Dental Corps, shall be the same as for other officers of equal rank and length of service. (Dec. 17, 1942, ch. 738, 56 Stat. 1053.)

§ 52. Qualifications of appointees.

CROSS REFERENCES

Modification of age requirements for certain officers, see section 808 of Appendix to Title 50, War

§ 53. Dental functions of Bureau of Medicine and Surgery.

The dental functions of such Bureau shall be defined and prescribed by appropriate directives of such Bureau, and by any necessary regulations of the Secretary of the Navy, to the end that the Dental Division of such Bureau shall study, plan, and direct all matters coming within the cognizance of such Division, as prescribed in sections 54 and 55 of this title, and all matters relating to dentistry shall be referred to the Dental Division. (Dec. 28, 1945, ch 604, § 2, 59 Stat. 666)

REORGANIZATION OF BUREAU OF MEDICINE AND SURGERY

Section 1 of act Dec. 28, 1945, cited to text, provided: "That within six months after the date of enactment of this Act [Dec. 28, 1945] the Bureau of Medicine and Surgery shall be reorganized so as to provide for greater integrity of the Dental Service in accordance with the provisions hereof [sections 53–55 of this title]."

§ 54. Functions of Dental Division; chief of Division; rank, pay, and allowances.

The Dental Division shall (1) establish professional standards and policies for dental practice; (2) conduct inspections and surveys for maintenance of such standards; (3) initiate and recommend action pertaining to complements, appointments, advancement, training assignment, and transfer of dental personnel; and (4) serve as the advisory agency for the Bureau of Medicine and Surgery on all matters relating directly to dentistry. An officer of the Dental Corps of the Navy shall be detailed as the Chief of the Dental Division. Such officer, while so serving, shall have the rank, pay, and allowances of a rear admiral. (Dec. 28, 1945, ch. 604, § 3, 59 Stat. 666)

§ 55. Establishment of dental services on ships and shore stations; limitations; repeals; reductions in grade or rank.

The Secretary of the Navy shall provide by regulations for establishing on ships and on shore stations dental services to be under the senior dental officer who shall be responsible to the commanding officer of such ship or shore station for all professional, technical, and administrative matters in connection therewith: *Provided*, That this section shall not be construed to impose any administrative requirements which would interfere with the proper functioning of battle organizations.

All laws and parts of laws in conflict with sections 53–55 of this title are repealed, and nothing contained in sections 53–55 of this title shall act to reduce the grade or rank of any person. (Dec. 20, 1945, ch. 604, § 4, 59 Stat 667.)

SUPPLY CORPS

§ 61. Qualifications for office of assistant paymaster.

CROSS REFERENCES

Modification of age requirements for certain officers, see section 808 of Appendix to Title 50, War.

§ 61a. Same; age of chief ship's clerk or ship's clerk.

The limitation as to age contained in section 61 of this title, relating to appointments of assistant paymasters in the Navy, shall not apply to chief ship's clerks and ship's clerk who must be not more than thirty-five years of age at the time of appointment as assistant paymaster: *Provided further*, That this section shall not be construed as giving any preference in appointment as assistant paymaster other than the limitation of age. (July 28, 1942, ch. 530, § 3, 56 Stat. 724.)

OFFICERS FOR ENGINEERING DUTY

§ 75. Acting ensigns for engineering duty.

CROSS REFERENCES

Modification of age requirements for certain officers, see section 808 of Appendix to Title 50, War.

CORPS OF CHAPLAINS

§ 91. Age of appointees.

CHIEF OF CHAPLAINS; RANK, PAY AND ALLOWANCES; TERMINATION

Act Dec. 22, 1944, ch. 661, 58 Stat 886, provided: "That until the termination of the wars in which the United States is now engaged by proclamation of the President or such earlier date as the Congress by concurrent resolution may fix, there shall be in the Chaplain Corps of the Navy one officer, designated as Chief of Chaplains, under the Chief of Naval Personnel, who shall be entitled to hold the temporary rank of rear admiral, and shall receive the pay and allowances of a rear admiral of the lower half while serving in such grade."

CROSS REFERENCES

Modification of age requirements for certain officers, see section 808 of Appendix to Title 50, War

COMMISSIONED WARRANT AND WARRANT OFFICERS

§ 132a. Ship's clerks, aerographers, photographers, torpedomen, and chiefs.

The commissioned warrant grades of chief ship's clerk, chief aerographer, chief photographer, and chief torpedoman, and the warrant grades of ship's clerk, aerographer, photographer, and torpedoman, are hereby established in the United States Navy. (July 28, 1942, ch. 530, § 1, 56 Stat. 724.)

CROSS REFERENCES

Rank, pay, allowances, and benefits, see section 877a of this title.

§ 134. Repealed. Aug. 7, 1942, ch. 551, § 2, 56 Stat. 745.

Chapter 2.—ENLISTED PERSONNEL

RECRUITING AND ENLISTMENT

Sec.
181a. Shipping articles to contain substance of section 181 (New)
185. Same; continuation of term during disability (New).
186. Same; extension by Secretary of Navy in time of war (New)
187. Recruiting campaigns for voluntary enlistments and reenlistments (New).
188. Grade or rating on enlistment or reenlistment (New).
189 Definition of Navy or Naval Establishment (New).

FURLOUGHS AND DISCHARGES; DISPOSITION OF ENLISTED MEN AT EXPIRATION OF TERM OF ENLISTMENT

197a. Same; increased payments (New).
201a. Part of section 201 as inapplicable to certain enlistments (New).
201b Same; suspension of addition to pay during war (New).

NUMBER

§ 151. General provisions.

The permanent authorized enlisted strength of the active list of the Regular Navy shall be two hundred and thirty-two thousand. The President is hereby authorized, whenever in his judgment a sufficient national emergency exists, to increase this number to five hundred thousand (As amended Apr. 22, 1941, ch. 74, § 1, 55 Stat. 145; Jan. 12 1942, ch. 1, 56 Stat. 3.)

AMENDMENTS

1942—Act Jan. 12, 1942, cited to text, substituted "five hundred thousand" for "three hundred thousand" in second sentence

1941—Act Apr 22, 1941, cited to text, substituted "two hundred and thirty-two thousand" for "one hundred and thirty-one thousand four hundred and eighty-five" in the first sentence, and substituted "three hundred thousand" for "one hundred and ninety-one thousand" in the second sentence.

§ 152. "Authorized enlisted strength" defined.

The phrase "authorized enlisted strength", as applied to the personnel of the Navy, shall hereafter mean the total number of enlisted men of the Navy authorized by law, exclusive of the Hospital Corps. (As amended Apr. 22, 1941, ch. 74, § 2, 55 Stat. 145.)

ELIGIBILITY FOR ENLISTMENT

§ 163. Insane or intoxicated person or deserter.

No insane or intoxicated person, and no person who has deserted in time of war from the naval or military service of the United States, shall be enlisted in the naval service, except that in time of war such deserters may be enlisted in the naval service, upon permission of competent naval authority thereunto authorized by the Secretary of the Navy. (As amended Jan. 20, 1944, ch. 2, § 2, 58 Stat. 4.)

AMENDMENTS

1944—Act Jan. 20, 1944, cited to text, amended section by striking out period at end of section and inserting all text commencing, "except that in time of" etc.

GRADES, RATINGS, AND TRANSFERS

§ 175. Ratings of printers.

The Bureau of Naval Personnel is authorized under rules established for the advancement of other enlisted men, to advance printers to the ratings of printer, first class, and chief printer, which ratings are hereby authorized subject to the provisions of section 176 of this title and section 15 of Title 37. (As amended May 13, 1942, ch. 303, 56 Stat. 276.)

AMENDMENTS

1942—Act May 13, 1942, cited to text and set out in note under section 429 of Title 5, Executive Departments and Government Officers and Employees, redesignated Bureau of Navigation to be Bureau of Naval Personnel.

RECRUITING AND ENLISTMENT

§ 181. Length of term; discharge of minors; extension of term during war or emergency and discharge thereafter.

On and after August 18, 1941, enlistments in the Navy and Marine Corps may be for minority or terms of two, three, four, or six years, and all laws now applicable to four-year enlistments shall apply, under such regulations as may be prescribed by the Secretary of the Navy, to enlistments for a shorter or longer period with proportionate benefits upon discharge and reenlistment: *Provided*, That upon the presentation of satisfactory evidence as to his age and upon application for discharge by his parent or guardian presented to the Secretary of the Navy within ninety days after the date of his enlistment, any man enlisted in the naval service, including the Marine Corps, under twenty-one years of age, who was enlisted without the written consent of his parent or guardian, if any, shall be discharged for his own convenience: *Provided further*, That all enlistments hereafter entered into may be extended by the Secretary of the Navy for such additional time as he may deem necessary in the public interest in time of war, or national emergency declared by the President, to exist: *Provided further*, That all men whose terms of enlistment are extended in accordance with the provisions of sections 181, 181a, 201a, 692, 692a of this title, section 35a of Title 14, and section 16a of Title 37 shall continue during such extensions to be subject in all respects to the laws and regulations for the government of the Navy: *And provided further*, That men detained in service in accordance with sections 181, 181a, 201a, 692, 692a of this title, section 35a of Title 14, and section 16a of Title 37 shall, unless they voluntarily extend their enlistments, be discharged not later than six months after the date of the termination of the war or national emergency. (As amended Aug. 18, 1941, ch. 364, § 1, 55 Stat. 629.)

CROSS REFERENCES

Provisions similar to those contained in this section are set out in section 692 of this title

§ 181a. Shipping articles to contain substance of section 181.

Hereafter the shipping articles shall contain the substance of section 181 of this title. (Aug. 18, 1941, ch. 364, § 5, 55 Stat. 630.)

CROSS REFERENCES

Provisions similar to those contained in this section are set out in section 692a of this title

§ 183. Term as affected by absence from duty on account of sickness resulting from misconduct.

CROSS REFERENCES

Continuation of enlistment during disability, see section 185 of this title.

§ 185. Same; continuation of term during disability.

On and after December 12, 1941, any enlisted man of the Army, Navy, Marine Corps, and Coast Guard of the United States in the active service, whose term of enlistment shall expire while he is suffering disease or injury incident to service and not due to misconduct, and who is in need of medical care or hospitalization, may, with his consent, be retained in such service beyond the expiration of his term of enlistment, and any such enlisted man shall be entitled to receive at Government expense medical care or hospitalization and his pay and allowances (including expense money authorized by law and credit for longevity) until he shall have recovered to such extent as would enable him to meet the physical requirements for reenlistment, or until it shall have been ascertained by competent authority of the service concerned that the disease or injury is of a character that recovery to such an extent would be impossible, whichever is earlier: *Provided,* That any enlisted man whose enlistment is extended as provided herein shall be subject to forfeiture in the same manner and to the same extent as if his term of enlistment had not expired, and nothing contained in this section shall prevent any enlisted man of the Army, Navy, or Marine Corps, and the Coast Guard, from being held in the service without his consent under, respectively, the provisions of section 1579 of Title 10, section 183 of this title, and section 35, subsection (a), of Title 14. (Dec. 12, 1941, ch. 566, 55 Stat. 797.)

CROSS REFERENCES

Provisions similar to those contained in this section are set out in section 628a of Title 10, Army, and section 35a of Title 14, Coast Guard.

§ 186. Same; extension by Secretary of Navy in time of war.

In time of war all enlistments in the Regular Navy, Marine Corps, and Coast Guard, and in the Reserve components thereof as applicable, may be extended by the Secretary of the Navy for such additional time as he may deem necessary in the interest of national defense: *Provided,* That all men whose terms of enlistment are extended in accordance with the provisions of this section shall continue during such extensions to be subject in all respects to the laws and regulations for the government of the Navy: *Provided further,* That men detained in service in accordance with this section shall, unless they voluntarily extend their enlistments, be discharged not later than six months after the termination of the condition which originally authorized their detention. (Dec. 13, 1941, ch. 570, § 1, 55 Stat. 799.)

CROSS REFERENCES

Same provisions as those of this section constitute section 35c of Title 14, Coast Guard.

§ 187. Recruiting campaigns for voluntary enlistments and reenlistments.

The Secretary of War and the Secretary of the Navy are authorized and directed to initiate and carry forward intensive recruiting campaigns to obtain volunteer enlistments and reenlistments in the Regular Military and Naval Establishments. (Oct. 6, 1945, ch. 393, § 2, 59 Stat. 538.)

SHORT TITLE

Short title, see note set out under section 635 of Title 10, Army.

CROSS REFERENCES

Section is also set out as section 635 of Title 10, Army.
Section as applicable to Coast Guard, see section 189 of this title.

§ 188. Grade or rating on enlistment or reenlistment.

Notwithstanding any other provisions of law, persons enlisted or reenlisted in the Regular Military or Naval Establishment shall be enlisted or reenlisted in such grades or ratings as may be prescribed by the Secretary of War and the Secretary of the Navy, respectively: *Provided,* That any person enlisted or reenlisted prior to February 1, 1946, in the Regular Military or Naval Establishment within twenty days after discharge from such establishment shall be enlisted or reenlisted in a grade or rating at least as high as the highest grade or rating, permanent or temporary, held by him at the time of such discharge. (Oct 6, 1945, ch. 393, § 5, 59 Stat. 539.)

SHORT TITLE

Short title, see note set out under section 635 of Title 10, Army.

CROSS REFERENCES

Section is also set out as section 636 of Title 10, Army.
Section as applicable to Coast Guard, see section 189 of this title.

§ 189. Definition of Navy or Naval Establishment.

Wherever the terms "Navy" or "Naval Establishment" are used in sections 187, 188 and 895a of this title, sections 635, 636, 751, and 948 of Title 10, sections 110 and 201 of Title 37, and sections 691b and 691c of Title 38 the term shall be deemed to include the Coast Guard, and wherever authority is given to the Secretary of the Navy similar authority shall be deemed given to the Secretary of the Treasury to be exercised with respect to the Coast Guard at such time or times as the Coast Guard shall be operating under the Treasury Department. (Oct. 6, 1945, ch. 393, § 13, 59 Stat. 542.)

SHORT TITLE

Short title, see note set out under section 635 of Title 10, Army.

CROSS REFERENCES

Section is also set out as section 637 of Title 10, Army.

FURLOUGHS AND DISCHARGES; DISPOSITION OF ENLISTED MEN AT EXPIRATION OF TERM OF ENLISTMENT

CROSS REFERENCES

Mustering-out pay, see sections 691–691g of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 197a. Same; increased payments.

On and after July 1, 1943, the limitation on the cost of civilian clothing per person, including an

overcoat when necessary, for enlisted personnel of the Navy, Marine Corps, and Coast Guard given discharges for bad conduct, undesirability, unsuitability, or inaptitude is hereby increased to $30. (Dec. 23, 1943, ch. 380, title I, 57 Stat. 628.)

§ 201a. Part of section 201 as inapplicable to certain enlistments.

That portion of section 201 of this title which reads as follows: "All persons who shall be so detained beyond their terms of enlistment or who shall, after the termination of their enlistment, voluntarily reenter to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, and their regular discharge therefrom, shall receive for the time during which they are so detained, or shall so serve beyond their original terms of enlistment, an addition of one-fourth of their former pay:" shall not apply to enlistments which are extended pursuant to sections 181, 181a, 692, 692a of this title, section 35a of Title 14, and section 16a of Title 37. (Aug. 18, 1941, ch. 364, § 4, 55 Stat. 630.)

§ 201b. Same; suspension of addition to pay during war.

In time of war that portion of section 201 of this title which reads as follows: "All persons who shall be so detained beyond their terms of enlistment or who shall, after the termination of their enlistment, voluntarily reenter to serve until the return to an Atlantic or Pacific port of the vessel to which they belong, and their regular discharge therefrom, shall receive for the time during which they are so detained, or shall so serve beyond their original terms of enlistment, an addition to[1] one-fourth of their former pay:", shall be suspended. (Dec. 13, 1941, ch. 570, § 2, 55 Stat. 799.)

[1] So in original. Reads "of" in section 201 of this title

§ 203. Discharge of men under eighteen.

CROSS REFERENCES

Transportation furnished, see section 900 of this title

Chapter 3.—GENERAL PROVISIONS RELATING TO OFFICERS

Sec
212a. Designation of officers to perform special or unusual duty; number and rank (New).
217a-1 Notarial powers of officers during war or national emergency (New).

§ 212. Designation of officers for command of fleets; number and rank.

CROSS REFERENCES

Retirement of certain officers designated under this section while in command of fleet or subdivision thereof, see section 398b of this title.

§ 212a. Designation of officers to perform special or unusual duty; number and rank.

In addition to those officers who may be serving in the grade of vice admiral by virtue of the provisions of section 212 of this title, naval officers, not to exceed a total of nine at any one time, designated by the President to perform special or unusual duty, or to command naval units afloat organized for the purpose of performing a special or unusual mission may, within the discretion of the President, have the rank, pay, and all allowances of a vice admiral while so serving. In time of war or national emergency the provisions of this section shall be applicable only to officers on the active list of the rank or grade of captain and above. At all other times the said provisions shall apply only to officers of the rank or grade of rear admiral. (July 17, 1941, ch. 304, 55 Stat. 598.)

CROSS REFERENCES

Retirement of certain officers designated under this section while in command of fleet or subdivision thereof, see section 398b of this title.

§ 217a-1. Notarial powers of officers during war or national emergency.

During the existence of a war in which the United States is engaged or of a national emergency declared by the President, and for six months after the termination of such war or national emergency, such officers of the Navy, Marine Corps, and Coast Guard, as the Secretary of the Navy may designate, shall have the general powers of a notary public in the administration of oaths; the execution, acknowledgment, and attestation of instruments and papers; and the performance of all other notarial acts: *Provided*, That no fee of any character shall be paid to any officer for the performance of any notarial act herein authorized: *Provided further*, That whenever the Coast Guard shall be under the jurisdiction of the Secretary of the Treasury during a national emergency, the Secretary of the Treasury shall have and may exercise as to the Coast Guard the authority of the Secretary of the Navy under this section: *And provided further*, That the signature without seal of any officer of the Navy, Marine Corps, or Coast Guard acting as such notary public shall be prima facie evidence of his authority. (Apr. 9, 1943, ch. 36, 57 Stat. 58.)

§ 222. Shore duty; employment of officers.

SUSPENSION DURING WAR

Act May 29, 1945, ch. 137, 59 Stat. 226, provided that this section be suspended until six months after the termination of the present wars as determined by the President's proclamation or concurrent resolution of Congress, whichever is earlier.

§ 228. Furlough.

The Secretary of the Navy shall have authority to place on furlough any officer on the active list of the Navy and the Marine Corps, and any officer of the Coast Guard while the Coast Guard is operating as part of the Navy. This section shall not apply to reserve officers of such organizations. (As amended Feb. 28, 1945, ch. 11, 59 Stat. 9.)

AMENDMENTS

1945—Act Feb. 28, 1945, cited to text, amended section by striking period following "list of the Navy" and adding "and Marine Corps * * * of such organizations.".

Chapter 4.—RANK AND PRECEDENCE

Sec
262 Nurse Corps; relative rank of members (New).
263 Same; relative rank in relation to Medical and Dental Corps; rights and privileges (New).

§ 262. Nurse Corps; relative rank of members.

On and after July 3, 1942, the members of the Navy Nurse Corps shall have relative rank as follows:

(a) The superintendent, the relative rank of lieutenant commander.

(b) The assistant superintendents, not to exceed one for each three hundred members of the Navy Nurse Corps, the relative rank of lieutenant.

(c) Chief nurses, the relative rank of lieutenant (junior grade).

(d) Nurses, the relative rank of ensign. (July 3, 1942, ch. 485, § 1, 56 Stat. 646.)

ACTUAL RANK

Act Feb 26, 1944, ch 66, 58 Stat. 105, provided as follows "That during the present war and for six months thereafter, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate, the superintendent and all other members of the Navy Nurse Corps entitled under existing laws to relative rank shall have and shall be designated by the rank which corresponds to the relative rank heretofore provided by law for such superintendent and members.

"Sec. 2. Nothing in this Act contained shall alter, enlarge, or modify the provisions of law relating to the authority of such members of the Navy Nurse Corps, or to the manner of their appointment"

CROSS REFERENCES

Army Nurse Corps, relative rank of members, see section 164 of Title 10, Army.

§ 263. Same; relative rank in relation to Medical and Dental Corps; rights and privileges.

As regards medical and sanitary matters and all other work within the line of their professional duties, the members of the Navy Nurse Corps shall have authority in and about naval hospitals and other medical activities next after the commissioned officers of the Medical Corps and Dental Corps of the Navy. The Secretary of the Navy shall make the necessary regulations prescribing the rights and privileges conferred by such relative rank. (July 3, 1942, ch. 485, § 2, 56 Stat. 647.)

CROSS REFERENCES

Actual rank, see note set out under section 262 of this title.

Army Nurse Corps, relati e rank of members, see section 164 of Title 10, Army.

Chapter 5.—PROMOTION AND ADVANCEMENT

GENERAL PROVISIONS

Sec.
285b. Posthumous commissions and warrants for persons unable to accept them because of death in line of duty; death after appointment to commissioned grade (New).
285c Same; death after completion of officers training school and recommendation for commission (New)
285d Same; death after recommendation approved by Secretary for appointment to commissioned grade (New).
285e. Same; death after recommendation for appointment to noncommissioned grade (New).
285f Same; effect on pay, allowances, etc. (New).

PROMOTION OF WARRANT OFFICERS

335b. Eligibility of chief torpedomen and torpedomen for appointment as ensigns (New).
338 Appointment of commissioned warrant and warrant officers as commissioned officers; grade or rank; number (New).
338a Same; eligibility for promotion; age limitations (New)
Sec.
338b. Same; mental, moral, physical, and professional qualifications, effect of failure to qualify (New).
338c. Same; rank and grade (New).
338d Same; extra number in lieutenant's grade; promotion to higher grade (New).
338e. Same; revocation of commission (New).
338f. Same; laws governing; pay and allowances (New).
338g Same; applicability to Marine Corps and Coast Guard (New).

TEMPORARY PROMOTIONS IN NAVY AND MARINE CORPS (NEW)

350 Promotions in time of war or national emergency
350a Personnel eligible for temporary promotions; definitions
350b Officers on active list of Regular Navy or Marine Corps eligible for temporary promotions; pay.
350c Commissioned or warrant officers on retired list eligible for temporary promotions, computation of retired pay.
350d Number of promotions
350e. Commodore, rank and grade established; Presidential appointments with and without concurrence of the Senate
350f Status at time of temporary promotion as unaffected, uniform allowance for enlisted men promoted
350g. Physical disability while serving under temporary appointment; jurisdiction of naval retiring board, time for commencement of proceedings
350h Computation of authorized number of officers in any grade
350i Termination of temporary status of personnel; retired pay.
350j. Temporary promotions in Naval Reserve, Marine Corps Reserve, and Coast Guard.

GENERAL PROVISIONS

§ 285b. Posthumous commissions and warrants for persons unable to accept them because of death in line of duty; death after appointment to commissioned grade.

The President is hereby authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military or naval service of the United States at any time after September 8, 1939, shall have been duly appointed to a commissioned grade and shall have been unable to accept the appointment to such grade by reason of his death in line of duty; and any such commission shall issue as of the date of such appointment and any such person's name shall be carried upon the records of the War or Navy Department as having served in the grade and branch of the service to which he shall have been thus posthumously appointed, from the date of such appointment to the date of his death. (July 28, 1942, ch. 528, § 1, 56 Stat. 722.)

CODIFICATION

Same provisions of act July 28, 1942, cited to text, also constitute section 491a of Title 10, Army

§ 285c. Same; death after completion of officers training school and recommendation for commission.

The President is hereby authorized to issue, or cause to be issued, an appropriate appointment and commission in the name of any person who, while in the military or naval service of the United States at any time after September 8, 1939, shall have successfully completed the course at a training school for officers and shall have been recommended for appointment to a commissioned grade by the officer

commanding or in charge of such school, and who shall have been unable to receive or accept such appointment by reason of his death in line of duty; and any such posthumous appointment and commission shall issue as of the date of such recommendation, and any such person's name shall be carried upon the records of the appropriate department as having served in the grade and branch of the service to which he shall thus have been appointed from the date of such recommendation to the date of his death. (July 28, 1942, ch. 528, § 2, 56 Stat. 722.)

CODIFICATION

Same provisions of act July 28, 1942, cited to text, also constitute section 491b of Title 10, Army.

§ 285d. Same; death after recommendation approved by Secretary for appointment to commissioned grade.

The President is hereby authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military or naval service of the United States at any time after September 8, 1939, shall have been officially recommended for appointment or promotion to a commissioned grade, which recommendation shall have been duly approved by the Secretary of War or the Secretary of the Navy, and who shall have been unable to receive or accept such appointment or promotion by reason of his death in line of duty; and any such posthumous appointment or promotion and commission shall issue as of the date of such approval and such person's name shall be carried upon the records of the War or Navy Department as having served in the grade and branch of the service to which he would have been appointed or promoted by such commission from the date of such approval to the date of his death. (July 28, 1942, ch. 528, § 3, 56 Stat. 723.)

CODIFICATION

Same provisions of act July 28, 1942, cited to text, also constitute section 491c of Title 10, Army

§ 285e. Same; death after recommendation for appointment to noncommissioned grade.

The Secretary of War and the Secretary of the Navy are hereby severally authorized to issue, or cause to be issued, an appropriate warrant in the name of any person who, while in the military or naval service of the United States at any time after September 8, 1939, shall have been officially recommended for appointment or promotion to a noncommissioned grade and who shall have been unable to receive or accept such appointment or promotion by reason of his death in line of duty; and any such posthumous appointment or promotion and warrant shall issue as of the date of such official recommendation and such person's name shall be carried upon the records of the War or Navy Department as having served in the grade and branch of the service to which he would have been appointed or promoted by such warrant from the date of such official recommendation to the date of his death. (July 28, 1942, ch. 528, § 4, 56 Stat. 723.)

CODIFICATION

Same provisions of act July 28, 1942, cited to text, also constitute section 612 of Title 10, Army.

§ 285f. Same; effect on pay, allowances, etc.

No person shall be entitled to receive any bonus, gratuity, pay, or allowances by virtue of any provision of sections 285b–285f of this title. (July 28, 1942, ch. 528, § 5, 56 Stat. 723.)

CODIFICATION

Same provisions of act July 28, 1942, cited to text, also constitute section 491d of Title 10, Army

PROMOTION TO GRADES ABOVE LIEUTENANT (JUNIOR GRADE)

§ 300. Promotion of officers.

* * * * *

(b) Removal of name from promotion list; replacement on list; placement on retirement list.

The Secretary of the Navy may, in his discretion, with the approval of the President, remove the name of any officer from the promotion list and submit it to the next ensuing selection board for consideration and recommendation: *Provided*, That the next ensuing selection board may select the officer concerned as best fitted for promotion or adjudge him fitted for promotion, and thereupon, with the approval of the President, the name of such officer shall be replaced on the promotion list, without prejudice by reason of its having been temporarily removed therefrom, and when promoted such officer shall take rank in accordance with his seniority on the promotion list at the same time his name was removed therefrom: *Provided further*, That if such officer is neither so selected as best fitted nor adjudged fitted by such next ensuing selection board he will be placed on the retired list on June 30 of the then current fiscal year with retired pay computed as provided in section 404 (b) of this title: *And provided further*, That if the name of any officer selected as best fitted for promotion be removed from a promotion list of officers in any grade and submitted to another board as provided in this subsection, the estimate of the number of vacancies furnished said board by the Secretary of the Navy shall be increased accordingly. (June 23, 1938, ch. 598, § 11 (a), (b), 52 Stat. 948; Oct. 14, 1940, ch. 877, 54 Stat. 1174.)

PROMOTION OF WARRANT OFFICERS

§ 335b. Eligibility of chief torpedomen and torpedomen for appointment as ensigns.

Chief torpedomen and torpedomen shall be eligible for appointment to the grade of ensign under the restrictions imposed by law upon the appointment of other warrant and commissioned officers to that grade. (July 28, 1942, ch. 530, § 3, 56 Stat. 724.)

§ 338. Appointment of commissioned warrant and warrant officers as commissioned officers; grade or rank; number.

The President, by and with the advice and consent of the Senate, is authorized to appoint annually to the commissioned grade or rank for which they make application and for which they are found qualified, not above that of lieutenant, in the line and staff corps of the Navy, as many commissioned warrant and warrant officers of the Regular Navy as he may

deem necessary and the authorized number of commissioned officers of the line and of each staff corps to which such appointments may be made is increased accordingly. (June 27, 1942, ch. 451, § 1, 56 Stat. 422.)

REPEAL OF INCONSISTENT LAWS

Section 9 of act June 27, 1942, cited to text, provided for repeal of all other laws or parts of law inconsistent with or in conflict with provisions of sections 338–338g of this title.

§ 338a. Same; eligibility for promotion; age limitations.

Candidates shall, on June 30 of the calendar year in which they are to be appointed, have completed not less than three years of service as a warrant officer and shall, on the same date, to be eligible for appointment in the rank of lieutenant, lieutenant (junior grade), or ensign, be not more than forty, thirty-five, or thirty-two years of age, respectively: *Provided*, That the foregoing limitations shall not apply until one year subsequent to the date of approval of sections 338–338g of this title: *Provided further*, That with respect to those officers who, because of service conditions, (a) are unable to apply for appointment or examination prior to June 27, 1943, or (b) who make such application but are not examined prior to said date, the foregoing limitation shall not apply until June 30 of the fiscal year following that in which the present war shall terminate. (June 27, 1942, ch. 451, § 2, 56 Stat. 423, as amended May 25, 1943, ch. 101, § 1, 57 Stat. 84.)

AMENDMENTS

1943—Act May 25, 1943, cited to text, added second proviso.

REPEAL OF INCONSISTENT LAWS

Repeal of inconsistent laws, see note under section 338 of this title.

§ 338b. Same; mental, moral, physical, and professional qualifications; effect of failure to qualify.

No candidate shall be appointed who is not recommended by a commanding officer under whom he has served as a commissioned warrant or warrant officer nor until he shall have established his mental, moral, physical, and professional qualifications, in accordance with standards to be prescribed by the Secretary of the Navy, before, and shall have been recommended by, a board of medical examiners and a naval examining board: *Provided*, That any candidate who shall have twice failed to establish his qualifications for an appointment pursuant to sections 338–338g of this title shall thereafter be ineligible for further consideration for such appointment to any of the ranks provided herein. (June 27, 1942, ch. 451, § 3, 56 Stat 423.)

REPEAL OF INCONSISTENT LAWS

Repeal of inconsistent laws, see note under section 338 of this title

§ 338c. Same; rank and grade.

Each officer upon appointment shall take rank after the junior officer of the same rank in the line or appropriate staff corps on the date of appointment and each officer appointed to a staff corps shall be commissioned in the grade in which the said junior officer is then serving: *Provided*, That any officer described in the second proviso of section 338a of this title shall, upon appointment, take rank with other officers in the order of seniority that would have been assigned had he been appointed prior to June 27, 1943. (June 27, 1942, ch. 451, § 4, 56 Stat. 423, as amended May 25, 1943, ch. 101, § 2, 57 Stat. 85.)

AMENDMENTS

1943—Act May 25, 1943, cited to text, added proviso.

REPEAL OF INCONSISTENT LAWS

Repeal of inconsistent laws, see note under section 338 of this title.

§ 338d. Same; extra number in lieutenant's grade; promotion to higher grade.

Each officer appointed pursuant to sections 338–338g of this title to the grade of lieutenant in the line of the Navy shall be carried as an extra number in that grade only and, while in such grade, shall become eligible for consideration for promotion to the next higher grade by a line selection board when the officer next senior to him becomes eligible. (June 27, 1942, ch. 451, § 5, 56 Stat. 423.)

REPEAL OF INCONSISTENT LAWS

Repeal of inconsistent laws, see note under section 338 of this title.

§ 338e. Same; revocation of commission.

The Secretary of the Navy, under such regulations as he may prescribe, may revoke the commission of any officer on the active list appointed pursuant to sections 338–338g of this title who, at the date of revocation, has had less than seven years of continuous commissioned service in the Navy, including service as a commissioned warrant officer, and any officer whose commission is so revoked shall be discharged from the naval service. (June 27, 1942, ch. 451, § 6, 56 Stat. 423.)

REPEAL OF INCONSISTENT LAWS

Repeal of inconsistent laws, see note under section 338 of this title.

§ 338f. Same; laws governing; pay and allowances.

Except as herein otherwise provided, officers appointed under the authority of sections 338–338g of this title shall be governed by the provisions of existing laws and of laws hereafter enacted relating to line and staff officers of the Navy, as may be appropriate: *Provided*, That no officer appointed pursuant to sections 338–338g of this title shall suffer any reduction in pay and allowances to which he would have been entitled had he not been so appointed. (June 27, 1942, ch. 451, § 7, 56 Stat. 423.)

REPEAL OF INCONSISTENT LAWS

Repeal of inconsistent laws, see note under section 338 of this title

§ 338g. Same; applicability to Marine Corps and Coast Guard.

The provisions of sections 338–338g of this title, except as may be necessary to adapt the same thereto, shall apply to the Marine Corps and Coast Guard in like manner and to the same extent and with the same relative conditions in all respects as are

provided for the Regular Navy. (June 27, 1942, ch. 451, § 8, 56 Stat. 423.)

REPEAL OF INCONSISTENT LAWS

Repeal of inconsistent laws, see note under section 338 of this title.

WARRANT OFFICERS OF COAST GUARD

Provisions relating to grades and ratings, see section 21 of Title 14, Coast Guard.

WARRANT OFFICERS OF MARINE CORPS

Provisions relating to number and distribution, etc., see sections 639a, 640, 641, and 642 of this title.

EQUALIZATION OF PROMOTION OF STAFF OFFICERS WITH LINE OFFICERS

§ 348. Staff Corps; advancement of officers.

CROSS REFERENCES

Rear admiral in Dental Corps, see section 51a of this title.

TEMPORARY PROMOTIONS IN NAVY AND MARINE CORPS

CROSS REFERENCES

Coast and Geodetic Survey, provisions of sections 350–350j as applicable to, see section 854a–1 of Title 33, Navigation and Navigable Waters.

§ 350. Promotions in time of war or national emergency.

Except as otherwise specified herein the authority granted by sections 350–350j of this title shall be exercised only in time of war or national emergency determined by the President, and during such period thereafter as the President shall determine, but not later than June 30 of the fiscal year following that in which the war or national emergency shall terminate. (July 24, 1941, ch. 320, § 1, 55 Stat. 603, as amended June 30, 1942, ch. 462, § 7, 56 Stat. 465.)

AMENDMENTS

1942—Act June 30, 1942, cited to text, added that part of section following words "determined by the President". For termination of this amendment, see section 814 of Appendix to Title 50, War.

§ 350a. Personnel eligible for temporary promotions; definitions.

(a) As used in sections 350–350j of this title, the words "temporarily appointed" shall be interpreted to mean also "temporarily promoted" or "temporarily advanced in rank", as the case may be.

(b) The following personnel may be temporarily appointed to ranks or grades in the Regular Navy or Marine Corps, not above lieutenant in the Navy and captain in the Marine Corps:

(1) Commissioned warrant officers of the Regular Navy and Marine Corps.

(2) Warrant officers of the Regular Navy and Marine Corps.

(3) First-class petty officers and above in the Regular Navy and platoon or staff sergeants and above in the Regular Marine Corps, including enlisted men of those grades on the retired list on active duty.

(4) Enlisted men of the Fleet Reserve and the Fleet Marine Corps Reserve on active duty in the grades herein specified for enlisted men of the Regular Navy or Marine Corps.

(c) Officers on the retired list of the Regular Navy may, while on active duty, be temporarily appointed to ranks or grades in a different branch or corps of the Regular Navy without loss of or prejudice to any rights, benefits, privileges, and gratuities enjoyed by them by virtue of their former status. (July 24, 1941, ch. 320, § 2, 55 Stat. 603 as amended June 29, 1945, ch. 194, § 1, 59 Stat. 262.)

AMENDMENTS

1945—Act June 29, 1945, cited to text, amended section by adding subsec (c).

§ 350b. Officers on active list of Regular Navy or Marine Corps eligible for temporary promotions; pay.

Officers on the active list of the Regular Navy or Marine Corps in commissioned ranks, including those appointed under the authority of section 350a of this title, may be temporarily appointed to higher ranks or grades in the Regular Navy or Marine Corps, and the provisions of section 2 of Title 37, shall be applicable to all officers eligible for consideration for appointment or advancement pursuant to the provisions of sections 350–350j of this title, not only during the existence of a state of war formally recognized by Congress, but also during a national emergency determined by the President. (July 24, 1941, ch. 320, § 3, 55 Stat. 603.)

CROSS REFERENCES

Pay and allowances of temporary appointees, see section 810 of Appendix to Title 50, War.

§ 350c. Commissioned or warrant officers on retired list eligible for temporary promotions; computation of retired pay.

(a) Commissioned or warrant officers on the retired list of the Navy or Marine Corps may, while on active duty, be temporarily appointed to higher ranks or grades on the retired list. Any officer so appointed shall, while on active duty, be entitled to the same pay and allowances as officers of like grade or rank with equivalent service on the active list.

(b) In the computation of the retired pay of officers heretofore or hereafter retired with pay at the rate of 2½ per centum of the active-duty pay received by them at the time of retirement multiplied by the number of years of service for which entitled to credit in the computation of their pay on the active list, not to exceed a total of 75 per centum of said active-duty pay, active duty performed by such retired officers subsequent to the date of their retirement shall be counted for the purpose of computing percentage increases in their retired pay. These increases shall be at the rate of 2½ per centum for each year of active duty and a fractional year of six months or more shall be considered a full year in computing the number of years: *Provided*, That the increased retired pay of such retired officers shall in no case exceed 75 per centum of the active-duty pay as authorized by existing law: *Provided further*, That no back pay or allowances shall accrue by reason of the passage of sections 350–350j of this title. (July 24, 1941, ch. 320, § 4, 55 Stat. 603.)

CROSS REFERENCES

Pay and allowances of temporary appointees, see section 810 of Appendix to Title 50, War.

§ 350d. Number of promotions.

The temporary appointments under the authority of sections 350–350j of this title shall be in such numbers as the President may determine that the needs of the service require and in such manner and under such regulations as he may prescribe. (July 24, 1941, ch. 320, § 5, 55 Stat. 604.)

§ 350e. Commodore, rank and grade established; Presidential appointments with and without concurrence of the Senate.

The rank and grade of commodore are hereby established for the purposes of sections 350–350j of this title: *Provided*, That all officers appointed to the rank of commodore pursuant to the authority of sections 350–350j of this title, while serving in such rank, shall be entitled to the pay and allowances provided for an officer of the sixth pay period. Temporary appointments under the authority of sections 350–350j of this title shall if they are to a grade above that of captain in the Navy or colonel in the Marine Corps, be made by and with the advice and consent of the Senate; if to other ranks or grades, they shall be made by the President alone. (July 24, 1941, ch. 320, § 6, 55 Stat. 604; as amended Apr. 9, 1943, ch. 38, § 1, 57 Stat. 59.)

AMENDMENTS

1943—First sentence and proviso were added by act of April 9, 1943, cited to text

§ 350f. Status at time of temporary promotion as unaffected; uniform allowance for enlisted men promoted.

(a) The permanent, probationary, or acting appointments of those persons temporarily appointed in accordance with the provisions of sections 350–350j of this title shall not be vacated by reason of such temporary appointments, such persons shall not be prejudiced thereby in regard to promotion, advancement, or appointment in accordance with laws relating to the Regular Navy or Marine Corps, and their rights, benefits, privileges, and gratuities shall not be lost or abridged in any respect whatever by their acceptance of commissions or warrants hereunder: *Provided*, That except as otherwise provided herein no person who shall accept a commission or warrant under sections 350a and 350b of this title shall, while serving thereunder, be entitled to pay or allowances except as provided by law for the position temporarily occupied: *Provided further*, That no person temporarily appointed under the authority of sections 350–350j of this title shall suffer any reduction in pay and allowances to which he was entitled at the time of such temporary appointment nor shall he suffer any reduction in pay and allowances to which he was entitled under a prior temporary appointment in a lower rank or grade: *Provided further*, That enlisted men who are temporarily appointed to commissioned rank under the authority of sections 350–350j of this title shall be entitled to the pay and allowances of warrant officers with equivalent service or to the pay and allowances provided by law for the position temporarily occupied, whichever is the greater: *And provided further*, That the provisions of this subsection shall be applicable to all personnel heretofore temporarily appointed to any grade or rank except that no back pay or allowances shall accrue prior to June 1, 1942.

(b) Enlisted men shall, upon being initially appointed as provided by section 350a of this title, be paid the sum of $250 as a uniform gratuity. (July 24, 1941, ch. 320, § 7, 55 Stat. 604, as amended Nov. 30, 1942, ch. 643, 56 Stat. 1023.)

AMENDMENTS

1942—Act Nov 30, 1942, cited to text, amended subsec. (a) by striking out second proviso which read: "*Provided further*, That no person temporarily appointed under the authority of sections 350–350j of this title shall suffer any reduction in pay and allowances to which he would have been entitled had he not been so temporarily appointed" and inserted in lieu thereof the last three provisos

§ 350g. Physical disability while serving under temporary appointment; jurisdiction of naval retiring board; time for commencement of proceedings.

(a) An officer or enlisted man of the active list of the Regular Navy or Marine Corps, or an enlisted man of the Fleet Reserve or Fleet Marine Corps Reserve, who incurs physical disability while serving under a temporary appointment in a higher rank, shall be retired in such higher rank with retired pay at the rate of 75 per centum of the active-duty pay to which he was entitled while serving in that rank.

(b) An officer or enlisted man of the retired list of the Regular Navy or Marine Corps who was placed thereon for reasons other than physical disability shall, if he incurs physical disability while serving under a temporary appointment in a higher rank, be advanced on the retired list to such higher rank with retired pay at the rate of 75 per centum of the active duty pay to which he was entitled while serving in that rank.

(c) An officer of the retired list of the Regular Navy or Marine Corps who was placed thereon by reason of physical disability shall, if he incurs physical disability while serving under a temporary appointment in a higher rank, subject to the provisions of subsection (e) hereof, be advanced on the retired list to such higher rank with retired pay at the rate of 75 per centum of the active-duty pay to which he was entitled while serving in that rank

(d) An officer of the retired list of the Regular Navy or Marine Corps who was placed thereon for reasons other than physical disability shall, if he incurs physical disability while serving on active duty in the same rank as that held by him on the retired list and if not otherwise entitled thereto, receive 75 per centum of the active-duty pay to which he was entitled while serving in that rank

(e) The benefits of this section shall apply only to an individual who incurs physical disability in line of duty in time of war or national emergency. In the case of those officers to whom subsection (c) hereof is applicable retirement in the next higher rank shall be effected upon a finding by a naval retiring board that the disability was incident to the service while on active duty in the higher rank and upon a rating by such board, in accordance with regulations prescribed by the Secretary of the Navy, at not less than 30 per centum permanent disability. In all other cases officers shall be retired in accord-

ance with existing law providing for the retirement of officers.

(f) The jurisdiction of naval retiring boards is hereby extended as may be necessary in the administration of this section, and their proceedings shall be conducted in all respects as provided by existing law and regulations except as may be necessary to adapt the same to cases provided for in this section.

(g) The provisions of this section shall not apply in any case unless the proceedings of the naval retiring board shall be commenced within six months from the termination of the temporary appointment or release from active duty of the individual concerned whichever may occur earlier. (July 24, 1941, ch. 320, § 8, 55 Stat. 604.)

CROSS REFERENCES

Age retirement of officers of Regular Navy and Marine Corps while serving under temporary appointments, see section 811 of Appendix to Title 50, War.

§ 350h. Computation of authorized number of officers in any grade.

Commissioned officers appointed under the authority of section 350a of this title shall not be counted in any computation to determine the authorized number of officers in any grade. Commissioned officers of the Regular Navy and Marine Corps temporarily appointed to higher ranks or grades therein under the authority of section 350b of this title shall be counted only in their permanent ranks or grades in such computation. (July 24, 1941, ch. 320, § 9, 55 Stat. 605.)

§ 350i. Termination of temporary status of personnel; retired pay.

Personnel appointed or advanced under the authority of sections 350–350j of this title may be continued in their temporary status during such period as the President may determine, but not longer than six months after the termination of war or national emergency. Upon the termination of their temporary status such personnel shall, unless otherwise provided herein, revert to their permanent grades, ranks, or ratings, but upon being subsequently retired or in the case of retired officers returned to an inactive status, they shall, on condition that their performance of duty under such temporary appointments has been satisfactory, be placed on the retired list, or advanced thereon as the case may be, with the highest rank held by them while on active duty: *Provided*, That except where specific provision is made otherwise, their retired pay shall be based on the pay of the rank or rating held at the time of retirement: *Provided further*, That nothing in sections 350–350j of this title shall entitle such personnel, when recalled to active duty, to any other rank or rating than that in which they were serving at the time of retirement. (July 24, 1941, ch. 320, § 10, 55 Stat. 605.)

AMENDMENTS

1942—This section was amended by act June 30, 1942, ch. 462, § 7, 56 Stat 465, as follows: "Section 10 of the aforesaid Act of July 24, 1941 (Title 34, § 350i), is hereby amended so that temporary appointments made under authority of that Act (Title 34, §§ 350-350j) during the present war may continue in force until six months after the termination of this Act."

For termination of 1942 amendment, see section 814 of Appendix to Title 50, War.

CROSS REFERENCES

Age retirement of officers of Regular Navy and Marine Corps while serving under temporary appointments, see section 811 of Appendix to Title 50, War.

§ 350j. Temporary promotions in Naval Reserve, Marine Corps Reserve, and Coast Guard.

The provisions of sections 350–350j of this title, except as may be necessary to adapt the same thereto shall apply to—

(a) Personnel of the Naval Reserve (except the Fleet Reserve) and the Marine Corps Reserve (except the Fleet Marine Corps Reserve) in like manner and to the same extent and with the same relative conditions in all respects as are provided for personnel of the Regular Navy and Marine Corps, but this shall not be construed to authorize the temporary appointment of the personnel thereof to ranks or grades in the Regular Navy or Marine Corps: *Provided*, That officers on the retired list of the Naval Reserve with pay pursuant to provisions of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and nineteen, and for other purposes", approved July 1, 1918, may, while on active duty, be temporarily appointed to ranks or grades in a different branch or corps of the Naval Reserve under the authority of sections 350–350j of this title without loss of or prejudice to any rights, benefits, privileges, and gratuities enjoyed by them by virtue of their former status.

(b) Personnel of the Coast Guard in relationship to the Coast Guard in the same manner and to the same extent as they apply to personnel of the Navy in relationship to the Navy. (July 24, 1941, ch. 320, § 11, 55 Stat. 605, as amended Apr. 9, 1943, ch. 38, § 2, 57 Stat. 60, June 29, 1945, ch. 194, § 2, 59 Stat. 262.)

AMENDMENTS

1945—Act June 29, 1945, cited to text, amended section by adding proviso to subsec (a)

1943—Proviso, formerly part of paragraph (b), was omitted by act of Apr. 9, 1943, cited to text.

REFFRENCES IN TEXT

"An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and nineteen, and for other purposes", mentioned in text refers to act July 1, 1918, ch. 114, 40 Stat. 704, which is classified to sections 416, 424, 428, and 441 of Title 5, 164 and 165 of Title 14; 638 of Title 31; 3, 11, 51, 52, 151, 152, 183, 255 284, 301, 311 390, 396, 423, 434, 472, 521, 600, 629, 641, 693, 866, 874, 882, 911, 1057 and 1200, arts. 65 and 69, 68 of Title 35, and 154 of Title 39.

Chapter 6.—GRATUITIES, MEDALS, AND OTHER INSIGNIA OF HONOR; MEDAL OF HONOR ROLL; BADGES

GRATUITIES, MEDALS, ETC.

Sec.
356a Silver star medal; to whom presented (New).
356b. Navy and Marine Corps Medal; to whom presented (New).
366. Medal for service in armed forces during World War II (New).

GRATUITIES, MEDALS, ETC.

CROSS REFERENCES

Medals for persons serving in merchant marine, see sections 751, 752 of Appendix to Title 50, War.

§§ 351–353. Repealed. Aug. 7, 1942, ch. 551, §§ 2, 3, 56 Stat. 745.

CODIFICATION

Section 351 was from R S § 1407 and act Mar. 3, 1901, ch. 850, 31 Stat. 1099. Act June 10, 1922, ch. 212, § 21, 42 Stat. 633, which was formerly cited to this section because it provided that nothing in that act should in any way change existing laws governing money allowances granted to enlisted men on account of awards or medals or decorations expressly authorized by Congress, was repealed by act June 16, 1942, ch 413, § 19, 56 Stat. 369, eff. June 1, 1942.

Section 352 was from Res No 30, May 4, 1898, 30 Stat. 741

Section 353 was from act Mar 3, 1915, ch. 83, 38 Stat. 931.

§ 354. Medals of honor; to whom presented; design.

The President of the United States is hereby authorized to present, in the name of Congress, a medal of honor to any person who, while in the naval service of the United States, shall, in action involving actual conflict with the enemy, or in the line of his profession, distinguish himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty and without detriment to the mission of his command or to the command to which attached: *Provided*, That the design of this medal shall be the same as that adopted pursuant to the Act approved December 21, 1861 (12 Stat 330). (As amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 743)

REFERENCES IN TEXT

Act Dec 21, 1861, ch. 1, referred to in this section, provided for the preparation and award of "medals of honor" in section 7 thereof No design of that medal was there specified, other than to state that it was "to be prepared, with suitable emblematic devices".

§ 355. Distinguished-service medals; to whom presented.

The President is hereby further authorized to present, but not in the name of Congress, a distinguished-service medal of appropriate design and a ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while serving in any capacity with the Navy of the United States, since the sixth day of April 1917 has distinguished, or who hereafter shall distinguish, himself by exceptionally meritorious service to the Government in a duty of great responsibility. (As renumbered § 3 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 743.)

§ 356. Navy crosses; to whom presented.

The President is hereby further authorized to present, but not in the name of Congress, a Navy cross of appropriate design and ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while serving in any capacity with the naval service of the United States, distinguishes himself by extraordinary heroism in connection with military operations against an armed enemy. (As renumbered § 2 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 743.)

§ 356a. Silver star medal; to whom presented.

The President is hereby further authorized to present, but not in the name of Congress, a silver star medal of appropriate design and a ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while serving in any capacity with the Navy of the United States, since December 6, 1941, has distinguished himself or who hereafter shall distinguish himself conspicuously by gallantry and intrepidity in action, such gallantry and service not being sufficient to justify the award of a medal of honor or a Navy cross. (Feb. 4, 1919, ch. 14, § 4, as added Aug. 7, 1942, ch. 551, § 1, 56 Stat. 743.)

CROSS REFERENCES

Bronze Star Medal, see Ex. Ord. No. 9419, set out as note under section 1412 of Title 10, Army.

§ 356b. Navy and Marine Corps Medal; to whom presented.

The President is hereby further authorized to present, but not in the name of Congress, a medal to be known as the Navy and Marine Corps Medal, of appropriate design with accompanying ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who while serving in any capacity with the United States Navy or Marine Corps, including the Naval Reserve or Marine Corps Reserve, shall have, since December 6, 1941, distinguished himself or herself by heroism not involving actual conflict with an enemy, or to any person to whom the Secretary of the Navy has heretofore awarded a letter of commendation for heroism, regardless of the date of such act of heroism, who makes application for such medal. No additional pay shall be payable under section 357 of this title for service rendered prior to August 7, 1942, by virtue of the award of a Navy and Marine Corps medal based upon any act of heroism performed prior to December 7, 1941. (Feb. 4, 1919, ch. 14, § 5, as added Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.)

§ 357. Additional pay to persons awarded medals or crosses.

Each enlisted or enrolled person of the naval service to whom is awarded a medal of honor, Navy cross, distinguished-service medal, silver star medal, or a Navy and Marine Corps Medal shall, for each such award, be entitled to additional pay at the rate of $2 per month from the date of the distinguished act or service on which the award is based, and each bar, or other suitable emblem or insignia, in lieu of a medal of honor, Navy cross, distinguished-service medal, silver star medal, or a Navy and Marine Corps Medal, as hereby provided for, shall entitle him to further additional pay at the rate of $2 per month from the date of the distinguished act or service for which the bar is awarded, and such additional pay shall continue throughout his active service, whether such service shall or shall not be continuous. (Feb. 4, 1919, ch. 14, § 4, 40 Stat. 1056, as renumbered § 6 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.)

CODIFICATION

Act June 10, 1922, ch. 212, § 21, 42 Stat. 633, which was formerly cited to this section because it provided that

nothing therein should in any way change existing laws governing money allowances granted to enlisted men on account of awards or medals or decorations expressly authorized by Congress, was repealed by act June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff June 1, 1942

§ 358. Bars or other insignia for additional acts of valor.

No more than one medal of honor, or one Navy cross, or one distinguished-service medal, or one silver star medal or one Navy and Marine Corps Medal shall be issued to any one person; but for each succeeding deed or service sufficient to justify the awarding of a medal of honor, or Navy cross, or a distinguished-service medal, silver star medal, or a Navy and Marine Corps Medal, respectively, the President may award a suitable bar, or other suitable emblem or insignia, to be worn with the decoration and a corresponding rosette or other device. (As renumbered § 7 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.)

§ 359. Expenditure for medals, crosses, or other devices; replacement of lost medals, crosses, or devices.

The Secretary of the Navy is hereby authorized to expend from the appropriation "Pay, subsistence, and transportation of naval personnel" of the Navy Department so much as may be necessary to defray the cost of the medals of honor, Navy crosses, distinguished-service medals, silver star medals, and Navy and Marine Corps Medals, and bars, emblems, or insignia herein provided for, and so much as may be necessary to replace any medals, crosses, bars, emblems, or insignia as are herein or may hereafter have been provided for: *Provided,* That such replacement shall be made only in those cases where the medal of honor, Navy cross, distinguished-service medal, silver star medal, or a Navy and Marine Corps Medal, or bar, emblem, or insignia presented under the provisions of sections 354–358 and 359–364 of this title or any other Act shall have been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded and shall be made without charge therefor. (As renumbered § 8 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.)

§ 360. Time limit on award of medals, crosses, or other devices; statement or report as to act or distinguished service.

Except as otherwise prescribed herein, no medal of honor, Navy cross, distinguished-service medal, silver star medal, Navy and Marine Corps Medal, or bar or other suitable emblem or insignia in lieu of either of said medals or of said cross, shall be issued to any person after more than five years from the date of the act or service justifying the awarding thereof, nor unless a specific statement or report distinctly setting forth the act or distinguished service and suggesting or recommending official recognition thereof shall have been made by his superior through official channels at the time of act or service or within three years thereafter. (As renumbered § 9 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 744.)

§ 361. Same; exceptions to time limit.

In cases of persons now in the naval service for whom the award of the medal of honor, distinguished-service medal, or Navy cross, has been recommended in full compliance with then existing regulations, but on account of services which, though insufficient fully to justify the award of the medal of honor, the distinguished-service medal, or the Navy cross, appears to have been such as to justify the award of the silver star medal, or the Navy and Marine Corps Medal hereinbefore provided, such cases may be considered and acted upon under the provisions of sections 354–358 and 359–364 of this title authorizing the award of the silver star medal or the Navy and Marine Corps Medal, notwithstanding that said services may have been rendered more than five years before said cases shall have been considered as authorized by this section, but all consideration or any action upon any of said cases shall be based exclusively upon official records now on file in the Navy Department. (As renumbered § 10 and amended Aug. 7, 1942, ch 551, § 1, 56 Stat. 745.)

§ 362. Honorable subsequent service as condition to award.

No medal or cross or no bar or other emblem or insignia shall be awarded or presented to any individual, or to the representative of any individual, whose entire service subsequent to the time he distinguished himself shall not have been honorable. (As renumbered § 10 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 745.)

§ 363. Awards in case of death.

In case an individual who shall distinguish himself dies before the making of the award to which he may be entitled, the award may nevertheless be made and the medal or cross or bar or other emblem or insignia presented within five years from the date of the act or service justifying the award thereof to such representative of deceased as the President may designate. (As renumbered § 10 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 745.)

§ 364. Delegation of power to make awards; rules and regulations.

The President is hereby authorized to delegate, under such conditions, regulations, and limitations as he shall prescribe, to flag officers who are commanders in chief or commanding on important independent duty the power conferred upon him by sections 354–358 and 359–364 of this title to award the Navy cross, the distinguished-service medal, silver star medal, and the Navy and Marine Corps Medal; and he is further authorized to make from time to time any and all rules, regulations, and orders which he shall deem necessary to carry into effect the provisions of sections 354–358 and 359–364 of this title and to execute full purpose and intention thereof. (As renumbered § 11 and amended Aug. 7, 1942, ch. 551, § 1, 56 Stat. 745.)

§ 366. Medal for service in armed forces during World War II.

The Secretary of War and the Secretary of the Navy are authorized and directed to procure, in numbers sufficient for the purposes of this section, a medal (and suitable appurtenances) of design and official designation jointly approved by them, to be awarded to all persons who shall have served on active duty in the armed forces of the United States or of the Government of the Philippine Islands at any time during the period beginning December 7, 1941, and ending with the date of the termination of hostilities in the present war, and whose service shall have been honorable. The term "date of the termination of hostilities in the present war" means the date proclaimed by the President as the date of such termination or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier. The medal may be awarded posthumously and, when so awarded, shall be presented to such representative of the deceased as shall be prescribed in the applicable regulations. Awards shall be made pursuant to regulations prescribed by the Secretary of War and the Secretary of the Navy. (July 6, 1945, ch. 275, 59 Stat. 461.)

CODIFICATION

This section is also set out as section 1430c of Title 10, Army

Chapter 7.—RETIREMENT

GENERAL PROVISIONS AS TO RETIREMENT OF OFFICERS

Sec
398b Advance in rank upon retirement of certain officers in command of fleet or part thereof (New).
399h. Advanced rank and pay of certain Navy and Marine Corps officers commended for duty in combat (New).
402a. Money allowances for subsistence and rental (New).

ACTIVE DUTY OF RETIRED OFFICERS

427 Pay and allowances of retired Navy and Marine Corps officers (New).

GENERAL PROVISIONS AS TO RETIREMENT OF OFFICERS

INVOLUNTARY RETIREMENT OF FITTED SUSPENDED DURING EMERGENCY

Act Feb. 7, 1942, ch 46, title I, 56 Stat 63, provided "That no officer of the Navy or Marine Corps who has been, or hereafter may be, adjudged fitted shall be involuntarily retired prior to six months subsequent to the termination of the existing national emergency". Provisions on this subject were also contained in act May 6, 1941, ch. 86, § 1, 55 Stat 160

CROSS REFERENCES

Retirement of Marine Corps officers and personnel generally, see section 681 et seq. of this title.

§ 384. Age of retirement.

CROSS REFERENCES

Temporary grade or rank, retirement while serving in, see section 811 of Appendix to Title 50, War

§ 398b. Advance in rank upon retirement of certain officers in command of fleet or part thereof.

Any officer of the Navy who may be retired while serving as the commander of a fleet or subdivision thereof in the rank of admiral or vice admiral, or who has served or shall have served one year or more as such commander, may, if such rank was conferred pursuant to the provisions of sections 212 or 212a of this title, in the discretion of the President, by and with the advice and consent of the Senate, when retired, be placed on the retired list with the highest grade or rank held by him while on the active list: *Provided*, That no increase in retired pay shall accrue as the result of such advanced rank on the retired list: *Provided further*, That the President, by and with the advice and consent of the Senate, may in his discretion extend the privilege herein granted to such officers as have heretofore been retired and who satisfy the foregoing conditions. (June 16, 1942, ch. 414, § 1, 56 Stat. 370.)

§ 399h. Advanced rank and pay of certain Navy and Marine Corps officers commended for duty in combat.

All officers of the Navy and Marine Corps, retired prior to June 23, 1938, and all staff officers of the Navy who have been or shall be retired on or subsequent to that date, who have been specially commended for their performance of duty in actual combat by the head of the executive department under whose jurisdiction such duty was performed, and who have not been advanced on the retired list under any other provision of law, shall be advanced on the retired list to the rank of the next higher grade with three-fourths of the active-duty pay of the grade in which serving at the time of retirement: *Provided*, That no increased retired pay shall be held to accrue to any such officer prior to February 23, 1942. (Feb. 23, 1942, ch. 110, 56 Stat. 120.)

§ 402a. Money allowances for subsistence and rental.

Hereafter money allowances for subsistence and rental shall not accrue to any officer of the Navy or Marine Corps on the retired list for any period during which any such officer is not employed on active duty. (Feb. 6, 1942, ch. 37, § 1, 56 Stat. 48.)

REPEALS

Section 2 of act Feb 6, 1942, cited to text, provided that "All laws and parts of laws, insofar as they are in conflict with the provisions of this Act, are hereby repealed"

§ 404. Retirement of promotion-list and non-promotion-list officers.

* * * * *

(j) Retirement of officers on the present active list.

No officer on the active list of the Navy on June 23, 1938, shall be retired in his present grade by reason of the provisions of subsection (b) of this section or in the next higher grade by reason of the provisions of subsection (f) of this section sooner than he would have been retired by reason of service ineligibility for consideration for selection under the provisions of law in effect on June 23, 1938: *Provided*, That officers promoted by reason of adjudgment as fitted for promotion, but not retained on the active list pursuant to subsection (d) of this section, who are nevertheless continued on the active list, shall, during such continuance on the active list and subject to the provisions of section 295 of this title, be eligible for consideration for selection

for promotion to the next higher grade, as best fitted only, and, subject to the provisions of section 311 of this title, may be promoted consequent to such selection: *Provided further,* That such officers, while being so continued on the active list, who twice fail of such selection shall thereafter be ineligible for consideration for selection: *And provided further,* That officers of the grades of captain and commander, subject to retirement under subsection (b) of this section and retained on the active list under the provisions of this subsection, who have or shall have twice failed of selection as best fitted shall thereafter be ineligible for consideration for selection. (As amended Jan. 20, 1942, ch. 11, 56 Stat. 10.)

* * * * *

AMENDMENTS

1942—Subsec. (j) was substituted for former (j), relating to the same subject, by act Jan 20, 1942, cited to text, which also struck out said former (j)

ADVANCEMENT OF CERTAIN LIEUTLNANTS RETIRED FOR PHYSICAL DISABILITY

Act May 15, 1941, ch. 118, 55 Stat. 190, provided: "That those lieutenants of the line of the United States Navy who served in the Navy or Naval Reserve Force prior to November 12, 1918, and who were, between May 29, 1934, and June 23, 1938, while on a promotion list, placed on the retired list for physical disability, shall be advanced on the retired list to the grade for which they were selected for promotion: *Provided,* That such advancement shall be effective on the date of approval of this Act."

RETIRING BOARD

§ 416. Revision by the President.

CROSS REFERENCES

Boards of review established, see section 6931 of Title 38, Pensions, Bonuses, and Veterans' Relief.

ACTIVE DUTY OF RETIRED OFFICERS

§ 423. Liability to active duty in time of war or national emergency.

CODIFICATION

Section was from act July 1, 1918, cited to text Act June 10, 1922, ch 212, § 17, 42 Stat 632, cited to text, was repealed by act June 16, 1942, ch 413, § 19, 56 Stat. 369, eff June 1, 1942, and should be eliminated from the citation.

§ 423a. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

§ 427. Pay and allowances of retired Navy and Marine Corps officers.

All commissioned officers of the Navy and Marine Corps on the retired list shall, when on active duty, receive full pay and allowances of the rank or grade in which they serve on such active duty: *Provided,* That this Act shall not operate to reduce the pay and allowances of such retired officers while on active duty. (Dec. 15. 1941, ch. 573, 55 Stat. 800.)

RETIREMENT OF ENLISTED MEN AND PETTY OFFICERS

§§ 431, 432.

REPEALS

Act June 16, 1942, ch. 413, § 19, 56 Stat 369, eff June 1, 1942, repealed "those portions of the Act of March 2, 1907 [cited to text] * * * which authorize allowances for enlisted men on the retired list".

§§ 439, 440.

CODIFICATION

Sections have been eliminated from the Code. They were from act May 13, 1926, ch. 289, §§ 2, 3, 44 Stat. 532, respectively

Present provisions on this subject are contained in section 113 of Title 37, Pay and Allowances.

Chapter 8.—DETAIL OF OFFICERS AND ENLISTED MEN

Sec

450b. Detail of enlisted men to Navy Department and Marine Corps and Coast Guard headquarters (New).

450c Employment of enlisted men in certain bachelor officers' quarters and messes (New).

§ 441a. Detail of officers and men to assist foreign governments.

The President of the United States is authorized, upon application from the foreign governments concerned, and whenever in his discretion the public interests render such a course advisable; to detail officers and enlisted men of the United States Army, Navy, and Marine Corps to assist the governments of the Republics of North America, Central America, and South America and of the Republics of Cuba, Haiti, Santo Domingo and the Commonwealth of the Philippine Islands and, during war or a declared national emergency, the governments of such other countries as the President deems it in the interest of national defense to assist, in military and naval matters: *Provided,* That the officers and enlisted men so detailed are authorized to accept from the government to which detailed offices and such compensation and emoluments thereunto appertaining as may be first approved by the Secretary of War or by the Secretary of the Navy, as the case may be: *Provided further,* That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by such governments, the pay and allowances whereto entitled in the United States Army, Navy, and Marine Corps and shall be allowed the same credit for longevity, retirement, and for all other purposes that they would receive if they were serving with the forces of the United States. (As amended Oct. 1, 1942, ch. 571, 56 Stat. 763.)

AMENDMENTS

1942—Act Oct 1, 1942, cited to text, added provisions concerning other countries in time of war or declared national emergency.

§ 448a. Detail of personnel for foreign service of Department of State.

Upon request of the Secretary of State and with the approval of the heads of the departments concerned, personnel of the Army, Navy, Treasury Department, or Federal Works Agency may be assigned for duty as inspectors of buildings owned or occupied by the United States in foreign countries, or as inspectors or supervisors of buildings under construction or repair by or for the United States in foreign countries, under the jurisdiction of the Department of State, or for duty as couriers of the Department of State, and when so assigned they may receive the same traveling expenses as are authorized for officers of the Foreign Service, payable

from the applicable appropriations of the Department of State. (As amended June 28, 1941, ch. 258, title I, 55 Stat. 277; July 2, 1942, ch. 472, title I, 56 Stat. 480; July 1, 1943, ch. 182, title I, § 1, 57 Stat. 282; June 28, 1944, ch. 294, title I, § 1, 58 Stat. 407; May 21, 1945, ch. 129, title I, 59 Stat. 181.)

AMENDMENTS

1944—Act June 28, 1944, cited to text, amended section by substituting "Upon the request * * * of the departments concerned," for "The President, in his discretion, may assign".

1943—Act July 1, 1943, cited to text, substituted "personnel" for "officers"

§ 448b. Detail of enlisted men to Department of State as custodians of foreign buildings.

REPEALED—Act June 28, 1941, ch 258, title I, 55 Stat. 269; act July 2, 1942, ch 472, title I, 56 Stat 472, act July 1, 1943, ch. 182, title I, § 1, 57 Stat 275, act June 28, 1944, ch 294, title I, § 1, 58 Stat. 399, act May 21, 1945, ch. 129, title I, 59 Stat 173

§ 450a. Detail of enlisted men to duty in officers' quarters ashore.

One hundred enlisted men may be detailed to duty in officers' quarters on shore. (As amended Mar. 17, 1941, ch. 16, title II, 55 Stat. 35.)

AMENDMENTS

1941—Act Mar 17, 1941, cited to text, increased number of enlisted men from forty-four to one hundred

CROSS REFERENCES

Coast Guard, detail of personnel to officers' quarters and messes, see section 34a of Title 14, Coast Guard.

§ 450b. Detail of enlisted men to Navy Department and Marine Corps and Coast Guard headquarters.

Such number of enlisted personnel as may be approved by the Secretary may be detailed to duty in the Navy Department at the seat of government and Marine Corps and Coast Guard headquarters, excepting from such number, as far as practicable, enlisted personnel qualified for combat service. (Feb. 7, 1942, ch. 46, title I, § 104, 56 Stat. 76, as amended June 26, 1943, ch. 147, § 104, 57 Stat. 214; June 22, 1944, ch. 269, § 104, 58 Stat. 319; May 29, 1945, ch. 130, § 1, 59 Stat. 219.)

AMENDMENTS

1943—Act June 26, 1943, cited to text, substituted "seat of government", for "District of Columbia", inserted "and Coast Guard", and added exception clause.

§ 450c. Employment of enlisted men in certain bachelor officers' quarters and messes.

Enlisted men may be employed in such bachelor officers' quarters and messes as may be specifically designated by the Secretary of the Navy. (Oct. 26, 1942, ch. 629, title I, § 101, 56 Stat. 991; June 26, 1943, ch. 147, § 1, 57 Stat. 203; June 22, 1944, ch. 269, § 1, 58 Stat. 307; May 29, 1945, ch. 130, § 1, 59 Stat. 207.)

Chapter 9.—VESSELS

CONSTRUCTION AND REPAIR

Sec.
487. Alterations to naval vessels to improve antiaircraft defenses (New).

DISPOSAL OF VESSELS

493b. Use of vessels stricken from register for experimental purposes (New).

COMPOSITION OF NAVY UNDER AND AFTER TREATIES

Sec.
498-3. Same, additional increase of December 23, 1941 (New).
498-4 Same; additional increase of May 13, 1942 (New).
498-5. Same; additional increase of July 9, 1942, optional variation of tonnage (New).
498a-3 Same; increase under section 498-3 (New).
498a-4 Same; increase under section 498-4 (New).
498a-5 Same; increase under section 498-5; class of vessels (New).
498c-4. Same; additional auxiliary vessels for national defense (New).
498c-5 Same; vessels for local defense (New).
498c-6 Same; additional minor combat, auxiliary, and patrol vessels (New).
498c-7 Same; additional patrol, mine and like vessels (New)
498c-8 Same, vessels for coastal defense and similar purposes (New).
498c 9 Same, additional auxiliary vessels for national defense (New).
498c-10. Same; landing and district craft for amphibious operations (New).
498c-11 Same; additional auxiliary vessels for prosecution of war (New)
498c-12 Same, additional auxiliary vessels, landing and district craft (New).
498c-13 Same, additional landing and district craft (New).
498d-2. Approval by Navy Department of design, construction, or conversion of vessels for the Maritime Commission, War Shipping Administration, etc (New).

CONSTRUCTION AND REPAIR

§ 486. Limiting expenditures for repairs or changes to naval vessels.

SUSPENSION OF LIMITATION

Act May 29, 1945, ch 130, § 109, 59 Stat 220, authorized the Secretary of the Navy to exceed the statutory limit on repairs and alterations on vessels during fiscal year 1946 Similar provisions for fiscal year 1945 were carried in act June 22, 1944, c. 269, § 109, 59 Stat 320.

§ 487. Alterations to naval vessels to improve antiaircraft defenses.

For the purpose of improving antiaircraft defenses of combatant and auxiliary vessels of the United States, alterations to such vessels are hereby authorized, and expenditures therefor shall not be limited by the provisions of section 486 of this title, but the total cost of such alterations shall not exceed $300,000,000. (Jan. 29, 1941, ch. 1, 55 Stat. 3.)

DISPOSAL OF VESSELS

CROSS REFERENCES

Lend-lease of certain naval vessels, see notes under section 412 of Title 22, Foreign Relations and Intercourse.

§ 493b. Use of vessels stricken from register for experimental purposes.

The Secretary of the Navy, with the approval of the President is hereby authorized to use for experimental purposes vessels of the United States Navy stricken from the Navy Register pursuant to section 491 of this title: *Provided,* That the Secretary of the Navy shall first determine that the interests of the Government would be best served thereby: *Provided further,* That the Secretary of the Navy shall make an annual report to the Congress of all vessels disposed of under the provisions of this section. (June 24, 1941, ch. 231, 55 Stat. 260.)

COMPOSITION OF NAVY UNDER AND AFTER TREATIES

§ 496a. Same; suspension of profit limiting provisions.

EXTENSION OF ACT

Aircraft procurement program extended during War, see section 769 of Appendix to Title 50, War.

CROSS REFERENCES

Contracts for purchase of aircraft, application of profit-limitation provisions, see note under section 310 of Title 10, Army.

§ 498–3. Same; additional increase of December 23, 1941.

The authorized composition of the United States Navy in under-age vessels, as established by sections 493a, 495a, 498, 498–1, 498–2, 498a, 498a–1, 498a–2, 498c, 498c–2, 498c–3, 498e, 498f, 498f–1, 498f–2, 498g, 498g–1, 498h–498k, 498*l*, 601, 749b, 749c, and 749d of this title, is hereby further increased by 150,000 tons of combatant ships. (Dec. 23, 1941, ch. 619, § 1, 55 Stat. 853.)

APPROPRIATIONS

Section 3 of act Dec 23, 1941, cited to text, authorized appropriation of money to effectuate purpose of this section

§ 498–4. Same; additional increase of May 13, 1942.

The authorized composition of the United States Navy in under-age vessels, as established by sections 494, 495, 496, and 497 of this title, as amended by sections 493a, 495a, 498 to 498–3, 498a, 498a–3, 498c, 498c–2, 498c–3, 498e–498*l*, 601, 749b, 749c, and 749d of this title, is hereby further increased by two hundred thousand tons of combatant ships. (May 13, 1942, ch. 304, § 1, 56 Stat. 277.)

APPROPRIATIONS

Section 3 of act May 13, 1942, cited to text, authorized appropriation of money to effectuate purposes of this section

Act June 23, 1942, ch. 444, § 1, 56 Stat. 389, authorized immediate use of funds appropriated by Naval Appropriation Act of 1943, act Feb 7, 1942, ch 46, title I, 56 Stat 54, under heads "Construction and Machinery" and "Armor, armament, and ammunition", in construction of vessels provided for in this section.

§ 498–5. Same; additional increase of July 9, 1942; optional variation of tonnage.

The authorized composition of the United States Navy in underage vessels, as established by sections 494, 495, 496, and 497 of this title, as amended by sections 493a, 495a, 498 to 498–4, 498a to 498a–4, 498c, 498c–2, 498c–3, 498e–498*l*, 601, and 749b–749d of this title, is hereby further increased by one million nine hundred thousand tons of combatant ships, as follows:

(a) Aircraft carriers, five hundred thousand tons;

(b) Cruisers, five hundred thousand tons; and

(c) Destroyers and destroyer escort vessels, nine hundred thousand tons: *Provided*, That the foregoing increases in tonnages for each of the three classes of aircraft carriers, cruisers, and destroyers and destroyer escort vessels may be varied downward in the amount of 30 per centum of the total increased tonnage authorized herein, and if so varied downward, the tonnage so decreased may be used to increase the tonnage of any other class of vessel authorized above, or to increase the tonnage of submarines heretofore authorized, so long as the sum of the total increases in tonnages of these classes, including submarines as authorized herein, is not exceeded: *Provided further*, That the total authorized tonnage by classes of vessels authorized by sections 494, 495, 496, 497, 498, 498–1, 498a, 498a–1, 498c, 498c–2, 498e–498*l*, 749b and 749c of this title, may be varied upward or downward in the amount of 30 per centum so long as the sum of the total increases in tonnage of these classes so authorized is not exceeded. (July 9, 1942, ch. 503, § 1, 56 Stat. 655.)

APPROPRIATIONS

Section 6 of act July 9, 1942, cited to text, authorized appropriation of money to effectuate purpose of this section.

§ 498a–3. Same; increase under section 498–3.

The President of the United States is hereby authorized to provide the total under-age composition authorized in section 498–3 of this title, including replacements thereof as authorized by sections 494, 495, 496, 497 of this title, by undertaking the construction of combatant ships of such types and tonnages as he determines to be necessary for the successful prosecution of the war. (Dec. 23, 1941, ch. 619, § 2, 55 Stat. 853.)

APPROPRIATIONS

Section 3 of act Dec 23, 1941, cited to text, authorized appropriation of money to effectuate purpose of this section.

§ 498a–4. Same; increase under section 498–4.

The President of the United States is hereby authorized to provide the total under-age composition authorized in section 498–4 of this title, including replacements thereof as authorized by sections 494, 495, 496, and 497 of this title, by undertaking the construction of combatant ships of such types and tonnages as he determines to be necessary for the successful prosecution of the war. (May 13, 1942, ch. 304, § 2, 56 Stat. 277.)

APPROPRIATIONS

Section 3 of act May 13, 1942, cited to text, authorized appropriation of money to effectuate purposes of this section

§ 498a–5. Same; increase under section 498–5; class of vessels.

The President of the United States is hereby authorized to construct such vessels as may be necessary to provide the total underage composition authorized in section 498–5 of this title and to maintain such total increased authorized composition by constructing replacement vessels for such vessels as may be overage as defined in section 498g–1 of this title, or as may have been or may be lost: *Provided*, That notwithstanding the provisions of any other law, parts of laws, or other provisions of sections 498–5, 498c–3, 498c–7, and 498c–8 of this title, the replacement vessels herein authorized are not required to be of the same class as the vessels which have become overage or been lost, so long as they are either battleships, cruisers, aircraft carriers, destroyers or destroyer escort vessels, or submarines, and so long as the total authorized composi-

tion of the United States Navy in underage vessels, as herein or hereafter increased, is not exceeded. (July 9, 1942, ch. 503, § 2, 56 Stat. 656.)

APPROPRIATIONS

Section 6 of act July 9, 1942, cited to text, authorized appropriation of money to effectuate purpose of this section.

§ 498c-1. Same; urgently necessary vessels.

For the purpose of furnishing or replacing auxiliary vessels urgently necessary for the proper maintenance and operation of the Navy, the President of the United States is hereby authorized to acquire and convert or to undertake the construction of about thirty-six thousand and fifty tons (light displacement tonnage) of such auxiliary vessels as follows, at a total cost for all vessels of not more than $60,000,000;

(a) One seaplane tender of about eight thousand three hundred tons;

(b) One destroyer tender of about nine thousand tons;

(c) One mine sweeper of about six hundred tons;

(d) One submarine tender of about nine thousand tons;

(e) One fleet tug of about one thousand one hundred and fifty tons; and

(f) One oil tanker of about eight thousand tons. (July 30, 1937, ch. 537, § 1, 50 Stat. 544, as amended Apr. 26, 1939, ch. 89, § 1, 53 Stat. 618; Dec. 17, 1942, ch. 739, § 2, 56 Stat. 1053.)

AMENDMENTS

1942—Act Dec. 17, 1942, cited to text, substituted "$60,000,000" for "$50,000,000".

EFFECTIVE DATE

Section 4 of act Dec. 17, 1942, cited to text, provided as follows: "This Act shall be effective from June 30, 1942, and shall remain in force until the termination of the present war or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate."

CROSS REFERENCES

Increase of limit of cost, see section 1158 of Appendix to Title 50, War.

§ 498c-3. Same; patrol, escort, and miscellaneous craft and additional auxiliary vessels for national defense.

The President of the United States is hereby further authorized to acquire and convert or to undertake the construction of—

(a) Patrol, escort, and miscellaneous craft to a total number not to exceed seventy-two; and

(b) One hundred thousand tons of auxiliary vessels of such size, type, and design as he may consider best suited for the purposes of national defense, amended July 9, 1942, ch. 503, § 5 (a), 56 Stat. 656.)

AMENDMENTS

1942—Subsec (a) was amended by act July 9, 1942, cited to text, which struck out the words "at a total cost not to exceed $50,000,000" and inserted in lieu thereof "to a total number not to exceed seventy-two"

ADDITIONAL SMALL CRAFT

Act Jan. 31, 1941, ch 4, § 2, 55 Stat 5, as amended by subsec (b) of section 5 of act July 9, 1942, cited to text, authorized the Secretary of Navy to construct not to exceed 400 small craft for patrol, local defense, escort, salvage, and towing services in addition to all such craft previously authorized and appropriated for

§ 498c-4. Same; additional auxiliary vessels for national defense.

The President of the United States is hereby authorized to acquire or convert or to undertake the construction of one million three hundred and fifty thousand tons of auxiliary vessels of such size, type, and design as he may consider best suited for the purposes of national defense, such vessels to be in addition to those heretofore authorized. (May 24, 1941, ch. 131, § 1, 55 Stat. 197, as amended Dec. 17, 1941, ch. 591, title II, § 201, 55 Stat. 816.)

AMENDMENTS

1941—Act Dec 17, 1941, cited to text, substituted "one million three hundred and fifty thousand tons" for "five hundred and fifty thousand tons".

APPROPRIATIONS

Section 2 of act May 24, 1941, cited to text provided "SEC 2 There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act."

§ 498c-5. Same; vessels for local defense.

The Secretary of the Navy, with the approval of the President, is hereby authorized to undertake the construction of or to acquire and convert not to exceed eight hundred miscellaneous light-draft vessels and small craft of such sizes, types, and designs, suitable for local defense use as patrol vessels, minesweepers, and the like, as he may consider best suited for the purposes of national defense, such vessels to be in addition to those heretofore authorized. (Nov. 21, 1941, ch. 502, § 1, 55 Stat. 782, as amended Dec. 17, 1941, ch. 591, title II, § 201, 55 Stat. 816.)

AMENDMENTS

1941—Act Dec. 17, 1941, cited to text, substituted "eight hundred" for "four hundred"

APPROPRIATIONS

Section 2 of act Nov. 21, 1941, as amended by act Dec. 17, 1941, both cited to text, provided as follows. "SEC 2 There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act."

Section 201 of act Dec 17, 1941, cited to text, made available appropriations to cover authorized increase in number of small vessels constructed, acquired, etc., under this section

§ 498c-6. Same; additional minor combat, auxiliary, and patrol vessels.

The Secretary of the Navy is hereby authorized to undertake the construction of one thousand seven hundred and ninety-nine minor combatant, auxiliary, and patrol vessels of various types, in addition to those heretofore authorized, for the United States Navy or for disposal in accordance with existing law. (Feb. 6, 1942, ch. 45, § 1, 56 Stat. 53.)

CONSTRUCTION FACILITIES, APPROPRIATIONS; REPORTS

Sections 2-4 of act Feb. 6, 1942, cited to text, provided as follows:

"SEC 2. The Secretary of the Navy is hereby authorized to provide, at a cost not exceeding $750,000,000, essential equipment, facilities, and land at either private or public establishments, within the territorial limits of the United

States, its Territories and possessions, for the construction of ships or portions thereof, and the production of ordnance material for the ships herein authorized

"SEC. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act.

"SEC. 4. The Secretary of the Navy from time to time, but not less frequently than once every six months, shall transmit to the Congress a full report of all acquisitions of land effected under the authority of this or any subsequent Act"

§ 498c–7. Same; additional patrol, mine and like vessels.

The Secretary of the Navy, with the approval of the President, is hereby authorized to undertake the construction of not to exceed eight hundred small vessels suitable for use as patrol vessels, mine vessels and the like, as he may consider best suited for the successful prosecution of the war, such vessels to be in addition to those heretofore authorized. (July 9, 1942, ch 503, § 3, 56 Stat. 656)

APPROPRIATIONS

Section 6 of act July 9, 1942, cited to text, authorized appropriation of money to effectuate purpose of this section

§ 498c–8. Same; vessels for coastal defense and similar purposes.

The Secretary of the Navy is hereby authorized to acquire and convert not to exceed two hundred small vessels for coastal defense, patrol, mine sweeping, and similar purposes as he may consider necessary for the successful prosecution of the war, such vessels to be in addition to those heretofore authorized. (July 9, 1942, ch. 503, § 4, 56 Stat 656.)

APPROPRIATIONS

Section 6 of act July 9, 1942, cited to text, authorized appropriation of money to effectuate purpose of this section

§ 498c–9. Same; additional auxiliary vessels for national defense.

The President of the United States is hereby authorized to acquire and convert or to undertake the construction of one million two hundred thousand tons of auxiliary vessels of such size, type, and design as he may consider best suited for the purposes of national defense, such vessels to be in addition to those heretofore authorized. (July 9, 1942, ch. 502, § 1, 56 Stat. 655.)

APPROPRIATIONS

Section 2 of act July 9, 1942, cited to text, authorized appropriation of money to effectuate the purpose of this section

§ 498c–10. Same; landing and district craft for amphibious operations.

The Secretary of the Navy is hereby authorized to acquire and convert or to undertake the construction of one million tons of landing craft and district craft of such size, type, and design as he may consider necessary and best suited for the conduct of amphibious operations, for service to the fleet and shore-based forces, and for naval districts, stations, bases, and operating areas at home and abroad, such craft to be in addition to all auxiliary vessels or craft heretofore authorized. (May 26, 1943, ch. 105, § 1, 57 Stat. 92)

APPROPRIATION

Section 2 of act May 26, 1943, cited to text, authorized appropriation of money to effectuate the purposes of this section.

§ 498c–11. Same; additional auxiliary vessels for prosecution of war.

The President of the United States is hereby authorized to acquire and convert or to undertake the construction of one million tons of auxiliary vessels of such size, type, and design as he may consider best suited for the purposes of the prosecution of the war, such vessels to be in addition to those heretofore authorized. (June 17, 1943, ch. 128, § 1, 57 Stat. 156.)

APPROPRIATION

Section 3 of act June 17, 1943, cited to text, authorized appropriation of money to effectuate purpose of this section

§ 498c–12. Same; additional auxiliary vessels, landing and district craft.

The Secretary of the Navy is hereby authorized to acquire and convert or to undertake the construction of two million five hundred thousand tons, or such portion thereof as may be directed by the President of auxiliary vessels and one million tons of landing craft and district craft, such auxiliary vessels, landing craft and district craft to be of such size, type, and design as the Secretary may consider best suited for the prosecution of the war, such vessels to be in addition to those heretofore authorized. (Dec. 17, 1943, ch. 349, § 1, 57 Stat. 604.)

APPROPRIATION

Section 2 of act Dec 17, 1943, cited to text, authorized appropriation of money to effectuate the purposes of this section.

§ 498c–13. Same; additional landing and district craft.

The Secretary of the Navy is hereby authorized to undertake the acquisition and conversion or construction of one million tons of landing craft and district craft, or such portion thereof, as may be directed by the President, such landing craft and district craft to be of such size type, and design as he may consider best suited for the prosecution of the war, such craft to be in addition to those heretofore authorized. (May 31, 1944, ch. 218, § 1, 58 Stat. 265.)

APPROPRIATION

Section 2 of act May 31, 1944, cited to text, authorized appropriation of money to effectuate the purpose of this section.

§ 498d–2. Approval by Navy Department of design, construction, or conversion of vessels for the Maritime Commission, War Shipping Administration, etc.

Notwithstanding the provisions of any other law any vessel intended for operation by the United States Navy, the construction or acquisition and conversion of which was heretofore or is hereafter authorized for the Maritime Commission, the War Shipping Administration, or any other agency of the Government, shall be subject to the approval of the Navy Department in all matters of design and construction or conversion, and the control, custody, and sole right to possession of such vessel shall be transferred to the Navy Department upon the com-

pletion of such construction or conversion: *Provided*, That the authority contained in this section shall be limited to the tonnage authorization contained in section 498c–11 of this title and to similar authorizations heretofore or hereafter enacted. (June 17, 1943, ch. 128, § 2, 57 Stat. 156.)

Chapter 10.—NAVY YARDS AND NAVAL STATIONS

CROSS REFERENCES

Prostitution near naval establishments unlawful, see section 518a of Title 18, Criminal Code and Criminal Procedure

Chapter 11.—NAVAL PROPERTY, STORES, SUPPLIES, AND CONTRACTS

GENERAL PROVISIONS AS TO ACQUISITION, USE, AND DISPOSITION

Sec
532a. Exchange of certain equipment in part payment of new equipment of similar character (New)
554 Sale of materials, supplies, and equipment to the Commonwealth of the Philippine Islands (New).
555. Same; contract clause against disposal of materials, etc (New).

CONTRACTS GENERALLY

557 Relief of contractors and employees from losses by enemy action (New).
558. Exclusion of equipment and work outside quarters from cost limits on construction of quarters (New)

GENERAL PROVISIONS AS TO ACQUISITION, USE, AND DISPOSITION

§ 520. Prerequisites to expenditure of public money on site purchased for navy yard or buildings; acquisition by United States of jurisdiction over lands.

CROSS REFERENCES

Acquisition of land and interests therein without compliance with this section, see sections 767 and 771 of Appendix to Title 50, War.

Exception in case of strategic network of highways, see section 114 of Title 23, Highways

§ 521. Naval petroleum reserves; exploration of reserves; conditions for oil production and disposal; condemnation; cooperation between Congress and Navy Department; leases; royalties.

The Secretary of the Navy is directed to take possession of all properties within the naval petroleum reserves as are or may become subject to the control and use by the United States for naval purposes; to explore, prospect, conserve, develop, use, and operate the same in his discretion, subject to approval by the President, directly or by contract, lease, or otherwise, including, in the case of naval petroleum reserve numbered 1, contracts for joint, unit, or other cooperative plans of exploration, prospecting, conservation, development, use, and operation of lands owned or controlled by the United States within such reserve numbered 1 and lands (a) owned or leased by private interests therein, or (b) outside thereof but on the same geologic structure, such use and operation to be for the protection, conservation, maintenance, and testing of the aforesaid reserves, or for the production of petroleum whenever and to the extent the Secretary, with the approval of the President, finds required for the national defense: *Provided, however*, That no petroleum shall be produced pursuant to such a finding unless authorized by the Congress by joint resolution: *And provided further*, That the Secretary shall from time to time reexamine the need for such production so authorized and if he shall find that the quantity of such production so authorized is no longer required for the national defense then the quantity of such production shall be reduced to the amount currently required for the national defense; and to use, store, exchange for other petroleum or refined products, or sell the oil and gas products thereof, and those from all royalty oil and gas from lands in the naval reserves, for the benefit of the United States, subject to the applicable limitations and restrictions of this section; and to exercise exclusive jurisdiction and control over those lands within the borders of naval petroleum reserves numbered 1 and 2 which are embraced by leases granted pursuant to the provisions of sections 48, 181, 181 note, 182–184, 185–194, 201, 202–209, 223, 224–226, 227–229, 241, 251, 261–263 of this title.

Any contract entered into pursuant to the authority granted in the preceding paragraph for joint, unit, or other cooperative plan of exploration, prospecting, conservation, development, use, or operation shall require that the United States be assured of receipt currently of its share of the total production from each of the various commercially productive zones underlying all lands covered by the contract as determined from time to time on the basis of estimates of its original share of the quantities of recoverable oil, gas, natural gasoline and associated hydrocarbons in such zones underlying such lands on the date fixed in such contract: *Provided, however*, That any party to such a contract, other than the United States may, pursuant to the authority hereinabove granted to use and operate the reserves for their protection, conservation, maintenance and testing, be permitted under the terms of such contract to have produced and to receive and shall have charged to its share in the total production from any zone or zones such quantities of petroleum as are necessary to compensate it—

(a) for its share of the current expenses of protecting, conserving, testing and maintaining in good oil-field condition such lands and the wells and improvements thereon, and its real and personal taxes levied or assessed thereon; and

(b) for surrendering control of the rate of production from its lands: *Provided*, That if the Secretary of the Navy is not then causing petroleum to be produced pursuant to a joint resolution as referred to in the preceding paragraph, the quantity of petroleum determined to be produced under this subparagraph (b) may, in the absolute discretion of the Secretary, be terminated or reduced at any time on reasonable notice.

Such quantities permitted to be produced pursuant to the foregoing subparagraphs (a) and (b) shall in no event, however, exceed one-third of its share of the estimated recoverable petroleum on such date fixed in such contract in such zone or zones; and no such contract shall be entered into without prior

consultation in regard to all its details with the Naval Affairs Committees of the Congress.

All expenses incurred by the Secretary in exploring, prospecting, conserving, developing, using, and operating lands owned or controlled by the United States in the naval petroleum reserves, and in producing petroleum, and the share of the United States of expenses incurred under any contract entered into pursuant to this section, shall be paid from appropriations made available for such purposes by the Congress. All sales of petroleum, gas, and other hydrocarbons from the naval reserves by the Secretary of the Navy shall be at public sale to the highest qualified bidder at such times, in such amounts, and after such advertisements as the Secretary deems proper.

In order to consolidate and protect the oil lands owned by the Government the Secretary of the Navy is authorized to contract with owners and lessees of land within or adjoining such reserves for conservation in the ground of oil and gas and for compensation for estimated drainage in lieu of drilling or operating offset wells, and to exchange Government land in naval petroleum reserve numbered 1, the right to royalty production from any of the naval petroleum reserves, and the right to any moneys due to the Government as a result of the wrongful extraction of petroleum products from lands within naval petroleum reserve numbered 1, for privately owned land or leases within naval petroleum reserve numbered 1: *Provided*, That no lease of any portion of the naval petroleum reserves, no contract to alienate the use, control, or possession thereof from the United States, no contract to sell the oil and gas products thereof, other than royalty oil and gas products, no contract for conservation or for compensation for estimated drainage, and no exchange of any land, any right to royalty production or any right to any moneys as hereinabove authorized shall become effective nor shall any condemnation proceedings be instituted until after consultation in regard to all its details with the Naval Affairs Committees of the Congress and after approval by the President: *Provided further*, That the Secretary of the Navy shall report annually to the Congress all agreements entered into under the authority herein granted.

In the event of the inability of the Secretary of the Navy to make arrangements he finds satisfactory for exchanges of land or agreements for conservation as authorized under the preceding paragraph of this section, or for contracts for joint, unit, or other cooperative plans with respect to lands or leases as authorized under the first paragraph of this section, he is hereby authorized, with the approval of the President, to acquire such privately owned lands or leases (a) within the reserves or outside thereof but on the same geologic structure, by purchase, and (b) within naval petroleum reserve numbered 1 by condemnation, and (c) outside naval petroleum reserve numbered 1 but on the same geologic structure: *Provided*, That substantial drainage exists, by condemnation. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. Such sums shall be expended under the direction of the President, who shall submit to the Congress estimates therefor in the manner prescribed by law: *Provided*, That the Secretary of the Navy shall report annually to the Congress all purchase and condemnation proceedings entered into under the authority herein granted and shall, within thirty days after the close of each calendar quarter, report to the Naval Affairs Committees of the Congress the total production from the reserves during the preceding quarter.

Leases of lands of the United States within the naval petroleum reserves, in existence prior to July 1, 1936, excepting those leases which have become a part of an approved unit or cooperative plan and agreement, shall terminate at the expiration of their initial twenty-year periods, and the lands covered by such terminated leases may be re-leased upon such reasonable terms and conditions as the Secretary of the Navy may prescribe, with the preferential right in the former lessees to leases of the same if and when the lands are re-leased: *Provided*, That every unit or cooperative plan of development and operation entered into after July 1, 1937, other than such plans as are specifically authorized in the first paragraph of this section, and every lease entered into subsequent to July 1, 1937, with respect to lands owned by the United States within the naval petroleum reserves, shall contain a provision whereby authority limited as provided in such plan or lease is vested in the Secretary of the Navy, subject to approval by the President, to alter or modify from time to time in his discretion the rate of prospecting and development on, and the quantity and rate of production from, such lands of the United States under said plan or lease, any law to the contrary notwithstanding

Any lease outstanding on November 13, 1942, which was issued pursuant to section 181 of Title 30, or any amendment thereof, embracing lands which were added to Naval Petroleum Reserve Numbered 1 by Executive Order Numbered 9257, dated October 15, 1942 (corrected by Executive Order Numbered 9270, dated November 13, 1942), shall terminate as to any such lands at the expiration of its current term, including any extension heretofore accrued or which may accrue pursuant to section 209 of Title 30. (As amended June 17, 1944, ch. 262, § 1 (a), 58 Stat. 280, July 6, 1945, ch. 282, 59 Stat. 465.)

* * * * *

REFERENCES IN TEXT

Executive Order Numbered 9257, dated October 15, 1942 (corrected by Executive Order Numbered 9270, dated November 13, 1942), referred to in text are set out in 7 F. R. 8411 and 7 F R. 9409, respectively.

AMENDMENTS

1945—Act July 6, 1944, cited to text, inserted 7th par. beginning "Any lease outstanding * * *".

1944—Act June 17, 1944, § 1 (a), cited to text, amended the first four pars of section generally in order to clarify the Navy's power with respect to the exploration of the reserves, to define precisely the conditions under which oil may be produced and disposal thereof, to create explicit authority in the Navy to enter into contracts for the development and operation of reserve No. 1, to enlarge the Navy's power of condemnation for the protec-

tion of reserve No. 1, and to ensure the closest cooperation between Congress and the Navy Department in the administration of the reserves.

RIGHTS OF UNITED STATES, REPEALS, PRESIDENTIAL POWERS

Sections 2 and 3 of act June 30, 1938, as amended by section 1 (b) of act June 17, 1944, both cited to text, provided:

"SEC 2. Nothing herein contained shall be construed as validating, acquiescing in, or giving color to any claim of any person, natural, governmental, or corporate, other than the United States, to any right, title, or interest in any lands or interests therein claimed, or which may be claimed, by the United States, or as preventing or interfering with the accrual of any right to damages or cause of action in favor of the United States against any person whomsoever.

"Sec 3 All Acts or parts thereof in conflict with the provisions of this Act [this section] are hereby repealed: *Provided, however*, That nothing herein contained shall be construed as limiting the powers of the President or the Secretary of the Navy under Title II of the Act of March 27, 1942, known as 'The Second War Powers Act, 1942' [section 632 of Appendix to Title 50] "

DEVELOPMENT AND OPERATION OF NAVAL PETROLEUM RESERVE NO 1

Act, July 6, 1945, ch. 284, 59 Stat 465, provided: "That the production of petroleum (including crude oil and associated gas and other hydrocarbons) from Naval Petroleum Reserve Numbered 1 is hereby authorized at a rate not in excess of sixty-five thousand barrels of crude oil produced and saved per day, averaged over each calendar month beginning with and including the month in which this joint resolution shall be approved by the President, such production (to the extent in excess of that otherwise authorized by the Act above cited [this section]) not to extend beyond December 31, 1946; and that the joint resolution approved June 17, 1944 [c 263] (Public Law 344, Seventy-eighth Congress, second session, 58 Stat 283), is hereby repealed: *Provided*, That such repeal shall not operate to affect existing contracts relating to the production of petroleum nor the availability of funds from the appropriation 'Naval emergency fund' for carrying out such contracts."

§ 528a. Cost of transporting material purchased free on board, etc.; fund chargeable; addition to cost of materials.

Hereafter the naval stock fund shall be charged with the cost of transporting material purchased free on board cars or on wharf or free alongside vessels at points specified in contract to activities to which initial delivery is to be made only when the contract on which the material is being procured is drawn under that fund so that the issue price of the material may include the transportation costs on materials so procured, and similar transportation costs on materials procured under other contracts shall be charged to the appropriation under which each contract is drawn or to the corresponding current appropriation as may be available, or the Secretary of the Navy may direct any transportation costs to be charged directly to the proper appropriation which would otherwise be ultimately chargeable. (July 3, 1942, ch. 484, 56 Stat. 646.)

PRIOR LAW

Provisions on this subject were contained in act May 21, 1928, ch 656, 45 Stat. 633, which provided that the transportation costs should be charged to the naval supply account fund (redesignated naval stock fund by act July 3, 1942, cited to text), and that such transportation costs should be added to the cost of material.

§ 532a. Exchange of certain equipment in part payment of new equipment of similar character.

The Secretary of the Navy, insofar as Navy property is concerned, and the Secretary of the Treasury, insofar as Coast Guard property is concerned, are respectively authorized to exchange motor-propelled vehicles, airplanes, engines, and parts thereof, and obsolete, unsuitable, and unserviceable machines and tools, and parts thereof, in part payment for new equipment of the same or similar character as those proposed to be exchanged. (June 6, 1941, ch. 177, 55 Stat. 247.)

CROSS REFERENCES

Section is also set out as section 31b of Title 14, Coast Guard.

§ 533. Procurement and sale of stores to officers and men and to civilian employees.

Such stores as the Secretary of the Navy may designate may be procured and sold to officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and to the widows of such officers and enlisted men. Such designated stores may also be procured and sold to civilian officers and employees of the United States, and to such other persons as may be specifically authorized by the Secretary of the Navy—

(1) At naval stations and post exchanges beyond the continental United States or in Alaska; and

(2) At naval stations and post exchanges within the continental United States, in time of war and not exceeding six months thereafter, when the Secretary of the Navy finds that it is impracticable for the said civilian officers and employees and other persons to procure such stores from private agencies without impairing the efficient operation of the stations. The Secretary of the Navy may prescribe regulations governing sales under this section. (As amended Jan. 23, 1942, ch. 15, 56 Stat. 13; Apr. 9, 1943, ch. 39, 57 Stat. 60.)

AMENDMENTS

1943—Act April 9, 1943, cited to text, amended section generally and inserted additional provisions by paragraph (2).

1942—Act Jan 23, 1942, cited to text, inserted "and to such other persons as may be specifically authorized by the Secretary of the Navy."

§ 542. Profit on sales of stores.

A profit not to exceed 15 per centum may be charged on sales from ships' stores, such profit to be expended in the discretion of the Secretary of the Navy, under such regulations as he may prescribe, for the amusement, comfort, and contentment of the enlisted force, except that the Secretary of the Navy shall cause an equitable use of such profits to be made for the welfare of officer and enlisted personnel attached to ships of the Navy and to activities outside the continental United States but not including permanent shore establishments as defined by the Secretary of the Navy, and such profit to be accounted for to the Bureau of Supplies and Accounts, Navy Department. (As amended July 1, 1944, ch. 359, 58 Stat. 671.)

AMENDMENTS

1944—Act July 1, 1944, cited to text, amended section by inserting "except that the Secretary * * * and such profit".

§ 549. Issue of articles required for instruction and practice by organizations formed by Red Cross.

CROSS REFERENCES

Provisions similar to those contained in this section are set out in section 1255 of Title 10, Army.

§ 554. Sale of materials, supplies, and equipment to the Commonwealth of the Philippine Islands.

The Secretary of the Navy is authorized, in his discretion, to sell to the Commonwealth of the Philippine Islands such materials, supplies, and equipment and to repair or assist with the design of vessels, armament, or equipment for said Commonwealth as the Naval Establishment may be in a position to do at prices to be specified by said Secretary, the prices of the work performed, and of new materials, supplies, and equipment, to be not less than the cost to the Government: *Provided,* That the amounts received in payment for work performed, or for new materials, supplies, or equipment sold, shall be credited to appropriations or funds as may be authorized by other law, or if not so authorized, so as to be available to replace the materials, supplies, or equipment, unless the said Secretary determines that such replacement is not necessary, in which case the amounts shall be covered into the Treasury as miscellaneous receipts: *Provided further,* That the amounts received in payment for obsolete or surplus materials, supplies, or equipment sold, less the costs to the Government occasioned by such sales, shall be covered into the Treasury as miscellaneous receipts. (June 6, 1941, ch. 176, § 1, 55 Stat. 246.)

TERMINATION OF AUTHORITY

Section 3 of act June 6, 1941, cited to text, provided that authority granted under sections 554 and 555 of this title should terminate upon the final granting of independence to the Commonwealth of the Philippine Islands

§ 555. Same; contract clause against disposal of materials, etc.

All contracts or agreements made by the Secretary of the Navy for the sale of the materials, supplies, or equipment authorized by section 554 and this section shall contain a clause by which the Commonwealth of the Philippine Islands undertakes not to dispose of such materials, supplies, or equipment, or of any plans, specifications, or information pertaining thereto, by gift, sale, or any mode of transfer in such manner that they become a part of the armament of, or available to, any state other than the said Commonwealth. (June 6, 1941, ch. 176, § 2, 55 Stat. 246.)

TERMINATION OF AUTHORITY

Section 3 of act June 6, 1941, cited to text, provided that authority granted under sections 554 and 555 of this title should terminate upon the final granting of independence to the Commonwealth of the Philippine Islands.

CONTRACTS GENERALLY

§ 557. Relief of contractors and employees from losses by enemy action.

The Secretary of the Navy is authorized to utilize funds heretofore or hereafter appropriated for the construction of naval public works for the temporary relief of contractors and their employees for losses incurred as a direct result of enemy action. (Feb. 6, 1942, ch. 43, § 3, 56 Stat. 51.)

§ 558. Exclusion of equipment and work outside quarters from cost limits on construction of quarters.

Limitations heretofore or hereafter placed upon the cost of construction of quarters for commissioned officers, commissioned warrant or warrant officers, and enlisted men of the Army and Navy shall not be construed to prohibit or exclude additional expenditures for equipment and work outside of such quarters, including, but not limited to, providing for the furnishing of electricity, gas, water, sewage disposal, and for roads, walks, grading, and drainage. (Oct. 6, 1942, ch. 580, 56 Stat. 769.)

CODIFICATION

Provisions similar to those contained in this section also constitute section 1337a of Title 10, Army.

CONTRACTS FOR NAVAL SUPPLIES

§ 568. Emergency purchases abroad.

EXTENSION OF EFFECTIVE DATE

Provisions of this section were extended for the duration of the war to the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation by Ex Ord No 9177, set out under section 601 of Appendix to Title 50, War.

§ 580a. Fuel for Navy as chargeable against specific appropriation.

Fuel acquired other than by purchase shall not be issued without charging the applicable appropriation with the cost of such fuel at the rate current at the time of issue for fuel purchased: *Provided,* That the President may direct the use, wholly or in part, of fuel on hand, however acquired, to be charged at the last issue rate for fuel acquired by purchase, when, in his judgment, prices quoted for supplying fuel are excessive. (June 11, 1940, ch. 313, title I, 54 Stat. 278; May 6, 1941, ch. 86, 55 Stat. 162; Feb. 7, 1942, ch. 46, title I, 56 Stat. 65.)

Chapter 12.—MISCELLANEOUS PROVISIONS RELATING TO THE NAVY

Sec

600a. Compromise or settlement of claims for damages cognizable in admiralty to United States property; conclusiveness of determination, disposition of payments; execution of releases, limitation on amount (New).
600b. Reports to Congress; contents; disclosures during war (New).
600c Applicability to pending suits (New).
602 Transportation costs of certain civilian employees of Navy (New).

§ 599. Claims for damages occasioned by vessels.

CROSS REFERENCES

Claims for damage to property under jurisdiction of Navy Department, see sections 600a–600c of this title.

§ 600. Claims for damages not occasioned by vessels.

CROSS REFERENCES

Claims for damage to property under jurisdiction of Navy Department, see sections 600a–600c of this title.

Settlement of claims arising from actions of United States armed forces in foreign countries, see section 224d of Title 31, Money and Finance, and note thereunder.

§ 600a. Compromise or settlement of claims for damages cognizable in admiralty to United States property; conclusiveness of determination; disposition of payments; execution of releases; limitation on amount.

The Secretary of the Navy is authorized to consider, ascertain, adjust, determine, compromise, or settle claims for damage cognizable in admiralty in a district court of the United States and all claims for damage caused by a vessel or floating object, to property of the United States under the jurisdiction of the Navy Department or property for which the Navy Department may have assumed, by contract or otherwise, any obligation to respond for damage thereto. The Secretary of the Navy is further authorized to receive in payment of any such claim the amount due the United States pursuant to determination, compromise, or settlement as authorized in this section and, upon acceptance of such payment but not until then, such determination, settlement, or compromise of such claim shall be final and conclusive for all purposes, any law to the contrary notwithstanding. All such payments shall be covered into the Treasury of the United States as miscellaneous receipts. The Secretary of the Navy is further authorized to execute on behalf of the United States and to deliver in exchange for such payment a full release of such claim: *Provided*, That this section, as respects the determination, compromise, settlement, and payment of claims, shall be supplementary to, and not in lieu of, all other provisions of law authorizing the determination, compromise, or settlement of claims for damage to property described in this section: *Provided further*, That no settlement or compromise where there is involved a payment in the net amount of over $1,000,000 shall be authorized by this section. (Dec. 5, 1945, ch. 555, § 1, 59 Stat. 596.)

CROSS REFERENCES

Claims for damages not occasioned by vessels, see section 600 of this title

Claims for damages occasioned by vessels, see section 599 of this title.

§ 600b. Reports to Congress; contents; disclosures during war.

Within twenty days after receipt of a payment in a net amount exceeding $3,000 due the United States pursuant to determination, compromise, or settlement of any claim under section 600a of this title, the Secretary of the Navy shall file reports with the Committees on Naval Affairs of the Senate and House of Representatives, setting forth the nature of the claim; the vessel or vessels involved; the amount received; the basis of determination, compromise, or settlement; and other pertinent facts: *Provided*, That during any war the reports required under this section may omit any fact or facts, disclosure of which, in the opinion of the Secretary, would be prejudicial to the national security. (Dec. 5, 1945, ch. 555, § 2, 59 Stat. 596.)

§ 600c. Applicability to pending suits.

Sections 600a and 600b of this title shall not apply to any claim for which a suit filed by or against the United States is pending. (Dec. 5, 1945, ch. 555, § 3, 59 Stat. 596.)

§ 602. Transportation costs of certain civilian employees of Navy.

The Secretary of the Navy is hereby authorized to pay the costs of transportation of civilian employees to places of duty in the Naval Establishment outside the continental United States, or in Alaska, and return, upon relief therefrom, to the places at which they were engaged or from which they were transferred for such duty: *Provided*, That nothing herein shall be construed as authorizing the Secretary of the Navy to transfer such employees from one station to another without their consent. (Apr. 9, 1943, ch. 40, § 1, 57 Stat. 61.)

TERMINATION OF SECTION

Section 2 of act Apr. 9, 1943, cited to text, provided. "The provisions of this Act shall remain in force during the present war and until six months thereafter, or until such earlier time as the President by proclamation or the Congress by concurrent resolution may designate."

Chapter 13.—THE MARINE CORPS

ORGANIZATION GENERALLY

Sec.
623a Detail of line officer as assistant to Commandant, performance of Commandant's duties during absence, etc (New)
625b Titles of heads of Paymaster's and Quartermaster's Departments (New).
632b. Transfer of Adjutant and Inspector's Department to Director of Personnel, Director to be line officer (New).
632c Reorganization in functions and duties of Marine Corps departments by the Commandant (New).
643 Commissioned warrant officer and warrant officer grades established; certain grades abolished (New).
644 Same; issuance of new commissions or warrants (New)
645. Same, status, rank, rights, pay, allowances, etc., of officers unchanged (New)

PROMOTIONS AND ADVANCEMENTS

662c Same, composition of boards to recommend brigadier generals of the line for promotion to major general (New).

RETIREMENT

685b Staff department heads, retirement pay (New)

ENLISTED FORCE

692a. Shipping articles to contain substance of section 692 (New).

ORGANIZATION GENERALLY

CROSS REFERENCES

Mustering-out pay, see sections 691–691g of title 38, Pensions, Bonuses, and Veterans' Relief

§ 621. Commandant of the Marine Corps; appointment and tenure.

When a vacancy shall exist in the position of Commandant of the Marine Corps the President may appoint to such position, by and with the advice and consent of the Senate, an officer of the Marine Corps on the active list, not below the rank of colonel, who shall hold office as such Commandant for a term of four years, unless sooner relieved. (As amended Jan. 20, 1942, ch. 10, § 1, 56 Stat. 10.)

AMENDMENTS

1942—Act Jan. 20, 1942, cited to text and constituting section 622 of this title, redesignated "Major General Commandant of the Marine Corps" to be "Commandant of the Marine Corps".

§ 622. Same; former Major General Commandant redesignated; rank and pay.

Hereafter the office of "Major General Commandant of the Marine Corps" shall be known as "Commandant of the Marine Corps". The officer occupying that office shall be known by that title and shall, while so serving, have corresponding rank and shall receive the same pay and allowances as are now or may hereafter be prescribed by or in pursuance of law for Lieutenant General in the Army. (As amended Jan. 20, 1942, ch. 10, § 1, 56 Stat. 10.)

AMENDMENT OF INCONSISTENT LAWS

Section 2 of act Jan. 20, 1942, cited to text, section 1 of which enacted the text constituting this section, provided as follows: "All laws or parts of laws inconsistent with the provisions of this Act are hereby amended accordingly."

§ 623. Same; Commandant as additional number.

An officer serving as Commandant shall be carried as an additional number in his grade while so serving, and after his return to duty in his grade until said grade is reduced to the number authorized by law. This section shall not operate to increase or reduce the total number of officers in the Marine Corps. (As amended Jan 20, 1942, ch. 10, § 1, 56 Stat. 10.)

AMENDMENTS

1942—Act Jan 20, 1942, cited to text and constituting section 622 of this title, redesignated "Major General Commandant of the Marine Corps" to be "Commandant of the Marine Corps".

§ 623a. Detail of line officer as assistant to Commandant; performance of Commandant's duties during absence, etc.

A line officer on the active list of the Marine Corps may be detailed as assistant to the Commandant of the Marine Corps and shall, while so serving, receive the highest pay of his rank. Such assistant to the Commandant, and then the line officers of the Marine Corps on duty at the headquarters of the Marine Corps in the order of seniority, shall, unless otherwise directed by the President, perform the duties of the Commandant during his absence, disability, or in the event of a temporary vacancy in that office. (Feb. 3, 1942, ch. 35, § 2, 56 Stat. 48; Jan. 20, 1942, ch. 10, § 1, 56 Stat. 10.)

CODIFICATION

Section was from act Feb 3, 1942, cited to text, in which words now appearing as "Commandant" then appeared as "Major General Commandant". Act Jan. 20, 1942, cited to text and constituting section 622 of this title, provided that the Major General Commandant of the Marine Corps should thereafter be known as the "Commandant of the Marine Corps".

§ 625. Officers with rank and pay of brigadier general.

ADJUTANT AND INSPECTOR'S DEPARTMENT ABOLISHED

The Adjutant and Inspector's Department was abolished and the administration and functions of the Department transferred to the cognizance of a Director of Personnel by section 632b of this title and notes thereunder

§ 625b. Titles of heads of Paymaster's and Quartermaster's Departments.

Officers serving as heads of the Paymaster's Department and the Quartermaster's Department of the United States Marine Corps shall have the title of "The Paymaster General of the Marine Corps" and "The Quartermaster General of the Marine Corps", respectively. (Mar. 24, 1944, ch. 130, § 1, 58 Stat. 121.)

LAWS UNAFFECTED

Section 2 of act Mar 24, 1944, cited to text, provided: "All laws or parts of laws now in force relating to the staff departments of the United States Marine Corps, except as provided in section 1 of this Act [section 625b of this title], shall remain in full force and effect."

§§ 626, 626a.

SUSPENSION OF PERIODIC COMPUTATIONS

Suspension of provisions relating to periodic computations to determine number, permanent promotion, etc., of line officers of the Regular Navy and the Marine Corps, see section 806 of Appendix to Title 50, War.

§ 627a. Commissioned officers above grade of colonel; distribution.

Of the authorized number of commissioned officers above the grade of colonel, one shall be the Commandant, two thirds shall be brigadier generals, and the remainder shall be major generals. (As amended Jan. 20, 1942, ch 10, § 1, 56 Stat. 10.)

AMENDMENTS

1942—Act Jan 20, 1942, cited to text and constituting section 622 of this title, redesignated "Major General Commandant of the Marine Corps" to be "Commandant of the Marine Corps".

§ 629. Major generals.

The rank and title of major general is created in the Marine Corps, and the President is authorized to nominate, and, by and with the advice and consent of the Senate, to appoint one major general, who shall at all times be junior in rank to the Commandant, and also one temporary major general in the Marine Corps, who shall at all times be junior to the permanent major general. (As amended Jan. 20, 1942, ch. 10, § 1, 56 Stat. 10.)

AMENDMENTS

1942—Act Jan 20, 1942, cited to text and constituting section 622 of this title, redesignated "Major General Commandant of the Marine Corps" to be "Commandant of the Marine Corps".

§ 632. Staff officers; number; distribution among departments.

ADJUTANT AND INSPECTOR'S DEPARTMENT ABOLISHED

The Adjutant and Inspector's Department was abolished and the administration and functions of the Department transferred to the cognizance of a Director of Personnel by section 632b of this title and notes thereunder.

§ 632b. Transfer of Adjutant and Inspector's Department to Director of Personnel; Director to be line officer.

The administration and functions of the Adjutant and Inspector's Department are hereby transferred to the cognizance of a Director of Personnel, Marine Corps.

The Director of Personnel, Marine Corps, shall be a line officer on active duty in the Marine Corps, detailed by the Commandant of the Marine Corps. (May 25, 1943, ch. 100, § 1 (b, c), 57 Stat. 84.)

DEPARTMENT AND OFFICE ABOLISHED

Subsec. (a) of section 1 of act May 25, 1943, cited to text, provided: "(a) The Adjutant and Inspector's Depart-

ment and the Office of the Adjutant and Inspector are hereby abolished."

TRANSFER OF APPROPRIATIONS; INCONSISTENT LAWS REPEALED

Sections 2 and 3 of act May 25, 1943, cited to text, provided.

"SEC. 2 The unexpended balances of appropriations, allocations, or other funds available for use in connection with the exercise of any function herein transferred to the Director of Personnel, Marine Corps, are hereby transferred to the office of such Director for use in connection with the exercise of the functions so transferred

"SEC 3. All laws or parts of laws so far as they are inconsistent with or in conflict with the provisions of this Act are hereby repealed "

§ 632c. Reorganization in functions and duties of Marine Corps departments by the Commandant.

In effectuating the transfer of administration and functions provided in section 632b of this title, the Commandant of the Marine Corps is authorized to make such distribution, changes, and reorganization in the functions and duties of the departments and offices of the Marine Corps as he deems necessary for the more efficient administration of the Marine Corps. (May 25, 1943, ch. 100, § 1 (d), 57 Stat. 84.)

§ 639a. Warrant officers, number and distribution in grades.

APPOINTMENT AS COMMISSIONED OFFICERS

Warrant officers appointed to grade and rank of commissioned officers, see sections 338–338g of this title

§ 640. Warrant grades of marine gunner and quartermaster clerk.

APPOINTMENT AS COMMISSIONED OFFICERS

Warrant officers appointed to grade and rank of commissioned officers, see sections 338–338g of this title

CROSS REFERENCES

Abolishment of grades, see section 643 of this title.

§ 641. Pay clerks.

The total number of pay clerks shall not exceed ten for duty in the office of the paymaster, Marine Corps, fifteen for duty in the paymaster's department at large, and one for each assistant paymaster: *Provided*, That nothing in this section shall be construed to reduce the pay, allowances, or other benefits granted by law in force July 1, 1918, to any clerk for assistant paymaster then in service. (July 1, 1918, ch. 114, 40 Stat. 735.)

CODIFICATION

Act July 1, 1918, cited to text, also contained the following words preceding those contained in this section "The title of clerks for assistant paymasters is hereby changed to pay clerk, who shall hereafter receive the same pay, allowances, and other benefits now provided by law for clerks for assistant paymasters, and". See note under this section regarding present pay and allowances of pay clerks

PRIOR LAW

Provisions relating to assistant paymasters' clerks in the Marine Corps were contained in act June 24, 1910, ch 378, 36 Stat 625

PAY AND ALLOWANCES

Act July 1, 1918, cited to text, provided that pay clerks should receive the same pay, allowances, and other benefits as then provided by law for clerks for assistant paymasters. Act June 10, 1922, ch. 212, § 1, 42 Stat. 625, which was repealed by act June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942, contained the following provision: "Pay clerks of the Marine Corps shall receive the pay of second lieutenants of the Army of the same length of service " Act June 10, 1926, ch 530, 44 Stat. 725, constituting section 642 of this title, provided that pay clerks of the Marine Corps shall be entitled to the same pay and allowances as other warrant officers of the Marine Corps

CROSS REFERENCES

Abolishment of grades, see section 643 of this title

Rank, pay, allowances, and other benefits of pay clerks in Marine Corps, see section 642 of this title

Warrant officers appointed to grade and rank of commissioned officers, see sections 338–338g of this title

§ 642. Pay clerk; chief marine gunner; chief quartermaster clerk; chief pay clerk.

CROSS REFERENCES

Abolishment of grades, see section 643 of this title.

Warrant officers appointed to grade and rank of commissioned officers, see sections 338–338g of this title.

§ 643. Commissioned warrant officer and warrant officer grades established; certain grades abolished.

The grades of chief marine gunner, chief quartermaster clerk, chief pay clerk, marine gunner, quartermaster clerk, and pay clerk in the United States Marine Corps are abolished, and in lieu thereof there are hereby established the commissioned warrant and warrant grades of commissioned warrant officer and warrant officer. (Oct. 21, 1943, ch. 271, § 1, 57 Stat. 574.)

§ 644. Same; issuance of new commissions or warrants.

From and after October 21, 1943, and without the issuance of new commissions or warrants, all Marine Corps personnel in the commissioned warrant grades of chief marine gunner, chief quartermaster clerk, and chief pay clerk shall be known and entered upon the Naval Register as "commissioned warrant officers", and all Marine Corps personnel in the warrant grades of marine gunner, quartermaster clerk, and pay clerk shall be known and entered upon the Naval Register as "warrant officers". (Oct. 21, 1943, ch. 271, § 2, 57 Stat. 574.)

§ 645. Same; status, rank, rights, pay, allowances, etc., of officers unchanged.

Nothing contained in sections 643–645 of this title shall change or modify in any respect the permanent or temporary status of any officer, nor the rank, precedence, rights, benefits, privileges, pay, allowances, or emoluments to which he is, or may hereafter be, entitled. (Oct. 21, 1943, ch. 271, § 3, 57 Stat. 574)

PROMOTIONS AND ADVANCEMENTS

CROSS REFERENCES

Temporary promotions of certain personnel of Marine Corps in time of war or national emergency, see sections 350–350j of this title

§ 662c. Same; composition of boards to recommend brigadier generals of the line for promotion to major general.

Selection boards to recommend brigadier generals of the line for promotion to major general shall be composed of officers of the permanent grade of major general on the active list of the Marine Corps to the extent that such officers are deemed available for this duty by the Secretary of the Navy, and the remainder of the board shall be composed of rear admirals on the active list of the line of the Navy,

not restricted by law to the performance of shore duty only. (June 23, 1938, ch. 598, § 15 (h), as added Jan. 20, 1942, ch. 9, 56 Stat. 9.)

§ 667e. Sea service as applicable to promotion; limitation on service in Marine Corps Headquarters.

The requirement of sea service in grade shall not apply to promotion of officers of the Marine Corps; and until January 1, 1938, officers in the upper three-sevenths of the grades below brigadier general, subject to selection as established by section 626a of this title, shall be eligible for consideration by selection boards without regard to length of service in grade: *Provided,* That after May 1, 1936, no officer of the Marine Corps shall be ineligible for consideration by a selection board or for promotion by reason of completion of length of commissioned service or because of age without having at least once been considered by a selection board, and any officer of the Marine Corps now on a promotion list shall be eligible for promotion unless removed from said list in accordance with existing law: *Provided further,* That officers of the Marine Corps of the grade of second lieutenant and above, except those appointed or serving as major general commandant, as assistant to the major general commandant, as the head of a staff department, or whose names appear on an eligible list for appointment as head of a staff department, shall not serve on duty in the Marine Corps Headquarters, Washington, District of Columbia, more than four out of any eight consecutive years unless the President shall determine that the public interests so require. (May 29, 1934, ch. 367, § 10, 48 Stat. 812, as amended May 1, 1936, ch 252, § 1, 49 Stat. 1249.)

SUSPENSION OF LIMITATION ON HEADQUARTERS SERVICE

Act Oct 16, 1942, ch 613, 56 Stat 795, provided that the second proviso of this section "is hereby suspended for the duration of the present war and for one year thereafter or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate."

RETIREMENT

§ 681. Retirement generally.

CROSS REFERFNCES

Boards of review established, see section 693i of Title 38 Pensions, Bonuses, and Veterans' Relief.

§ 685. Commandant, retirement of.

Any officer who shall be retired from the position of Commandant of the Marine Corps by reason of incapacity for active service resulting from an incident of the service, or by reason of age or length of service, shall have the rank and retired pay of a major general, if retired for any other reason, he shall be placed on the retired list of officers of the grade to which he belonged at the time of his retirement. (As amended Jan. 20, 1942, ch. 10, § 1, 56 Stat. 10.)

AMENDMENTS

Act Jan 20, 1942, cited to text and constituting section 622 of this title, redesignated "Major General Commandant of the Marine Corps" to be "Commandant of the Marine Corps".

CROSS REFERENCES

Active rank and pay of Commandant as that of Lieutenant General of Army, see section 622 of this title.

§ 685a. Retirement; rank; pay.

Any officer of the Navy or Marine Corps who may be retired while serving as Chief of Naval Operations, as Chief of a Bureau of the Navy Department, as Judge Advocate General of the Navy, or as Commandant of the Marine Corps, or who has served or shall have served two and one-half years or more as Chief of Naval Operations, as Chief of a Bureau of the Navy Department, as Judge Advocate General of the Navy, or as Commandant of the Marine Corps, and is retired after completion of such service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the rank, pay, and allowances authorized by law for the highest grade or rank held by him as such Chief of Naval Operations, Chief of Bureau, Judge Advocate General, or Commandant: *Provided,* That the President in his discretion may extend the privileges herein authorized to such officers as have heretofore been retired and who satisfy the foregoing conditions: *Provided further,* That no increase provided herein in retired pay shall be held to have accrued prior to the passage of this section. (As amended Jan. 20, 1942, ch. 10, § 1, 56 Stat. 10.)

CODIFICATION

Same provisions as those of this section also constitute section 425a of Title 5, Executive Departments and Government Officers and Employees.

AMENDMENTS

1942—Act Jan 20, 1942, cited to text and constituting section 622 of this title, redesignated "Major General Commandant of the Marine Corps" to be "Commandant of the Marine Corps"

CROSS REFERENCES

Active rank and pay of Commandant as that of Lieutenant General of Army, see section 622 of this title

Money allowances for subsistence or rental prohibited, see section 402a of this title

Pay and allowances of retired officers on active duty, see section 427 of this title

§ 685b. Staff department heads; retirement; rank; pay.

Any officer of the Marine Corps who may be retired while serving as head of a staff department of the Marine Corps, or who has served or shall have served two and one-half years or more as head of a staff department of the Marine Corps, and is retired after completion of such service while serving in a lower rank or grade, may, in the discretion of the President, be retired with the rank, pay, and allowances authorized by law for the highest grade or rank held by him as such head of a staff department of the Marine Corps. *Provided,* That the President in his discretion may extend the privileges herein authorized to such officers as have heretofore been retired and who satisfy the foregoing conditions: *Provided further,* That no increase provided herein in retired pay or allowances shall be held to have accrued prior to the passage of this section. (June 5, 1942, ch. 329, 56 Stat. 309.)

ENLISTED FORCE

CROSS REFERENCES

Mustering-out pay, see sections 691–691g of Title 38, Pensions, Bonuses, and Veterans' Relief.

Preference of veterans in government employment, see sections 851–869 of Title 5, Executive Departments and Government Officers and Employees.

Readjustment benefits, see sections 693–697e of Title 38, Pensions, Bonuses, and Veterans' Relief

Recruiting campaigns for voluntary enlistments and reenlistments, see sections 187–189 of this title.

§ 691. Authorized enlisted strength of active list.

Hereafter the authorized enlisted strength of the active list of the Marine Corps shall be 20 per centum of the authorized enlisted strength of the Navy. The President is hereby authorized, whenever in his judgment a sufficient national emergency exists, to increase this number to one hundred and four thousand. (As amended June 23, 1938, ch. 598, § 15 (d), 52 Stat. 952; Apr. 22, 1941, ch. 74, § 4, 55 Stat. 145; Jan. 12, 1942, ch. 1, 56 Stat. 3.)

§ 692. Term of enlistment; discharge of minors; extension of term during war or emergency and discharge thereafter.

Hereafter enlistments in the Navy and Marine Corps may be for minority or terms of two, three, four, or six years, and all laws now applicable to four-year enlistments shall apply, under such regulations as may be prescribed by the Secretary of the Navy, to enlistments for a shorter or longer period with proportionate benefits upon discharge and reenlistment: *Provided*, That upon the presentation of satisfactory evidence as to his age and upon application for discharge by his parent or guardian presented to the Secretary of the Navy within ninety days after the date of his enlistment, any man enlisted in the naval service, including the Marine Corps, under twenty-one years of age, who was enlisted without the written consent of his parent or guardian, if any, shall be discharged for his own convenience: *Provided further*, That all enlistments hereafter entered into may be extended by the Secretary of the Navy for such additional time as he may deem necessary in the public interest in time of war, or national emergency declared by the President, to exist: *Provided further*, That all men whose terms of enlistment are extended in accordance with the provisions of sections 181, 181a, 201a, 692, 692a of this title, section 35a of Title 14, and section 16a of Title 37 shall continue during such extensions to be subject in all respects to the laws and regulations for the government of the Navy: *And provided further*, That men detained in service in accordance with sections 181, 181a, 201a, 692, 692a of this title, section 35a of Title 14, and section 16a of Title 37 shall, unless they voluntarily extend their enlistments, be discharged not later than six months after the date of the termination of the war or national emergency. (As amended Aug. 18, 1941, ch. 364, § 1, 55 Stat. 629.)

CROSS REFERENCES

Extension of enlistments, see section 184 et seq of this title

Provisions similar to those contained in this section are set out in section 181 of this title.

§ 692a. Shipping articles to contain substance of section 692.

Hereafter the shipping articles shall contain the substance of section 692 of this title. (Aug. 18, 1941, ch. 364, § 5, 55 Stat. 630.)

CROSS REFERENCES

Provisions similar to those contained in this section are set out in section 181a of this title.

MISCELLANEOUS

§ 722. Clothing for marines discharged for bad conduct.

INCREASED CLOTHING ALLOWANCE

Clothing allowance on discharge was increased to $30 by act Dec 23, 1943, ch 380, title I, 57 Stat 628. See section 197a of this title.

Chapter 14.—NAVAL AVIATION

GENERAL PROVISIONS

Sec.

737a Same; age upon completion of training or reporting for active duty, precedence (New)

CONSTRUCTION OF AIRCRAFT AND ENCOURAGEMENT OF AVIATION

749e Same; further increase in number of lighter-than-air craft (New)

749f Same, appropriation for increased number of lighter-than-air craft (New).

GENERAL PROVISIONS

CROSS REFERENCES

Aircraft flight ration, see section 909 of this title

§ 735. Personnel; definitions—Par. 1. "Naval aviator" defined.

When the term "naval aviator" is used in this section or any Act passed after June 24, 1926, it shall mean any commissioned officer or warrant line officer in the Navy or Marine Corps who has successfully completed the course prescribed by competent authority for naval aviators and who has been or may hereafter be designated or appointed a naval aviator by competent authority and who has flown alone in a, or as first pilot of a dual-control, heavier-than-air craft not less than seventy-five hours and who has flown in heavier-than-air craft a total of not less than two hundred hours, or who has been in the air, under training, in airships not less than one hundred and fifty hours and successfully completed the course prescribed by competent authority.

Par. 2. "Aviation pilot" and "pilot" defined.

When the term "aviation pilot" is used in this section or any Act passed after June 24, 1926, it shall mean any enlisted man in the Navy or Marine Corps who has successfully completed the course prescribed for aviation pilots and who has been or may hereafter be designated or appointed an aviation pilot by competent authority and who has flown alone in a, or as first pilot of a dual-control, heavier-than-air craft not less than seventy-five hours and who has flown in heavier-than-air craft a total of not less than two hundred hours or who has been in the air, under training, in airships not less than one hundred and fifty hours and who has flown in lighter-than-air craft a total of not less than two hundred hours.

The term "pilot" shall be construed to mean a naval aviator or an aviation pilot. (As amended June 5, 1942, ch. 330, 56 Stat. 309.)

* * * * *

AMENDMENTS

1942—Pars. 1 and 2 were amended by act June 5, 1942, cited to text.

§ 737. Appointment of naval aviators of Naval and Marine Corps Reserve to line of Regular Navy and Marine Corps.

AMENDMENTS

1942—Act June 30, 1942, ch 462, § 4, 56 Stat. 463, constituting sections 737a and 853c-2a of this title, purported to amend this section See those sections and codification notes thereunder

§ 737a. Same; age upon completion of training or reporting for active duty; precedence.

Officers of the Naval and Marine Corps Reserve described in sections 737 and 853c–2 of this title shall be eligible for appointment to the Regular Navy or Marine Corps, as may be appropriate, if less than twenty-five years of age upon the successful completion of their training as aviation cadets or upon reporting for continuous active duty on board ships of the Navy, as the case may be: *Provided*, That each such officer hereafter appointed to the lowest commissioned grade of the Regular Navy or Marine Corps by authority of said sections shall take precedence according to his date of reporting for continuous active duty as an officer of the Naval or Marine Corps Reserve; each such officer so appointed to a grade above that of ensign or second lieutenant shall take precedence according to the date of rank stated in his reserve commission in the same rank (June 30, 1942, ch 462, § 4, 56 Stat. 464.)

CODIFICATION

Words "Officers of the Naval and Marine Corps Reserve described in sections 737 and 853c–2 of this title" appeared in act June 30, 1942, cited to text, as "The Acts of August 27, 1940 (54 Stat 864, 34 U. S C. § 737), and October 8, 1940 (54 Stat. 1023, 34 U. S. C. § 853c–2), are amended so as to provide that officers of the Naval and Marine Corps Reserve therein described".

Provisions similar to those of this section also constitute section 853c–2a of this title.

§ 745. Pay and allowances.

CODIFICATION

Catchline has been revised.

CONSTRUCTION OF AIRCRAFT AND ENCOURAGEMENT OF AVIATION

§ 749e. Same; further increase in number of lighter-than-air craft.

The President of the United States is hereby authorized to acquire or construct lighter-than-air craft, and spare parts and equipment, as may be necessary to provide and maintain the number of useful lighter-than-air craft at a total of two hundred. (June 16, 1942, ch. 418, § 1, 56 Stat. 371.)

§ 749f. Same; appropriation for increased number of lighter-than-air craft.

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of sections 749e and 749f of this title. (June 16, 1942, ch. 418, § 2, 56 Stat. 371.)

Chapter 15.—RESERVE FORCES AND NAVAL MILITIA

SUBCHAPTER I.—GENERAL PROVISIONS

Sec.

774. Transfer of enlisted reservists to Regular Navy or Marine Corps during war or emergency (New)

SUBCHAPTER IV.—AVIATION CADETS AND STUDENT AVIATION PILOTS IN NAVAL AND MARINE CORPS RESERVE

Sec.

841a Student aviation pilots; designation; term of service on active duty (New).

841b Same, pay (New)

841c. Same, commission if qualified (New).

841d. Same; discharge or release from active duty (New).

841e. Same, uniforms and equipment (New).

841f Same, Government life insurance (New).

841g Application of sections 841a–841g to enlisted members of Coast Guard Reserve (New)

841h Civilian aviators assigned pilot ratings for brief refresher courses designated as student aviation pilots (New)

850a Establishment of grade of aviation cadet (New)

850b Enlistment; persons eligible; transfers from other grades; term of enlistment; discharge, release, etc. (New).

850c. Pay and allowances (New)

850d Government life insurance (New)

850e Allowances, pensions, etc., to which cadets or their beneficiaries are entitled (New).

850f. Commissioning of cadets as reserve officers (New)

850g Commissioned ex-cadets; true commissioned service deemed to commence (New).

850h Same, promotion (New)

850i Same; peacetime active duty; limitations on time (New)

850j Same, uniform allowance (New)

850k Same; additional payments on death or release from active duty; suspension during war or emergency (New).

850l Funds available for pay and allowances of cadets and commissioned ex-cadets (New).

850m. Prohibition against accrual of back pay; service of previously appointed cadets considered as commissioned service for pay purposes (New).

SUBCHAPTER VI.—ORGANIZATION OF NAVAL RESERVE

853a–1. Limited Service Marine Corps Reserve; pay and allowances (New).

853c–2a Same; age upon completion of training or reporting for active duty; precedence (New).

853c–5. Appointment and retirement of persons with physical disabilities; existing rights preserved (New)

853c–6. Same; disability as within government life insurance and veterans' relief provisions (New).

SUBCHAPTER VIII—PROVISIONS APPLICABLE ONLY TO THE ORGANIZED RESERVE, MERCHANT MARINE RESERVE, AND VOLUNTEER RESERVE

855c–2 Same; benefits to include death allowance to widow, child, or dependent relative (New).

855i–1. Same; uniform allowance upon recall to active duty (New)

SUBCHAPTER X.—WOMEN'S RESERVE (New)

857. Establishment as branch of Naval Reserve; laws applicable.

857a. Ranks and ratings, number of commissioned officers

857b Age qualifications

857c Duties restricted; shore duty within American area and certain Territories

857c–1. Definition of American area (New).

857d Same, replacement of male officers and enlisted men in shore establishments

857e. Disability or death in line of duty; benefits to be same as for male officers and enlisted men, dependents, effective date.

857f Uniform and equipment.

857g. Termination date.

FORMER CHAPTER 15A

Former Chapter 15A has been incorporated into this chapter as sections 853 et seq of this title

SUBCHAPTER I.—GENERAL PROVISIONS

§ 774. Transfer of enlisted reservists to Regular Navy or Marine Corps during war or emergency.

In time of war or national emergency enlisted men of the Naval Reserve and the Marine Corps Reserve, may, upon their own application while on active duty, other than active training duty, under such regulations as the Secretary of the Navy may prescribe, be transferred to the Regular Navy or Regular Marine Corps, respectively, to serve the unexpired term of their enlistment, or period for which they have obligated themselves to serve in the Naval Reserve or Marine Corps Reserve, in such rating or rank as they may be found qualified: *Provided*, That such transfers of men who enlisted in the Marine Corps Reserve for the duration of the emergency shall be made only upon their obligating themselves to serve for a total period of four years from the date of such enlistment in the Marine Corps Reserve: *Provided further*, That such transfers may not be made in excess of the authorized enlisted strength of the Navy or Marine Corps: *Provided further*, That men so transferred shall, while in the Regular Navy or Regular Marine Corps and upon discharge therefrom, be entitled to and receive the same pay, allowances, and other benefits, including travel allowance on discharge, as though the enlistment in the Naval Reserve or Marine Corps Reserve had been an original enlistment in the Regular Navy or Regular Marine Corps, except that for the purpose of longevity credit no credit shall be allowed for any service performed as a member of the Naval Reserve or Marine Corps Reserve other than service on active duty, exclusive of training duty: *And provided further*, That the foregoing shall also apply to men who have enlisted in the Regular Navy or Regular Marine Corps after discharge from a Reserve enlistment entered into since February 6, 1941. (Jan. 15, 1942, ch. 3, 56 Stat. 5.)

SUBCHAPTER II.—NAVAL RESERVE OFFICERS' TRAINING CORPS

§ 821. Establishment and operation; regulations; appropriations for expenditures; appointment of members as Naval Reserve officers; total of personnel; medical and hospital care.

(a) A Naval Reserve Officers' Training Corps is authorized to be established and operated under such regulations as the President may prescribe, which regulations shall, so far as may be practicable, conform to the provisions of sections 354, 364, 365, 381–387a, 389, 441–444 and 536 of Title 10: *Provided*, That the powers conferred by said sections upon the Secretary of War with regard to the Reserve Officers' Training Corps are conferred upon the Secretary of the Navy with regard to the Naval Reserve Officers' Training Corps: *Provided further*, That all expenditures in connection with the establishment and operation of the Naval Reserve Officers' Training Corps shall be specifically appropriated therefor: *Provided further*, That members of the Naval Reserve Officers' Training Corps shall be eligible for appointment as Naval Reserve officers under the same conditions as provided by law for the appointment of Naval Reserve officers from other citizens of the United States, and when so appointed shall have the same status and be entitled to the same benefits in all respects as provided by law for other members of the Naval Reserve: *Provided further*, That the word "naval" wherever used in this section shall be construed to include Marine Corps: *And provided further*, That until the expiration of one year after the cessation of hostilities in the present war as declared by the President or by concurrent resolution of Congress, the total personnel of the Naval Reserve Officers' Training Corps shall not at any one time exceed twenty-four thousand and thereafter the total personnel of such corps shall not at any one time exceed fourteen thousand.

(b) Members of the Naval Reserve Officers' Training Corps who suffer disability, including members who have prior to October 13, 1942, suffered disability during the present war or the national emergency preceding it, from personal injury, illness, or disease occurring in line of duty while en route to or from and while participating in authorized practice cruises, shall, under such regulations as the Secretary of the Navy may prescribed, be entitled at Government expense to such hospitalization, rehospitalization, medical and surgical care and treatment, in hospital or at their homes, as is necessary for the appropriate treatment of such personal injury, illness, or disease until the disability resulting therefrom cannot be materially improved by hospitalization or treatment, and to the necessary transportation and subsistence incident to such hospital and medical treatment and return to their homes when discharged therefrom (As amended Oct. 13, 1942, ch. 591, § 1, 56 Stat. 781; Feb. 13, 1945, ch. 1, 59 Stat 3.)

AMENDMENTS

1945—Subsec (a) amended by act Feb 13, 1945, cited to text, which increased the personnel from 7,200 to 24,000 during the period ending 1 year after cessation of World War II, and to 14,000 after such period.

1942—Act Oct 13, 1942, cited to text, designated existing provisions of section to be subsec. (a), and added subsec (b)

APPROPRIATIONS

Section 3 of act Oct 3, 1942, cited to text, sections 1 and 2 of which amended sections 821 and 926 (c) of this title, provided as follows: "Appropriations currently available for transportation, medical care, and treatment of naval personnel and funeral expenses of deceased members of the naval service shall be available for the expenditures authorized by this Act"

SUBCHAPTER IV.—AVIATION CADETS AND STUDENT AVIATION PILOTS IN NAVAL AND MARINE CORPS RESERVE

§ 841a. Student aviation pilots; designation; term of service on active duty.

Each enlisted man of the Naval Reserve or the Marine Corps Reserve who is designated, under regulations prescribed by the Secretary of the Navy, as a student aviation pilot, and who commences flight training leading to designation as aviation pilot, shall sign an agreement, with the consent of his parent or guardian if he be a minor, to serve for a continuous period of two years on active duty in the Naval Reserve or the Marine Corps Reserve, follow-

ing successful completion of flight training, unless sooner released: *Provided*, That in time of peace such aviation pilot may, with his own consent, in the discretion of the Secretary of the Navy, serve on active duty for an additional period of not more than two years. (Nov. 5, 1941, ch. 468, § 1, 55 Stat. 759.)

SHORT TITLE OF SECTIONS 841a–841h

Section 9 of act Nov. 5, 1941, cited to text of sections 841a–841h of this title, as added by act Aug. 4, 1942, ch. 547, § 15 (h), 56 Stat 740, provided as follows: "This Act may be cited as the 'Naval Reserve Aviation Pilot Act of 1941'."

§ 841b. Same; pay.

Enlisted men of the Naval Reserve and the Marine Corps Reserve who are designated, under regulations prescribed by the Secretary of the Navy, as aviation pilots shall, while on active duty, receive the pay of the third grade, or that of their rating, whichever is greater. (Nov. 5, 1941, ch. 468, § 2, 55 Stat. 759.)

§ 841c. Same; commission if qualified.

Aviation pilots of the Naval Reserve or the Marine Corps Reserve may, if qualified under regulations prescribed by the Secretary of the Navy, be commissioned as ensigns in the Naval Reserve or second lieutenants in the Marine Corps Reserve. (Nov. 5, 1941, ch 468, § 3, 55 Stat. 760.)

§ 841d. Same; discharge or release from active duty.

Any student aviation pilot or aviation pilot designated as such in accordance with sections 841a and 841b of this title may at any time, in the discretion of such administrative authority as the Secretary of the Navy may designate, be discharged or released from active duty. (Nov. 5, 1941, ch. 468, § 4, 55 Stat. 760.)

§ 841e. Same; uniforms and equipment.

Student aviation pilots shall, while undergoing training, be issued necessary uniforms and equipment at Government expense. (Nov. 5, 1941, ch. 468, § 5, 55 Stat. 760.)

§ 841f. Same; Government life insurance.

Enlisted personnel of the Naval Reserve and Marine Corps Reserve, while on active duty undergoing training leading to designation as aviation pilot, and thereafter while on continuous active duty in an enlisted status with designation as aviation pilot, shall be issued Government life insurance in the amount of $10,000, under chapter 13 of Title 38, the premiums for which shall be paid from the current appropriations "Pay, subsistence and transportation, Navy", "Naval Reserve", or "Pay, Marine Corps", as may be appropriate. Upon release from active duty or discharge such enlisted personnel, or, upon commissioning pursuant to section 841c of this title, such commissioned officers shall have the option of continuing such insurance at their own expense. (Nov. 5, 1941, ch. 468, § 6, 55 Stat. 760.)

§ 841g. Application of sections 841a–841g to enlisted members of Coast Guard Reserve.

The provisions of sections 841a–841g of this title, except as may be necessary to adapt the same thereto, shall apply to regular enlisted members of the Coast Guard Reserve in relationship to the Coast Guard in the same manner and to the same extent and with the same relative conditions in all respects, including availability of applicable appropriations, as are provided for enlisted men of the Naval Reserve in relationship to the Navy, and the authority conferred upon the Secretary of the Navy in respect to the Navy is similarly conferred upon the Secretary of the Treasury in respect to the Coast Guard. (Nov. 5, 1941, ch. 468, § 7, 55 Stat. 760.)

§ 841h. Civilian aviators assigned pilot ratings for brief refresher courses designated as student aviation pilots.

Qualified civilian aviators enlisted in or transferred to pilot ratings in the Naval Reserve or Marine Corps Reserve for brief refresher courses leading to designation as aviation pilot and designated as student aviation pilots shall not be considered as having been so designated pursuant to sections 841a–841h of this title: *Provided*, That the determination of the Secretary of the Navy in this regard shall be conclusive for all purposes. (Nov. 5, 1941, ch. 468, § 8, as added Aug. 4, 1942, ch. 547, § 15 (h), 56 Stat. 740.)

§§ 842–850. Repealed or transferred.

CODIFICATION

Sections 842 and 843 were repealed by act Aug 4, 1942, ch 547, § 15 (a), (b), (d), 56 Stat. 739 Section 842 was amended by act June 24, 1941, ch 233, § 1, 55 Stat 261.

Section 843a has been transferred and now constitutes a note under section 850c of this title. It was from act Jan 20, 1942, ch. 8, 56 Stat. 9.

Sections 844–846 were repealed by act Aug 4, 1942, ch 547, § 15 (a), (b), 56 Stat. 739

Section 847 was repealed by act June 13, 1939, ch. 205, § 3 (c), 53 Stat. 821, eff July 1, 1939. It was from act Apr 15, 1935, ch 71, § 6, 49 Stat. 157.

Sections 848–849c were repealed by act Aug 4, 1942, ch 547, § 15 (a), (b), 56 Stat 739.

Section 849d was repealed by act Aug. 27, 1940, ch 694, § 5, 54 Stat 865 It was from act June 13, 1939, ch 205, § 6, 53 Stat. 820

Sections 849d–1 and 849e were repealed by act Aug 4, 1942, ch. 547, § 15 (b), (c), 56 Stat. 739.

Section 849f was repealed by act Aug. 27, 1940, ch 694, § 5, 54 Stat 865 It was from act June 13, 1939, ch 205 § 8, 53 Stat 820.

Sections 849g–849l and 850 were repealed by act Aug 4, 1942, ch. 547, § 15 (b), 56 Stat. 739.

PRESENT PROVISIONS

Provisions on the subject of former sections 842–850 are now contained in sections 850a–850m of this title.

§ 850a. Establishment of grade of aviation cadet.

There shall be in the Naval Reserve and Marine Corps Reserve the special enlisted grade of aviation cadet. (Aug. 4, 1942, ch. 547, § 2, 56 Stat. 737.)

SHORT TITLE OF ACT AUG. 4, 1942

Section 1 of act Aug 4, 1942, cited to text of sections 841h, 850a–850m, 853c, 853e, and 855d of this title, provided: "That this Act may be cited as the 'Naval Aviation Cadet Act of 1942'."

§ 850b. Enlistment; persons eligible; transfers from other grades; term of enlistment; discharge, release, etc.

Male citizens of the United States may be enlisted as aviation cadets in the Naval Reserve and Marine Corps Reserve under such regulations as the Secretary of the Navy may prescribe. Transfers may be made to the grade of aviation cadet from other

ratings and grades of the Naval Reserve and Marine Corps Reserve. Each aviation cadet shall sign an agreement with the consent of his parent or guardian if he be a minor, to serve for a continuous period of not more than four years on active duty unless sooner released. Any aviation cadet may be discharged, released from active duty, or transferred to any other enlisted rating or grade in the Naval Reserve or Marine Corps Reserve under such regulations as the Secretary of the Navy may prescribe. (Aug. 4, 1942, ch. 547, § 3, 56 Stat. 737.)

§ 850c. Pay and allowances.

The pay of aviation cadets while on active duty shall be at the rate of $75 per month, which pay shall include extra pay for flying. To each aviation cadet when not subsisted at Government expense, there shall be paid, in addition, a money allowance for subsistence of $1 per day, and he shall, while on active duty, be furnished quarters, medical care, and hospitalization, and shall be issued uniforms, clothing, and equipment at Government expense. Aviation cadets while so serving shall not be entitled to receive any additional pay for longevity. When traveling under orders, aviation cadets shall receive transportation and other necessary expenses incident to such travel, or cash in lieu thereof, as is then prescribed for enlisted men of the Navy. (Aug. 4, 1942, ch. 547, § 4, 56 Stat. 737.)

PAYMENT OF SUBSISTENCE ALLOWANCE TO MESSES

Act Jan 20, 1942, ch. 8, 56 Stat 9, provided "That the subsistence allowance provided for aviation cadets in * * * (former section 843 of this title, now covered by this section), may be paid to messes in the same manner as prescribed in * * * (section 908 of this title)."

§ 850d. Government life insurance.

Aviation cadets will be issued Government life insurance in the amount of $10,000, effective from the date of reporting for active duty, and premiums on such insurance shall be paid during the period of their active duty from current appropriations as provided in section 850*l* of this title. Upon discharge, release from active duty, or other termination of aviation cadet status, such insurance may be continued at the option and at the expense of the individual concerned. When aviation cadets are commissioned pursuant to this subchapter such Government life insurance shall be continued but the premiums thereon shall be deducted from the pay of the officers so insured and paid as the Secretary of the Navy may direct to the Administrator of Veterans' Affairs. When such commissioned officers are released from active duty or discharged, the insurance may be continued at the option and at the expense of the individual concerned. (Aug. 4, 1942, ch. 547, § 5, 56 Stat. 737.)

§ 850e. Allowances, pensions, etc., to which cadets or their beneficiaries are entitled.

Aviation cadets or their beneficiaries shall be entitled to the same allowances, pensions, gratuities, or other benefits as are now or may hereafter be provided by law or regulation for enlisted men of the fourth pay grade. (Aug. 4, 1942, ch. 547, § 6, 56 Stat. 738.)

§ 850f. Commissioning of cadets as reserve officers.

Aviation cadets who fulfill the requirements of law for designation or appointment as naval aviators may be commissioned ensigns in the Naval Reserve or second lieutenants in the Marine Corps Reserve: *Provided*, That only those aviation cadets so commissioned and so designated or appointed shall be deemed to have been commissioned pursuant to this subchapter. (Aug 4, 1942, ch. 547, § 7, 56 Stat. 738.)

§ 850g. Commissioned ex-cadets; true commissioned service deemed to commence.

All members of a class of aviation cadets completing training at approximately the same time shall be deemed, for all purposes of this subchapter, to have commenced their commissioned service on the same date. The decision of the Secretary of the Navy in this regard shall be conclusive for all purposes. (Aug. 4, 1942, ch. 547, § 8, 56 Stat. 738.)

§ 850h. Same; promotion.

Ensigns or second lieutenants commissioned pursuant to this subchapter or to the Naval Aviation Reserve Act of 1939 (53 Stat. 819), may after three years of active duty as such, and if found qualified after such examinations as the Secretary of the Navy may prescribe, be commissioned lieutenants, junior grade, in the Naval Reserve or first lieutenants in the Marine Corps Reserve, respectively. (Aug. 4, 1942, ch. 547, § 9, 56 Stat. 738.)

REFERENCES IN TEXT

The Naval Aviation Reserve Act of 1939, mentioned in this section, was repealed by section 15 (b) of act Aug 4, 1942, cited to text The 1939 act affected sections 842, 844, 849–850, and 853c of this title.

§ 850i. Same; peacetime active duty; limitations on time.

In time of peace officers commissioned pursuant to this subchapter or to the Naval Aviation Reserve Act of 1939 (53 Stat. 819) may be employed on active duty only during the seven-year period next following the date of such commissioning, except that such officers may be ordered to active duty thereafter for the purpose of instructing and training members of the Naval Reserve and Marine Corps Reserve. (Aug. 4, 1942, ch. 547, § 10, 56 Stat. 738.)

REFERENCES IN TEXT

The Naval Aviation Reserve Act of 1939, mentioned in this section, was repealed by section 15 (b) of act Aug. 4, 1942, cited to text. The 1939 act affected sections 842, 844, 849–850, and 853c of this title.

§ 850j. Same; uniform allowance.

When first commissioned pursuant to this subchapter officers shall be paid a uniform allowance of $150 if commissioned as ensigns in the Naval Reserve, and $250 if commissioned as second lieutenants in the Marine Corps Reserve: *Provided*, That any officer who has heretofore received the cash uniform gratuity of $150 provided in section 855a of this title shall not be entitled to this uniform allowance. (Aug. 4, 1942, ch. 547, § 11, 56 Stat. 738, as amended Oct. 21, 1943, ch. 269, § 1, 57 Stat. 573.)

AMENDMENTS

1943—Act Oct. 21, 1943, cited to text, amended section by making the uniform allowance of $150 apply only to

those commissioned as ensigns in the Naval Reserve, and added provision for uniform allowance of $250 to those commissioned as second lieutenants in Marine Corps Reserve.

RETROACTIVE EFFECT

Section 2 of act Oct. 21, 1943, cited to text, provided: "This Act (section) shall become effective as of August 4, 1942."

§ 850k. Same; additional payments on death or release from active duty; suspension during war or emergency.

When officers commissioned pursuant to this subchapter or to the Naval Aviation Reserve Act of 1939 (53 Stat. 819) are released from active duty that has been continuous for one or more years, they, or in the event of the death of such officers after continuous active duty for one or more years, the beneficiaries specially designated in the manner prescribed by the Secretary of the Navy, or, if no beneficiary has been specially designated, the widow of such officer, and if there be no widow, his child or children, and if there be neither widow nor child, the representative of the officer's estate, shall be paid a lump sum of $500 for each complete year of continuous commissioned active service, and in the event of their death not the result of their own misconduct, or if released from active duty otherwise than upon their own request or as a result of disciplinary action, this lump sum payment shall be prorated for fractional parts of each year of such service: *Provided,* That the lump sum payments authorized herein shall accrue for not more than seven years and shall be in addition to any pay, allowance, compensation, or benefits which they may otherwise be entitled to receive: *Provided further,* That the provisions of this section, except those of the first proviso hereof, may be suspended during war or national emergency when the President shall so direct, as to all officers who were formerly enlisted in the grade of aviation cadet or transferred to that enlisted grade more than thirty days after August 4, 1942. (Aug. 4, 1942, ch. 547, § 12, 56 Stat. 738, as amended Oct. 25, 1943, ch. 275, § 1, 57 Stat. 574.)

AMENDMENTS

1943—Act Oct. 25, 1943, cited to text, amended section by inserting clause commencing with "or, if no beneficiary has etc.," after words "Secretary of the Navy,".

EFFECTIVE DATE

Section 2 of act Oct. 25, 1943, cited to text, provided: "This Act shall be effective from August 4, 1942."

REFERENCES IN TEXT

The Naval Aviation Reserve Act of 1939, mentioned in this section, was repealed by section 15 (b) of act Aug. 4, 1942, cited to text. The 1939 act affected sections 842, 844, 849–850, and 853c of this title.

SUSPENSION OF PROVISIONS AS TO CERTAIN OFFICERS

Provisions of this section, except first proviso thereof, were suspended during present war as to all officers who were formerly enlisted in grade of aviation cadet or transferred to that enlisted grade subsequent to Sept. 3, 1942, by Ex Ord. No. 9288, Nov. 9, 1942, 7 F. R. 9221.

§ 850l. Funds available for pay and allowances of cadets and commissioned ex-cadets.

The pay and allowances of aviation cadets of the Naval Reserve and Marine Corps Reserve and the premiums on their life insurance shall be paid from the current appropriations "Naval Reserve" and "Pay, Marine Corps", respectively. The pay and allowances of officers commissioned pursuant to this subchapter or to the Naval Aviation Reserve Act of 1939 (53 Stat. 819), while serving on continuous active duty next following the date of such commissioning, shall be paid from appropriations "Pay, subsistence, and transportation of naval personnel" and "Pay, Marine Corps", except for those officers ordered to active duty pursuant to authority contained in the exception in section 850i of this title, the pay and allowances of which officers shall be paid from appropriations for "Naval Reserve" and "Pay, Marine Corps". (Aug. 4, 1942, ch. 547, § 13, 56 Stat. 739.)

REFERENCES IN TEXT

The Naval Aviation Reserve Act of 1939, mentioned in this section, was repealed by section 15 (b) of act Aug. 4, 1942, cited to text. The 1939 act affected sections 842, 844, 849–850, and 853c of this title.

§ 850m. Prohibition against accrual of back pay; service of previously appointed cadets considered as commissioned service for pay purposes.

No back pay or allowances shall be deemed to have accrued under the provisions of this subchapter prior to August 4, 1942: *Provided,* That aviation cadets previously appointed by the Secretary of the Navy, as distinguished from aviation cadets enlisted under the provisions of this subchapter, shall continue to serve under such appointments until commissioned or discharged from the naval service, and the active service of such aviation cadets shall be considered as commissioned service for the purpose of computing increases in pay of commissioned officers on account of length of service. (Aug. 4, 1942, ch. 547, § 14, 56 Stat. 739.)

SUBCHAPTER VI.—ORGANIZATION OF NAVAL RESERVE

§ 852. Short title.

CODIFICATION

Section, act June 25, 1938, ch. 690, 52 Stat. 1175, has become section 853j of this title.

§ 853. Naval Reserve; components; transfer of personnel to newly created units; effect on retired members of Naval Reserve Force.

CROSS REFERENCES

Women's Reserve as branch of Naval Reserve, see section 857 of this title.

§ 853a–1. Limited Service Marine Corps Reserve; pay and allowances.

There is hereby established as a part of the Marine Corps Reserve a class to be known as the Limited Service Marine Corps Reserve, for duty as guards at naval shore activities within the continental United States, to be subject to the laws and regulations, except as may be necessary to adapt the same hereto, applicable to the Marine Corps Reserve: *Provided,* That the provision of section 312 (a) of the Appendix to Title 50, that the monthly base pay of enlisted men with less than four months' service during their first enlistment shall be $21, shall not apply to members of the Limited Service Marine Corps Reserve who are veterans of the World War: *Provided further,* That all enlisted men of the Limited Service Marine Corps Reserve shall be entitled

to allowances for quarters and subsistence and to transportation of dependents and of household effects in the same manner and under like conditions as are now or may hereafter be authorized for enlisted men of the first three pay grades of the Marine Corps Reserve. (Jan. 20, 1942, ch. 12, 56 Stat. 10.)

§ 853c. Active duty in peace and war; release from active duty.

Any member of the Naval Reserve, including those on the honorary retired list created by section 855h of this title, or who may have been retired, may be ordered to active duty by the Secretary of the Navy in time of war or when in the opinion of the President a national emergency exists and may be required to perform active duty throughout the war or until the national emergency ceases to exist; but in time of peace, except as otherwise provided in sections 853, 853a, 853b, 853c, 853d–853j, 854a–854f, 855–855c, 855d–855s, and 856 of this title, he shall be ordered to or continued on active duty with his own consent only: *Provided,* That the Secretary of the Navy may release any member from active duty either in time of war or in time of peace. (As amended June 24, 1941, ch. 233, § 2, 55 Stat. 261; Aug. 4, 1942, ch. 547, § 15 (b), (d), (e), 56 Stat. 739.)

AMENDMENTS

1942—Act Aug 4, 1942, § 15 (e), cited to text, amended section generally, deleting what was formerly the first proviso. Section 15 (b), (d), of said act Aug. 4, 1942, repealed acts June 13, 1939, and June 24, 1941, both cited to text, which acts amended the proviso of this section deleted by the amendment of act Aug 4, 1942, § 15 (e).

1941—Act June 24, 1941, cited to text, amended first proviso.

§ 853c–2. Commissioning in Regular Navy officers of Naval Reserve who graduated from Naval Reserve Officers' Training Corps; grade and precedence.

AMENDMENTS

1942—Act June 30, 1942, ch. 462, § 4, 56 Stat. 463, constituting sections 737a and 853c 2a of this title, purported to amend this section. See those sections and codification notes thereunder.

§ 853c–2a. Same; age upon completion of training or reporting for active duty; precedence.

Officers of the Naval and Marine Corps Reserve described in sections 737 and 853c–2 of this title shall be eligible for appointment to the Regular Navy or Marine Corps, as may be appropriate, if less than twenty-five years of age upon the successful completion of their training as aviation cadets or upon reporting for continuous active duty on board ships of the Navy, as the case may be: *Provided,* That each such officer hereafter appointed to the lowest commissioned grade of the Regular Navy or Marine Corps by authority of said sections shall take precedence according to his date of reporting for continuous active duty as an officer of the Naval or Marine Corps Reserve; each such officer so appointed to a grade above that of ensign or second lieutenant shall take precedence according to the date of rank stated in his reserve commission in the same rank. (June 30, 1942, ch. 462, § 4, 56 Stat. 464.)

CODIFICATION

Words "Officers of the Naval and Marine Corps Reserve described in sections 737 and 853c–2 of this title" appeared in act June 30, 1942, cited to text, as "The Acts of August 27, 1940 (54 Stat. 864, 34 U. S. C. § 737), and October 8, 1940 (54 Stat. 1023, 34 U. S. C. § 853c–2), are amended so as to provide that officers of the Naval and Marine Corps Reserve therein described".

Provisions similar to those of this section also constitute section 737a of this title.

Section is not a part of the Naval Reserve Act of 1938.

§ 853c–5. Appointment and retirement of persons with physical disabilities; existing rights preserved.

Persons who are otherwise qualified but who have other than organic physical defects which will not interfere with the performance of general or special duties to which they may be assigned, may be issued appointments in the Naval and Marine Corps Reserve and ordered to active duty, and officers now in the Naval and Marine Corps Reserve may likewise be ordered to active duty under similar circumstances: *Provided,* That any officer of the Naval Reserve or the Marine Corps Reserve hereafter appointed or ordered to active duty upon waiver of physical disability shall not be eligible for retirement benefits by reason of the disability for which waiver was required at the time of appointment or orders to active duty or by reason of any aggravation of such disability: *Provided further,* That such officer, however, shall be eligible for retirement benefits as provided by law for a disability incident to the service: *And provided further,* That except for retirement based upon disability for which waiver is required under this section and section 853c–6 of this title, or aggravation of such disability, this section and section 853–6 of this title shall not be construed to deprive any person of any right or benefit authorized under any other Act. (Dec. 18, 1942, ch. 768, § 1, 56 Stat. 1066.)

CODIFICATION

Section is not a part of the Naval Reserve Act of 1938.

§ 853c–6. Same; disability as within government life insurance and veterans' relief provisions.

For the purposes of applying section 807 of Title 38, or section 513 of Title 38, as amended, any disability for which waiver was required as a condition to tender of commission under section 853c–5 of this title shall be deemed to be a disability resulting from an injury or disease traceable to the extra hazard of military or naval service. (Dec. 18, 1942, ch. 768, § 2, 56 Stat. 1066.)

CODIFICATION

Section is not a part of the Naval Reserve Act of 1938.

§ 853e. Pay and allowances while on active or training duty or traveling.

Commissioned officers exclusive of chief warrant officers of the Naval Reserve, including those on the honorary retired list or who may have been retired, when employed on active duty or on training duty with pay or when employed in authorized travel to and from such duty shall be deemed to have been confirmed in grade and qualified for all general service and shall receive the pay and allowances, including longevity pay, as provided by law for the reserve forces of the United States, and shall when traveling under orders or under competent authority receive transportation in kind, mileage, or actual expenses as provided by law for travel performed by officers of the Regular Navy.

Midshipmen, chief warrant officers, warrant officers, nurses, and enlisted men of the Naval Reserve, including those on the honorary retired list, or who may have been retired, when employed on active duty or on training duty with pay or when employed in authorized travel to and from such duty, shall receive the same pay and allowances as received by midshipmen, chief warrant officers, warrant officers, nurses, and enlisted men of the Regular Navy of the same rank, grade, or rating, and of the same length of service which shall include service in the Navy, Marine Corps, Coast Guard, Naval Reserve Force, Naval Militia, National Naval Volunteers, Naval Reserve, Marine Corps Reserve Force, or Marine Corps Reserve. Aviation cadets shall receive the pay and allowances and other emoluments provided for them by sections 842–846, 848 of this title: *Provided,* That when officers or men of the Naval Reserve perform active duty or training duty with pay for a period of less than thirty days such duty performed on the 31st day of any month shall be paid for at the same rate as for other days: *Provided further,* That no chief warrant officer promoted to other commissioned grade or warrant officer promoted to chief warrant officer or other commissioned grade shall suffer any reduction of pay by reason of such promotion: *Provided further,* That all periods during which chief warrant officers have held commissions in the Naval Reserve shall be included in computing their pay as provided in sections 5, 11 and 14 of Title 37 and sections 852, 852a of Title 33: *And provided further,* That officers and enlisted men of the Naval Reserve, while employed on active duty or on training duty, with pay, which involves the actual flying in aircraft in accordance with regulations prescribed by the Secretary of the Navy shall receive the same increase of pay of their grades, ranks, or ratings as may be received by officers and enlisted men in similar grades, ranks, and ratings in the Regular Navy for the performance of similar duty. (As amended Aug. 4, 1942, ch. 547, § 15 (f), 56 Stat. 739.)

AMENDMENTS

1942—Act Aug. 4, 1942, cited to text, deleted the former first proviso.

CROSS REFERENCES

Warrant officers' and enlisted men's longevity credit for service since June 30, 1925, see section 18a of Title 37, Pay and Allowances.

SUBCHAPTER VII.—FLEET RESERVE

§ 854c. Transfer of Regular Navy men with twenty years' service; retirement; pay and allowances.

CROSS REFERENCES

Retainer pay or retired pay of enlisted men transferred to the Fleet Reserve prior to October 1, 1940, see section 17a of Title 37, Pay and Allowances.

SUBCHAPTER VIII.—PROVISIONS APPLICABLE ONLY TO THE ORGANIZED RESERVE, MERCHANT MARINE RESERVE, AND VOLUNTEER RESERVE

§ 855c. Disability or death in line of duty, compensation; treatment of illness or disease.

WOMEN'S RESERVE

Disability or death in line of duty, see section 857e of this title.

§ 855c–1. Same; benefits to be same as for regular naval service.

All officers, nurses, warrant officers, and enlisted men of the United States Naval Reserve or United States Marine Corps Reserve, who, if called or ordered into active naval or military service by the Federal Government for extended naval or military service in excess of thirty days, suffer disability or death in line of duty from disease or injury while so employed shall be deemed to have been in the active naval service during such period, and they or their beneficiaries shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers, warrant officers, nurses, and enlisted men of corresponding grades and length of service of the Regular Navy or Marine Corps: *Provided,* That if a person who is eligible for the benefits prescribed by sections 691d, 735 (1), 737, 738, 849d, 849d–1, 849f, 853e, 855c–1, 855h, 855j, 855k, and 855*l* of this title be also eligible for pension under the provisions of the Act of June 23, 1937, ch. 376 (50 Stat. 305), compensation from the United States Employees' Compensation Commission under the provisions of section 855c of this title or retired pay under the provision of section 855i of this title, he shall elect which benefit he shall receive: *Provided further,* That this section shall be effective from September 8, 1939. (As amended Oct. 10, 1942, ch. 586, 56 Stat. 780.)

AMENDMENTS

1942—Act Oct. 10, 1942, cited to text, added last proviso.

WOMEN'S RESERVE

Disability or death in line of duty, see section 857e of this title.

§ 855c–2. Same; benefits to include death allowance to widow, child, or dependent relative.

The benefits provided by section 855c–1 of this title shall include payment of the gratuity authorized by section 943 of this title or as hereafter amended. (Mar. 17, 1941, ch. 19, § 1, 55 Stat. 43, as amended Mar. 29, 1944, ch. 141, § 3, 58 Stat. 129.)

AMENDMENTS

1944—Act Mar. 29, 1944, § 3, cited to text, amended section by inserting "or as hereafter amended" immediately preceding the period.

WOMEN'S RESERVE

Disability or death in line of duty, see section 857e of this title.

§ 855d. Commissioning and appointment of officers, warrant officers, merchant marine cadets, and midshipmen; rank and term of service; number of officers in higher grades.

Subject to the provisions of section 855e of this title, in time of peace commissioned officers appointed to the Naval Reserve shall be commissioned to serve during the pleasure of the President, in grades or ranks not above that of lieutenant commander, except that a small percentage of officers in the higher grades or ranks may, if qualified, be commissioned in the grades or ranks of rear admiral, captain, and commander. Warrant officers, merchant marine cadets, and midshipmen shall be

appointed to serve during the pleasure of the Secretary of the Navy. Except as otherwise provided in sections 853–853j, 854–854f, 855–855c, 855d–855s, 856 of this title, the total number of officers in such higher grades or ranks in the Organized Reserve shall not exceed one-half of 1 per centum of the actual number of enlisted men regularly assigned to the divisions or other units of the Organized Reserve and entitled to pay as provided in section 855*l* of this title. The number of officers appointed or promoted to grades or ranks above that of lieutenant commander in the Merchant Marine and Volunteer Reserves, or above that of major in the Volunteer Marine Corps Reserve, shall not exceed mobilization needs for such officers for duties appropriate to these grades or ranks. (As amended Aug. 4, 1942, ch. 547, § 15 (g), 56 Stat. 739.)

AMENDMENTS

1942—Act Aug 4, 1942, cited to text, amended second sentence, deleting "aviation and" before "merchant marine cadets".

§ 855f. Appointment of enlisted men to Naval Academy; number each year.

Hereafter the Secretary of the Navy is authorized to appoint midshipmen to the Naval Academy from enlisted men of the Naval Reserve and Marine Corps Reserve under similar conditions so far as applicable as prescribed by law for appointments from enlisted men of the Navy: *Provided,* That not more than one hundred midshipmen shall be appointed in any one year under the authority contained in this section, except that in the event the quota of midshipmen from the enlisted men of the Regular Navy is not filled in any one year the Secretary of the Navy shall have the authority to fill such vacancies with additional men from the Naval Reserve. (As amended Jan. 30, 1941, ch. 2, § 2, 55 Stat. 3.)

CROSS REFFRENCES

Deficiency in quota of appointees under this section to be filled from enlisted men of Regular Navy or Marine Corps, see section 1032a of this title.

§ 855i–1. Same; uniform allowance upon recall to active duty.

Commissioned and warrant officers on the honorary retired list of the Naval Reserve without pay shall, upon first reporting for active duty (other than for physical examination) in time of war or national emergency pursuant to orders of competent authority, be paid the sum of $250 as a uniform allowance for the purchase of required uniforms in lieu of any other uniform gratuity allowed by law: *Provided,* That there shall be deducted from this allowance the amount of any uniform gratuity paid such officer within the four years immediately preceding his recall to active duty. (June 25, 1938, ch. 690, title III, § 310a, as added Oct. 25, 1943, ch. 277, § 1, 57 Stat. 575.)

EFFECTIVE DATE

Section 2 of act Oct 25, 1943, cited to text, provided "This Act shall be effective as of September 8, 1939"

§ 855o. Naval Reserve Policy Board.

For the purpose of advising the Secretary of the Navy on the formulation of Naval Reserve policies there shall be convened annually at the Navy Department a Naval Reserve Policy Board, at least half the members of which shall be Naval Reserve officers: *Provided,* That during peace such Naval Reserve officers shall be called to this duty from an inactive duty status. (As amended May 4, 1942, ch. 282, § 2, 56 Stat. 266.)

SUBCHAPTER X.—WOMEN'S RESERVE (New)

CROSS REFERENCES

Women's Army Corps, see sections 1551–1555 of Appendix to Title 50, War.

Women's Army Auxiliary Corps, see sections 1701–1717 of Title 10, Army.

Women's Reserve of the Coast Guard, see sections 381–388 of Title 14, Coast Guard.

§ 857. Establishment as branch of Naval Reserve; laws applicable.

A Women's Reserve is hereby established which shall be a branch of the Naval Reserve and shall be administered under the same provisions in all respects (except as may be necessary to adapt said provisions to the Women's Reserve, or as specifically provided herein) as those contained in sections 853, 853a, 853b–853j, 854–854f, 855–855c, 855d–855s, and 856 of this title or which may hereafter be enacted with respect to the Volunteer Reserve. (June 25, 1938, ch. 690, title V, § 501, as added July 30, 1942, ch. 538, 56 Stat. 730.)

REFERENCES IN TEXT

Words "sections 853, 853a, 853b–853j, 854–854f, 855–855c, 855d–855s, and 856 of this title" originally read "this Act", meaning the Naval Reserve Act of 1938, as amended.

§ 857a. Ranks and ratings; number of commissioned officers.

Members of the Women's Reserve may be commissioned or enlisted in such appropriate ranks and ratings, not above the rank of captain, corresponding to those of the Regular Navy, as may be prescribed by the Secretary of the Navy: *Provided,* That there shall not be more than one officer in the grade of captain, exclusive of officers appointed in the Medical Department of the Naval Reserve: *Provided further,* That military authority of officers commissioned under the provisions of sections 853, 853a, 853b–853j, 854–854f, 855–855c, 855d–855s, 856, 857–857g, of this title may be exercised over women of the Reserve only and is limited to the administration of the Women's Reserve. (June 25, 1938, ch. 690, title V, § 502, as added July 30, 1942, ch. 538, 56 Stat. 730 and amended Nov. 8, 1943, ch. 297, § 1, 57 Stat. 586.)

AMENDMENTS

1943—Act Nov. 8, 1943, amended section by adding words "not above the rank of captain" following "ranks and ratings", and by omitting provisions of the first proviso which read "That there shall not be more than one officer in the grade of lieutenant commander; nor more than thirty-five officers in the grade of lieutenant; and that the number of officers in the grade of lieutenant (junior grade) shall not exceed 35 per centum of the total number of commissioned officers:" and substituting the present provisions.

REFERENCES IN TEXT

Words "sections 853, 853a, 853b–853j, 854–854f, 855–855c, 855d–855s, and 856 of this title" originally read "this Act", meaning the Naval Reserve Act of 1938, as amended.

§ 857b. Age qualifications.

The Reserve established by sections 857–857g of this title shall be composed of members who have attained the age of twenty years. (June 25, 1938, ch. 690, title V, § 503, as added July 30, 1942, ch. 538, 56 Stat. 730.)

§ 857c. Duties restricted; shore duty within American area and certain territories.

Members of the Women's Reserve shall not be assigned to duty on board vessels of the Navy or in aircraft while such aircraft are engaged in combat missions and shall not be assigned to duty outside the American area and the Territories of Hawaii and Alaska, and may be assigned to duty outside the continental United States only upon their prior request. (June 25, 1938, ch. 690, title V, § 504, as added July 30, 1942, ch. 538, 56 Stat. 730, amended Sept. 27, 1944, ch. 428, § 1, 58 Stat. 754.)

AMENDMENTS

1944—Act Sept. 27, 1944, cited to text, amended section by removing restrictions as to duty within the continental limits of the United States.

§ 857c–1. Definition of American area.

As used in section 857c of this title the term "American area" means the area geographically defined as follows:

East boundary: From the North Pole, south along the seventy-fifth meridian west longitude to the seventy-seventh parallel north latitude, thence southeast through Davis Strait to the intersection of the fortieth parallel north latitude and the thirty-fifth meridian west longitude, thence south along that meridian to the tenth parallel north latitude, thence southeast to the intersection of the equator and the twentieth meridian west longitude, thence along the twentieth meridian west longitude to the South Pole.

West boundary: From the North Pole, south along the one hundred and forty-first meridian west longitude to the east boundary of Alaska, thence south and southeast along the Alaskan boundary to the Pacific Ocean, thence south along the one hundred and thirtieth meridian to its intersection with the thirtieth parallel north latitude, thence southeast to the intersection of the equator and the one hundredth meridian west longitude, thence south along the one hundredth meridian west longitude to the South Pole. (Sept. 27, 1944, ch. 428, § 3, 58 Stat. 754.)

CODIFICATION

This section was not enacted as a part of Naval Reserve Act of 1938.

§ 857d. Same; replacement of male officers and enlisted men in shore establishments.

Members of the Women's Reserve shall not be used to replace civil-service personnel employed in the Naval Establishment, but shall be composed of women trained and qualified for duty in the shore establishment of the Navy to release male officers and enlisted men of the naval service for duty at sea. (June 25, 1938, ch. 690, title V, § 505, as added July 30, 1942, ch. 538, 56 Stat. 730.)

§ 857e. Disability or death in line of duty; benefits to be same as for male officers and enlisted men; dependents; effective date.

Members of the Women's Reserve of the Navy, Marine Corps, Coast Guard, or their dependents, shall be entitled to all allowances or benefits provided by law for male officers and enlisted men of such services with dependents: *Provided*, That the husbands of such members shall not be considered dependents and the children of such members shall not be considered dependents unless their father is dead or they are in fact dependent on their mother for their chief support. This section shall be effective from July 30, 1942. (June 25, 1938, ch. 690, title V, § 506, as added July 30, 1942, ch. 538, 56 Stat. 730, and amended Nov 8, 1943, ch. 297, § 1, 57 Stat 586.)

AMENDMENTS

1943—Act Nov. 8, 1943, cited to text, amended section by providing that the benefits applicable to the Women's Reserve, which were the same as for government civilian employees, should be the same as for male officers and enlisted men, by designating dependents, and dependency, and by adding effective date provision.

DEATH OR DISABILITY COMPENSATION

Compensation for injuries to employees of United States, see section 601 et seq. of Title 5, Executive Departments and Government Officers and Employees.

§ 857f. Uniform and equipment.

The Secretary of the Navy shall fix the money value of the articles of uniform and equipment which enlisted members of the Women's Reserve are required to have upon their first reporting for active duty: *Provided*, That he may authorize such articles of uniform and equipment, or parts thereof, to be issued in kind, or, in lieu thereof, that payment in cash of the money value fixed in accordance with the foregoing, not to exceed $200, be made to such members so ordered to active duty, for the purchase of such articles of uniform and equipment. (June 25, 1938, ch. 690, title V, § 507, as added July 30, 1942, ch. 538, 56 Stat. 730.)

§ 857g. Termination date.

The authority conferred by sections 857–857g of this title for appointments and enlistments in the Women's Reserve shall be effective during the present war and for six months thereafter, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate. (June 25, 1938, ch. 690, title V, § 508, as added July 30, 1942, ch. 538, 56 Stat. 731.)

Chapter 16.—PAY, EMOLUMENTS, AND ALLOWANCES OF PERSONNEL OF NAVY AND MARINE CORPS

GENERAL PROVISIONS AS TO OFFICERS AND ENLISTED MEN

Sec
877a. Ship's clerks, aerographers, photographers, torpedomen, and chiefs, rank, pay, allowances, and benefits (New).

MILEAGE AND TRAVEL ALLOWANCES

895a. Travel allowance to personnel of armed forces upon enlistment or reenlistment (New).
899. Payment and settlement of mileage accounts (New).
900. (New; Repealed).

Sec.
900a. Pay and allowances, transportation, and subsistence to discharged or released underage enlisted personnel (New).
900b. Same; applicability to Coast Guard personnel (New).

RATIONS

909. Aircraft flight ration for personnel and civilian employees of Navy and Marine Corps (New).

QUARTERS

915. Rental allowance to officers deprived of quarters on board ship (New).

CLOTHING ALLOWANCE

918. Nurse Corps uniforms; issuance in kind or payment of money value upon first appointment (New).
919. Same; issuance in kind or payment of money value of additional outdoor uniforms during war or when uniform required at all times; limitation on number of outfits furnished each member (New).

ALLOTMENT OF PAY; ASSIGNMENT OF WAGES; DEPOSITS OF SAVINGS

933a. Same; disposition of forfeited deposits (New).

ALLOWANCES TO PRISONERS

963. Annual appropriations as available for prisoners (New).

REIMBURSEMENT OF OFFICERS AND MEN OF NAVY AND MARINE CORPS FOR PERSONAL PROPERTY LOST, DESTROYED, OR DAMAGED BY OPERATIONS OF WAR, ETC.

984–989. (New; Repealed).

RETIRED PAY

995a. Active duty and retired pay of retired commissioned warrant officers; "creditable records on the active list" as including active duty after retirement (New).

GENERAL PROVISIONS AS TO OFFICERS AND ENLISTED MEN

CROSS REFERENCES

Pay and allowances generally, see Title 37, Pay and Allowances.

Wartime pay and allowances generally, see section 1001 et seq. of Appendix to Title 50, War.

§ 865. Allowances; commissioned officers generally.

Commissioned officers of the Navy shall receive the same pay and allowances, except forage, as provided by or in pursuance of law for the officers of corresponding rank in the Army. (Mar. 3, 1899, ch. 413, § 13, 30 Stat. 1007; Aug. 29, 1916, ch. 417, 39 Stat. 581.)

CODIFICATION

Section is from act Mar. 3, 1899, cited to text, in which words now reading "Commissioned officers of the Navy" read "commissioned officers of the line of the Navy and of the Medical and Pay Corps". Act Aug. 29, 1916, also cited, provided that thereafter "all commissioned officers of the active list of the Navy shall receive the same pay and allowances according to rank and length of service". Act June 10, 1922, ch. 212, § 21, 42 Stat 633, which was repealed by act June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff June 1, 1942, provided that nothing in the 1922 act should in any way change existing laws governing certain allowances for officers.

§ 867. Additional pay of aides to rear admirals.

Aids [1] to rear admirals embraced in the lower half of that grade shall each receive $150 additional per annum, and aids [1] to all other rear admirals, $200 additional per annum each. (May 13, 1908, ch. 166, 35 Stat. 128; Aug. 29, 1916, ch. 417, 39 Stat. 577.)

[1] So in original. Probably should read "aides".

CODIFICATION

Act June 10, 1922, ch. 212, § 21, 42 Stat 633, cited to text, was repealed by act June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942, and should be eliminated from the citation. It provided that nothing in that act should in any way change existing laws governing additional pay to aides.

§ 877a. Ship's clerks, aerographers, photographers, torpedomen, and chiefs; rank, pay, allowances, and benefits.

All persons appointed in the grades established by section 132 of this title, in accordance with such regulations as the Secretary of the Navy may prescribe, shall have the same rank, pay, allowances, and other benefits as now are or may hereafter be allowed other commissioned warrant and warrant officers in the Navy. (July 28, 1942, ch. 530, § 2, 56 Stat. 724.)

CROSS REFERENCES

Rank of commissioned warrant and warrant officers, see section 259 of this title

§ 882b. Repealed. Sept. 27, 1944, ch. 426, § 1, 58 Stat. 752.

EFFECTIVE DATE

Section 4 of act Sept. 27, 1944, ch 426, 58 Stat. 753, provided in part that this act should become effective immediately.

CROSS REFERENCES

Repeal of provisions of section as affecting pension or compensation rights, see pars. VIII and IX of Reg No. 10 following chapter 12 of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 886. Officers and enlisted men on submarine and diving duty; additional pay.

All officers and enlisted men of the Navy on duty on board a submarine of the Navy, including submarines under construction for the Navy from the time builders' trials commence shall, while so serving, receive 50 per centum additional of the pay for their rank or rating and service as now or hereafter provided by law; all officers of the Navy on duty at submarine escape training tanks, the Navy Deep Sea Diving School, or the Naval Experimental Diving Unit shall, while so serving, receive 25 per centum additional of the pay for their rank and service as now or hereafter provided by law; and an enlisted man of the Navy assigned to the duty of diving shall receive additional pay, under such regulations as may be prescribed by the Secretary of the Navy, at the rate of not less than $5 per month and not exceeding $30 per month, in addition to the pay and allowances of his rating and service: *Provided,* That officers and enlisted men employed as divers in actual salvage or repair operations in depths of over ninety feet, or in depths of less than ninety feet when the officer in charge of the salvage or repair operation shall find in accordance with instructions prescribed by the Secretary of the Navy that extraordinary hazardous conditions exist, shall, in addition to the foregoing, receive the sum of $5 per hour for each hour or fraction thereof so employed. (As amended June 27, 1942, ch. 448, 56 Stat. 391; Aug. 4, 1942, ch. 546, 56 Stat. 736.)

AMENDMENTS

1942—Act Aug. 4, 1942, cited to text, among other changes inserted "and enlisted men" at beginning of section and substituted "50" for "25" preceding "per centum" in first instance

Act June 27, 1942, cited to text, amended section by substituting "as now or hereafter provided by law" for "as now provided by law" and by substituting present proviso for the former one.

MILEAGE AND TRAVEL ALLOWANCE

§ 893. Per diem to officers and enlisted men of Navy and Marine Corps making aerial surveys of rivers, harbors, etc.

CROSS REFERENCES

Flying pay generally, see section 118 of Title 37, Pay and Allowances.

§ 895. Travel allowance to enlisted men on discharge.

An enlisted man discharged from the Army, Navy, or Marine Corps, except by way of punishment for an offense, shall receive 5 cents per mile for the distance from the place of his discharge to the place of his acceptance for enlistment, enrollment, or muster into the service: *Provided,* That for sea travel involved in travel between place of discharge and place of acceptance for enrollment, enlistment, or muster into the service only transportation in kind and subsistence en route shall be allowed: *Provided further,* That enlisted men under the age of eighteen discharged on the application of either of their parents or legal guardian shall be furnished with transportation in kind from the place of discharge to the railroad station at or nearest to the place of acceptance for enlistment, or to their home if the distance thereto is no greater than from the place of discharge to the place of acceptance for enlistment, but if the difference be greater they may be furnished transportation in kind for a distance equal to that from the place of discharge to the place of acceptance for enlistment: *Provided further,* That from and after August 27, 1940, upon discharge or relief or release from active duty, an enlisted man inducted into the military or naval service under sections 301–318 of Appendix to Title 50, as amended, or sections 401–405 of Appendix to Title 50, shall, under such regulations as the Secretary of War or the Secretary of the Navy, respectively, shall prescribe, receive the said 5 cents per mile for the distance from the place of discharge or relief or release from active duty to the location of the local board where he first reported for delivery to an induction station in the case of a selectee, or to the home station of the National Guard unit in the case of a National Guard enlisted man, or to the place where he was selected for enrollment in the Civilian Conservation Corps in the case of a Civilian Conservation Corps enrollee so inducted: *And provided further,* That the enlisted men of the Naval Reserve, the Marine Corps Reserve, the Enlisted Reserve Corps, and the Regular Army Reserve shall receive, upon discharge or relief or release from active duty, the same mileage allowance as herein prescribed, and under the same conditions as herein prescribed for enlisted men inducted into the military or naval service under sections 301–318 of Appendix to Title 50, as amended, except that the distance for which mileage is computed shall be from the place of discharge or relief or release from active duty to the place from which ordered to active duty. (As amended Dec. 14, 1942, ch. 728, 56 Stat. 1049.)

AMENDMENTS

1942—Act Dec. 14, 1942, cited to text, added to both provisos.

SIMILAR PROVISIONS

Similar provisions are also contained in section 752 of Title 10, Army.

§ 895a. Travel allowance to personnel of armed forces upon enlistment or reenlistment.

Every person discharged or released from the military or naval forces on or after June 1, 1945, who enlists or reenlists in the Regular Military or Naval Establishment (irrespective of the service from which discharged or released), and who is granted a reenlistment furlough or leave, shall be paid in advance at his option, at the time such furlough or leave becomes effective, a furlough travel allowance at the rate of 5 cents a mile for the distance between his home or such other place as, subject to regulations prescribed by the Secretary of the Department concerned, he may select, and the place at which he is stationed when the furlough or leave becomes effective, and for the distance between his home, or other place so selected, and the place at which he is ordered to report for duty at the termination of the furlough or leave. If, in order to reach his home, or other place so selected, or to reach the place at which he is ordered to report for duty at the termination of the furlough or leave, sea travel is necessary, he shall be furnished for such sea travel transportation in kind and subsistence en route, and the distance thereof shall be excluded in computing the monetary allowance under the preceding sentence. No monetary allowance shall be paid under this section if travel allowance at least as great has been paid under section 895 of this title upon the discharge or release immediately preceding the enlistment or reenlistment, and if travel allowance in a lesser amount has been so paid under said section, the monetary allowance provided for in this section shall be reduced by that so paid under section 895 of this title. Any appropriated funds available to the Department of War or the Navy to defray the cost of travel of military or naval personnel shall be available to defray expenses incurred in carrying out the provisions of this section. (Oct. 6, 1945, ch. 393, § 6, 59 Stat. 539.)

SHORT TITLE

Short title, see note set out under section 635 of Title 10, Army.

CROSS REFERENCES

Section is also set out as section 751a of Title 10, Army.

Section as applicable to Coast Guard, see section 189 of this title.

§ 896. Transportation to families of officers and enlisted men on permanent change of station; transportation of household effects.

CODIFICATION

Section has been eliminated from the Code Present provisions on this subject are contained in section 112 of Title 37, Pay and Allowances.

§ 896b. "Permanent change of station" in section 896 defined.

CODIFICATION

Section has been eliminated from the Code. Present provisions on this subject are contained in section 112 of Title 37, Pay and Allowances

§ 899. Payment and settlement of mileage accounts.

Payment and settlement of mileage accounts of officers and travel allowance of enlisted men of the Navy, Marine Corps, and Coast Guard, regular and reserve, shall be made in accordance with distances and deductions computed over routes established and published in mileage tables prepared pursuant to the provisions of section 870 of Title 10. (Oct. 29, 1942, ch. 631, § 1, 56 Stat. 1011.)

EFFECTIVE DATE

Section 2 of act Oct. 29, 1942, cited to text, provided that this section should become effective as of April 1, 1941.

CROSS REFERENCES

Mileage and transportation allowances, see section 112 of Title 37, Pay and Allowances

§ 900. Repealed. Sept. 24, 1945, ch. 385, § 5, 59 Stat. 537.

CODIFICATION

Section, act July 1, 1944, ch 361, 58 Stat. 672, which provided for transportation to discharged underage enlisted personnel is now covered by sections 900a and 900b of this title.

§ 900a. Pay and allowances, transportation, and subsistence to discharged or released underage enlisted personnel.

The Secretary of the Navy, under such regulations as he may prescribe, may discharge or release from the Navy, Marine Corps, and the reserve components thereof, with pay and allowances and discharge certificate found appropriate for their service after enlistment, enlisted persons who have secured prior to September 24, 1945, or may secure after September 24, 1945, enlistment by reason of false statement of age on their applications for enlistment and have therefore been enlisted while under the minimum statutory or administrative age limit. When so discharged or released such enlisted persons shall be furnished transportation in kind and subsistence from the place of discharge to their home. (Sept. 24, 1945, ch. 385, § 1, 59 Stat. 536.)

APPROPRIATIONS

Section 3 of act Sept. 24, 1945, cited to text, provided: "Appropriations available for pay and allowances, subsistence, and transportation of enlisted personnel of the Navy, Marine Corps, and Coast Guard shall be available for the payment of pay and allowances, subsistence, and transportation authorized by this Act [sections 900a, 900b of this title]."

VALIDATION OF PRIOR PAYMENTS

Section 4 of act Sept. 24, 1945, cited to text, provided: "All payments heretofore made of a character authorized under the provisions of this Act [sections 900a, 900b of this title], if otherwise correct, are hereby validated."

§ 900b. Same; applicability to Coast Guard personnel.

Whenever the Coast Guard is operating as a part of the Navy the provisions of section 900a of this title shall be applicable to personnel of the Coast Guard, exclusive of temporary members of the Coast Guard Reserve on active duty without full military pay and allowances. When the Coast Guard is operating under the Treasury Department, the powers conferred upon the Secretary of the Navy in section 900a of this title shall be vested in the Secretary of the Treasury. (Sept. 24, 1945, ch. 385, § 2, 59 Stat. 536.)

RATIONS

§ 902a. Navy ration; composition.

The Navy ration issued to each person entitled thereto shall consist of the following daily allowance of provisions: Eight ounces of biscuit or twelve ounces of soft bread or twelve ounces of flour; twelve ounces of preserved meat or fourteen ounces of salt or smoked meat or twenty ounces of fresh meat or fresh fish or poultry; twelve ounces of dried vegetables or eighteen ounces of canned vegetables or forty-four ounces of fresh vegetables; four ounces of dried fruit or ten ounces of canned fruit or six ounces of preserved fruit or sixteen ounces of fresh fruit or six ounces of canned fruit or vegetable juices, or one ounce of powdered fruit juices, or six-tenths of an ounce of concentrated fruit juices; two ounces of cocoa or two ounces of coffee or one-half ounce of tea; four ounces of evaporated milk or one ounce of powdered milk or one-half pint of fresh milk, together with one and six-tenths ounces of butter, one and six-tenths ounces of cereals or rice or starch foods, one-half ounce of cheese, one and two-tenths eggs, one and six-tenths ounces of lard or lard substitute, two-fifths of a gill of oils or sauces or vinegar, five ounces of sugar and such quantities of baking powder and soda, flavoring extracts, mustard, pepper, pickles, salt, sirup, spices, and yeast as required. (As amended Feb. 21, 1942, ch. 106, 56 Stat. 97.)

AMENDMENTS

1942—Act Feb. 21, 1942, cited to text, inserted matter relating to canned fruit or vegetable juices and powdered or concentrated fruit juices.

SUSPENSION DURING WAR

Act Oct 10, 1942, ch 588, 56 Stat 780, provided: "[SEC 1.] The provisions of the Act approved March 2, 1933 (34 U. S. C. § 902a), prescribing a ration in kind shall be suspended except in those cases where the Secretary of the Navy may determine such suspension contrary to the best interests of the Navy: *Provided*, That during any period of suspension, the Secretary of the Navy is authorized to fix the limit of the cost of the rations furnished persons entitled thereto.

"SEC. 2. The authority granted in this Act shall remain in force until six months after the termination of the present war, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate."

§ 908. Payment of money accruing from commuted rations.

CROSS REFERENCES

Aviation cadets' subsistence allowance, payment to messes, see note under section 850c of this title.

§ 909. Aircraft flight ration for personnel and civilian employees of Navy and Marine Corps engaged in flight operations.

Hereafter there may be furnished to officers, enlisted men, and civilian employees of the Navy and Marine Corps, while actually engaged in flight operations, an aircraft flight ration in kind, chargeable to the proper Navy or Marine Corps appropriation,

which flight ration shall be supplementary to any ration or subsistence allowance now granted to such personnel: *Provided,* That no part of an aircraft flight ration shall be furnished without cost to any person in a travel status or to any person to whom a per diem allowance is granted in lieu of actual subsistence. (June 5, 1942, ch. 327, 56 Stat. 308.)

§ 911. Assignment of quarters or commutation thereof; authority of Secretary of Navy.

The Secretary of the Navy may determine where and when there are no public quarters available for persons in the Navy and Marine Corps, or serving therewith, within the meaning of any Acts or parts of Acts relating to the assignment of quarters or commutation therefor. (July 1, 1918, ch. 114, 40 Stat. 718.)

PAY READJUSTMENT ACT OF 1922

Section 21 of the Pay Readjustment Act of 1922, act June 10, 1922, ch 212, § 21, 42 Stat 633, which was repealed by act June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff June 1, 1942, provided that nothing in that act should in any way change existing laws governing allowances in kind for quarters, heat, and light

§ 914. Allowance for quarters and subsistence during sickness or absence.

CROSS REFERENCES

Similar provisions, see section 110 of Title 37, Pay and Allowances.

§ 915. Rental allowance to officers deprived of quarters on board ship.

Officers of the Navy and Marine Corps on sea duty, who are deprived of their quarters on board ship due to repairs or other conditions which render them uninhabitable, and in cases where the hire of quarters is not practicable, may be reimbursed for expenses incurred in an amount not exceeding their quarters allowance, under such regulations as the Secretary of the Navy may prescribe. (June 19, 1942, ch. 419, § 1, 56 Stat. 371.)

CROSS REFERENCES

Coast Guard, application to, see section 133a of Title 14, Coast Guard.

§ 918. Nurse Corps uniforms; issuance in kind or payment of money value upon first appointment.

The Secretary of the Navy shall fix the money value of the uniforms which members of the Navy Nurse Corps are required to have upon their first appointment in the Navy: *Provided,* That he may authorize such uniforms to be issued in kind or, in lieu thereof, that payment in cash of the money value fixed in accordance with the foregoing be made to members so appointed, for the purchase of such uniforms. (July 3, 1942, ch. 485, § 3, 56 Stat. 647.)

§ 919. Same; issuance in kind or payment of money value of additional outdoor uniforms during war or when uniform required at all times; limitation on number of outfits furnished each member.

In time of war or when the Secretary of the Navy shall direct the wearing of uniforms at all times, he may fix the money value of additional outdoor uniforms which may be issued in kind to all members of the Navy Nurse Corps, or authorize payment in cash in lieu thereof for the purchase of such outdoor uniforms as may be prescribed by the United States Navy Uniform Regulations: *Provided,* That but one complete uniform outfit may be furnished to a member of the Navy Nurse Corps. (July 3, 1942, ch. 485, § 4, 56 Stat. 647.)

MEDICINES AND MEDICAL ATTENDANCE; FUNERAL EXPENSES

§§ 924, 925.

CROSS REFERENCES

Coast and Geodetic Survey commissioned officers, application to, see section 870 of Title 33, Navigation and Navigable Waters.

§ 926. Same; persons for whom funeral expenses allowable.

* * * * *

(c) Members of the Naval Reserve or Marine Corps Reserve who die while on active or training duty, or while performing authorized travel to or from such duty; and members of the Naval Reserve Officers' Training Corps who die while en route to or from or while participating in authorized practice cruises or while hospitalized or undergoing treatment as provided in section 821 (b) of this title. (As amended Oct. 13, 1942, ch. 591, § 2, 56 Stat. 781.)

* * * * *

AMENDMENTS

1942—Subsec (c) was amended by act Oct. 13, 1942, cited to text, which added clause after first semicolon.

CROSS REFERENCES

Appropriations for purposes of act Oct. 13, 1942, cited to text, see note under section 821 of this title.

Coast and Geodetic Survey commissioned officers, application to, see section 870 of Title 33, Navigation and Navigable Waters.

§§ 927, 928.

CROSS REFERENCES

Coast and Geodetic Survey commissioned officers, application to, see section 870 of Title 33, Navigation and Navigable Waters.

ALLOTMENT OF PAY; ASSIGNMENT OF WAGES; DEPOSITS OF SAVINGS

CROSS REFERENCES

Wartime pay and allowances generally, see section 1001 et seq. of Appendix to Title 50, War.

§ 933a. Same; disposition of forfeited deposits.

Savings deposits forfeited by desertion shall be deposited into the Treasury of the United States as miscellaneous receipts. (June 15, 1943, ch. 125, § 2 (c), 57 Stat. 153.)

SETTLEMENT OF ACCOUNTS OF DECEASED OFFICERS AND MEN; ALLOWANCES TO DEPENDENTS

§ 941. Settlement of accounts of deceased officers and men.

In the settlement of the accounts of deceased officers or enlisted men of the Navy and Marine Corps, Coast Guard, where the amount due the decedent's estate is less than one thousand dollars and no demand is presented by a duly appointed legal representative of the estate, the accounting officers

may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if the decedent left no widow, or widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this section shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers. (As amended Oct. 28, 1943, ch. 289, 57 Stat. 583; July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.)

AMENDMENTS

1943—Act Oct. 28, 1943, cited to text, amended section by striking words "five hundred" following "estate is less than" and inserting "one thousand", and by striking colon immediately preceding the proviso and inserting a period and a new sentence

REPEALS

Act July 1, 1944, cited to text, repealed words "and of deceased commissioned officers of the Public Health Service" following "Coast Guard".

§ 943. Allowance on death of officer or enlisted man or nurse, to widow, child, or dependent relative.

Immediately upon official notification of the death from wounds or disease, not the result of his or her own misconduct, of any officer, enlisted man, or nurse on the active list of the Regular Navy or Regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow, to the child or children, and if there be no widow or child, to any other dependent relative of such officer, enlisted man, or nurse previously designated by him or her, an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man or nurse having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his or her death. Said amount shall be paid from funds appropriated for the pay of the Navy and pay of the Marine Corps, respectively: *Provided*, That if there be no widow, child, or previously designated dependent relative, the Secretary of the Navy shall cause the amount herein provided to be paid to any grandchild, parent, brother or sister, or grandparent shown to have been dependent upon such officer, enlisted man, or nurse prior to his or her death, and the determination of such fact by the Secretary of the Navy shall be final and conclusive upon the accounting officers of the Government: *Provided further*, That nothing in this section or in other existing legislation shall be construed as making the provisions of this section applicable to officers, enlisted men, or nurses of any forces of the Navy of the United States other than those of the Regular Navy and Marine Corps, and nothing in this section shall be construed to apply in commissioned grades to any officers except those holding permanent or probationary appointments in the Regular Navy or Marine Corps: *Provided further*, That the provisions of this section shall apply to the officers and enlisted men of the Coast Guard, and the Secretary of the Treasury will cause payment to be made accordingly: *And provided further*, That in the event of the death of any beneficiary before payment to and collection by such beneficiary of the amount authorized herein, such amount shall be paid to the next living beneficiary in the order of succession above stated. (As amended Mar. 7, 1942, ch. 166, §§ 10, 15, 56 Stat. 145, 147; Mar. 29, 1944, ch. 141, § 1, 58 Stat. 129.)

AMENDMENTS

1944—Act Mar. 29, 1944, § 1, amended section by inserting "grandchild" in first proviso, and adding last proviso.

1942—Act Mar. 7, 1942, cited to text, deleted from first proviso the word "actually", which had previously preceded "dependent upon such officer". Section 15 of that act, constituting section 1015 of Appendix to Title 50, provided that the act should be effective from Sept 8, 1939, until twelve months after the termination of the present war, as proclaimed by the President.

VALIDATION OF PRIOR PAYMENTS

Section 2 of act Mar 29, 1944, cited to text, provided: "Nothing contained in section 1 of this Act [section 943 of this title] shall be construed to invalidate or in any manner affect any payments of the six months' death gratuity made prior to the date of approval of this Act, [March 29, 1944] but no payment of such gratuity shall hereafter be made to the representative of the estate of a beneficiary who died prior to such approval."

Public Health Service commissioned officers, application to, see section 11 of Title 42, The Public Health and Welfare.

CROSS REFERENCES

Coast and Geodetic Survey commissioned officers, application to, see section 870 of Title 33, Navigation and Navigable Waters.

§ 945. Educational aid to children of those who lost their lives in the military service during the World War.

There is authorized to be appropriated, from funds to the credit of the District of Columbia in the Treasury of the United States not otherwise appropriated, the sum of $4,800, annually, for aid in the education of children (between the ages of sixteen and twenty-one years, inclusive, who have had their domicile in the District of Columbia for at least five years) of those who have died or may hereafter die as a result of service in the military or naval forces of the United States during the World War on and after April 6, 1917, and prior to November 12, 1918, or during the period of the present war, on and after December 7, 1941, and prior to the termination of hostilities as declared by Presidential proclamation or by concurrent resolution of the Congress, including tuition, fees, maintenance, and the purchase of books and supplies: *Provided*, That not more than $200 shall be available for any one child in any one year: *Provided further*, That appropriations made in accordance with this section shall be expended, under rules and regulations pre-

scribed by the Board of Education of the District of Columbia, only for such children as the said Board, from time to time, may find to be in need of such aid and in such amounts as the said Board from time to time may determine in the case of each child. (As amended Dec. 16, 1944, ch. 598, 58 Stat. 811.)

AMENDMENTS

1944—Act Dec. 16, 1944, cited to text, amended section generally by increasing amount available from $3,600 to $4,800, by providing for appropriation annually rather than for years 1935 to 1943, inclusive, and by also including children of those who lost their lives in the present war

ALLOWANCES TO PRISONERS

§ 963. Annual appropriations as available for prisoners.

Commencing with the fiscal year 1944, annual appropriations for "Pay, subsistence, and transportation, Navy", or "Pay, Marine Corps", as may be appropriate, shall be available for payment of (a) necessary personal allowances of prisoners during confinement, and (b) transportation, gratuity, and civilian clothing of discharged naval prisoners. (June 15, 1943, ch. 125, § 2 (c), 57 Stat. 153.)

PAY AND ALLOWANCES OF MARINE CORPS

CROSS REFERENCES

Wartime pay and allowances generally, see section 1001 et seq of Appendix to Title 50, War.

§ 974. No forfeiture of pay and allowances on furlough.

No part of the pay and allowances authorized for enlisted men detailed as clerks and messengers in the office of the Commandant and the several staff offices shall be forfeited when granted furlough for not exceeding thirty days in each calendar year. (As amended Jan. 20, 1942, ch. 10, § 1, 56 Stat. 10.)

AMENDMENTS

1942—Act Jan. 20, 1942, cited to text and constituting section 622 of this title, redesignated "Major General Commandant of the Marine Corps" to be "Commandant of the Marine Corps".

§ 977. Settlement of traveling expense claims.

CROSS REFERENCES

Payment and settlement of mileage accounts, see section 899 of this title.

REIMBURSEMENT OF OFFICERS AND MEN OF NAVY AND MARINE CORPS FOR PERSONAL PROPERTY LOST, DESTROYED, OR DAMAGED BY OPERATIONS OF WAR, ETC.

§§ 981–983. Repealed. Oct. 27, 1943, ch. 287, § 9, 57 Stat. 583.

Section 981, as amended by acts Jan. 20, 1942, ch. 10, § 1, 56 Stat. 10, and May 13, 1942, ch. 303, 56 Stat. 276, provided for nature and extent of claims of Navy and Marine Corps personnel for personal property lost, etc., by operation of war Provisions of section now covered by sections 222e and 222f of Title 31, Money and Finance.

Section 982 provided for reimbursement in kind or in money Provisions of section now covered by sections 222e and 222f of Title 31, Money and Finance.

Section 983 provided for definition of terms and for the time of reimbursement. Provisions of section are now covered by sections 222e and 222f of Title 31, Money and Finance.

§§ 984–989. Repealed. Dec. 28, 1945, ch. 597, § 4, 59 Stat. 662.

Section 984, act Oct. 27, 1943, ch. 287, 57 Stat 582, as amended Nov. 14, 1945, ch. 468, § 1, 59 Stat. 578, relating to nature and extent of the Government's liability for claims of officers and men of Navy and Marine Corps for property lost, destroyed, or damaged by operations of war, etc, is now covered by sections 222e and 222f of Title 31, Money and Finance.

Section 984a, act Nov. 14, 1945, ch. 468, § 2, 59 Stat. 579, providing for a time limit on presentation of claims is now covered by sections 222e and 222f of Title 31, Money and Finance.

Sections 985–989, act Oct. 27, 1943, ch. 287, 57 Stat. 582, providing additional provisions for the settlement of said claims are now covered by sections 222e and 222f of Title 31, Money and Finance.

RETIRED PAY

§ 995a. Active duty and retired pay of retired commissioned warrant officers; "creditable records on the active list" as including active duty after retirement.

Effective from September 8, 1939, for the purpose of determining both active duty and retired pay of commissioned warrant officers of the Navy, including such officers advanced in rank pursuant to the provisions of sections 399c and 399d of this title, the phrase "with creditable records on the active list" appearing in section 108 of Title 37 shall be construed to include, as service on the active list, service on active duty heretofore or hereafter performed subsequent to retirement. (June 19, 1942, ch. 420, 56 Stat. 372.)

REFERENCES IN TEXT

Reference to "section 108 of Title 37" appeared in act June 19, 1942, cited to text, as "section 1 of the act approved June 10, 1922, as amended (45 Stat. 1187)," the pertinent portion of which constituted former section 5 of Title 37 and was repealed by act June 16, 1942, ch 413, § 19, 56 Stat 369, eff June 1, 1942 Section 108 of Title 37 contains provisions of such 1942 act corresponding to the pertinent portion of section 1 of the 1922 act For the effect of the 1942 act on acts incorporating by reference the provisions of the repealed 1922 act, see section 119 of Title 37, Pay and Allowances

§ 1000. Free tuition in District of Columbia schools for children of officers, men, and other employees.

The children of officers and men of the United States Army, Navy, and Marine Corps, and children of other employees of the United States stationed outside the District of Columbia shall be admitted to the public schools of the District of Columbia without payment of tuition. (June 12, 1940, ch. 333, § 1, 54 Stat. 319; July 1, 1941, ch. 271, § 1, 55 Stat. 512; June 27, 1942, ch. 452, § 1, 56 Stat. 432; July 1, 1943, ch. 184, § 1, 57 Stat. 324; June 28, 1944, ch. 300, § 1, 58 Stat. 515.)

§ 1001. Same; sailors.

CODIFICATION

Catchline has been revised.

Chapter 18.—NAVAL ACADEMY

NUMBER OF MIDSHIPMEN

Sec.
1032–1. Allotment of appointees upon redistricting of congressional districts (New).
1032a. Same; additional appointments to fill quota deficiency in appointments from Reserves (New).

Sec.
1036–1. Same; persons from other American republics (New).
1038. Appointment of sons of winners of Medal of Honor (New).

PAY AND ALLOWANCES; STUDIES; GRADUATION

1057a–1. Conferring of degrees in engineering and related fields by postgraduate school (New).

GOVERNMENT

1062a. Discharge of midshipmen due to unsatisfactory conduct or aptitude (New).

PROFESSORS AND INSTRUCTORS

1073c–1. Same; computation of life annuity; payment of additional sums on policies in effect; reduction of annuities (New)

STORES AND SUPPLIES

1108. Appropriation of funds collected from operation of midshipmen's store (New).
1108a. Status of employees of midshipmen's Store (New).
1109. Cobbler and barber shops; appropriation of funds collected from operation (New).
1109a Status of cobbler and barber shops employees (New).
1110. Tailor shop; appropriation of funds collected from operation (New).
1110a. Status of tailor shop employees (New).

PROPERTY, BUILDINGS AND GROUNDS

1115. Gifts and bequests to Naval Academy; acceptance by Secretary of the Navy (New).
1115a. Same; deposit of funds, disbursements (New).
1115b. Same; exemption from taxation (New).
1115c. Same; investment of funds (New).

NUMBER OF MIDSHIPMEN

§ 1032. Number of midshipmen exclusive of Naval and Marine Reserve.

There shall be allowed at the United States Naval Academy five midshipmen for each Senator, Representative, Delegate in Congress, and Resident Commissioner from Puerto Rico, and five for the District of Columbia, twenty-five appointed each year at large, and one hundred appointed annually from enlisted men of the Navy. (As amended Jan. 30, 1941, ch. 2, § 2, 55 Stat. 3.)

§ 1032–1. Allotment of appointees upon redistricting of congressional districts.

Cadets at the United States Military Academy and midshipmen at the United States Naval Academy, or nominees for appointment thereto, whose place of residence, by reason of redistricting the State concerned, falls in another congressional district, and who were appointed with respect to or nominated by the Representative of the former district, shall be charged to the Representative of the latter district as additional numbers but the number of cadets and midshipmen otherwise respectively allowed at such respective academies for the Representative of such latter district shall be temporarily increased by the number of such cadets or midshipmen, as the case may be, and by the number of such nominees who are appointed and qualify: *Provided*, That such temporary increase in numbers authorized herein for the Representative concerned shall be reduced accordingly as each cadet or midshipman, in attendance at either academy under an appointment from such former district is finally separated therefrom. (July 7, 1943, ch. 193, 57 Stat. 383.)

CODIFICATION

Similar provisions are also set out as section 1091–1 of Title 10, Army.

§ 1032a. Same; additional appointments to fill quota deficiency in appointments from Reserves.

In the event that the quota of midshipmen authorized by section 855f of this title to be appointed from the enlisted men of the Naval Reserve and the Marine Corps Reserve is not filled in any one year the Secretary of the Navy shall have authority to fill such vacancies with enlisted men from the Regular Navy or Marine Corps. (Jan. 30, 1941, ch. 2, § 3, 55 Stat. 4.)

§ 1033a. Number of midshipmen from "honor schools" and Naval Reserve Officers' Training Corps.

The Secretary of the Navy is authorized to appoint not more than twenty midshipmen annually to the Naval Academy from among the honor graduates of educational institutions which are designated as "honor schools" by the War Department in accordance with the provisions of section 1091 of Title 10, or by the Navy Department in accordance with regulations established by the Secretary of the Navy, and from among the members of the Naval Reserve Officers' Training Corps: *Provided*, That such appointments shall be made under such rules and regulations as the Secretary of the Navy may prescribe. (As amended June 6, 1941, ch. 175, 55 Stat. 246.)

AMENDMENTS

1941—Act June 6, 1941, cited to text, inserted after "War Department" the words "in accordance with the provisions of section 1091 of Title 10, or by the Navy Department in accordance with regulations established by the Secretary of the Navy, and from among "

§ 1036–1. Same; persons from other American republics.

The Secretary of the Navy is hereby authorized to permit, upon designation of the President of the United States, not exceeding twenty persons at a time from the American Republics (other than the United States) to receive instruction at the United States Naval Academy at Annapolis, Maryland. Not more than three persons from any of such Republics shall receive instruction under authority of this section at the same time. The persons receiving instruction under authority of this section shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, and, subject to such exceptions as may be determined by the Secretary of the Navy, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as midshipmen at the Naval Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the United States Navy by reason of their graduation from the Naval Academy. (July 14, 1941, ch. 292, 55 Stat. 589.)

§ 1036a. Increase in number of cadets and midshipmen from United States at large.

The number of cadets now authorized by law at the United States Military Academy and the number

of midshipmen now authorized by law at the United States Naval Academy are each increased by forty from the United States at large, to be appointed by the President from among the sons of members of the land or naval forces (including male and female members of the Army, Navy, Marine Corps, and Coast Guard, and of all components thereof) of the United States who were killed in action or have died, or may die on or after November 24, 1945, of wounds or injuries received, or disease contracted, or preexisting injury or disease aggravated, in active service during World War I or World War II (as each is defined by laws providing service-connected compensation or pension benefits for veterans of World War I and World War II and their dependents): *Provided,* That the determination of the Veterans' Administration as to service connection of the cause of death shall be binding upon the Secretary of War and the Secretary of the Navy, respectively: *Provided further,* That all such appointees are otherwise qualified for admission: *And provided further,* That appointees under this section shall be selected in order of merit as established by competitive examination. (As amended Dec. 1, 1942, ch. 650, 56 Stat. 1024; Nov 24, 1945, ch. 493, 59 Stat. 586.)

AMENDMENTS

1945—Act Nov 24, 1945, cited to text, amended section generally by extending its provisions to sons of members of the land or naval forces (including male and female members of the Army, Navy, Marine Corps, and Coast Guard, and all components thereof) who served in World Wars I and II, and added the second proviso.

1942—Act Dec 1, 1942, cited to text, amended section generally by extending its provisions to sons of Army and Navy Nurse Corps (female) by striking clause "or died prior to July 2, 1942" following clause "killed in action", by striking proviso that division of appointments be divided one-half to officers' sons and one-half to warrant officers' and enlisted men's sons, and by adding the proviso.

§ 1038. Appointment of sons of winners of Medal of Honor.

The number of cadets authorized by law enacted prior to November 24, 1945, at the United States Military Academy, and the number of midshipmen authorized by law enacted prior to November 24, 1945, at the United States Naval Academy, are each increased by such number as may be appointed by the President from the United States at large from among the sons of persons who have been or shall be after November 24, 1945, awarded a Medal of Honor in the name of Congress for acts performed while in any of the armed forces of the United States: *Provided,* That all such appointees are otherwise qualified for admission. (Nov. 24, 1945, ch. 492, 59 Stat. 586.)

APPOINTMENT OF MIDSHIPMEN

§ 1041. Nomination of candidates; authority of Secretary and President.

CROSS REFERENCES

Eligibility for pensions, see section 130 of Title 38; Pensions, Bonuses, and Veterans' Relief.

§ 1042. Appointments from enlisted men.

WARTIME APPOINTMENTS

Acts Mar. 31, 1943, ch. 30, § 1, 57 Stat. 52; June 26, 1943, ch. 147, § 1, 57 Stat. 204; June 22, 1944, ch. 269, § 1, 58 Stat. 308; May 29, 1945, ch. 130, § 1, 59 Stat. 208, provided: "During the present emergency qualified enlisted men of the Navy, Naval Reserve, and Marine Corps may be appointed to the Naval Academy after nine months of service."

§ 1045. Qualifications.

Candidates allowed for Congressional districts, for Territories and for the District of Columbia, must be actual residents of the districts or Territories, respectively, from which they are nominated. All candidates for admission to the Naval Academy must be not less than seventeen years of age nor more than twenty-one years of age on April 1st of the calendar year in which they enter the Academy: *Provided,* That any candidate who has served honorably not less than one year in the armed forces of the United States during any of the present wars and who possesses the other qualifications required by law may be admitted between the ages of seventeen and twenty-three years. (As amended Dec. 11, 1945, ch. 564, § 2, 59 Stat. 606.)

AMENDMENTS

1945—Act Dec 11, 1945, cited to text, amended second sentence generally.

PAY AND ALLOWANCES; STUDIES; GRADUATION

§ 1054. Length of course.

TEMPORARY THREE-YEAR COURSE

Act June 3, 1941, ch. 162, 55 Stat. 238, as amended by act June 26, 1943, ch. 149, 57 Stat. 219, provided: "That until the termination of the present war, and until six months thereafter, or until such earlier time as the President by proclamation or the Congress by concurrent resolution may designate, the President is hereby authorized, in his discretion, to reduce the course of instruction at the United States Naval Academy from four to three years and thereafter to graduate classes which have completed such reduced course of instruction".

§ 1057a-1. Conferring of degrees in engineering and related fields by post-graduate school.

Pursuant to such regulations as the Secretary of the Navy may prescribe, the head of the postgraduate school of the United States Navy is authorized, upon due accreditation from time to time by the appropriate professional authority of the applicable curriculum of such school leading to masters or doctors degrees in engineering or related fields, to confer such degree or degrees on qualified graduates of such school. (Dec. 7, 1945, ch. 559, 59 Stat. 603.)

GOVERNMENT

§ 1062a. Discharge of midshipmen due to unsatisfactory conduct or aptitude.

The Superintendent of the United States Naval Academy shall, whenever he determines that the conduct of any midshipman is unsatisfactory or whenever it is determined by a unanimous decision of the Academic Board that any midshipman possesses insufficient aptitude for becoming a commissioned officer in the naval service, submit to the Secretary of the Navy in writing a full report of such determination and of the facts on which it is based. If, after according such midshipman an opportunity to examine such report and to submit a written statement thereon, the Secretary of the

Navy shall deem the Superintendent's determination reasonable and well founded upon the basis of such report and statement, he may, in his discretion, discharge such midshipman from the Naval Academy. (Dec. 11, 1945, ch. 562, 59 Stat. 605.)

PROFESSORS AND INSTRUCTORS

§ 1073c–1. Same; computation of life annuity; payment of additional sums on policies in effect; reduction of annuities.

Each civilian member of the teaching staffs who is hereafter retired on or after reaching the age of retirement set forth in section 1073b of this title shall be paid a life annuity, terminable on his death, at the rate of the following total annual amount: The average annual basic salary, pay, or compensation received by such civilian teacher during any five consecutive years of allowable service at the option of such teacher, multiplied by the number of years of service, not exceeding thirty-five years, and divided by seventy. The retirement annuity payable to each such retired teacher, under any annuity policy provided for by sections 1073–1073e of this title, or under the provisions of section 1073 of this title, shall be counted as payable on account of the retirement annuity provided in this section, and the Secretary of the Navy shall pay to each such retired teacher, from such appropriations as may be made for the purpose, such additional sums, if any, as will bring the total annual sum paid to such retired teacher to the total annual amount prescribed in this section: *Provided,* That nothing herein contained shall operate to reduce the retirement annuity which would have been payable to any such retired teacher if this section had not been enacted: *And provided further,* That no payments under this section shall be made to any member of said staffs who shall be entitled to retirement and retirement benefits under the provisions of chapter 14 of Title 5, and shall elect, or shall have elected, to continue thereunder. (June 16, 1936, ch. 3, § 4A, as added Nov. 28, 1943, ch. 331, § 1, 57 Stat. 594.)

§ 1073d. Same; definition of civilian members.

Civilian members of the teaching staffs of the Naval Academy and Postgraduate School shall include instructors, assistant chief instructors, chief instructors, assistant professors, associate professors, professors, and senior professors. (As amended Nov. 28, 1943, ch. 331, § 2, 57 Stat. 595.)

AMENDMENTS

1943—Act Nov. 28, 1943, cited to text, amended section by striking out word "and" before "professors", by striking out period following word "professors" and adding of comma and words "and senior professors".

STORES AND SUPPLIES

§ 1108. Appropriation of funds collected from operation of midshipmen's store.

All funds collected from the operations of the midshipmen's store at the United States Naval Academy are appropriated for the purpose of providing and maintaining the necessary service and shall on or after December 3, 1945, be accounted for as public moneys. (Dec. 3, 1945, ch. 510, § 1, 59 Stat. 590.)

§ 1108a. Status of employees of midshipmen's store.

All employees of such midshipmen's store, whether paid prior to December 3, 1945, from appropriated moneys or from receipts of the midshipmen's store, shall on or after December 3, 1945, be deemed to be Government employees entitled to all benefits and subject to all restrictions arising under the laws of the United States applicable to civil-service employees of their grade and class. All employees of said midshipmen's store on December 3, 1945, shall be entitled to claim credit for prior employment in said store for purposes of any benefits to which they may be entitled under the laws of the United States, and no such employee shall suffer, by virtue of being placed in the status of a civil-service employee by this section, a reduction in total pay below that being received by him on December 3, 1945. (Dec. 3, 1945, ch. 510, § 2, 59 Stat. 590.)

§ 1109. Cobbler and barber shops; appropriation of funds collected from operation.

All funds collected from the operations of the midshipmen's cobbler and barber shops at the United States Naval Academy are appropriated for the purpose of providing and maintaining the necessary cobbler and barber service and shall after December 28, 1945 be accounted for as public moneys. (Dec. 28, 1945, ch. 594, § 1, 59 Stat. 660.)

§ 1109a. Status of cobbler and barber shops employees.

All employees of such midshipmen's cobbler and barber shops, whether paid prior to December 28, 1945, from appropriated moneys or from receipts of the midshipmen's cobbler and barber shops, shall after December 28, 1945 be deemed to be Government employees entitled to all benefits and subject to all restrictions arising under the laws of the United States applicable to civil-service employees of their grade and class. All employees of the midshipmen's cobbler and barber shops on December 28, 1945 shall be entitled to claim credit for prior employment in said cobbler and barber shops for purposes of any benefits to which they may be entitled under the laws of the United States, and no such employee shall suffer, by virtue of being placed in the status of a civil-service employee by this section, a reduction in total pay below that being received by him on December 28, 1945. (Dec. 28, 1945, ch. 594, § 2, 59 Stat. 660.)

§ 1110. Tailor shop; appropriation of funds collected from operation.

All funds collected from the operation of the midshipmen's tailor shop at the United States Naval Academy are appropriated for the purpose of providing and maintaining the necessary tailor service and shall after December 28, 1945, be accounted for as public moneys. (Dec. 28, 1945, ch. 593, § 1, 59 Stat. 660.)

§ 1110a. Status of tailor shop employees.

All employees of such midshipmen's tailor shop whether paid prior to December 28, 1945, from appropriated moneys or from receipts of the midshipmen's tailor shop, shall after December 28, 1945, be deemed to be Government employees entitled to all

benefits and subject to all restrictions arising under the laws of the United States applicable to civil-service employees of their grade and class. All employees of said midshipmen's tailor shop on December 28, 1945 shall be entitled to claim credit for prior employment in said tailor shop for purposes of any benefits to which they may be entitled under the laws of the United States, and no such employee shall suffer, by virtue of being placed in the status of a civil-service employee by this section, a reduction in total pay below that being received by him on December 28, 1945. (Dec. 28, 1945, ch. 593, § 2, 59 Stat. 660.)

PROPERTY, BUILDINGS AND GROUNDS

§ 1115. Gifts and bequests to Naval Academy; acceptance by Secretary of the Navy.

The Secretary of the Navy is hereby authorized in his discretion to accept, receive, hold, administer, and expend gifts and bequests of personal property, from individuals or others, for the benefit of, or for use in connection with, the United States Naval Academy. (Mar. 31, 1944, ch. 147, § 1, 58 Stat. 135.)

§ 1115a. Same; deposit of funds; disbursements.

Gifts or bequests of money or the proceeds from sales of other property received as gifts shall be deposited in the Treasury of the United States under the title "United States Naval Academy general gift fund", and any funds so deposited shall be subject to disbursement by the Secretary of the Navy for the benefit or use of the United States Naval Academy subject to the terms and conditions of the acceptance of any particular gift or bequest. (Mar. 31, 1944, ch. 147, § 2, 58 Stat. 135.)

§ 1115b. Same; exemption from taxation.

For the purpose of Federal income, estate and gift taxes, gifts and bequests accepted by the Secretary of the Navy under authority of sections 1115–1115c of this title shall be deemed to be a gift or bequest to or for the use of the United States. (Mar. 31, 1944, ch. 147, § 3, 58 Stat. 135.)

§ 1115c. Same; investment of funds.

The Secretary of the Treasury is authorized, upon request of the Secretary of the Navy, to invest, reinvest, or retain investments of the money or securities composing the United States Naval Academy general gift fund, or any part thereof, deposited in the Treasury pursuant to section 1115a of this title, in securities of the United States Government or in securities guaranteed as to principal and interest by the United States Government. The interest and profits accruing from such securities may be deposited to the credit of the United States Naval Academy general gift fund, and will be available for disbursement as provided in section 1115a of this title. (Mar. 31, 1944, ch. 147, § 4, 58 Stat. 135.)

Chapter 19.—NAUTICAL INSTRUCTION IN EDUCATIONAL INSTITUTIONS

Sec.
1123a. Maritime Commission to repair, equip, and furnish vessels (New).
1123b. Construction by Maritime Commission of replacement vessels for nautical schools (New).
1123c. Prerequisites to receipt of Federal aid by schools (New).
1123d. Rules and regulations by Maritime Commission (New).
1123e. Extension of benefits under sections 1123a–1123d to State nautical schools (New).

§ 1121. Vessels for nautical schools at certain points; area of ports of Norfolk and San Francisco.

* * * * *

The port of San Francisco specified in the first paragraph of this section shall be construed as embracing, in addition to the city of San Francisco, any city, town, municipality, or other locality on the San Francisco Bay or the San Pablo Bay or waters tributary thereto. (As amended June 6, 1941, ch. 188, 55 Stat. 247.)

AMENDMENTS

1941—Act June 6, 1941, cited to text, delimited area of port of San Francisco.

TRANSFER OF FUNCTIONS

Functions of Maritime Commission pertaining to the furnishing and maintenance of vessels for use of State Marine or Nautical Schools, and other duties transferred to the Commandant of the Coast Guard during present war, see Ex. Ord. No. 9083, set out in note under section 601 of Appendix to Title 50, War.

§ 1122. Appropriations for nautical schools.

A sum not exceeding the amount annually appropriated by any State or municipality for the purpose of maintaining such a marine school or schools or the nautical branch thereof is authorized to be appropriated for the purpose of aiding in the maintenance and support of such school or schools: *Provided, however,* That appropriations shall be made for one school in any port heretofore named in section 1121 of this title and that the appropriation for any one year shall not exceed $50,000 for any one school. (As amended July 29, 1941, ch. 327, § 3, 55 Stat. 607.)

§ 1123a. Maritime Commission to repair, equip, and furnish vessels.

In the administration of sections 1121–1123 of this title, as amended, the United States Maritime Commission may repair or recondition, equip, and furnish to any State maintaining a marine school or a nautical branch under said sections, a suitable vessel owned or acquired by the Commission or otherwise available for disposition hereunder. Any department or agency of the United States is hereby authorized, notwithstanding any other provision of law, to supply to the Commission for disposition hereunder any suitable vessel which can be spared without detriment to the service to which such vessel has been assigned. All vessels furnished to States for the use of such schools shall be and remain the property of the United States, and shall be maintained in good repair by the Commission. (July 29, 1941, ch. 327, § 1, 55 Stat. 607.)

§ 1123b. Construction by Maritime Commission of replacement vessels for nautical schools.

The Maritime Commission is authorized, from any moneys hereafter appropriated or made available to the Commission, to provide for the construction, by contract or otherwise, in accordance with plans and specifications prepared by the Commission and approved by the Secretary of the Navy, of suitable vessels with modern equipment and instruments to

replace vessels otherwise furnished to States which are maintaining schools under sections 1121–1123 of this title. (July 29, 1941, ch. 327, § 2, 55 Stat. 607.)

§ 1123c. Prerequisites to receipt of Federal aid by schools.

Each marine school or nautical branch thereof, as a condition to receiving any portion of the monetary aid authorized by section 1122 of this title, or the use of any vessel authorized by sections 1123a–1123e of this title, shall under appropriate authority agree to conform to such minimum standards in regard to students' entrance requirements, the staff of instructors, and courses of and facilities for training, as the Maritime Commission shall approve. Each marine school or nautical branch thereof, as a condition to receiving any portion of such monetary aid in excess of $25,000, shall under appropriate authority agree to admit to such school students resident in other States upon such terms and in such numbers as the Commission shall prescribe: *Provided,* That the per capita cost of students designated by the Maritime Commission for admission to such school shall be paid from the Federal funds authorized in section 1122 of this title and that the total number of such students shall not exceed one-third of the student capacity of such school. (July 29, 1941, ch. 327, § 3, 55 Stat. 607.)

§ 1123d. Rules and regulations by Maritime Commission.

The Maritime Commission is authorized to prescribe such rules and regulations as may be necessary or appropriate in the administration of sections 1123a–1123e and sections 1121–1123 of this title, as amended. (July 29, 1941, ch. 327, § 4, 55 Stat. 607.)

§ 1123e. Extension of benefits under sections 1123a–1123e to State nautical schools.

The Maritime Commission is authorized to extend the benefits of sections 1123a–1123e to a State nautical school, established and maintained by any State in accordance with the applicable provisions of sections 1121–1123 of this title, as amended, at such port as may be designated by the State. (July 29, 1941, ch. 327, § 5, 55 Stat. 607.)

Chapter 20.—PRIZE

Sec.
1159. Jurisdiction of prizes and proceedings for their condemnation (New).
1160. Venue of proceedings (New).
1161. Consent of cobelligerent to exercise of jurisdiction or taking of prize involving territorial waters of cobelligerent (New).
1162. Power of War Shipping Administration to appropriate property (New).
1163. Special prize commissioners; appointment; qualifications; powers and duties (New).
1164. Rules governing jurisdiction; construction with other laws relating to prizes (New).
1165. Reciprocal privileges and jurisdiction of cobelligerents (New).
1166. Effect on jurisdiction under other laws (New).

§ 1131. Application of provisions of chapter.

The provisions of this chapter shall apply to all captures of vessels, including aircraft, made as prize by authority of the United States or adopted and ratified by the President of the United States: *Provided,* That the terms "vessel" and "ship" as used in this chapter shall include aircraft, and that the term "master" as used in this chapter shall include the pilot or other person in command of such aircraft: *Provided further,* That nothing herein contained shall be construed as affecting, or in any way impairing, the legal right of the Army of the United States or any component part thereof, while engaged in hostilities, to capture any enemy property or neutral property used or transported in violation of the obligations of neutrals under international law, wherever found, and without prize procedure. (As amended June 24, 1941, ch. 232, 55 Stat. 261.)

AMENDMENTS

1941—Act June 24, 1941, cited to text, extended application to aircraft and added two provisos.

§ 1132. "Vessels of the Navy" defined.

The term "vessels of the Navy" as used in this chapter shall include all armed vessels, including aircraft, officered and manned by the United States and under the control of the Department of the Navy. (As amended June 24, 1941, ch. 232, 55 Stat. 261.)

AMENDMENTS

1941—Act June 24, 1941, cited to text, extended application to aircraft.

§ 1137. Appointment of prize commissioners.

Any district court may appoint prize commissioners, not exceeding three in number; of whom one shall be a naval officer, active or retired, approved by the Secretary of the Navy, who shall receive no other compensation than his pay in the Navy, and who shall protect the interests of the Department of the Navy in the prize property; and at least one of the others shall be a member of the bar of the court, of not less than three years' standing, and acquainted with the taking of depositions. (As amended Nov. 14, 1945, ch. 472, § 2, 59 Stat. 581.)

AMENDMENTS

1945—Act Nov. 14, 1945, cited to text, amended section by omitting "retired" preceding "naval officer" and inserting "active or retired" following "naval officer".

§ 1140. Appraisal of property taken for Government.

Whenever any captured vessel, arms, munitions, or other material are taken for the use of the United States before it comes into the custody of the prize court, it shall be surveyed, appraised, and inventoried, by persons as competent and impartial as can be obtained, and the survey, appraisement, and inventory shall be sent to the court in which proceedings are to be had; and if taken afterward, sufficient notice shall first be given to enable the court to have the property appraised for the protection of the rights of the claimants. In all cases of prize property taken for or appropriated to the use of the Government, the department for whose use it is taken or appropriated shall deposit the value thereof with the Treasurer of the United States or public depositary nearest to the place of the session of the court, subject to the order of the court in the cause: *Provided,* That notwithstanding any other provision of law, if the seized

property is taken or appropriated for the use of the United States whether before or after it comes into the custody of the prize court, the prize court is authorized to proceed to adjudication on the basis of an inventory and survey and an appropriate undertaking by the United States to respond for the value of such property without the necessity for either an appraisement or the deposit of the value of the prize with the Treasurer of the United States or any other public depository. (As amended Nov. 14, 1945, ch. 472, § 3, 59 Stat. 581.)

AMENDMENTS

1945—Act Nov. 14, 1945, cited to text, amended section by adding proviso to second sentence.

§ 1159. Jurisdiction of prizes and proceedings for their condemnation.

The district courts shall have original jurisdiction of all prizes captured during war if said capture was made by authority of the United States or was adopted and ratified by the President of the United States and the prize was brought into the territorial waters of a cobelligerent or into a locality in the temporary or permanent possession or occupation of the armed forces of the United States or was taken or appropriated for the use of the United States, including jurisdiction of all proceedings for the condemnation of such property taken as prize. (Aug. 18, 1942, ch. 553, § 1, 56 Stat. 746, as amended July 1, 1944, ch. 370, § 1, 58 Stat. 678; Nov. 14, 1945, ch. 472, § 1, 59 Stat. 581.)

AMENDMENTS

1945—Act Nov. 14, 1945, cited to text, amended section by inserting "or into a locality in the temporary or permanent possession or occupation of the armed forces of the United States" following "of a cobelligerent".

1944—Act July 1, 1944, cited to text, amended section by omitting "present" following "captured during the", "on the high seas" following "captured during the war", and "on the high seas or in such territorial waters" following "use of the United States".

TITLE OF ACT AMENDMENT

Section 3 of act July 1, 1944, cited to text, provided: "That the title of such Act [sections 1159–1166 of this title] is amended by striking out the words 'the present' therein so that the title, as amended, shall read 'An Act to facilitate the disposition of prizes captured by the United States during war, and for other purposes'."

CROSS REFERENCES

Jurisdiction of prizes, see section 41 (3) of Title 28, Judicial Code and Judiciary.

§ 1160. Venue of proceedings.

The venue of any proceeding brought under the jurisdiction conferred by sections 1159–1166 of this title shall be in the judicial district selected by the Attorney General, or his designee, for the convenience of the United States. (Aug. 18, 1942, ch. 553, § 2, 56 Stat. 746.)

§ 1161. Consent of cobelligerent to exercise of jurisdiction or taking of prize involving territorial waters of cobelligerent.

The jurisdiction of prizes brought into the territorial waters of a cobelligerent shall not be exercised under authority of sections 1159–1166 of this title, nor shall prizes be taken or appropriated within such territorial waters for the use of the United States, unless the government having jurisdiction over such territorial waters consents to the exercise of such jurisdiction or to such taking or appropriation. (Aug. 18, 1942, ch. 553, § 3, 56 Stat. 746.)

§ 1162. Power of War Shipping Administration to appropriate property.

In any case, whether or not brought under the jurisdiction conferred by this Act, the power to take or appropriate property for the use of the United States as provided by sections 1140 and 1141 of this title may be exercised by the War Shipping Administration with the approval of the Secretary of the Navy or his designee, or by such other officers or agencies as the President may designate: *Provided*, That notwithstanding any other provision of law, if the seized property is taken or appropriated for the use of the United States whether before or after it comes into the custody of the prize court, the prize court is hereby authorized to proceed to adjudication on the basis of an inventory and survey and an appropriate undertaking by the United States to respond for the value of such property without the necessity for either an appraisement or the deposit of the value of the prize with the Treasurer of the United States or any other public depository. (Aug. 18, 1942, ch. 553, § 4, 56 Stat. 746, as amended July 1, 1944, ch. 370, § 1, 58 Stat. 678.)

AMENDMENTS

1944—Act July 1, 1944, cited to text, amended section by adding proviso.

§ 1163. Special prize commissioners; appointment; qualifications; powers and duties.

The district courts are authorized to appoint special prize commissioners to exercise abroad in cases arising under sections 1159–1166 of this title the duties prescribed for such commissioners. Said courts may appoint such number of such special commissioners, and having such qualifications, as said courts may deem proper, without regard for the requirements of section 1137 of this title except that for each case arising under the jurisdiction conferred by sections 1159–1166 of this title there shall be at least one special commissioner who shall be a naval officer, active or retired, approved by the Secretary of the Navy, who shall receive no other compensation than his pay in the Navy, and who shall protect the interests of the Department of the Navy in the prize property. Said courts may confer on such special commissioners such additional powers and duties, to be performed abroad or in the United States, as they may deem necessary or proper for carrying out the purposes of sections 1159–1166 of this title. (Aug. 18, 1942, ch. 553, § 5, 56 Stat. 746.)

§ 1164. Rules governing jurisdiction; construction with other laws relating to prizes.

The district courts may adopt such rules to govern the exercise of the jurisdiction conferred by sections 1159–1166 of this title as they may deem necessary or proper for carrying out the purposes thereof. All provisions of law relating to capture as prize or to the taking or appropriation of captures for the use of the United States, to the extent that such provisions are consistent with the provisions of sections 1159–1166 of this title, shall be applicable in the exercise

of the jurisdiction herein conferred. (Aug. 18, 1942, ch. 553, § 6, 56 Stat. 747.)

§ 1165. Reciprocal privileges and jurisdiction of cobelligerents.

A cobelligerent of the United States which consents to the exercise of the jurisdiction herein conferred with respect to prizes of the United States brought into its territorial waters and to the taking or appropriation of such prizes within its territorial waters for the use of the United States shall be accorded, upon proclamation by the President of the United States, like privileges with respect to prizes captured under authority of such cobelligerent and brought into the territorial waters of the United States or taken or appropriated in the territorial waters of the United States for the use of such cobelligerent. Reciprocal recognition and full faith and credit shall be given to the jurisdiction acquired by courts of a cobelligerent hereunder and to all proceedings had or judgments rendered in exercise of such jurisdiction. (Aug. 18, 1942, ch. 553, § 7, 56 Stat. 747.)

RECIPROCAL PRIVILEGES

The Governments listed below are accorded like privileges with respect to prizes captured under authority of the said Governments and brought into the territorial waters of the United States or taken or appropriated in the territorial waters of the United States for the use of the said Governments, namely: Australia, Proc No. 2617, Aug. 16, 1944, 9 F R. 9969; Canada, Proc. No. 2594, Sept. 27, 1943, 8 F. R. 13217; India, Proc. No. 2601, Dec. 6, 1943, 8 F. R 16351; New Zealand, Proc. No. 2582, April 2, 1943, 8 F R. 4275; United Kingdom, Proc. No. 2575, Feb. 2, 1944, 8 F. R. 1429.

§ 1166. Effect on jurisdiction under other laws.

Nothing in sections 1159–1166 of this title shall be construed to impair or diminish the jurisdiction of any court of the United States under any other provisions of law, but the provisions of sections 1159–1166 of this title shall be in addition thereto. (Aug. 18, 1942, ch. 553, § 8, 56 Stat. 747.)

Chapter 21.—ARTICLES FOR THE GOVERNMENT OF THE NAVY

Sec.
1201. Jurisdiction of naval courts martial extended to certain persons outside of the United States (New).

§ 1200. Articles established.

OFFENSES PUNISHABLE BY DEATH

Article 6. Murder.

If any person subject to the Articles for the Government of the Navy commits the crime of murder without the territorial jurisdiction of any particular State, or the District of Columbia, he may be tried by court martial and punished with death. (As amended Dec. 4, 1945, ch. 554, 59 Stat. 595.)

REFERENCES IN TEXT

"Articles for the Government of the Navy" referred to in the text are set out following section 1200 of this title.

AMENDMENTS

1945—Act Dec. 4, 1945, cited to text, amended section by substituting "subject to the Articles for the Government of the Navy" for "belonging to any public vessel of the United States" and "of any particular State, or the District of Columbia" for "thereof" following "jurisdiction."

PUNISHMENTS AND SENTENCES; IN GENERAL

Article 54.

* * * * *

(b) Power of Secretary of Navy over proceedings and sentences of courts-martial.

CROSS REFERENCES

Establishment of boards of review by the Secretary of the Navy, see section 693h of Title 38, Pensions, Bonuses, and Veterans' Relief.

§ 1201. Jurisdiction of naval courts martial extended to certain persons outside of the United States.

In addition to the persons now subject to the Articles for the Government of the Navy, all persons, other than persons in the military service of the United States, outside the continental limits of the United States accompanying or serving with the United States Navy, the Marine Corps, or the Coast Guard when serving as a part of the Navy, including but not limited to persons employed by the Government directly, or by contractors or subcontractors engaged in naval projects, and all persons, other than persons in the military service of the United States, within an area leased by the United States which is without the territorial jurisdiction thereof and which is under the control of the Secretary of the Navy, shall, in time of war or national emergency, be subject to the Articles for the Government of the Navy except insofar as these articles define offenses of such a nature that they can be committed only by naval personnel: *Provided,* That the jurisdiction herein conferred shall not extend to Alaska, the Canal Zone, the Hawaiian Islands, Puerto Rico, or the Virgin Islands, except the islands of Palmyra, Midway, Johnston, and that part of the Aleutian Islands west of longitude one hundred and seventy-two degrees west. (Mar. 22, 1943, ch. 18, 57 Stat. 41.)

*

TITLE 35.—PATENTS

Chapter 1.—PATENT OFFICE

§ 1. Establishment.

EX. ORD No. 9424 ESTABLISHING A REGISTER OF GOVERNMENT INTERESTS IN PATENTS AND APPLICATIONS FOR PATENTS

Ex. Ord. No. 9424, Feb. 18, 1944, 9 F. R. 1959, provided:

1. The Secretary of Commerce shall cause to be established in the United States Patent Office a separate register for the recording of all rights and interests of the Government in or under patents and applications for patents.

2. The several departments and other executive agencies of the Government, including Government-owned or Government-controlled corporations, shall forward promptly to the Commissioner of Patents for recording in the separate register provided for in paragraph 1 hereof all licenses, assignments, or other interests of the Government in or under patents or applications for patents, in accordance with such rules and regulations as may be prescribed pursuant to paragraph 4 hereof; but the lack of recordation in such register of any right or interest of the Government in or under any patent or application therefor shall not prejudice in any way the assertion of such right or interest by the Government.

3. The register shall be open to inspection except as to such entries or documents which, in the opinion of the department or agency submitting them for recording, should be maintained in secrecy: *Provided, however,* That the right of inspection may be restricted to authorized representatives of the Government pending the final report to the President by the National Patent Planning Commission under Executive Order No. 8977 of December 12, 1941, and action thereon by the President.

4. The Commissioner of Patents, with the approval of the Secretary of Commerce, shall prescribe such rules and regulations as he may deem necessary to effectuate the purposes of this order.

§ 16. Multigraphing headings of drawings for patented cases.

REPEATED.—Act June 28, 1941, ch. 258, title II, 55 Stat. 286; act July 2, 1942, ch 472, title III, 56 Stat. 497; act July 1, 1943, ch 182, title I, § 1, 57 Stat. 298; act June 28, 1944, ch. 294, title III, § 1, 58 Stat. 42; act May 21, 1945, ch. 129, title III, 59 Stat. 192.

Chapter 2.—PATENTS

GENERAL PROVISIONS GOVERNING APPLICATION FOR AND ISSUE OF PATENTS

Sec.
42a. Same; filing application in foreign country (New)
42b. Same; persons debarred from United States patent for failure to comply with section 42a; invalidity of patent (New).
42c. Same; penalties and forfeitures for disclosure without authorization (New).
42d. Separability clause (New).
42e. Same; definitions covering sections 42–42f (New).
42f. Same; persons exempt from provisions of sections 42–42f (New).

MISCELLANEOUS PROVISIONS; CERTIFICATES CORRECTING MISTAKES

89. Adjustment of royalty rates; notice; remedies against licensee (New).
90. Same; suits against the United States, jurisdiction, defenses (New).
91 Same; settlement and compromise of claims against the United States (New).
92. Same; government as benefited by royalty rate reductions (New).
93 Same; delegation of power by department or agency heads (New).
94 Same; manufacture, use, sale, or other disposition of invention, patented or unpatented, by any person, construed as manufacture or use for United States (New).
95 Same; royalties chargeable to United States for supplies, etc., delivered or to be delivered as affected; termination date of sections 89 and 90 (New).
96 Same; rules and regulations, applicability of certain sections; definition of defense contract (New).

INVENTIONS PATENTABLE

§§ 31, 32.

CROSS REFERENCES

Persons debarred from United States patents, see section 42b of this title.

GENERAL PROVISIONS GOVERNING APPLICATION FOR AND ISSUE OF PATENTS

§ 42. Same; publication detrimental to public safety or defense; compensation for use of invention tendered to United States.

EFFECTIVE DATE AND DURATION OF 1940 AMENDMENT

Section 2 of act July 1, 1940, cited to text, as amended by act June 16, 1942, ch 415, 56 Stat. 370, provided as follows: "This Act (Title 35, §§ 42–42f) shall take effect on approval and, together with the provisions of the Act of August 21, 1941 (Public Law 239, Seventy-seventh Congress, first session, ch. 393 (Title 35, §§ 42a–42f)), shall remain in force during the time when the United States is at war."

CROSS REFERENCES

Penalties and forfeitures for disclosure without authorization, see section 42c of this title.

§ 42a. Same; filing application in foreign country.

No person shall file or cause or authorize to be filed in any foreign country an application for patent or for the registration of a utility model, industrial design, or model in respect of any invention made in the United States, except when authorized in each case by a license obtained from the Commissioner of Patents under such rules and regulations as he shall prescribe. (July 1, 1940, ch. 501, § 3, as added Aug. 21, 1941, ch. 393, § 1, 55 Stat. 657.)

EFFECTIVE DATE

Section 2 of act July 1, 1940, cited to text, as amended by act June 16, 1942, ch. 415, 56 Stat. 370, provided as follows: "This Act (Title 35, §§ 42–42f) shall take effect on approval and, together with the provisions of the Act of August 21, 1941 (Public Law 239, Seventy-seventh Congress, first session, ch. 393 (Title 35, §§ 42a–42f)), shall remain in force during the time when the United States is at war."

Section 2 of act Aug. 21, 1941, cited to text, provided as follows: "This Act (Title 35, §§ 42a–42f) shall take effect thirty days after its approval."

§ 42b. Same; persons debarred from United States patent for failure to comply with section 42a; invalidity of patent.

Notwithstanding the provisions of sections 31 and 32 of this title, any person and the successors, assigns, or legal representatives of any such person shall be debarred from receiving a United States patent for an invention if such person, or such successors, assigns, or legal representatives shall, without procuring the authorization prescribed in section 42a of this title, have made or consented to or assisted another's making application in a foreign country for a patent or for the registration of a utility model, industrial design, or model in respect of such invention where authorization for such application is required by the provisions of section 42a of this title, and any such United States patent actually issued to any such person, successors, assigns, or legal representatives so debarred or becoming debarred shall be invalid. (July 1, 1940, ch. 501, § 4, as added Aug. 21, 1941, ch. 393, § 1, 55 Stat. 657.)

EFFECTIVE DATE

For effective date, see notes under section 42a of this title.

§ 42c. Same; penalties and forfeitures for disclosure without authorization.

Whoever, during the period or periods of time an invention has been ordered to be kept secret and the grant of a patent thereon withheld pursuant to section 42 of this title, shall, with knowledge of such order and without due authorization, willfully publish or disclose or authorize or cause to be published or disclosed such invention, or any material information with respect thereto, or whoever, in violation of the provisions of section 42a of this title, shall file or cause or authorize to be filed in any foreign country an application for patent or for the registration of a utility model, industrial design, or model in respect of any invention made in the United States, shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than two years, or both. (July 1, 1940, ch. 501, § 5, as added Aug 21, 1941, ch. 393, § 1, 55 Stat. 657.)

EFFECTIVE DATE

For effective date, see notes under section 42a of this title.

§ 42d. Separability clause.

If any provision of sections 42–42f of this title or the application of such provision to any person or circumstances shall be held invalid, the remainder of said sections and application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby. (July 1, 1940, ch. 501, § 6, as added Aug. 21, 1941, ch. 393, § 1, 55 Stat. 657.)

EFFECTIVE DATE

For effective date, see notes under section 42a of this title.

§ 42e. Same; definitions covering sections 42–42f.

As used in sections 42–42f of this title—

The term "person" includes any individual, trustee, corporation, partnership, association, firm, or any other combination of individuals.

The term "application" includes applications, and any modifications, amendments, or supplements thereto or continuances thereof. (July 1, 1940, ch. 501, § 7, as added Aug. 21, 1941, ch. 393, § 1, 55 Stat. 658.)

EFFECTIVE DATE

For effective date, see notes under section 42a of this title.

§ 42f. Same; persons exempt from provisions of sections 42–42f.

The prohibitions and penalties of sections 42–42f of this title shall not apply to any officer or agent of the United States acting within the scope of his authority. (July 1, 1940, ch. 501, § 8, as added Aug. 21, 1941, ch. 393, § 1, 55 Stat. 658.)

EFFECTIVE DATE

For effective date, see notes under section 42a of this title.

§ 47. Assignments of patents and applications; evidence of execution.

Every application for patent or patent or any interest therein shall be assignable in law by an instrument in writing, and the applicant or patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his application for patent or patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice unless it is recorded in the Patent Office within three months from the date thereof or prior to such subsequent purchase or mortgage.

If any such assignment, grant, or conveyance of any application for patent or patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of any court of the United States for any district or Territory, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section 131 of Title 22 the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant, or conveyance. (As amended Aug. 18, 1941, ch. 370, 55 Stat. 634.)

AMENDMENTS

1941—Act Aug. 18, 1941, cited to text, extended provisions of section to include applications for patent.

PROTECTION OF PATENT RIGHTS

§ 68. Suit for unlicensed use of invention by the United States; compensation for; Government employees.

Whenever an invention described in and covered by a patent of the United States shall hereafter be used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, such owner's remedy shall be by suit against the United States in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture: *Provided, however,* That said Court of Claims

shall not entertain a suit or award compensation under the provisions of this section where the claim for compensation is based on the use or manufacture by or for the United States of any article heretofore owned, leased, used by, or in the possession of the United States: *Provided further,* That in any such suit the United States may avail itself of any and all defenses, general or special, that might be pleaded by a defendant in an action for infringement, as set forth in this chapter, or otherwise: *And provided further,* That the benefits of this section shall not inure to any patentee who, when he makes such claim, is in the employment or service of the Government of the United States, or the assignee of any such patentee; nor shall this section apply to any device discovered or invented by such employee during the time of his employment or service. (June 25, 1910, ch. 423, 36 Stat. 851; July 1, 1918, ch. 114, 40 Stat. 705.)

REFERENCES IN TEXT

Words "this chapter", mentioned in text, originally read "Title Sixty of the Revised Statutes" which is set out as sections 31, 32, 33–38, 44, 46–56, 57, 58, 59a 67, 69–72, 73, 76–78, and 79 of this title and section 24 and notes under sections 2, 8, 12, 36, 39, 42, 47, and 136 of Title 17, Copyrights.

CROSS REFERENCES

Use or manufacture of invention with Government consent, see section 94 of this title.

MISCELLANEOUS PROVISIONS; CERTIFICATES CORRECTING MISTAKES

§ 89. Adjustment of royalty rates; notice; remedies against licensee.

To aid in the successful prosecution of the War, whenever an invention, whether patented or unpatented, shall be manufactured, used, sold, or otherwise disposed of for the United States, with license from the owner thereof or anyone having the right to grant licenses thereunder, and such license includes provisions for the payment of royalties the rates or amounts of which are believed to be unreasonable or excessive by the head of the department or agency of the Government which has ordered such manufacture, use, sale, or other disposition, the head of the department or agency of the Government concerned shall give written notice of such fact to the licensor and to the licensee. Within a reasonable time after the effective date of said notice, in no event less than ten days, the head of the department or agency of the Government concerned, shall by order fix and specify such rates or amounts of royalties, if any, as he shall determine are fair and just, taking into account the conditions of wartime production, and shall authorize the payment thereof by the licensee to the licensor on account of such manufacture, use, sale, or other disposition: *Provided, however,* That the licensee or licensor, if he so requests within ten days from and after the effective date of said notice, may within thirty days from the date of such request present in writing or in person any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalties, if any, to be determined, fixed and specified as aforesaid, and any order fixing and specifying the rates and amounts of royalties shall be issued within a reasonable time after such presentation. Such licensee shall not after the effective date of said notice pay to the licensor, nor charge directly or indirectly to the United States a royalty, if any, in excess of that specified in said order on account of such manufacture, use, sale, or other disposition. The licensor shall not have any remedy by way of suit, set-off, or other legal action against the licensee for the payment of any additional royalty remaining unpaid, or damages for breach of contract or otherwise, but such licensor's sole and exclusive remedy, except as to the recovery of royalties fixed in said order, shall be as provided in section 90 of this title. Written notice as provided herein shall be mailed to the last known address of the licensor and licensee and shall be effective upon receipt or five days after the mailing thereof, whichever date is the earlier. (Oct. 31, 1942, ch. 634, § 1, 56 Stat. 1013.)

APPLICABILITY OF OTHER LAWS; SAVING CLAUSE

Sections 9 and 10 of act Oct. 31, 1942, cited to text, provided as follows:

"SEC. 9 Nothing herein contained shall be deemed to preclude the applicability of Section 403 of Public Law 528, Seventy-seventh Congress (section 1191 of Appendix to Title 50, War), as the same may be heretofore or hereafter amended so far as the same may be applicable

"SEC. 10. If any provision of this Act or the application of any provision to any person or circumstance shall be held invalid, or if any provision of this Act shall be inoperative by its terms, the validity or applicability of the remainder of the Act shall not be affected thereby."

TERMINATION DATE

Section continued in force for duration of present war and six months after termination thereof by section 95 of this title.

§ 90. Same; suits against the United States, jurisdiction, defenses.

Any licensor aggrieved by any order issued pursuant to section 89 of this title, fixing and specifying the maximum rates or amounts of royalties under a license issued by him, may institute suit against the United States in the Court of Claims, or in the District Courts of the United States insofar as such courts may have concurrent jurisdiction with the Court of Claims, to recover such sum, if any, as, when added to the royalties fixed and specified in such order, shall constitute fair and just compensation to the licensor for the manufacture, use, sale, or other disposition of the licensed invention for the United States, taking into account the conditions of wartime production. In any such suit the United States may avail itself of any and all defenses, general or special, that might be pleaded by a defendant in an action for infringement as set forth in this title, or otherwise. (Oct. 31, 1942, ch. 634, § 2, 56 Stat. 1013.)

REFERENCES IN TEXT

Words "this title" read "Title Sixty of the Revised Statutes" which was set out as sections 31, 32, 33–38, 44, 46–56, 57, 58, 59a–67, 69–72, 73, 76–78, and 79 of this title and section 24 and notes under sections 2, 8, 12, 36, 39, 42, 47, and 136 of Title 17, Copyrights.

TERMINATION DATE

Section continued in force for duration of present war and six months after termination thereof by section 95 of this title.

SAVING CLAUSE

See note under section 89 of this title.

CROSS REFERENCES

Suits for unlicensed use of invention by United States, see section 68 of this title.

§ 91. Same; settlement and compromise of claims against the United States.

The head of any department or agency of the Government which has ordered the manufacture, use, sale, or other disposition of an invention, whether patented or unpatented, and whether or not an order has been issued in connection therewith pursuant to section 89 of this title, is authorized and empowered to enter into an agreement, before suit against the United States has been instituted, with the owner or licensor of such invention, in full settlement and compromise of any claim against the United States accruing to such owner or licensor under the provisions of sections 89–96 of this title, or any other law by reason of such manufacture, use, sale, or other disposition, and for compensation to be paid such owner or licensor based upon future manufacture, use, sale, or other disposition of said invention. (Oct. 31, 1942, ch. 634, § 3, 56 Stat. 1014.)

SAVING CLAUSE

See note under section 89 of this title.

§ 92. Same; government as benefited by royalty rate reductions.

Whenever a reduction in the rates or amounts of royalties is effected by order, pursuant to section 89 of this title, or by compromise or settlement, pursuant to section 91 of this title, such reduction shall inure to the benefit of the Government by way of a corresponding reduction in the contract price to be paid directly or indirectly for such manufacture, use, sale, or other disposition of such invention, or by way of refund if already paid to the licensee. (Oct. 31, 1942, ch. 634, § 4, 56 Stat. 1014.)

SAVING CLAUSE

See note under section 89 of this title.

§ 93. Same; delegation of power by department or agency heads.

The head of the department or agency of the Government concerned is further authorized, in his discretion and under such rules and regulations as he may prescribe, to delegate and provide for the delegation of any power and authority conferred by sections 89–96 of this title to such qualified and responsible officers, boards, agents, or persons as he may designate or appoint. (Oct. 31, 1942, ch. 634, § 5. 56 Stat. 1014.)

SAVING CLAUSE

See note under section 89 of this title.

§ 94. Same; manufacture, use, sale, or other disposition of invention, patented or unpatented, by any person, construed as manufacture or use for United States.

For the purposes of sections 89–96 of this title, the manufacture, use, sale, or other disposition of an invention, whether patented or unpatented, by a contractor, a subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government shall be construed as manufacture, use, sale, or other disposition for the United States and for the purposes of section 68 of this title, the use or manufacture of an invention described in and covered by a patent of the United States by a contractor, a subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government, shall be construed as use or manufacture for the United States. (Oct. 31, 1942, ch. 634, § 6, 56 Stat. 1014.)

SAVING CLAUSE

See note under section 89 of this title.

§ 95. Same; royalties chargeable to United States for supplies, etc., delivered or to be delivered as affected; termination date of sections 89 and 90.

Sections 89–96 of this title shall apply to all royalties directly or indirectly charged or chargeable to the United States for any supplies, equipment, or materials to be delivered to or for the Government from and after the effective date of the notice provided for in section 89 of this title. Sections 89–96 of this title shall also apply to all royalties charged or chargeable directly or indirectly to the United States for supplies, equipment, or materials already delivered to or for the Government which royalties have not been paid to the licensor prior to the effective date of the notice provided for in section 89 of this title. Sections 89 and 90 of this title shall remain in force only during the continuance of the present war and for six months after the termination thereof, except that as to rights accrued or liabilities incurred prior to termination thereof, the provisions of sections 89–96 of this title shall be treated as remaining in force and effect for the purpose of settling, sustaining, qualifying, or defeating any suit or claim hereunder. (Oct. 31, 1942, ch. 634, § 7, 56 Stat. 1014.)

SAVING CLAUSE

See note under section 89 of this title

§ 96. Same; rules and regulations; applicability of certain sections; definition of defense contract.

The head of each department or agency of the Government may issue such rules and regulations and require such information as may be necessary and proper to carry out the provisions of sections 89–96 of this title. The provisions of section 310 (*l*) of Title 10 and sections 643–643c of Appendix to Title 50, shall be applicable to the owner, licensor, or licensee of an invention, whether patented or unpatented, manufactured, used, sold, or otherwise disposed of for the United States, and the term "defense contract" as used in sections 643–643c of Appendix to Title 50 shall mean and include an agreement for the payment of royalty, regardless of the date of such agreement, under or by virtue of which royalty is directly or indirectly paid by the Government or included within the contract price for property sold to or manufactured for the Government. (Oct. 31, 1942, ch. 634, § 8, 56 Stat. 1015.)

SAVING CLAUSE

See note under section 89 of this title.

TITLE 36.—PATRIOTIC SOCIETIES AND OBSERVANCES

Chap. Sec.
1A. Daughters of the American Revolution (New). 18
1B. American Historical Association (New)..... 20

Chapter 1.—AMERICAN NATIONAL RED CROSS

§ 2. Name of corporation; powers.

REFERENCES IN TEXT

In original "chapter" read "Act", meaning act Jan. 5, 1905, cited to text, which was incorporated in this title as sections 1-6, 8, and 9

§ 8. Repeal or amendment of chapter.

REFERENCES IN TEXT

In original "chapter" read "Act", meaning act Jan. 5, 1905, cited to text. For distribution of said act into this title, see note under section 2 of this title

§ 10. Aid to land and naval forces in time of war.

Whenever in time of war, or when war is imminent, the President shall find the cooperation and use of the American National Red Cross with the land and naval forces to be necessary, he is authorized to accept the assistance tendered by the said Red Cross and to employ the same under the land and naval forces in conformity with such rules and regulations as he may prescribe (As amended June 29, 1943, ch. 176, § 1, 57 Stat. 247.)

AMENDMENTS

1943—Act June 29, 1943, cited to text, among other changes, omitted the words "the sanitary services of" before the words "the land and naval forces".

EFFECTIVE DATE

Amendment by act June 29, 1943, cited to text, was made effective from December 5, 1941, by provision of section 1 thereof.

§ 11. Transportation, subsistence, and passport fees.

When the said Red Cross cooperation and assistance with the land and naval forces in time of war or threatened hostilities shall have been accepted by the President, the personnel entering upon the duty specified in section 10 of this title shall, while proceeding to their place of duty, while serving thereat, and while returning therefrom, be transported and subsisted at the cost and charge of the United States as civilian employees employed with the said forces, and no passport fee shall be charged or collected for any passport issued to such personnel so serving or proceeding abroad to enter upon such service, and the Red Cross supplies that may be tendered as a gift and accepted for use by the land and naval forces shall be transported at the cost and charge of the United States. (As amended June 29, 1943, ch. 176, § 2, 57 Stat. 248.)

AMENDMENTS

1943—Act June 29, 1943, cited to text, added the provision relating to passport fees and substituted the words "the land and naval forces" for the words "the sanitary services" at the end of the section.

EFFECTIVE DATE

Amendment by act June 29, 1943, cited to text, was made effective from December 5, 1941, by provision of section 1 thereof.

Chapter 1A.—DAUGHTERS OF THE AMERICAN REVOLUTION (NEW)

Sec.
18. Incorporators; name; purposes (New).
18a. Right to hold property; constitution, by-laws, and seal; headquarters at Washington, D C. (New).
18b. Reports, historical material (New).

§ 18. Incorporators; name; purposes.

Mary Park Foster (Mrs. John W. Foster), of Indiana; Mary Virginia Ellet Cabell (Mrs. William D. Cabell), of Virginia; Helen Mason Boynton (Mrs. Henry V. Boynton), of Ohio; Henrietta Greely (Mrs. A. W. Greely), of Washington, District of Columbia; Lelie Dent Saint Clair (Mrs. F. O. Saint Clair), of Maryland; Regina M. Knott (Mrs. A. Leo Knott), of Maryland; Sara Agnes Rice Pryor (Mrs. Roger A. Pryor), of New York; Sarah Ford Judd Goode (Mrs. G. Brown Goode), of Washington, District of Columbia; Mary Desha, of Kentucky; Sue Virginia Field (Mrs. Stephen J. Field), of California; Sallie Kennedy Alexander (Mrs. Thomas Alexander), of Washington, District of Columbia; Rosa Wright Smith, of Washington, District of Columbia; Sarah C J. Hagan (Mrs. Hugh Hagan), of Georgia; Mary Stiner Putnam (Mrs. John Risley Putnam), of New York; Mary Leighton Shields (Mrs. George H. Shields), of Missouri; Ellen Hardin Walworth, of New York; Mary E. MacDonald (Mrs. Marshall MacDonald), of Virginia; Eugenia Washington, of Virginia; Alice M. Clarke (Mrs. A. Howard Clarke), of Massachusetts; Clara Barton, of Washington, District of Columbia; Mary S. Lockwood, of Washington, District of Columbia; Frances B. Hamlin (Mrs. Teunis S. Hamlin), of Washington, District of Columbia; Martha C. B. Clarke (Mrs. Arthur E. Clarke), of New Hampshire; Lucia E. Blount (Mrs. Henry Blount), of Indiana; Jennie A. O. Keim (Mrs. Randolph De B. Keim), of Connecticut; Louise Ward McAllister, of New York; Effie Ream Osborne (Mrs. Frank Stuart Osborne), of Illinois; Marie Devereux, of Washington, District of Columbia; Belinda O. Wilbour (Mrs. Joshua Wilbour), of Rhode Island; Georgina E. Shippen (Mrs. W. W. Shippen), of New Jersey; Julia K. Hogg (Mrs. N. B. Hogg), of Pennsylvania; Katherine C. Breckinridge (Mrs. Clifton R. Breckinridge), of Arkansas; Sara Isabella Hubbard (Mrs. Adolphus S. Hubbard), of California; Mary L. D. Putnam (Mrs. Charles E. Putnam), of Iowa; Delia Clayborne Buckner (Mrs. Simon B. Buckner), of Kentucky; Emily Marshall Eliot (Mrs.

Samuel Eliot), of Massachusetts; Lucy Grey Henry (Mrs. William Wirt Henry), of Virginia; Elizabeth Blair Lee, of Maryland, Mrs. Francis P. Burrows (Mrs. Julius C. Burrows), Mrs. Mary H. McMillan (Mrs. James McMillan), Mrs. Emma Gregory Hull (Mrs. J. A. T. Hull), Mrs. Mary B. K. Washington (Mrs. Joseph Washington), and their associates and successors, are hereby created a body corporate and politic, in the District of Columbia, by the name of the National Society of the Daughters of the American Revolution, for patriotic, historical, and educational purposes, to perpetuate the memory and spirit of the men and women who achieved American independence, by the acquisition and protection of historical spots and the erection of monuments; by the encouragement of historical research in relation to the Revolution and the publication of its results; by the preservation of documents and relics, and of the records of the individual services of Revolutionary soldiers and patriots, and by the promotion of celebrations of all patriotic anniversaries; to carry out the injunction of Washington, in his farewell address to the American people, "to promote, as an object of primary importance, institutions for the general diffusion of knowledge," thus developing an enlightened public opinion and affording to young and old such advantages as shall develop in them the largest capacity for performing the duties of American citizens; to cherish, maintain, and extend the institutions of American freedom; to foster true patriotism and love of country, and to aid in securing for mankind all the blessings of liberty. (Feb. 20, 1896, ch. 23, § 1, 29 Stat. 8.)

§ 18a. Right to hold property; Constitution, by-laws, and seal; headquarters at Washington, D. C.

The society is authorized to hold real and personal estate in the United States, so far only as may be necessary to its lawful ends, to an amount not exceeding $5,000,000, and may adopt a constitution and make by-laws not inconsistent with law, and may adopt a seal. Said society shall have its headquarters or principal office at Washington, in the District of Columbia. (Feb. 20, 1896, ch. 23, § 2, 29 Stat. 9, amended Mar. 3, 1915, ch. 89, 38 Stat. 955; Feb. 5, 1926, ch. 11, 44 Stat. 4.)

AMENDMENTS

1944—Act Feb. 5, 1926, cited to text, amended section by increasing authorized amount of real and personal estate holdings from $1,000,000 to $5,000,000.

1915—Act Mar. 3, 1915, cited to text, amended section by increasing authorized real and personal estate holdings from $500,000 to $1,000,000.

§ 18b. Reports; historical material.

The Society shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings, and said Secretary shall communicate to Congress such portion thereof as he may deem of national interest and importance. The Regents of the Smithsonian Institution are authorized to permit said national society to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum, at their discretion, upon such conditions and under such rules as they shall prescribe. (Feb. 20, 1896, ch. 23, § 3, 29 Stat. 9.)

Chapter 1B.—AMERICAN HISTORICAL ASSOCIATION (NEW)

Sec.

20. Incorporators; name, purposes; right to hold property; constitution, by-laws, and seal; headquarters at Washington, D. C.; reports; historical material (New).

§ 20. Incorporators; name; purposes; right to hold property; constitution, by-laws, and seal; headquarters at Washington, D. C.; reports; historical material.

Andrew D. White, of Ithaca, in the State of New York; George Bancroft, of Washington, in the District of Columbia; Justin Winsor, of Cambridge, in the State of Massachusetts; William F. Poole, of Chicago, in the State of Illinois; Herbert B. Adams, of Baltimore, in the State of Maryland; Clarence W Bowen, of Brooklyn, in the State of New York, their associates and successors, are hereby created in the District of Columbia a body corporate and politic, by the name of the American Historical Association, for the promotion of historical studies, the collection and preservation of historical manuscripts, and for kindred purposes in the interest of American history and of history in America. Said association is authorized to hold real and personal estate in the District of Columbia so far only as may be necessary to its lawful ends to an amount not exceeding five hundred thousand dollars, to adopt a constitution, and to make by-laws not inconsistent with law. Said association shall have its principal office at Washington, in the District of Columbia, and may hold its annual meetings in such places as the said incorporators shall determine. Said association shall report annually to the Secretary of the Smithsonian Institution concerning its proceedings and the condition of historical study in America. Said Secretary shall communicate to Congress the whole of such reports, or such portion thereof as he shall see fit. The Regents of the Smithsonian Institution are authorized to permit said association to deposit its collections, manuscripts, books, pamphlets, and other material for history in the Smithsonian Institution or in the National Museum; at their discretion, upon such conditions and under such rules as they shall prescribe. (Jan. 4, 1889, ch. 20, 25 Stat. 640.)

Chapter 3.—THE AMERICAN LEGION

§ 43. Purposes of corporation.

The purpose of this corporation shall be: To uphold and defend the Constitution of the United States of America; to promote peace and good will among the peoples of the United States and all the nations of the earth; to preserve the memories and incidents of the two World Wars fought to uphold democracy; to cement the ties and comradeship born of service; and to consecrate the efforts of its members to mutual helpfulness and service to their country. (As amended Oct. 29, 1942, ch 633, § 1, 56 Stat. 1012.)

AMENDMENTS

1942—Act Oct. 29, 1942, cited to text, amended section to include war beginning Dec. 7, 1941.

§ 45. Persons eligible to membership.

No person shall be a member of this corporation unless he served in the naval or military services of the United States at some time during the period between April 6, 1917, and November 11, 1918, or during the period between December 7, 1941, and the date of cessation of hostilities as fixed by the United States Government, all dates inclusive, or who, being citizens of the United States at the time of enlistment, served in the military or naval services of any of the governments associated with the United States during either of said World Wars: *Provided, however,* That such person shall have an honorable discharge or separation from such service or continue to serve honorably after the date of cessation of such hostilities as determined herein. (As amended Oct. 29, 1942, ch. 633, § 1, 56 Stat. 1012.)

AMENDMENTS

1942—Act Oct. 29, 1942, cited to text, amended section to include as members personnel of war beginning Dec. 7, 1941, and added proviso.

Chapter 6A.—DISABLED AMERICAN VETERANS

§ 90a. Incorporation; name.

The name of this corporation shall be the "Disabled American Veterans". (As amended July 15, 1942, ch. 505, § 1, 56 Stat. 659.)

AMENDMENTS

1942—Act July 15, 1942, cited to text, amended last sentence, changing name of corporation from "Disabled American Veterans of the World War" to "Disabled American Veterans."

§ 90c. Purposes of corporation.

The purposes of this corporation shall be—

To uphold and maintain the Constitution and the laws of the United States, to realize the true American ideals and aims for which those eligible to membership fought; to advance the interests and work for the betterment of all wounded, injured, and disabled American veterans; to cooperate with the United States Veterans' Administration and all other public and private agencies devoted to the cause of improving and advancing the condition, health, and interests of all wounded, injured, and disabled veterans; to stimulate a feeling of mutual devotion, helpfulness, and comradeship among all wounded, injured, and disabled veterans; to serve our comrades, our communities, and our country; and to encourage in all people that spirit of understanding which will guard against future wars. (As amended July 15, 1942, ch. 505, § 2, 56 Stat. 660.)

§ 90e. Membership.

Any man or woman who was wounded, gassed, injured, or disabled in line of duty during time of war while in the service of either the military or naval forces of the United States of America, and who has been honorably discharged or separated from such service, or who may still be in active service in the armed forces of the United States, is eligible for membership in the Disabled American Veterans. Others who were disabled while serving with any of the armed forces of any nations associated with the United States as allies during any of its war periods, who are American citizens and who were honorably discharged, are also eligible. The Disabled American Veterans shall not have honorary members. (As amended July 15, 1942, ch. 505, § 3, 56 Stat. 660.)

§ 90f. Nonpolitical nature of corporation.

The organization shall be nonpolitical and nonsectarian, and as an organization shall not promote the candidacy of any person seeking public office. (As amended July 15, 1942, ch. 505, § 4, 56 Stat. 660.)

§ 90h. Exclusive right to name.

Said corporation, and its State and local subdivisions, shall have the sole and exclusive right to have and to use in carrying out its purposes the name "Disabled American Veterans". (As amended July 15, 1942, ch. 505, § 5, 56 Stat. 660.)

§ 90i. Reports to Congress.

The said corporation shall, on or before the 1st day of January in each year, make and transmit to the Congress a report of its proceedings for its preceding fiscal year, including a full and complete report of its receipts and expenditures. (As amended July 15, 1942, ch. 505, § 6, 56 Stat. 660.)

§ 90j. State agents.

As a condition precedent to the exercise of any power or privilege herein granted or conferred, the Disabled American Veterans shall file in the office of the secretary of each State, in which chapters thereof may be organized, the name and post-office address of an authorized agent in such State, upon whom legal process or demands against the Disabled American Veterans may be served. (As amended July 15, 1942, ch. 505, § 7, 56 Stat. 660.)

Chapter 7.—AMERICAN WAR MOTHERS

§ 97. Membership.

The membership of American War Mothers is limited to women, and no woman shall be and become a member of this corporation unless she is a citizen of the United States and unless her son or sons or daughter or daughters of her blood served in the Army or Navy of the United States, or in the military or naval service of its allies, in the great World War of 1917–1918, at some time during the period between April 6, 1917, and November 11, 1918, or in the present World War which commenced in the year 1941, and at some time on and after December 7, 1941, and until the termination of said war, having an honorable discharge from such service, or who is still in the service. (As amended Sept. 26, 1942, ch. 563, 56 Stat. 758.)

AMENDMENTS

1942—Act Sept 26, 1942, cited to text, amended this section by extending its provisions to include the World War commencing in 1941.

Chapter 8.—AMERICAN BATTLE MONUMENTS COMMISSION

§§ 121a, 122, 135.

REPEATED—Act Apr. 5, 1941, ch 40, § 1, 55 Stat. 95; act June 27, 1942, ch 450, § 1, 56 Stat. 395; act June 26, 1943,

ch. 145, title I, § 1, 57 Stat. 171; act June 27, 1944, ch. 286, title I, § 1, 58 Stat. 363; act May 3, 1945, ch. 106, title I, § 1, 59 Stat. 107.

Chapter 9.—NATIONAL OBSERVANCES

CROSS REFERENCES

Legal holidays, see section 86a et seq. of Title 5, Executive Departments and Government Officers and Employees.

Occasions for display of flag, see section 174 of this title.

§§ 141, 145–147.

CROSS REFERENCES

Occasions for display of flag, see section 174 of this title.

§ 149. April thirteenth for commemoration of Thomas Jefferson's birth.

BICENTENNIAL CELEBRATION OF BIRTH OF JEFFERSON

The Thomas Jefferson Bicentennial Commission was created by act September 24, 1940, ch. 730, 54 Stat. 960, and vested with authority to make plans for the celebration in 1943 of the two-hundredth anniversary of the birth of Thomas Jefferson, and these powers were further extended by act July 30, 1942, ch 537, 56 Stat. 728.

The National Agricultural Jefferson Bicentenary Committee was created and appointed to carry out appropriate exercises in recognition of Jefferson's Contributions to the farmers and the agriculture of the Nation by act Dec. 3, 1943, ch. 333, 57 Stat. 595.

CROSS REFERENCES

Occasions for display of flag, see section 174 of this title.

§ 151. August nineteenth as Aviation Day.

CROSS REFERENCES

Occasions for display of flag, see section 174 of this title.

Chapter 10.—PATRIOTIC CUSTOMS

Sec

171. Same; conduct during playing (New).
172. Pledge of allegiance to the flag; manner of delivery (New).
173 Display and use of flag by civilians; codification of rules and customs (New).
174. Same; time and occasions for display; hoisting and lowering (New).
175 Same; position and manner of display (New).
176 Same; respect for flag (New).
177 Same; conduct during hoisting, lowering or passing of flag (New).
178. Same; modification of rules and customs by President (New).
179 Design for service flag; persons entitled to display flag (New).
180. Design for service lapel button; persons entitled to wear button (New).
181 Approval of designs by Secretary of War; license to manufacture and sell; penalties (New).
182. Rules and regulations (New).
183. Gift of United States flag to relative of deceased members of armed forces; period in which death must occur (New).
184. Regulations; appropriations (New).

CHANGE OF NAME

This chapter, now designated "Patriotic Customs," was formerly designated "Miscellaneous."

§ 171. Same; conduct during playing.

When the national anthem is played and the flag is not displayed, all present should stand and face toward the music. Those in uniform should salute at the first note of the anthem, retaining this position until the last note. All others should stand at attention, men removing the headdress. When the flag is displayed, all present should face the flag and salute. (June 22, 1942, ch. 435, § 6, 56 Stat. 380, as amended Dec. 22, 1942, ch. 806, § 6, 56 Stat. 1077.)

AMENDMENTS

1942—Act Dec. 22, 1942, cited to text, substituted "all present should face the flag and salute", in last sentence, for "the salute to the flag should be given".

§ 172. Pledge of allegiance to the flag; manner of delivery.

The following is designated as the pledge of allegiance to the flag: "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation indivisible, with liberty and justice for all." Such pledge should be rendered by standing with the right hand over the heart. However, civilians will always show full respect to the flag when the pledge is given by merely standing at attention, men removing the headdress. Persons in uniform shall render the military salute. (June 22, 1942, ch. 435, § 7, 56 Stat. 380, as amended Dec. 22, 1942, ch. 806, § 7, 56 Stat. 1077; Dec. 28, 1945, ch. 607, 59 Stat. 668.)

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section by inserting "The following is designated as", inserting period after "justice for all." and deleting "is rendered by standing with the right hand over the heart." in the first sentence, and by inserting second sentence "Such pledge should * * *."

1942—Act Dec 22, 1942, cited to text, deleted words: "extending the right hand, palm upward, toward the flag at the words 'to the flag' and holding this position until the end, when the hand drops to the side.", at end of first sentence

§ 173. Display and use of flag by civilians; codification of rules and customs.

The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America is hereby established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States. (June 22, 1942, ch. 435, § 1, 56 Stat. 377, as amended Dec. 22, 1942, ch. 806, § 1, 56 Stat. 1074.)

AMENDMENTS

1942—Act Dec. 22, 1942, cited to text, reenacted section without change.

§ 174. Same; time and occasions for display; hoisting and lowering.

(a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, the flag may be displayed at night upon special occasions when it is desired to produce a patriotic effect.

(b) The flag should be hoisted briskly and lowered ceremoniously.

(c) The flag should not be displayed on days when the weather is inclement.

(d) The flag should be displayed on all days when the weather permits, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, February 22; Army Day, April 6; Easter Sunday (variable); Mother's Day, second Sunday in May; Memorial Day (half staff until noon), May 30; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, October 12; Navy Day, Octo-

ber 27; Armistice Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; such other days as may be proclaimed by the President of the United States; the birthdays of States (dates of admission); and on State holidays.

(e) The flag should be displayed daily, weather permitting, on or near the main administration building of every public institution.

(f) The flag should be displayed in or near every polling place on election days.

(g) The flag should be displayed during school days in or near every schoolhouse. (June 22, 1942, ch. 435, § 2, 56 Stat. 435, as amended Dec. 22, 1942, ch. 806, § 2, 56 Stat. 1074.)

AMENDMENTS

1942—Par. (d) was amended by act Dec. 22, 1942, cited to text, which substituted "fourth Thursday in November" for "last Thursday in November."

CROSS REFERENCES

National observances, display of flag on, see section 141 et seq. of this title.

§ 175. Same; position and manner of display.

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i).

(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the radiator cap.

(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy.

(d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

(e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the right of the flag of the United States.

(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

(i) When the flag is displayed otherwise than by being flown from a staff, it should be displayed flat, whether indoors or out, or so suspended that its folds fall as free as though the flag were staffed.

(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, if it is displayed in the chancel of a church, or on the speaker's platform in a public auditorium, the flag should occupy the position of honor and be placed at the clergyman's or speaker's right as he faces the congregation or audience. Any other flag so displayed in the chancel or on the platform should be placed at the clergyman's or speaker's left as he faces the congregation or audience. But when the flag is displayed from a staff in a church or public auditorium elsewhere than in the chancel or on the platform it shall be placed in the position of honor at the right of the congregation or audience as they face the chancel or platform. Any other flag so displayed should be placed on the left of the congregation or audience as they face the chancel or platform.

(l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

(m) The flag, when flown at half staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. By "half staff" is meant lowering the flag to one-half the distance between the top and bottom of the staff. Crepe streamers may be affixed to spear heads or flagstaffs in a parade only by order of the President of the United States.

(n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground. (June 22, 1942, ch. 435, § 3, 56 Stat. 379, as amended Dec. 22, 1942, ch. 806, § 3, 56 Stat. 1075.)

AMENDMENTS

1942—Subsecs. (i) and (m) were amended by act Dec. 22, 1942, cited to text. Subsec. (i) was amended by adding "or so suspended that its folds fall as free as though the flag were staffed" and omitting provisions when

displayed against a wall or in a window. Subsec. (m) was amended by substituting "lowering" for "hauling" in third sentence.

§ 176. Same; respect for flag.

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

(a) The flag should never be displayed with the union down save as a signal of dire distress.

(b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

(c) The flag should never be carried flat or horizontally, but always aloft and free.

(d) The flag should never be used as drapery of any sort whatsoever, never festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of a platform, and for decoration in general.

(e) The flag should never be fastened, displayed, used, or stored in such a manner as will permit it to be easily torn, soiled, or damaged in any way.

(f) The flag should never be used as a covering for a ceiling.

(g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.

(h) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

(i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard; or used as any portion of a costume or athletic uniform. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.

(j) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning. (June 22, 1942, ch. 435, § 4, 56 Stat. 379, as amended Dec. 22, 1942, ch. 806, § 4, 56 Stat. 1076.)

AMENDMENTS

1942—Par. (g) was amended by act Dec. 22, 1942, cited to text, which inserted "any" before "part"

§ 177. Same; conduct during hoisting, lowering or passing of flag.

During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in a review, all persons present should face the flag, stand at attention, and salute. Those present in uniform should render the military salute. When not in uniform, men should remove the headdress with the right hand holding it at the left shoulder, the hand being over the heart. Men without hats should salute in the same manner. Aliens should stand at attention. Women should salute by placing the right hand over the heart. The salute to the flag in the moving column should be rendered at the moment the flag passes. (June 22, 1942, ch. 435, § 5, as amended Dec. 22, 1942, ch. 806, § 5, 56 Stat. 1077.)

AMENDMENTS

1942—Act Dec. 22, 1942, cited to text, substituted "military salute," for "right-hand salute" in second sentence, "should salute in the same manner," for "merely stand at attention" in fourth sentence, and added fifth sentence

§ 178. Same; modification of rules and customs by President.

Any rule or custom pertaining to the display of the flag of the United States of America, set forth in sections 171–178 of this title, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Army and Navy of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation. (June 22, 1942, ch. 435, § 8, 56 Stat. 380, as amended Dec 22, 1942, ch. 806, § 8, 56 Stat. 1077.)

AMENDMENTS

1942—Act Dec. 22, 1942, cited to text, reenacted section without change

PROC. NO 2605. THE FLAG OF THE UNITED STATES

Proc No. 2605, Feb 21, 1944, 9 F. R 1957, 58 Stat. 1126, provided:

The flag of the United States of America is universally representative of the principles of the justice, liberty, and democracy enjoyed by the people of the United States; and

People all over the world recognize the flag of the United States as symbolic of the United States; and

The effective prosecution of the war requires a proper understanding by the people of other countries of the material assistance being given by the Government of the United States:

NOW, THEREFORE, by virtue of the power vested in me by the Constitution and laws of the United States, particularly by the Joint Resolution approved June 22, 1942, as amended by the Joint Resolution approved December 22, 1942 [sections 171–178 of this title], as President and Commander in Chief, it is hereby proclaimed as follows:

1. The use of the flag of the United States or any representation thereof, if approved by the Foreign Economic Administration, on labels, packages, cartons, cases, or other containers for articles or products of the United States intended for export as lend-lease aid, as relief and rehabilitation aid, or as emergency supplies for the Territories and possessions of the United States, or similar purposes, shall be considered a proper use of the flag of the United States and consistent with the honor and respect due to the flag.

2. If any article or product so labelled, packaged or otherwise bearing the flag of the United States or any representation thereof, as provided for in section 1, should, by force of circumstances, be diverted to the ordinary channels of domestic trade, no person shall be considered as violating the rules and customs pertaining to the display of the flag of the United States, as set forth in the Joint Resolution approved June 22, 1942, as amended by the Joint Resolution approved December 22, 1942 (U. S. C., Supp. II, title 36, secs. 171–178) [sections 171–178 of this title], for possessing, transporting, displaying, selling or otherwise transferring any such article or product solely because the label, package, carton, case, or other container bears the flag of the United States or any representation thereof.

§ 179. Design for service flag; persons entitled to display flag.

The Secretary of War is authorized and directed to approve a design for a service flag, which flag may be displayed in a window of the place of residence of persons who are members of the immediate family of a person serving in the armed forces of the United States during the current war. (Oct. 17, 1942, ch. 615, § 1, 56 Stat. 796.)

§ 180. Design for service lapel button; persons entitled to wear button.

The Secretary of War is also authorized and directed to approve a design for a service lapel button, which button may be worn by members of the immediate family of a person serving in the armed forces of the United States during the current war. (Oct. 17, 1942, ch. 615, § 2, 56 Stat. 796.)

§ 181. Approval of designs by Secretary of War; license to manufacture and sell; penalties.

Upon the approval by the Secretary of War of the design for such service flag and service lapel button, he shall cause notice thereof, together with a description of the approved flag and button, to be published in the Federal Register. Thereafter any person may apply to the Secretary of War for a license to manufacture and sell the approved service flag, or the approved service lapel button, or both. Any person, firm, or corporation who manufactures any such service flag or service lapel button without having first obtained such a license, or otherwise violates sections 179–182 of this title, shall, upon conviction thereof, be fined not more than $1,000. (Oct. 17, 1942, ch. 615, § 3, 56 Stat. 796.)

§ 182. Rules and regulations.

The Secretary of War is authorized to make such rules and regulations as may be necessary to carry out the provisions of sections 179–182 of this title. (Oct. 17, 1942, ch. 615, § 4, 56 Stat. 796.)

§ 183. Gift of United States flag to relative of deceased members of armed forces; period in which death must occur.

In the case of any person who has died while in the military or naval service of the United States after May 27, 1941, and prior to the end of the wars in which the United States is now engaged, the Administrator of Veterans' Affairs is authorized and directed to issue free of cost to the nearest relative of such person, or to such other person as the Administrator deems most appropriate, a flag of the United States, if no person is otherwise entitled to receive a flag of the United States used at the funeral of the deceased person. (Nov. 22, 1943, ch. 301, § 1, 57 Stat. 590.)

§ 184. Regulations; appropriations.

(a) The Administrator of Veterans' Affairs is authorized to prescribe such regulations as he deems necessary for carrying out the purposes of section 183 of this title.

(b) The appropriation of such sums as may be necessary for carrying out the purposes of section 183 of this title is hereby authorized. (Nov. 22, 1943, ch. 301, § 2, 57 Stat. 591.)

TITLE 37.—PAY AND ALLOWANCES (ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST AND GEODETIC SURVEY, AND PUBLIC HEALTH SERVICE)

Chap. Sec.
2. Readjusted Pay and Allowances (New)..... 101
3. Wartime Allowances to Servicemen's Dependents (New)..... 201

CROSS REFERENCES

Wartime pay and allowances generally, see section 1001 et seq. of Appendix to Title 50, War.

Chapter 1.—GENERAL PROVISIONS

Sec.
16a. Enlistment allowances during war or national emergency for enlisted men of the Marine Corps, Navy, and Coast Guard (New).
17a. Retainer pay or retired pay of enlisted men transferred to the Fleet Reserve prior to October 1, 1940 (New).
18a Longevity credit for service since June 30, 1925, by warrant officers and enlisted men of Naval and Marine Corps Reserves and National Guard (New).
29b. Increase of pay of officers, warrant officers, and enlisted men engaged on parachute duty (New).

§§ 1–3, 4. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Present provisions on the subject of these sections are contained in section 101 of this title

§ 4a. Service to be counted in computing pay; service in different services.

CODIFICATION

Section has been eliminated from the Code. Present provisions on this subject are contained in section 101 of this title

§§ 5–8. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Present provisions on the subject of these sections are contained in following sections of this title: § 5 in §§ 101, 108; § 6 in § 102; § 7 in § 103, § 8 in § 104.

§ 8a. "Children" defined.

CODIFICATION

Section has been eliminated from the Code. Section 8 of this title, for purposes of which this section defined "children", has been repealed.

Present provisions defining "children" are contained in section 104 of this title.

§ 9. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Present provisions on this subject are contained in section 105 of this title.

§ 9a. Value of subsistence allowance.

CODIFICATION

Section has been eliminated from the Code. Section 9 of this title, for purposes of which this section fixed the value of a subsistence allowance, has been repealed.

Present provisions fixing the value of a subsistence allowance are contained in section 105 of this title.

§ 10. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Present provisions on this subject are contained in section 106 of this title.

§ 10a. Room rate for computing rental allowance.

CODIFICATION

Section has been eliminated from the Code. Section 10 of this title, for purposes of which this section fixed the monetary value of a room allowance, has been repealed.

Present provisions concerning rental allowances are contained in section 106 of this title.

§§ 11–16. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Present provisions on the subject of these sections are contained in following sections of this title: § 11, omitted; § 12 in § 107; § 13 in §§ 108–110; § 13a in § 109; § 14 in §§ 108, 109; § 14a in § 109; § 15 in § 109; § 16 in §§ 110, 111.

§ 16a. Enlistment allowances during war or national emergency for enlisted men of the Marine Corps, Navy, and Coast Guard.

During war, or a national emergency declared by the President to exist, an enlistment allowance, equal in amount to that provided for enlisted men of the Marine Corps by section 13 of this title, and by section 16 of this title for enlisted men of the Navy and Coast Guard, and to be in addition to the enlistment allowance so provided, shall be paid to every honorably discharged enlisted man of the Navy, Marine Corps, and Coast Guard who reenlists, within twenty-four hours after such discharge, on board the ship or at the station, Marine barracks, or other naval, Marine Corps, or Coast Guard activity from which he was last discharged. (Aug. 18, 1941, ch. 364, § 2, 55 Stat. 629.)

SUSPENSION DURING PRESENT WAR

Suspension of this section during present war and for six months thereafter, see section 110 of this title.

CROSS REFERENCES

Enlistment allowances generally, see section 110 of this title.

§ 17. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

§ 17a. Retainer pay or retired pay of enlisted men transferred to the Fleet Reserve prior to October 1, 1940.

Enlisted men of the Navy and Marine Corps who were transferred to the Fleet Reserve prior to October 1, 1940, after completion of sixteen or twenty years of service, and all such transferred members of the Fleet Reserve who were subsequently retired prior to October 1, 1940, shall, from and after October 1, 1940, be entitled to retainer pay or retired pay computed on the basis of the increased rates of base

pay and longevity pay provided for enlisted men by section 312 of Appendix of Title 50: *Provided*, That nothing in this Act shall operate to reduce the pay now being received by any such enlisted men. (Aug. 21, 1941, ch. 390, 55 Stat. 656.)

§ 18. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

§ 18a. Longevity credit for service since June 30, 1925, by warrant officers and enlisted men of Naval and Marine Corps Reserves and National Guard.

Hereafter warrant officers and enlisted men of the Naval Reserve, Marine Corps Reserve, and the National Guard of the United States shall be credited with longevity for pay purposes on the basis of full time for all service since June 30, 1925, both active and inactive, in the Naval Reserve, Marine Corps Reserve, and the National Guard: *Provided*, That warrant officers and enlisted men of the National Guard of the United States shall not be credited for this purpose with time served in the inactive National Guard not in the active Federal service. (May 4, 1942, ch. 282, § 1, 56 Stat. 266.)

§ 19. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Former section 19 was amended by act Nov. 21, 1941, ch. 498, 55 Stat. 781.

Present provisions on the subject of former section 19 are contained in sections 108 and 110 of this title.

AMENDMENTS

1941—Section was amended by act Nov. 21, 1941, ch 498, 55 Stat. 781.

§ 19a. Money allowance for quarters to certain enlisted men of Army not provided quarters for dependents.

CODIFICATION

Section has been eliminated from the Code. Present provisions on this subject are contained in section 110 of this title.

§§ 20–21. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Present provisions on the subject of these sections are contained in section 112 of this title.

§ 21a. "Children" defined.

CODIFICATION

Section has been eliminated from the Code. Section 21 of this title, for purposes of which this section defined "children", has been repealed.

Present provisions defining "children" are contained in section 104 of this title.

§§ 22–26. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Section 22: present provisions on this subject are contained in section 113 of this title.

Section 23 was from act June 10, 1922, ch. 212, § 14, 42 Stat 631, 632, as affected by act Sept 16, 1940, 3 08 p. m., E. S T., ch. 720, § 12 (c), 54 Stat. 895. Other provisions relating to allowances to officers and warrant officers of the National Guard and Reserve forces while at encampments, schools, etc., and on active duty were contained in act Mar. 4, 1923, ch. 281, § 1, 42 Stat. 1507. Present provisions on these subjects are contained in section 114 of this title

Section 26 was amended by act June 25, 1941, ch. 252, §§ 1, 2, 55 Stat. 263. Present provisions on the subject of this section are contained in section 115 of this title.

§§ 27–29. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Present provisions on the subject of these sections are contained in sections 116, 117, and 118, respectively, of this title.

§ 29a. Suspension or reduction of extra pay while on flying duty.

CROSS REFERENCES

Flying pay, see section 118 of this title.

§ 29b. Increase of pay of officers, warrant officers, and enlisted men engaged on parachute duty.

Section, from act June 3, 1941, ch 166, 55 Stat 240, has been eliminated from the Code. Present provisions on this subject are contained in section 118 of this title

§§ 30, 31. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Present provisions on the subject of section 31 are contained in section 119 of this title.

Chapter 2.—READJUSTED PAY AND ALLOWANCES (New)

Sec.
101 Commissioned officers below brigadier general, rear admiral, and assistant to Surgeon General; base pay; longevity pay.
102. Sea or foreign duty of personnel; increase of base pay.
103 National Guard and Reserve forces entitled to Federal pay; pay; longevity pay; fractions of months
104 Definitions.
105 Commissioned officers below brigadier general or equivalent; subsistence allowance.
106 Same; rental allowance.
107 Brigadier generals or equivalents and higher officers, base pay; subsistence, rental, and personal money allowances.
108 Warrant officers; base pay; rental and subsistence allowances; longevity pay; maximum pay and allowances
109 Enlisted men; base pay; longevity pay.
110. Same, quarters and subsistence allowances; subsistence for pilots; commutation of rations; dependent's quarters allowance, absence from station; determination and amount of reenlistment allowance; clothing.
111 Same, Philippine Scouts; Navy insular force
111a. Occupancy of government housing facilities on a rental basis without loss of rental allowances (New).
112. Travel by personnel, Reserve and National Guard personnel, and dependents; transportation, allowances, etc
112a. Same; per diem allowance for Army officers and warrant officers traveling between places in same vicinity and without regard to length of time away from posts.
112b Same; per diem allowances for naval officers traveling between places in same vicinity and without regard to length of time away from posts, naval personnel on special duty in foreign countries, and naval personnel of Air Transport Service.
113 Nurses, etc, of Army and Navy; base pay; rental and subsistence allowances; retired pay.
114 Reserve forces on active duty and National Guard; pay and allowances.
115. Retired personnel and members of Fleet Reserve and Fleet Marine Corps Reserve; retired pay, retainer pay, or equivalent pay; active duty pay.
116 Enlisted men; additional pay for special qualification in use of arms.
117. Cadets and midshipmen; pay and allowances.

Sec.
117a Travel allowances for candidates for cadetships
117b. Transportation allowances for graduates of United States Military Academy
118 Flying, parachute duty, and glider flights by personnel, Reserve Forces, and National Guard, additional pay.
118a Number of naval officers entitled to increased pay for aerial flights.
118b Diving duty by personnel of Army, additional pay (New).
119. Effect of enactment of chapter; pay, etc., of existing personnel, Reserves, etc; repeals, substitution of new pay, etc., in existing laws.
120. Reports by Secretaries of War and Navy of civilians commissioned in Army and Navy

§ 101. Commissioned officers below brigadier general, rear admiral, and assistant to Surgeon General; base pay; longevity pay.

For the purpose of computing the annual pay of the commissioned officers of the Regular Army and Marine Corps below the grade of brigadier general; of the Navy, the Coast Guard, and the Coast and Geodetic Survey below the grade of rear admiral; and of the Public Health Service below the grade of assistant to the Surgeon General, pay periods are prescribed, and the base pay for each is fixed as follows:

The first period, $1,800; the second period, $2,000; the third period, $2,400; the fourth period, $3,000; the fifth period, $3,500; and the sixth period, $4,000.

The pay of the sixth period shall be paid to colonels of the Army, captains of the Navy, and officers of corresponding grade; to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade, and lieutenant commanders of the line and Engineer Corps of the Coast Guard, who have completed thirty years' service; and to the Chief of Chaplains of the Army when not holding rank above that of colonel.

The pay of the fifth period shall be paid to lieutenant colonels of the Army, commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the sixth period; and to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade, who have completed twenty-three years' service.

The pay of the fourth period shall be paid to majors of the Army, lieutenant commanders of the Navy, and officers of corresponding grade who are not entitled to the pay of the fifth period; to captains of the Army, lieutenants of the Navy, and officers of corresponding grade, who have completed seventeen years' service.

The pay of the third period shall be paid to captains of the Army, lieutenants of the Navy, and officers of corresponding grade who are not entitled to the pay of the fourth period; to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade, who have completed ten years' service.

The pay of the second period shall be paid to first lieutenants of the Army, lieutenants (junior grade) of the Navy, and officers of corresponding grade who are not entitled to the pay of the third period; and to second lieutenants of the Army, ensigns of the Navy, and officers of corresponding grade, who have completed five years' service; and to contract surgeons serving full time.

The pay of the first period shall be paid to all other officers whose pay is provided for in this section.

Officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service temporarily appointed to higher grades or ranks shall, for the purposes of this chapter, be considered officers of such grades or ranks while holding such temporary appointments.

Every officer paid under the provisions of this section shall receive an increase of 5 per centum of the base pay of his period for each three years of service up to thirty years.

In computing the service for all pay purposes of officers paid under the provisions of this section, such officers shall be credited with full time for all periods during which they have held commissions as officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the National Guard Reserve, or in the National Guard of the United States, or in the Officers' Reserve Corps, or in the Medical Reserve Corps, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve force, Naval Reserve, Marine Corps Reserve force, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, or in the Philippine Scouts, or in the Philippine Constabulary, and service of Coast and Geodetic Survey officers authorized in section 854a (b) of Title 33: *Provided*, That for officers in service on June 30, 1922, there shall be included in the computation, in addition to the service set forth above, all service which was then counted in computing longevity pay, and service as a contract surgeon serving full time. Longevity pay for officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service shall be based on the total of all service in any or all of said services which is authorized to be counted for longevity pay purposes under the provisions of this chapter or as may otherwise be provided by law.

The provisions of this chapter shall apply equally to those persons serving, not as commissioned officers in the Army or in the Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, but whose pay under existing law is an amount equivalent to that of a commissioned officer of one of the above grades, those receiving the pay of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant, being classified as in the sixth, fifth, fourth, third, second, and first periods, respectively. (June 16, 1942, ch. 413, § 1, 56 Stat. 359, as amended Dec 2, 1942, ch 669, § 1, 56 Stat. 1037; Sept. 7, 1944, ch. 407, § 4, 58 Stat. 730.)

AMENDMENTS

1944—Act Sept. 7, 1944, cited to text, amended section by inserting "or in the Medical Reserve Corps" following "Officers' Reserve Corps" in par. (11).

1942—Act Dec 2, 1942, cited to text, amended eleventh par. of section generally. Said par. read as follows: "For officers appointed on and after July 1, 1922, no service

shall be counted for purposes of pay except active commissioned service under a Federal appointment and commissioned service in the National Guard when called out by order of the President and service authorized in section 854a (b) of Title 33 For officers in the service on June 30, 1922, there shall be included in the computation all service which was then counted in computing longevity pay, and service as a contract surgeon serving full time; and also 75 per centum of all other periods of time during which they have held commissions as officers of the Organized Militia between January 21, 1903, and July 1, 1916, or of the National Guard, the Naval Militia, or the National Naval Volunteers since June 3, 1916, shall be included in the computation Longevity pay for officers in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service shall be based on the total of all service in any or all of said services which is authorized to be counted for longevity pay purposes under the provisions of this chapter or as may otherwise be provided by law"

EFFECTIVE DATE

Section 4 of act Dec 2, 1942, cited to text, provided as follows: "This Act shall become effective as of June 1, 1942, but no back pay or allowances for any period prior to such date shall accrue by reason of the enactment of this Act"

Section 19 of act June 16, 1942, cited to text, contained the following sentence in addition to those provisions thereof constituting section 119 of this title: "The provisions of this Act (Title 37, §§ 101–120) shall become effective as of June 1, 1942"

Section 11 of act Sept 7, 1944, cited to text, provided: "Sections 1 to 5, inclusive, of this Act (amending sections 101 (11), 103 (1), 103a, 108 (3), (4), (6), 109 (3), 118 (2) of this title) shall become effective as of June 1, 1942, section 9 (amending section 112 (1) of this title) shall become effective as of December 22, 1942, and the other sections hereof (amending sections 103 (3), 104, 110 (4) of this title) shall become effective on the first day of the first calendar month occurring after enactment of this Act. No back pay or allowances under any section of this Act for any period prior to the effective date of such section shall accrue by reason of the enactment of this Act, and no back pay or allowances shall accrue to any person who is not entitled to receive active or retired pay on the date of the enactment of this Act"

SHORT TITLE OF CHAPTER

Section 21 of act June 16, 1942, cited to text, provided as follows: "This Act (Title 37, §§ 101–120) may be cited as the 'Pay Readjustment Act of 1942'."

PRIOR LAW

Provisions on the subject of this section were contained in act Mar 6, 1920, ch. 94, § 1, 41 Stat 507; in act May 18, 1920, ch 190, § 11, 41 Stat 603; and in act June 10, 1922, ch 212, § 1, 42 Stat 625, as amended May 23, 1928, ch 715, 45 Stat 719; May 28, 1928, ch 819, 45 Stat 788; Feb 16, 1929, ch 221, § 1, 45 Stat. 1187

CROSS REFERENCES

Employment and pay of internes, see section 761 of Appendix to Title 50, War.

§ 102. Sea or foreign duty of personnel; increase of base pay.

The base pay of any enlisted man, warrant officer, or nurse (female) in the military or naval forces of the United States shall be increased by 20 per centum and the base pay of any commissioned officer of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service shall be increased by 10 per centum for any period of service while on sea duty as such duty may be defined by the head of the Department concerned, or duty in any place beyond the continental limits of the United States or in Alaska, which increases in pay shall be in addition to pay and allowances otherwise authorized: *Provided,* That the per centum increases herein authorized shall be included in computing increases in pay for aviation and submarine duty. (June 16, 1942, ch. 413, § 2, 56 Stat. 360, as amended Oct. 6, 1945, ch. 393, § 12, 59 Stat. 542.)

AMENDMENTS

1945—Act Oct 6, 1945, cited to text, amended section by striking out the last proviso which read: "*Provided further,* That this section shall be effective from December 7, 1941, and shall cease to be in effect twelve months after the termination of the present war is proclaimed by the President"

SHORT TITLE

Short title of act Oct 6, 1945, cited to text, see note set out under section 635 of Title 10, Army.

PRIOR LAW

Provisions on this subject were contained in act Mar 7, 1942, ch 166, § 18, 56 Stat 148. Provisions forbidding increased compensation to commissioned officers because of field or sea duty were contained in act June 10, 1922, ch 212, § 2, 42 Stat 627

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text

§ 103. National Guard and Reserve forces entitled to Federal pay; pay; longevity pay; fractions of months.

When officers of the National Guard or of the Reserve forces of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, including Reserve officers, are authorized by law to receive Federal pay, except armory drill and administrative function pay, they shall receive pay as provided in section 101 of this title, and in computing their service for pay they shall be credited with full time for all periods during which they have held commissions as officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the National Guard Reserve, or in the National Guard of the United States, or in the Officers Reserve Corps, or in the Medical Reserve Corps, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force, Naval Reserve, Marine Corps Reserve Force, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, or in the Philippine Scouts, or in the Philippine Constabulary, and service authorized in section 854a (b) of Title 33.

Members of the Reserve forces of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service who shall become entitled to Federal pay for a continuous period of less than one month at the rates fixed for the regular services shall receive such pay for each day of such period, and the thirty-first day of a calendar month shall not be excluded from the computation.

When members of the reserve forces of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service are authorized by law to receive Federal pay, payments may include the entire amount lawfully accruing to such persons as pay, allowances, and mileage, and pay, allowances, and mileage for their return home

may be paid to them prior to their departure from their last duty station incident to release from active duty: *Provided*, That any such mileage payable shall be computed from the place of release to the place from which ordered to active duty without regard to actual performance of travel. (June 16, 1942, ch. 413, § 3, 56 Stat. 360, as amended Dec. 2, 1942, ch. 669, § 2, 56 Stat. 1037; Sept. 7, 1944, ch. 407, §§ 4, 7, 58 Stat. 730.)

AMENDMENTS

1944—Act Sept. 7, 1944, amended section by inserting "or in the Medical Reserve Corps" following "Officers' Reserve Corps" in par. (1), and amending generally par (3).

1942—Act Dec 2, 1942, cited to text, amended first paragraph generally, which formerly read as follows: "When officers of the National Guard or of the Reserve forces of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, including Reserve officers, are authorized by law to receive Federal pay, those serving in grades corresponding to those of colonel, lieutenant colonel, major, captain, first lieutenant, and second lieutenant of the Army shall receive the pay of the sixth, fifth, fourth, third, second, and first periods, respectively, unless entitled to the pay of a higher period under the provisions of section 114 of this title. Such officers whenever entitled to Federal pay, except armory drill and administrative function pay, shall receive as longevity pay, in addition to base pay, an increase thereof at the per centum and time rates up to thirty years provided in section 101 of this title. In computing the increase of pay for each period of three years' service, such officers shall be credited with full time for all periods during which they have held commissions as officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, or in the Organized Militia prior to July 1, 1916, or in the National Guard, National Guard of the United States, or in the Officers Reserve Corps, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve force, Naval Reserve, Marine Corps Reserve force, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, when confirmed in grade and qualified for all general service."

PRIOR LAW

Provisions on this subject were contained in act June 10, 1922, ch 212, § 3, 42 Stat 627, as amended May 31, 1924, ch 224, § 1, 43 Stat 250; in act June 30, 1922, ch 253, title I, 42 Stat 749, as amended Mar 4, 1923, ch. 281, § 3, 42 Stat. 1508, May 11, 1926, ch 288, 44 Stat 531; and in act Sept 14, 1922, ch 307, § 3, 42 Stat 841.

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text

See note under section 101 of this title

Effective date of amendment by act Sept 7, 1944, cited to text, see note set out under section 101 of this title.

§ 103a. Computation of service for pay; service required to be included; maximum limitations.

In computing the service for all pay purposes of persons paid under the provisions of sections 101, 103, 108, or 109 of this title, such persons, in addition to the time required to be credited by the section under which they are paid, shall be credited with full time for all periods during which they were enlisted or held commissions as officers or held appointments as warrant officers or Army field clerks or as commissioned warrant officers in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service, or in the Regular Army Reserve, or in the Medical Reserve Corps of the Navy, the Dental Reserve Corps of the Navy, or in the Organized Militia prior to July 1, 1916, or in the National Guard, or in the National Guard Reserve, or in the National Guard of the United States, or in the Enlisted Reserve Corps, or in the Naval Militia, or in the National Naval Volunteers, or in the Naval Reserve Force, Naval Reserve, Marine Corps Reserve Force, Marine Corps Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service, or in the Philippine Scouts, or in the Philippine Constabulary, or in the Coast and Geodetic Survey as authorized by section 854a (b) of Title 33. The provisions of this section shall not be construed to permit any person to receive pay and allowances in excess of the maximum limitations imposed upon the total pay and allowances of his rank, grade, or rating by any of the provisions of this chapter, nor to modify the character of service required for advancement of commissioned warrant officers to a higher pay period. (June 16, 1942, ch. 413, § 3A, as added Dec. 2, 1942, ch. 669, § 3, 56 Stat. 1037, and amended Sept. 7, 1944, ch. 407, § 1, 58 Stat. 729.)

AMENDMENTS

1944—Act Sept. 7, 1944, cited to text, amended section by omitting "During the existence of any war declared by Congress and for six months following the termination of such war", added "sections 108 or 109" following "sections 101, 103", "or in the Medical Reserve Corps of the Navy, the Dental Reserve Corps of the Navy" following "Regular Army Reserve", and "or in the Coast and Geodetic Survey as authorized by Section 854a (b) of Title 33" following "Philippine Constabulary" all in the first sentence.

EFFECTIVE DATE

See note under section 101 of this title

Effective date of amendment by act Sept 7, 1944, cited to text, see note set out under section 101 of this title

§ 104. Definitions.

The term "dependent" as used in sections 105–120 of this title shall include at all times and in all places a lawful wife and unmarried children under twenty-one years of age. It shall also include the father or mother of the person concerned provided he or she is in fact dependent on such person for his or her chief support: *Provided*, That the term "children" shall be held to include stepchildren and adopted children when such stepchildren or adopted children are in fact dependent upon the person claiming dependency allowance.

Notwithstanding any other provision of law, any female member of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service, or the reserve components thereof, shall be entitled to all allowances and benefits authorized in this chapter on account of dependents but only in the case of a husband, a child or children, or a parent or parents in fact dependent upon her for their chief support.

As used in this section, the terms "father", "mother", "parent", and "parents" shall include a stepparent, a parent by adoption, and any person, including a former stepparent, who has stood in loco parentis to the person concerned at any time for a continuous period of not less than five years: *Provided*, That a stepparent-stepchild relationship shall be deemed to be terminated by the stepparent's divorce from the blood parent. (June 16, 1942, ch.

413, § 4, 56 Stat. 361, as amended Sept. 7, 1944, ch. 407, § 6, 58 Stat. 730; Nov. 24, 1945, ch. 494, § 1, 59 Stat. 587.)

AMENDMENTS

1945—Act Nov. 24, 1945, cited to text, amended section by adding last par.

1944—Act Sept. 7, 1944, cited to text, amended section by adding the last par.

PRIOR LAW

Provisions on this subject were contained in acts June 10, 1922, ch. 212, § 4, 42 Stat. 627; Feb. 21, 1929, ch. 288, 45 Stat. 1254.

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text

Effective date of amendment by act Sept 7, 1944, cited to text, see note set out under section 101 of this title.

Section 2 of act Nov. 24, 1945, cited to text, provided: "This Act [Act Nov. 24, 1945, cited to text] shall become effective on the first day of the first calendar month occurring after its enactment No pay or allowances for any period prior to the effective date of this Act shall accrue by reason of the enactment of this Act."

§ 105. Commissioned officers below brigadier general or equivalent; subsistence allowance.

Each commissioned officer on the active list, or on active duty, below the grade of brigadier general or its equivalent, in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, shall be entitled at all times, in addition to his pay, to a money allowance for subsistence. The value of one subsistence allowance is hereby fixed at 70 cents per day. To each officer of any of the said services receiving the base pay of the first, second, third, or sixth period the amount of this allowance shall be equal to two subsistence allowances, and to each officer receiving the base pay of the fourth or fifth period the amount of this allowance shall be equal to three subsistence allowances: *Provided*, That an officer with no dependents shall receive one subsistence allowance in lieu of the above allowances. (June 16, 1942, ch. 413, § 5, 56 Stat. 361.)

PRIOR LAW

Provisions on this subject were contained in acts June 10, 1922, ch. 212, § 5, 42 Stat. 628; Apr. 9, 1935, ch. 54, title I, 49 Stat. 125.

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text.

§ 106. Same; rental allowance.

Except as otherwise provided in this section, each commissioned officer below the grade of brigadier general or its equivalent, in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, while either on active duty or entitled to active-duty pay shall be entitled at all times to a money allowance for rental of quarters.

To an officer having a dependent, receiving the base pay of the first period the amount of said allowance shall be $60 per month, to such an officer receiving the base pay of the second period the amount of this allowance shall be $75 per month, to such an officer receiving the base pay of the third period the amount of this allowance shall be $90 per month, to such an officer receiving the base pay of the fourth period the amount of this allowance shall be $105 per month, and to such an officer receiving the base pay of the fifth or sixth period the amount of this allowance shall be $120 per month.

To an officer having no dependents, receiving the base pay of the first period the amount of said allowance shall be $45 per month, to such an officer receiving the base pay of the second period the amount of said allowance shall be $60 per month, to such an officer receiving the base pay of the third period the amount of said allowance shall be $75 per month, to such an officer receiving the base pay of the fourth period the amount of said allowance shall be $90 per month, and to such an officer receiving the base pay of the fifth or sixth period the amount of said allowance shall be $105 per month.

No rental allowance shall accrue to an officer having no dependents while he is on field duty unless his commanding officer certifies that he was necessarily required to procure quarters at his own expense, or while on sea duty, except for temporary periods of sea duty not exceeding three months, nor shall any rental allowance accrue to an officer with or without dependents who is assigned quarters at his permanent station unless a competent superior authority of the service concerned certifies that such quarters are not occupied because of being inadequate for the occupancy of the officer and his dependents, if any, and such certifications shall be conclusive: *Provided*, That an officer although furnished with quarters shall be entitled to rental allowance as authorized in this section if by reason of orders of competent authority his dependents are prevented from occupying such quarters.

Regulations in execution of the provisions of this section shall be made by the President and shall, whenever practicable, in his judgment, be uniform for all of the services concerned, including adjunct forces thereof. (June 16, 1942, ch. 413, § 6, 56 Stat. 361, amended Mar. 6, 1943, ch. 11, 57 Stat. 13.)

AMENDMENTS

1943—Par. 4 was amended by act Mar. 6, 1943, cited to text, which effected several changes in text preceding proviso.

PRIOR LAW

Provisions on this subject were contained in act June 10, 1922, ch. 212, § 6, 42 Stat 628, as amended May 31, 1924, ch 224, § 2, 43 Stat 250; and in act Apr. 9, 1935, ch. 54, title I, 49 Stat. 125

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text

CROSS REFERENCES

Occupancy of government housing facilities, see section 111a of this title.

EX ORD NO 9255 REGULATIONS GOVERNING THE PAYMENT OF RENTAL ALLOWANCES TO CERTAIN OFFICERS

Ex Ord. No 9255, Oct 13, 1942, 7 F. R 8333, provided: By virtue of and pursuant to the authority vested in me by section 6 of the Pay Readjustment Act of 1942, approved June 16, 1942 (Public Law 607—77th Cong.) (this section) I hereby prescribe the following regulations governing the payment of rental allowances to officers of the Army, Navy, Marine Corps, Coast Guard, Coast and

Geodetic Survey, and Public Health Service, including adjunct forces thereof.

I. *Definitions.*—As used in these regulations or in regulations prescribed pursuant hereto:

(a) The terms "on active duty" and "entitled to active-duty pay" shall apply to an officer while on the active list or while required to perform duty in accordance with law for which he is entitled to active-duty pay: *Provided*, That such terms shall not apply to any officer while absent from duty under conditions which, under the laws governing the particular service concerned, would prevent him from receiving full pay.

(b) The term "field duty" shall mean service, under orders, with troops operating against an enemy, actual or potential.

(c) The term "sea duty" shall mean service at sea by an officer on a vessel under orders (1) requiring the officer to report for duty on board a designated vessel or (2) assigning him to duty in command of vessels or as a member of the staff of an officer in command of vessels: *Provided*, That the officer concerned is not during the same period required to render service on shore of a character determined by the department concerned to be paramount to the duty which he is required to render at sea.

(d) The term "permanent station" shall mean the place on shore where an officer is assigned to duty, or the home yard or the home port of a vessel on board which an officer is required to perform duty, under orders in each case which do not in terms provide for the termination thereof; and any station on shore or any receiving ship where an officer in fact occupies with dependents public quarters assigned to him without charge shall also be deemed during such occupancy to be his permanent station

(e) The terms "competent superior authority" and "competent authority" shall mean the officer required by regulations of the department concerned to assign public quarters

(f) The term "dependent" shall include at all times and in all places a lawful wife and unmarried children under twenty-one years of age. It shall also include the father or mother of the person concerned provided he or she is in fact dependent upon such person for his or her chief support *Provided*, That the term "children" shall be held to include stepchildren and adopted children when such stepchildren or adopted children are in fact dependent upon the person claiming dependency allowance

II. *Assignment of quarters.*—(a) The assignment of quarters to an officer shall consist of the designation in accordance with regulations of the department concerned of quarters controlled by the Government for occupancy without charge by the officer and his dependents, if any

(b) No officer who, when adequate quarters are not available for assignment to him at his permanent station, is permitted or required personally to occupy inadequate quarters at such station shall so occupy more than one room and a bath.

(c) Any unassigned quarters at a post, yard, or station may, with the permission of competent superior authority and so long as not needed for assignment to officers on permanent duty thereat, be occupied by officers not permanently stationed thereat, but no officer unaccompanied by dependents shall be permitted to occupy as quarters at a post, yard, or station other than his permanent station more than one room and a bath

III. *Payments.*—(a) Payment of the money allowance for rental of quarters to the officers entitled thereto shall be made periodically by appropriate disbursing officers upon submission of the evidence necessary to substantiate the payee's right to such allowance.

(b) No officer shall be paid a rental allowance for any period during which he is assigned quarters at his permanent station which have been determined to be adequate in accordance with regulations prescribed by the head of the department concerned.

IV. The head of any department concerned is authorized to prescribe such supplementary regulations not inconsistent herewith as he may deem necessary or desirable for carrying out these regulations.

This order shall supersede Executive Order No. 4063 of August 13, 1924, and shall be effective as of June 1, 1942.

§ 107. Brigadier generals or equivalent and higher officers; base pay; subsistence, rental, and personal money allowances.

The annual base pay of a brigadier general of the Army or the Marine Corps, rear admiral (lower half) of the Navy, the Coast Guard, or the Coast and Geodetic Survey, the Assistant Commandant of the Coast Guard, the Engineer in Chief of the Coast Guard, commodore of the Navy, an Assistant Director of the Coast and Geodetic Survey, and an assistant to the Surgeon General of the Public Health Service, shall be $6,000; and the annual base pay of a major general of the Army or the Marine Corps and of a rear admiral (upper half) of the Navy, the Coast Guard, or the Coast and Geodetic Survey or the Surgeon General of the Public Health Service shall be $8,000. Every such officer shall be entitled to the money allowances for subsistence and for rental of quarters authorized in sections 105 and 106 of this title for officers receiving the pay of the sixth period.

Officers of the Navy serving in the grade of vice admiral, officers of the Army serving in the grade of lieutenant general, and officers of the Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service serving in corresponding grades, shall be entitled, while so serving, to the pay and allowances of a rear admiral (upper half) and to a personal money allowance of $500 per year. Officers of the Navy serving in the grade of admiral or as Chief of Naval Operations, officers of the Army serving in the grade of general or as Chief of Staff of the Army, and officers of the Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service serving in corresponding grades, shall be entitled, while so serving, to the pay and allowances of a rear admiral (upper half) and to a personal money allowance of $2,200 per year. (June 16, 1942, ch. 413, § 7, 56 Stat 362.)

PRIOR LAW

Provisions on this subject were contained in act June 10, 1922, ch 212, § 18, 42 Stat 629.

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text.

CROSS REFERENCES

Coast and Geodetic Survey, Director's pay and allowances, see section 852a of Title 33, Navigation and Navigable Waters

Coast Guard, Commandant's pay and allowances, see section 11 of Title 14, Coast Guard.

Major generals commanding the four Armies, pay and allowances, see section 482b of Title 10, Army

Occupancy of government housing facilities, see section 111a of this title.

Public Health Service, Surgeon General's pay and allowances, see sections 205 and 207 of Title 42, The Public Health and Welfare

Rear admirals entitled to pay of upper half, see section 807 of Appendix to Title 50, War.

§ 108. Warrant officers; base pay; rental and subsistence allowances; longevity pay; maximum pay and allowances.

Warrant officers (junior grade) of the Army except first mates and assistant engineers of the Army Mine Planter Service, and warrant officers of the Navy, Marine Corps, and Coast Guard, shall receive the

base pay of the first period as established by section 101 of this title and shall be entitled to the money allowances for subsistence and for rental of quarters as established by sections 105 and 106 of this title for officers receiving the pay of the first period.

First mates and assistant engineers of the Army Mine Planter Service shall receive base pay at the rate of $1,950 per annum and shall be entitled to the money allowances for subsistence and for rental of quarters as established by sections 105 and 106 of this title for officers receiving the pay of the first period.

Chief warrant officers of the Army except masters and chief engineers in the Army Mine Planter Service, and commissioned warrant officers with less than ten years of commissioned service, of the Navy, Marine Corps, and Coast Guard, shall receive base pay at the rate of $2,100 per annum and shall be entitled to the money allowances for subsistence and for rental of quarters as established by sections 105 and 106 of this title for officers receiving the pay of the second period: *Provided,* That a commissioned warrant officer or chief warrant officer promoted from the grade of warrant officer or warrant officer (junior grade) shall suffer no reduction of pay by reason of such promotion: *Provided further,* That nothing herein contained shall be held to affect the authority of the Secretary of War to designate permanent or temporary chief warrant officers of the Army to receive the base pay and allowances of the third and fourth pay periods as provided in section 591a of Title 10.

Commissioned warrant officers of the Navy, Marine Corps, and Coast Guard with creditable records on the active list, after ten years of commissioned service, and masters and chief engineers in the Army Mine Planter Service, shall receive the base pay of the third period as established by section 101 of this title and shall be entitled to the money allowances for subsistence and for rental of quarters as established by sections 105 and 106 of this title for officers receiving the pay of the third period.

Commissioned warrant officers of the Navy, Marine Corps, and Coast Guard, with creditable records on the active list, after twenty years of commissioned service, shall receive the base pay of the fourth period as established by section 101 of this title and shall be entitled to the money allowances for subsistence and for rental of quarters as established by sections 105 and 106 of this title for officers receiving the pay of the fourth period.

Every person paid under the provisions of this section shall receive an increase of 5 per centum of the base pay of his period for each three years of service, not exceeding thirty years. Such service shall be active Federal service in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service or Reserve components thereof; service in the active National Guard of the several States, Territories, and the District of Columbia; and service in the Enlisted Reserve Corps of the Army, the Officers' Reserve Corps of the Army, the Naval Reserve, the Marine Corps Reserve, and the Coast Guard Reserve.

When the total pay and allowances authorized by this section for any person shall exceed the rate of $458.33 per month, the amount of the allowances to which such person is entitled shall be reduced by the amount above $458.33. (June 16, 1942, ch. 413, § 8, 56 Stat. 362, as amended Sept. 7, 1944, ch. 407, § 2, 58 Stat. 729.)

AMENDMENTS

1944—Act Sept 7, 1944, amended section by inserting "and chief engineers" following "masters" in pars. (3) and (4), and inserted "and service in the Enlisted * * * Coast Guard Reserve" in lieu of "and service in the Naval * * * and the National Guard" in par. (6).

PRIOR LAW

Provisions on this subject were contained in act June 10, 1922, ch. 212, §§ 1, 9–11, 42 Stat. 627, 629, 630, as amended Feb 16, 1929, ch. 221, §§ 1, 3, 45 Stat. 1187; Nov 21, 1941, ch. 498, 55 Stat 781

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text.

Effective date of amendment by Act Sept. 7, 1944, cited to text, see note set out under section 101 of this title.

CROSS REFERENCES

Army Mine Planter Service, pay and allowances of temporary warrant officers, see section 277 of Title 10, Army

Army Mine Planter Service, pay and allowances of warrant officer second assistant engineers, see section 276 of Title 10, Army.

Commissioned warrant officers of the Navy, active duty after retirement as included in phrase "with creditable records on the active list", see section 995a of Title 34, Navy.

Employment and pay of internes, see section 761 of Appendix to Title 50, War.

§ 109. Enlisted men; base pay; longevity pay.

The monthly base pay of enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be as follows: Enlisted men of the first grade, $138; enlisted men of the second grade, $114; enlisted men of the third grade, $96; enlisted men of the fourth grade, $78; enlisted men of the fifth grade, $66; enlisted men of the sixth grade, $54; and enlisted men of the seventh grade, $50. Chief petty officers under acting appointment shall be included in the first grade at a monthly base pay of $126.

For purposes of pay enlisted men of the Army, the Navy, and the Marine Corps, and the Coast Guard shall be distributed in the several pay grades by the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury, respectively.

Every enlisted man paid under the provisions of this section shall receive an increase of 5 per centum of the base pay of his grade for each three years of service up to thirty years. Such service shall be active Federal service in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service or Reserve components thereof; service in the active National Guard of the several States, Territories, and the District of Columbia; and service in the Enlisted Reserve Corps of the Army, the Officers' Reserve Corps of the Army, the Naval Reserve, the Marine Corps Reserve, and the Coast Guard Reserve. (June 16, 1942, ch. 413, § 9, 56 Stat. 363, as amended Sept. 7, 1944, ch. 407, § 3, 58 Stat. 729.)

AMENDMENTS

1944—Act Sept. 7, 1944, amended section by inserting "the Officers' Reserve Corps of the Army" following "the Enlisted Reserve Corps of the Army" in par. (3).

PRIOR LAW

Provisions on this subject were contained in act June 10, 1922, ch. 212, §§ 9, 10, 42 Stat. 629, 630, as amended Feb. 16, 1929, ch. 221, § 3, 45 Stat. 1187; and in act Sept. 16, 1940, 3.08 p. m., E. S. T., ch. 720, § 12 (a), (b), (c), 54 Stat. 895, eff. Oct. 1, 1940.

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text.

Effective date of amendment by act Sept. 7, 1944, cited to text, see note set out under section 101 of this title.

§ 110. Same; quarters and subsistence allowances; subsistence for pilots; commutation of rations; dependent's quarters allowance; absence from station; determination and amount of reenlistment allowance; clothing.

To each enlisted man not furnished quarters or rations in kind there shall be granted, under such regulations as the President may prescribe, an allowance for quarters and subsistence, the value of which shall depend on the conditions under which the duty of the man is being performed, and shall not exceed $5 per day: *Provided*, That payments of allowances for quarters and subsistence may be made in advance to enlisted men under such regulations as the President may prescribe. These regulations shall be uniform for the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service. Subsistence for pilots shall be paid in accordance with existing regulations, and rations for enlisted men may be commuted as now authorized by law. Midshipmen of the Naval Reserve when not furnished quarters or subsistence in kind shall be granted the same allowance for quarters and subsistence as is granted hereunder to enlisted men not furnished quarters or rations in kind.

Each enlisted man of the first, second, or third grade, in the active military, naval, or Coast Guard service of the United States having a dependent as defined in section 104 of this title, shall, under such regulations as the President may prescribe, be entitled to receive, for any period during which public quarters are not provided and available for his dependent, the monthly allowance for quarters authorized by law to be granted to each enlisted man not furnished quarters in kind: *Provided*, That such enlisted men shall continue to be entitled to this allowance although receiving the allowance provided in the first paragraph of this section if by reason of orders of competent authority his dependent is prevented from dwelling with him.

Enlisted men entitled to receive allowances for quarters or subsistence, shall continue, while their permanent stations remain unchanged, to receive such allowances while sick in hospital or absent from their permanent-duty stations in a pay status: *Provided*, That allowances for subsistence shall not accrue to such an enlisted man while he is in fact being subsisted at Government expense.

An enlistment allowance equal to $50, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the first three grades who reenlists within a period of three months from the date of his discharge, and an enlistment allowance of $25, multiplied by the number of years served in the enlistment period from which he has last been discharged, shall be paid to every honorably discharged enlisted man of the other grades who reenlists within a period of three months from the date of his discharge: *Provided*, That the provisions of this paragraph shall not affect the provisions of section 16a of this title, section 35a of Title 14, and sections 181, 181a, 201a, 692, and 692a of Title 34: *Provided further*, That during the present war and for six months thereafter the provisions of section 16a of this title are hereby suspended: *Provided further*, That an enlistment in a branch of the regular service within three months from the date of discharge from any component of such branch, other than its Regular Establishment, after not less than one year's continuous active service in such component or components immediately preceding the date of discharge therefrom, shall be considered a reenlistment for the purpose of payment of the enlistment allowance provided by this section; and the enlistment allowance shall be computed on the basis of the number of full years' continuous active service immediately preceding the discharge from such component.

The amount of the enlistment allowance payable to persons enlisted or reenlisted in the Regular Military Establishment on or after June 1, 1945, or in the Regular Naval Establishment on or after February 1, 1945, shall be computed at the rate prescribed for enlisted men of the first three grades. For the purpose of determining the eligibility of any person enlisted or reenlisted in the Regular Military Establishment on or after June 1, 1945, or in the Regular Naval Establishment on or after February 1, 1945, to receive the enlistment allowance, and in computing the amount thereof, all continuous active Federal service in the Army of the United States, or any component thereof (if enlisted or reenlisted in the Regular Military Establishment), or in the Navy, Marine Corps, or Coast Guard, or any reserve component thereof (if enlisted or reenlisted in the Regular Naval Establishment), whether in enlisted grades or in commissioned, commissioned warrant, or warrant officer grades, shall, if honorably performed subsequent to the payment of the last previous enlistment allowance, be credited as a period of active enlisted service. In determining whether active Federal service is continuous, any interruptions, of not more than ninety days each, between periods of such service shall be disregarded.

Hereafter the President may prescribe the quantity and kind of clothing which shall be furnished annually to enlisted men of the Navy, the Coast Guard, the Naval Reserve, and the Coast Guard Reserve, and he may prescribe the amount of a cash allowance to be paid to such enlisted men in any case in which clothing is not so furnished to them. (June 16, 1942, ch. 413, § 10, 56 Stat. 363, amended June 26, 1943,

ch. 151, 57 Stat. 219; Sept. 7, 1944, ch. 407, § 8, 58 Stat. 730; Oct. 6, 1945, ch. 393, § 8, 59 Stat. 541.)

AMENDMENTS

1945—Act Oct. 6, 1945, cited to text, amended section by inserting next to last par. beginning "The amount of * * *".

1944—Act Sept. 7, 1944, cited to text, amended section by adding last proviso to par (4)

1943—Act June 26, 1943, cited to text, added last sentence in first paragraph.

SHORT TITLE

Short title of act Oct. 6, 1945, cited to text, see note set out under section 635 of Title 10, Army.

PRIOR LAW

Provisions on this subject were contained in act May 11, 1908, ch 163, 35 Stat 110, in act June 10, 1922, ch 212, §§ 9–11, 42 Stat 629, 630, as amended Nov 21, 1941, ch. 498, 55 Stat 781; and in act Oct 17, 1940, ch 899, 54 Stat 1205

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text

Effective date of amendment by act Sept 7, 1944, cited to text, see note set out under section 101 of this title

CROSS REFERENCES

Enlistment allowances during war or national emergency, see section 16a of this title

Occupancy of government housing facilities, see section 111a of this title.

Quarters and subsistence allowances during sickness or absence from permanent duty station, see section 716a of Title 10, Army; section 133 of Title 14, Coast Guard; section 914 of Title 34, Navy

Section as applicable to Coast Guard, see section 89 of Title 34, Navy.

§ 111. Same; Philippine Scouts; Navy insular force.

The pay and allowances of whatever nature and kind to be authorized for the enlisted men of the Philippine Scouts shall be fixed by the Secretary of War and shall not exceed or be of other classes than those now or which may hereafter be authorized by law for enlisted men of the Regular Army.

The rates of pay of enlisted men of the insular force of the Navy shall be one-half the rates of pay prescribed for enlisted men of the Navy in corresponding grades. (June 16, 1942, ch. 413, § 11, 56 Stat. 364.)

PRIOR LAW

Provisions relating to pay of insular force of the Navy were contained in act June 10, 1922, ch 212, § 10, 42 Stat 630 Provisions relating to pay and allowances of enlisted men of the Philippine Scouts were contained in act Feb. 2, 1901, ch. 192, § 36, 31 Stat. 757, as amended May 10, 1926, ch 279, 44 Stat 496

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text.

CROSS REFERENCES

Occupancy of government housing facilities, see section 111a of this title.

§ 111a. Occupancy of government housing facilities on a rental basis without loss of rental allowances.

Notwithstanding the provisions of any other law (including any laws restricting the occupancy of housing facilities under the jurisdiction of Government departments or agencies by personnel, and dependents of personnel, of the Army, Navy, Marine Corps, and Coast Guard above specified ranks, or by personnel, and dependents of personnel, of the Coast and Geodetic Survey and the Public Health Service), personnel of any of the services mentioned in this section and their dependents may be accepted as tenants in and may occupy on a rental basis any such housing facilities, other than public quarters constructed or designated for assignment to and occupancy without charge by such personnel and their dependents if any, and such personnel shall not be deprived by reason of such occupancy of money allowances to which they are otherwise entitled for rental of quarters. (July 2, 1945, ch. 227, 59 Stat. 316.)

CODIFICATION

Section was not enacted as a part of the Pay Readjustment Act of 1942.

§ 112. Travel by personnel, Reserve and National Guard personnel, and dependents; transportation, allowances, etc.

Officers of any of the services mentioned in the title of this Act, including active and retired personnel of the Regular Establishments and members of the Reserve components thereof and the National Guard, while on active duty in the Federal service, when traveling under competent orders without troops, including travel from home to first station in connection with their appointment or call to active duty and from last station to home in connection with relief from active duty or discharge not the result of their own misconduct, shall receive a mileage allowance at the rate of 8 cents per mile, distance to be computed by the shortest usually traveled route and existing laws providing for the issue of transportation requests to officers of the Army traveling under competent orders, and for deduction to be made from mileage accounts when transportation is furnished by the United States, are hereby made applicable to the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service, but in cases when orders are given for travel to be performed repeatedly between two or more places in the same vicinity, as determined by the head of the executive department concerned, he may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders in Alaska and outside the limits of the United States in North America.

Unless otherwise expressly provided by law, no officer of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service shall be allowed or paid any sum in excess of expenses actually incurred for subsistence while traveling on duty away from his designated post of duty, nor any sum for such expenses actually incurred in excess of $7 per day. The heads of the executive departments concerned are authorized to prescribe per diem rates of allowance, not exceeding $6, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty: *Provided*, That for travel by air under competent orders on duty without troops, under regulations to be prescribed respectively by the heads of the departments concerned, members (including officers, warrant officers, contract surgeons, enlisted

men, aviation cadets, and members of the Nurse Corps) of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, and of the legally constituted Reserves of said services while on active duty, and of the National Guard while in Federal service, or while participating in exercises, or performing duties under sections 62, 63, 64, 65, 144, 145, or 146 of Title 32, shall, in lieu of mileage or other travel allowances, be allowed and paid their actual and necessary traveling expenses not to exceed $8 per day, or, in lieu thereof, per diem allowances at rates not to exceed $6 per day.

Travel by personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, including the Reserve components thereof and the National Guard while on active duty in the Federal service, on commercial aircraft, domestic or foreign, including travel between airports and centers of population or posts of duty when incidental to travel on commercial aircraft, shall be allowed at public expense when authorized or approved by competent authority, and transportation requests for such travel may be issued upon such authorizations. Such expense shall be allowed without regard to comparative costs of transportation by aircraft with other modes of transportation.

Individuals belonging to the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, including the National Guard and the Reserves of such services, traveling under competent orders which entitle them to transportation or transportation and subsistence as distinguished from mileage, who, under regulations prescribed by the head of the department concerned, travel by privately owned conveyance shall be entitled, in lieu of transportation by the shortest usually traveled route now authorized by law to be furnished in kind, to a money allowance at the rate of 3 cents per mile for the same distance: *Provided,* That this provision shall not apply to any person entitled to traveling expenses under sections 821–823 and 827–833 of Title 5.

When any officer, warrant officer, or enlisted man above the fourth grade, having dependents as defined in section 104 of this title, is ordered to make a permanent change of station, the United States shall furnish transportation in kind from funds appropriated for the transportation of the Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, and the Public Health Service to his new station for such dependents: *Provided,* That for persons in the naval service the term "permanent station" as used in this section shall be interpreted to mean a shore station or the home yard or home port of the vessel to which the person concerned may be ordered; and a duly authorized change in home yard or home port of such vessel shall be deemed a change of station: *Provided further,* That if the cost of such transportation exceeds that for transportation from the old to the new station, the excess cost shall be paid to the United States by the officer, warrant officer, or enlisted man concerned: *Provided further,* That transportation supplied the dependents of such officer, warrant officer, or enlisted man, to or from stations beyond the continental limits of the United States, shall not be other than by Government transport, if such transportation is available as may be determined by the head of the department concerned: *Provided further,* That the personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service shall have the benefit of all existing laws applying to the Army and Marine Corps for the transportation of household effects: *And provided further,* That in lieu of transportation in kind authorized by this section for dependents, the President may authorize the payment in money of amounts equal to such commercial transportation costs for the whole or such part of the travel for which transportation in kind is not furnished when such travel shall have been completed.

The words "permanent change of station" as used in this section shall include the change from home to first station and from last station to home when ordered to active duty other than training duty, of any officer, warrant officer, nurse, or enlisted man of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, including retired personnel and members of the Reserve components thereof, in a grade for which the transportation of dependents is authorized at Government expense, and the change from last station to home in connection with retirement, relief from active duty, or transfer to a Reserve component.

Personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service performing travel on Government-owned vessels for which no transportation fare is charged shall be entitled only to reimbursement of actual and necessary expenses incurred.

The head of the department concerned may determine what shall constitute a travel status and travel without troops within the meaning of the laws governing the payment of mileage or other travel expenses. (June 16, 1942, ch. 413, § 12, 56 Stat. 364, as amended Sept. 7, 1944, ch. 407, § 9, 58 Stat. 730.)

AMENDMENTS

1944—Act Sept 7, 1944, cited to text, amended section by inserting "active and retired personnel of the Regular Establishments and members of" following "Public Health Service, including", and "including travel from home * * * result of their own misconduct," following "orders without troops" in par (1)

PRIOR LAW

Provisions on this subject were contained in act May 18, 1920, ch 190, § 12, 41 Stat 604 (as modified by act June 3, 1916, ch 134, § 4b, as added June 4, 1920, ch 227, subch. I, § 4, 41 Stat 761, and by act Feb. 21, 1929, ch. 288, 45 Stat 1254); in act June 10, 1922, ch 212, § 12, 42 Stat. 631, as amended June 1, 1926, ch. 436, 44 Stat. 680; May 29, 1928, ch. 885, 45 Stat 975; Mar 2, 1931, ch. 361, § 1, 46 Stat. 1461; in act Apr 15, 1926, ch 146, title I, 44 Stat 259; and in act June 24, 1935, ch. 291, § 3, 49 Stat 421

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text.

Effective date of amendment by act Sept. 7, 1944, cited to text, see note set out under section 101 of this title.

PER DIEM RATES UNDER ACT APRIL 28, 1942, CH. 247

Act April 28, 1942, ch 247, title I, 56 Stat. 226, provided in part "That from the date of the approval of this Act to June 30, 1943, the Secretary of War, in prescribing per diem rates of allowance, not exceeding $6, in lieu of subsistence, for officers and warrant officers of the Army of the United States traveling on official business and away from their designated posts of duty, pursuant to the first paragraph of section 12 of the Act approved June 10, 1922 (42 Stat. 631), as amended (Title 37, § 20, is hereby authorized to prescribe such per diem rates of allowance, whether or not orders are given to such officers for travel to be performed repeatedly between two or more places in the same vicinity, and without regard to the length of time away from their designated posts of duty under such orders".

Act April 28, 1942, ch. 247, title III, 56 Stat. 235, provided in part "That from the date of the approval of this Act to June 30, 1943, the Director of Selective Service, in prescribing per diem rates of allowance, not exceeding $6, in lieu of subsistence for officers of the Army, Navy, and Marine Corps, and of the reserve components thereof, traveling on official business and away from their designated posts of duty, pursuant to the first paragraph of section 12 of the Act approved June 10, 1922 (42 Stat 631) (Title 37, § 20), as amended, is hereby authorized to prescribe such per diem rates of allowance, whether or not orders are given to such officers for travel to be performed repeatedly between two or more places in the same vicinity, and without regard to the length of time away from their designated posts of duty under such orders"

TEMPORARY PROVISIONS CONCERNING $7 PER DIEM

Act June 26, 1943, ch 147, § 119, 57 Stat 217, provided as follows: "The funds appropriated in the appropriation Acts for the fiscal year 1944 of the services mentioned in the title of the Act of June 16, 1942 (Public Law 607, Seventy-seventh Congress) (sections 101–121 of this title), shall be available for, and the heads of the executive departments concerned are authorized to prescribe, per diem rates of allowance, at rates not to exceed $7 per day, in lieu of subsistence to officers traveling on official business and away from their designated posts of duty, and to members of the services concerned (including officers, warrant officers, contract surgeons, enlisted personnel, aviation cadets, and members of the Nurse Corps) when traveling by air under competent orders and on duty without troops"

VALIDATION OF PRIOR PAYMENTS

Section 10 of act Sept. 7, 1944, cited to text, provided: "All payments heretofore made of a character authorized by section 9 of this Act [section 112 of this title] are hereby validated."

CROSS REFERENCES

Coast Guard officers, per diem allowances, see section 137 of Title 14, Coast Guard.

Payment and settlement of mileage accounts for personnel of Navy, Marine Corps, and Coast Guard, see section 899 of Title 34, Navy.

Subsistence expenses of United States officers and employees traveling on duty, see section 74 of Title 5, Executive Departments and Government Officers and Employees.

Transportation of dependents and household effects of personnel of Army of the United States, see section 764 of Appendix to Title 50, War.

Transportation of dependents and household effects of personnel of Navy, Marine Corps, and Coast Guard, see section 833a et seq of Appendix to Title 50, War.

Travel by personnel, reserve and National Guard personnel, and dependents, etc.; see section 112 of Title 37, Pay and Allowances.

Travel without troops by officers of Army, determination of, see section 870 of Title 10, Army

EX. ORD NO. 9222. PAYMENT OF MONETARY ALLOWANCES IN LIEU OF TRANSPORTATION IN KIND FOR DEPENDENTS

Ex. Ord. No. 9222, Aug. 15, 1942, 7 F. R. 6511, provided: By virtue of the authority vested in me by section 12 of the Pay Readjustment Act of 1942, approved June 16, 1942 (Public Law 607, 77th Congress), (Title 37, §§ 101–120), and as President of the United States, it is hereby ordered as follows:

1 The heads of the respective departments and establishments concerned are hereby authorized, in lieu of transportation in kind for travel of dependents of officers, warrant officers, and enlisted men above the fourth grade of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service authorized by the fifth paragraph of the said section 12 upon permanent change of station, to make payment in money of amounts equal to commercial transportation costs for the whole or such part of the travel of such dependents for which transportation in kind is not furnished when such travel shall have been completed

2 The heads of the respective departments and establishments concerned may prescribe additional regulations not inconsistent herewith or with the terms of the said section 12 as may be necessary for carrying out the provisions of this order.

3 This order shall supersede Executive Order No. 3726, dated August 25, 1922, and shall become effective as of June 1, 1942.

§ 112a. Same; per diem allowance for Army officers and warrant officers traveling between places in same vicinity and without regard to length of time away from posts.

The Secretary of War, in prescribing per diem rates of allowance in accordance with law for officers and warrant officers of the Army of the United States traveling on official business and away from their designated posts of duty, is hereby authorized to prescribe such per diem rates of allowance, whether or not orders are given to such officers for travel to be performed repeatedly between two or more places in the same vicinity, and without regard to the length of time away from their designated posts of duty under such orders. (July 2, 1942, ch. 477, § 1, 56 Stat. 614, as amended July 1, 1943, ch. 185, § 1, 57 Stat. 351; June 28, 1944, ch. 303, § 1, 58 Stat. 577; July 3, 1945, ch. 265, § 1, 59 Stat. 388.)

CODIFICATION

This section is not a part of the Pay Readjustment Act of 1942, comprising this chapter.

§ 112b. Same; per diem allowances for naval officers traveling between places in same vicinity and without regard to length of time away from posts, naval personnel on special duty in foreign countries, and naval personnel of Air Transport Service.

The Secretary of the Navy, in prescribing per diem rates of allowance in accordance with law, is hereby authorized to prescribe such per diem, whether or not orders are given to officers for travel to be performed repeatedly between two or more places in the same vicinity and without regard to the length of time away from their designated posts of duty under such orders, and also the actual and necessary expenses or per diem in lieu thereof as he may determine and approve for naval personnel on special duty in foreign countries, including per diem allowances, not exceeding $7, to naval personnel of, or under training for, the Naval Air Transport Service while on such duty or training away from their permanent stations. (June 26, 1943, ch. 147, § 1, 57 Stat. 204, as amended June 22, 1944, ch. 269, § 1, 58 Stat. 309; May 29, 1945, ch. 130, § 1, 59 Stat. 209.)

AMENDMENTS

1944—Act June 22, 1944, cited to text, amended section by increasing the per diem allowance from $6 to $7.

§ 113. Nurses, etc., of Army and Navy; base pay; rental and subsistence allowances; retired pay.

The annual base pay of female nurses of the Army and Navy shall be as follows: During the first three years of service, $1,080; from the beginning of the fourth year of service until the completion of the sixth year of service, $1,260; from the beginning of the seventh year of service until the completion of the ninth year of service, $1,440; from the beginning of the tenth year of service until the completion of the twelfth year of service, $1,620; from the beginning of the thirteenth year of service, $1,800.

Superintendents of the Nurse Corps shall receive pay at the rate of $2,500 a year, assistant superintendents, directors, and assistant directors at the rate of $1,500 a year, and chief nurses at the rate of $600 a year, in addition to their base pay as nurses. Nurses shall be entitled to the money allowances for subsistence and for rental of quarters as established by sections 105 and 106 of this title for officers receiving the pay of the first period.

The annual pay of a retired member of the Army Nurse Corps or the Navy Nurse Corps retired for other than physical disability shall be 3 per centum of the total annual active duty pay which she is receiving at the time of retirement multiplied by the number of complete years of service rendered prior to retirement, but not exceeding 75 per centum of such annual active-duty pay: *Provided,* That in computing the period of service for retired pay a fractional year of six months or more shall be considered a full year: *Provided further,* That for the purpose of computing eligibility for retirement and retired pay, there shall be credited active service in the Army Nurse Corps and in the Navy Nurse Corps, active service as contract nurse prior to February 2, 1901, and service as a Reserve nurse on active duty since February 2, 1901. (June 16, 1942, ch. 413, § 13, 56 Stat. 366.)

PRIOR LAW

Provisions on this subject were contained in acts June 10, 1922, ch 212, § 13, 42 Stat. 631; May 13, 1926, ch 289, §§ 2, 3, 44 Stat. 532.

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text.

INCREASE OF RANK, PAY AND ALLOWANCES OF ARMY NURSE CORPS DURING PRESENT WAR

Act Dec. 22, 1942, ch 805, § 1, 56 Stat. 1072, provided: "Hereafter, during the present war and for six months thereafter, the members of the Army Nurse Corps shall have relative rank and receive pay and money allowances for subsistence and rental of quarters, and mileage and other travel allowances, as now or hereafter provided by law, for commissioned officers, without dependents, of the Regular Army in the sixth to the first pay periods, respectively."

INCREASE OF RANK, PAY AND ALLOWANCES OF NAVY NURSE CORPS DURING PRESENT WAR

Act Dec. 22, 1942, ch. 805, § 7, 56 Stat. 1074, provided: "Hereafter, during the present war and for six months thereafter, the superintendent and all other members of the Navy Nurse Corps shall have relative rank and be entitled to receive the same pay, and money allowances for subsistence and rental of quarters, and mileage and other travel allowances as are authorized by this Act (set out in note under section 164 of Title 10) for corresponding grades and relative ranks in the Army Nurse Corps. The Secretary of the Navy is authorized to use appropriations available to the Naval Establishment to carry into effect the provisions of this section (see sections 101 and 113 of this title and 164 of Title 10)."

ADJUSTMENT OF PAY AND ALLOWANCES OF NAVY NURSE CORPS; TERMINATION DATE

Act Dec. 3, 1945, ch. 516, 59 Stat. 594, provided: "That during the effective period as defined in section 4 hereof [Act Dec. 3, 1945, ch. 516, § 4, 59 Stat. 595], (a) each member of the Navy Nurse Corps shall receive the same pay, money allowances for subsistence and for rental of quarters, mileage and other travel allowances, that are now or may hereafter be prescribed by law for officers of the Regular Navy of corresponding rank and length of service, which shall include, on and after October 1, 1944, all allowances and benefits on account of dependents as provided in section 4 of the Pay Readjustment Act of 1942, as amended [section 104 of Title 37].

"(b) In computing the service for all pay purposes of members of the Navy Nurse Corps, such persons shall be credited with full time for all periods during which they held appointments as nurses or commissions in the Army Nurse Corps or the Navy Nurse Corps.

"SEC. 2 (a) Each member of the Navy Nurse Corps who hereafter is retired by reason of physical disability incurred in the line of duty shall, if the proceedings resulting in retirement be instituted prior to the expiration of the effective period as defined in section 4 hereof, be entitled to retired pay at the rate of 75 per centum of the active-duty pay of the rank in which serving, under temporary or permanent appointment, when such disability was incurred, computed as provided in this Act [Act Dec. 3, 1945, ch 516, 59 Stat. 594].

"(b) Each member of the Navy Nurse Corps who, subsequent to December 22, 1942, and prior to the date of enactment of this Act [December 3, 1945], has been retired for physical disability incurred in the line of duty shall, beginning on the first day of the first month next following the date of enactment of this Act [December 3, 1945], be entitled to retired pay at the rate of 75 per centum of the active-duty pay to which she would have been entitled at the time her disability was incurred had her active-duty pay and allowances at such time been computed as provided in section 1 of this Act [Act Dec. 3, 1945, ch. 516, § 1, 59 Stat. 594].

"SEC 3 The provisions of this Act [Act Dec. 3, 1945, ch. 516, 59 Stat. 594] shall apply equally to Naval Reserve members of the Navy Nurse Corps while employed on active duty.

"SEC 4. The effective period as used herein shall mean the period beginning on July 10, 1944 except as otherwise specified in section 2 [Act Dec 3, 1945, ch. 516, § 2, 59 Stat. —] and except that no allowances or benefits under any section of this Act [Act Dec. 3, 1945, ch 516, 59 Stat. 594] on account of dependents for any period prior to October 1, 1944, shall accrue by reason of the enactment of this Act [Act Dec. 3, 1945, ch 516, 59 Stat. —]), and ending six months after the termination of the present war as declared by Presidential proclamation or by concurrent resolution of the Congress, whichever shall first occur.

"SEC 5. No person, active or retired, in the naval service shall suffer, by reason of the Act [Act Dec. 3, 1945, ch. 516, 59 Stat. 594], any reduction in pay, allowances, or retirement benefits to which she was entitled upon the date of enactment of this Act [December 3, 1945]."

APPROPRIATIONS

Appropriations to effectuate increases to nurses were made available by section 5 of act Dec. 22, 1942, cited therein.

CROSS REFERENCES

Medical care of members of Army Nurse Corps during illness, see section 783 of Title 10, Army.

Transportation and traveling expenses for members of Army Nurse Corps, see section 783 of Title 10, Army.

§ 114. Reserve forces on active duty and National Guard; pay and allowances.

Officers, warrant officers, and enlisted men of the Reserve forces of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, when on active duty in the service of the United States, shall be entitled to receive the same pay and allowances as are authorized for persons of corresponding grade and length of service in the Regular Army, Navy, Marine Corps, Coast Guard, or Public Health Service.

Officers, warrant officers, and enlisted men of the National Guard, when in the Federal service or when participating in exercises or performing the duties provided for by sections 63–65 and 144–146 of Title 32, shall receive the same pay and allowances as are authorized for persons of corresponding grade and length of service in the Regular Army.

Under such regulations as the Secretary of War may prescribe, officers of the National Guard, other than general officers, and warrant officers and enlisted men of the National Guard, shall receive compensation at the rate of one-thirtieth of the monthly pay authorized for such persons when in the Federal service, for each regular drill, period of appropriate duty, or other equivalent period of training, authorized by the Secretary of War, at which they shall have been engaged for the entire prescribed period of time: *Provided*, That such pay shall be in addition to compensation for attendance at field or coast-defense instruction or maneuvers. General officers of the National Guard shall receive $500 a year in addition to compensation for attendance at field or coast-defense instruction or maneuvers, for satisfactory performance of their appropriate duties. In addition to pay herein provided, officers of the National Guard commanding organizations less than a brigade and having administrative functions connected therewith shall, whether or not such officers belong to such organizations, receive not more than $240 a year for the faithful performance of such administrative functions under such regulations as the Secretary of War may prescribe: *Provided*, That the provisions of this paragraph shall not apply when such persons are on active duty in the Federal service. (June 16, 1942, ch. 413, § 14, 56 Stat. 367.)

PRIOR LAW

Provisions on this subject were contained in acts June 3, 1916, ch 134, § 109, 39 Stat 209, June 4, 1920, ch 227; subch I, § 47, 41 Stat. 783; June 10, 1922, ch 212, § 14, 42 Stat. 631; Mar 4, 1923, ch. 281, § 1, 42 Stat. 1507; June 3, 1924, ch. 244, § 3, 43 Stat. 364, Sept 16, 1940, 3:08 p. m., E S T, ch 720, § 12 (c), 54 Stat 895, eff Oct. 1, 1940; Oct. 14, 1940, ch 875, § 3, 54 Stat. 1136.

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text.

§ 115. Retired personnel and members of Fleet Reserve and Fleet Marine Corps Reserve; retired pay, retainer pay, or equivalent pay; active duty pay.

On and after June 1, 1942, retired officers, warrant officers, nurses, enlisted men, and members of the Fleet Reserve and Fleet Marine Corps Reserve shall have their retired pay, retainer pay, or equivalent pay, computed as now authorized by law on the basis of pay provided in this chapter, which pay shall include increases for all active duty performed since retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve in the computation of their longevity pay and pay periods: *Provided*, That nothing contained in this chapter shall operate to reduce the present pay of officers, warrant officers, nurses, and enlisted men now on the retired list or drawing retainer pay, or personnel in an equivalent status in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service. Retired officers of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service and retired warrant officers, nurses, and enlisted men of those services, shall, when on active duty, receive full pay and allowances of the grade or rank in which they serve on such active duty and, when on active duty status, shall have the same pay and allowance rights while on leave of absence or sick as officers on the active list, and, if death occurs when on active duty status, while on leave of absence or sick, their dependents shall not thereby be deprived of the benefits provided in section 903 of Title 10 and in section 943 of Title 34.

In the computation of the retired pay of officers heretofore or hereafter retired with pay at the rate of 2½, 3, or 4 per centum of the active duty pay received by them at the time of retirement multiplied by the number of years of service for which entitled to credit in the computation of their pay on the active list, not to exceed a total of 75 per centum of said active duty pay, active duty performed by such retired officers subsequent to the date of their retirement shall be counted for the purpose of computing percentage rates and increases with respect to their retired pay. The increases shall be at the rate of 2½, 3, or 4 per centum for each year of active duty and a fractional year of six months or more shall be considered a full year in computing the number of years: *Provided*, That the increased retired pay of such retired officers shall in no case exceed 75 per centum of the active duty pay as authorized by existing law.

The retired pay of any officer heretofore retired under the provisions of section 571 of Title 10, who served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918, shall be 75 per centum of his active-duty pay: *Provided*, That no back pay, allowances, or other emoluments shall be held to accrue for any period prior to June 1, 1942, as a result of the enactment of this paragraph.

The retired pay of any officer of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service who served in any capacity as a member of the military or naval forces of the United States prior to November 12, 1918, hereafter retired under any provision of law, shall, unless such officer is entitled to retired pay of a higher grade, be 75 per centum of his active duty pay at the time of his retirement.

The retired pay of any officer of the Army retired between the dates of June 29, 1922, and January 1, 1923, who served in any capacity as a member of the

military or naval forces of the United States prior to November 12, 1918, who has not less than ten years' commissioned service, shall be 75 per centum of his active duty pay. (June 16, 1942, ch. 413, § 15, 56 Stat. 367, as amended Oct. 18, 1943, ch. 260, § 1, 57 Stat. 571.)

AMENDMENTS

1943—Act Oct. 18, 1943, amended section by addition of last paragraph

PRIOR LAW

Provisions on this subject were contained in act Mar. 2, 1905, ch. 1307, 33 Stat. 831; in act June 3, 1916, ch. 134, § 40b, as added June 4, 1920, ch. 227, subch. I, § 33, 41 Stat. 777; and in act June 10, 1922, ch. 212, § 17, 42 Stat. 632, as amended May 31, 1924, ch. 224, § 6, 43 Stat. 252; May 26, 1928, ch 787, 45 Stat. 774; June 25, 1941, ch. 252, §§ 1, 2, 55 Stat 263.

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text

BACK PAY ACCRUAL

Section 2 of act Oct. 18, 1943, cited to text, provided: "No back pay, allowances, or other emoluments shall be held to accrue for any period prior to the enactment of this Act (Oct. 18, 1943) as a result of the enactment of the foregoing amendment (by Act Oct. 18, 1943)."

§ 116. Enlisted men; additional pay for special qualification in use of arms.

Under such regulations as the President may prescribe, enlisted men of the Army, Navy, Marine Corps, and Coast Guard may receive additional compensation not less than $1 nor more than $5 per month, for special qualification in the use of the arm or arms which they may be required to use. (June 16, 1942, ch. 413, § 16, 56 Stat 368.)

PRIOR LAW

Provisions on this subject were contained in act June 10, 1922, ch. 212, § 18, 42 Stat 632.

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text.

§ 117. Cadets and midshipmen; pay and allowances.

Cadets at the United States Military Academy, midshipmen at the United States Naval Academy, and cadets at the Coast Guard Academy shall be entitled to pay at the rate of $780 per annum, and to allowances as now or hereafter provided by law for midshipmen in the Navy, and to transportation, including reimbursement of traveling expenses, while traveling under orders as a cadet or midshipman. (June 16, 1942, ch. 413, § 17, 56 Stat. 368.)

PRIOR LAW

Provisions on this subject were contained in act June 10, 1922, ch. 212, § 19, 42 Stat. 632.

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text.

§ 117a. Travel allowances for candidates for cadetships.

A person entering the United States Military Academy as a cadet shall receive a mileage allowance at the rate of 5 cents per mile for all travel which he actually performs, and which he certifies he has actually performed, while proceeding to the United States Military Academy for admission as a cadet, not in excess of the distance by the shortest usually traveled route between the place which he certifies was his actual permanent place of abode or home, school, or Army station at the time such travel was commenced and the United States Military Academy: *Provided*, That a person discharged from the armed forces to enter the United States Military Academy shall receive a mileage allowance at the rate of 5 cents per mile for travel performed not in excess of the distance by the shortest usually traveled route between the place of discharge as certified by him and the United States Military Academy: *Provided further*, That no travel allowance shall be payable under this section for travel performed outside the continental limits of the United States. All payments to such persons for travel to the United States Military Academy made on or after June 1, 1940, to the extent that they involve questions as to the place from which payment of mileage was authorized, are approved, ratified, and confirmed. (June 27, 1944, ch. 288, § 2, 58 Stat. 392.)

§ 117b. Transportation allowances for graduates of United States Military Academy.

Officers graduated from the United States Military Academy when traveling under competent orders to the first station to which they are permanently assigned for duty shall receive the mileage allowance authorized by law for officers of the Army traveling under competent orders without troops, for the distance actually traveled under such orders, not to exceed the distance by the shortest usually traveled route from their homes or from West Point, New York, as may be designated in their orders, to such first duty stations. The orders mentioned in the first sentence of this section shall be deemed to involve a "permanent change of station" as those words are used in the fifth paragraph of section 112 of this title, and the rights of the officers concerned shall be governed by the provisions of that paragraph with respect to the transportation of their dependents and household effects: *Provided*, That no person shall suffer, by reason of the enactment of this section and section 117a of this title, any reduction in any allowance or compensation which he has been paid or to which he was entitled immediately prior thereto. (June 27, 1944, ch. 288, § 1, 58 Stat. 392.)

RETROACTIVE EFFECT

Section 1 of act June 27, 1944, cited to text, provided in part: "The provisions of this section shall be effective as of January 19, 1943."

§ 118. Flying and parachute duty by personnel, Reserve Forces, and National Guard; additional pay.

Officers, warrant officers, nurses, and enlisted men of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service and members of the Reserve forces of such services, and the National Guard shall receive an increase of 50 per centum of their pay when by orders of competent authority they are required to participate regularly and frequently in aerial flights, and when in

consequence of such orders they do participate in regular and frequent flights as defined by such Executive orders as have heretofore been, or may hereafter be, promulgated by the President: *Provided*, That when personnel of the National Guard are entitled to armory-drill pay, the increase of 50 per centum thereof herein provided shall be based on the entire amount of such armory-drill pay to which they shall be entitled for a calendar month or fractional part thereof, and the required aerial flights may be made at ordered drills of an air-service organization, or at other times when so authorized by the President. Regulations in execution of the provisions of this paragraph shall be made by the President and shall, whenever practicable in his judgment, be uniform for all of the services concerned.

Any officer, warrant officer, or enlisted man of the Army, Navy, Marine Corps, or Coast Guard of the United States, not in flying-pay status, for whom parachute jumping is an essential part of his military duty and who, under such regulations as may be prescribed by the Secretary of War, the Secretary of the Navy, or the Secretary of the Treasury, has received a rating as a parachutist or is undergoing training for such a rating shall receive, while engaged upon duty designated by the head of the department concerned as parachute duty, additional pay at the rate of $100 per month in the case of any such officer or warrant officer, and additional pay at the rate of $50 per month in the case of any such enlisted man.

Any officer, warrant officer, nurse, or enlisted man of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, not in flying-pay or parachute-jumping-pay status, who is required by orders of competent authority to participate in regular and frequent glider flights as an essential part of his military or naval duty and training, as defined under such regulations as may be prescribed by the President, shall receive an increase of 50 per centum of their pay when in consequence of such orders they do participate in such flights: *Provided*, That such increase shall not exceed $100 per month in the case of any such officer, warrant officer or nurse, nor $50 per month in the case of any such enlisted man. (June 16, 1942, ch. 413, § 18, 56 Stat. 368, as amended July 1, 1944, ch. 372, 58 Stat. 682; Sept. 7, 1944, ch. 407, § 5, 58 Stat. 730.)

AMENDMENTS

1944—Act Sept 7, 1944, cited to text, amended section by striking out "who is assigned or attached as a member of a parachute unit, including parachute-jumping schools and" following "not in flying-pay status," in par. (2)

Act July 1, 1944, cited to text, amended section by adding last paragraph.

PRIOR LAW

Provisions on this subject were contained in act June 10, 1922, ch 212, § 20, 42 Stat. 632, as amended May 31, 1924, ch 224, § 4, 43 Stat 251; July 2, 1926, ch. 721, § 6, 44 Stat. 782; and in act June 3, 1941, ch. 166, 55 Stat. 240

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text.

Effective date of amendment by act Sept. 7, 1944, cited to text, see note set out under section 101 of this title.

CROSS REFERENCES

Per diem allowance for additional expenses of Army, Navy, and Marine Corps personnel making aerial surveys of rivers, harbors, etc., see section 306 of Title 10, Army, and section 893 of Title 34, Navy

Suspension or modification of flying pay, see section 29a of this title.

§ 118a. Number of naval officers entitled to increased pay for aerial flights.

Increased pay for aerial flights may be paid to not more than 91 officers above the rank of captain during the fiscal year 1946 (no certificate shall be required that extraordinary hazards were incurred during the period in which the flights were made). (Oct. 26, 1942, ch. 629, title I, § 101, 56 Stat. 991, as amended June 22, 1944, ch. 269, § 1, 58 Stat. 306; June 28, 1944, ch. 304, title I, 58 Stat. 609; May 29, 1945, ch. 130, § 1, 59 Stat. 207.)

AMENDMENTS

1945—Act May 29, 1945, cited to text, amended section by increasing number of officers from 85 to 91 during fiscal year 1946.

1944—Act June 28, 1944, cited to text, increased the number of officers from 60 to 85 during fiscal years 1944 and 1945

CODIFICATION

This section is from title III of the Naval Appropriation Act of 1943, as contained in title I of act Oct 26, 1942, cited to text. The word "naval" does not appear in the original act but the appropriations contained therein were limited to naval personnel.

This section is not a part of the Pay Readjustment Act of 1942, comprising this chapter.

§ 118b. Diving duty by personnel of Army; additional pay.

Enlisted men of the Army of the United States assigned to the duty of diving shall receive additional pay, under such regulations as may be prescribed by the Secretary of War, at the rate of not less than $5 per month and not exceeding $30 per month: *Provided*, That officers and enlisted men employed as divers in actual salvage or repair operations in depths of over ninety feet, or in depths of less than ninety feet when the officer in charge of the salvage or repair operation shall find in accordance with instructions prescribed by the Secretary of War that extraordinary hazardous conditions exist, shall receive, in addition to the foregoing, the sum of $5 per hour for each hour or fraction thereof so employed. (Apr. 10, 1943, ch. 47, 57 Stat. 62)

CROSS REFERENCES

Divers' pay of officers and men in Navy, see section 886 of Title 34, Navy

§ 119. Effect of enactment of chapter; pay, etc., of existing personnel, Reserves, etc.; repeals; substitution of new pay, etc., in existing laws.

No person, active or retired, of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, or Public Health Service, including the Reserve components thereof and the National Guard, shall suffer, by reason of this chapter, any reduction in any pay, allowances, or compensation to which he was entitled upon June 1, 1942: *Provided, however*, That nothing in this chapter shall be construed to deprive any enlisted man transferred to the Fleet Reserve on or prior to June 16, 1942, or

transferred from the Fleet Reserve to the retired list of the regular Navy for physical disability, of any benefits, including pay, allowances, or compensation, which he would be entitled to receive upon the completion of thirty years under laws in force on June 16, 1942.

All laws and parts of laws which are inconsistent with the provisions of this chapter, are hereby repealed: *Provided,* That Acts or parts of Acts incorporating directly, by implication, or by reference, the provisions of the Act of June 10, 1922, as amended, and not in conflict herewith, shall not be considered modified by the provisions of this chapter, except that the pay, allowances, or compensation established herein shall be substituted for the pay, allowances, or compensation set out in the Act of June 10, 1922, as amended.

No back pay or allowances for any period prior to June 1, 1942, shall accrue by reason of the enactment of this chapter. (June 16, 1942, ch. 413, § 19, 56 Stat. 369.)

REFERENCES IN TEXT

Act June 10, 1922, ch 212, 42 Stat 625, referred to in this section, was the Pay Readjustment Act of 1922, which was repealed by act June 16, 1942, cited to text.

CODIFICATION

Act June 16, 1942, § 19, cited to text and from which this section was taken, contained additional provisions at the beginning of the second paragraph making certain specific repeals as shown in the note below It also contained another paragraph at the end relating to the effective date of this chapter, which paragraph is set out in note under section 101 of this title.

SPECIFIC REPEALS BY ACT JUNE 16, 1942

In addition to the provisions from which this section was taken, section 19 of act June 16, 1942, cited to text, contained provisions specifically repealing all or parts of the following Title 10, §§ 292, 332, 386 note, 633, 656, 692 note, 912, 939, 947, 957, 973a, 980, 982a, 1012, 1133 note, Title 14, §§ 163, 166; Title 33, § 859; Title 34, §§ 351 note, 357 note, 423 note, 423a, 431, 432, 641 note, 865 note, 867 note, 911 note, Title 37, §§ 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 13a, 14, 14a, 15, 16, 17, 18, 19, 20, 20a, 21, 22, 23 note, 24, 25, 26, 27, 28, 29, 30, 31; Title 38, § 26b; Title 50 Appendix, §§ 312 (a), (b), (c), 358, 1018.

PRIOR LAW

Provisions relating to effective date and repeal of inconsistent laws were contained in act June 10, 1922, ch. 212, § 22, 42 Stat 633.

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text.

§ 120. Reports by Secretaries of War and Navy of civilians commissioned in Army and Navy.

Beginning June 1, 1942, the Secretary of War and the Secretary of the Navy shall every sixty days thereafter report to the Congress the name, age, legal residence, rank, branch of the service, with special qualification therefor, of each person commissioned during said period in the Army of the United States and in the Naval Establishment respectively from civilian life, who prior thereto has had no commissioned military service: *Provided,* That the Secretary of War or the Secretary of the Navy shall not be required to report persons commissioned where such disclosure would in his opinion jeopardize the national interest or safety. (June 16, 1942, ch. 413, § 20, 56 Stat. 369.)

EFFECTIVE DATE

Section made effective June 1, 1942, by section 19 of act June 16, 1942, cited to text.

Chapter 3.—WARTIME ALLOWANCES TO SERVICEMEN'S DEPENDENTS (New)

Sec
201. Right of dependents of enlisted men to family allowance during war and six months thereafter or during enlistment period contracted for prior to July 1, 1946.
202 Composition of family allowance.
203 Classes of dependents.
204. Commencement and termination of family allowance upon request of enlisted man or dependents.
205. Amount of Government's contribution to family allowance.
206 Enlisted man's contribution; amount; apportionment among dependents
207. Commencement and termination of family allowances, amount, regulations.
208 Monthly allotments from pay as affected by family allowance, election between monetary allowance in lieu of quarters and family allowance.
208a. Termination of family allowance (New).
209 Payment of family allowance to person on behalf of dependents; death of dependent.
210 Continuance of family allowance irrespective of accrual or reduction of pay, effect of imprisonment or desertion; definition of enlisted man, effect on other laws.
211 Administration of chapter, regulations; delegation of authority
212 Determination of facts; finality; review; modification; overpayments and erroneous payments.
213. Availability of appropriations.
214 Cooperation by Director of Selective Service System
215 Assignability of family allowances· liability to creditors, levy, etc
216. Fraudulently obtaining or receiving funds or family allowances, penalties.
217 False statements, penalties
218. Fraudulent acceptance of payments after termination of right; penalties
219. Prohibition against payment of part of payments to agents or attorneys; penalties
220 Definitions.
221. Dependents of enlisted female prescribed; rights of husband and children; amount of family allowances; restrictions (New).

§ 201. Right of dependents of enlisted men to family allowance during war and six months thereafter or during enlistment period contracted for prior to July 1, 1946.

The dependent or dependents of any enlisted man in the Army of the United States, the United States Navy, the Marine Corps, or the Coast Guard, including any and all retired and reserve components of such services, shall be entitled to receive a monthly family allowance for any period during which such enlisted man is in the active military or naval service of the United States on or after June 1, 1942, (1) during the existence of any war declared by Congress and the six months immediately following the termination of any such war or (2) during a period of enlistment or reenlistment contracted by such enlisted man prior to July 1, 1946. (June 23, 1942, ch. 443, title I, § 101, 56 Stat. 381, as amended Oct. 26, 1943, ch. 281, § 1, 57 Stat. 577; Oct. 6, 1945, ch. 393, § 9 (a), 59 Stat. 541.)

AMENDMENTS

1945—Act Oct 6, 1945, cited to text, amended section by inserting "(1)" following "June 1, 1942", and by adding "or (2) during * * * prior to July 1, 1946" following "of any such war".

1943—Act Oct. 26, 1943, cited to text, amended section by striking words "of the fourth, fifth, sixth, or seventh grades" following "of any enlisted man" in first sentence.

EFFECTIVE DATE

Section 15 of act Oct. 26, 1943, cited to text, provided: "This Act shall be effective from the first day of the calendar month following the month of enactment: *Provided*, That, for the purpose of adjusting to the provisions of this Act, any family allowance in force when the Act takes effect, which is subject to change by the provisions of the Act, may be paid without change for such period, not exceeding four calendar months, as the Secretary of the department concerned may determine: *Provided further*, That whenever such a family allowance is found to be subject to decrease or termination such change shall be effective at the expiration of the period of payment determined under the preceding proviso: *Provided further*, That whenever such a family allowance is found to be subject to increase the effective date of increase shall be the effective date of this Act."

SHORT TITLE OF CHAPTER

Short title of act Oct. 6, 1945, cited to text, see note set out under section 635 of Title 10, Army.

Section 1 of act June 23, 1942, cited to text, provided as follows: "This Act may be cited as the Servicemen's Dependents Allowance Act of 1942 "

CROSS REFERENCES

Section as applicable to Coast Guard, see section 89 of Title 34, Navy.

§ 202. Composition of family allowance.

The monthly family allowance payable under this chapter to the dependent or dependents of any such enlisted man shall consist of the Government's contribution to such allowance and the reduction in or charge to the pay of such enlisted man, except as to the initial family allowance provided by section 207 (a) of this title. (June 23, 1942, ch. 443, title I, § 102, 56 Stat. 381, as amended Oct. 26, 1943, ch. 281, § 2, 57 Stat. 577.)

AMENDMENTS

1943—Act Oct 26, 1943, cited to text, amended section by changing period following "pay of such enlisted man" to a comma and adding words "except as to the initial family allowance provided by section 207 (a) of this title ".

CROSS REFERENCES

Effective date of amendatory act Oct 26, 1943, see note under section 201 of this title.

§ 203. Classes of dependents.

The dependents of any such enlisted man to whom a family allowance is payable under the provisions of this chapter shall be divided into three classes to be known as "class A", "class B", and "class B–1" dependents. The class A dependents of any such enlisted man shall include any person who is the wife, the child, or the former wife divorced of any such enlisted man. The class B dependents of any such enlisted man shall include any person who is the parent, brother, or sister of such enlisted man and who is found by the Secretary of the department concerned to be dependent upon such enlisted man for a substantial portion of his support. The class B–1 dependents of any such enlisted man shall include any person who is the parent, brother, or sister of such enlisted man and who is found by the Secretary of the department concerned to be dependent upon such enlisted man for the chief portion of his support. (June 23, 1942, ch. 443, title I, § 103, 56 Stat. 381, as amended Oct. 26, 1943, ch. 281, § 3, 57 Stat. 577.)

AMENDMENTS

1943—Act Oct. 26, 1943, cited to text, amended section by adding an additional class of dependents "class B–1," and by omitting "grandchild" from "class B" dependents.

CROSS REFERENCES

Effective date of amendatory act Oct. 26, 1943, see note under section 201 of this title.

§ 204. Commencement and termination of family allowance upon request of enlisted man or dependents.

A monthly family allowance shall be granted and paid by the United States to the Class A dependent or dependents of any such enlisted man upon written application to the department concerned made by such enlisted man or made by or on behalf of such dependent or dependents. A monthly family allowance shall be granted and paid by the United States to the Class B or Class B–1 dependent or dependents of any such enlisted man upon written application to the department concerned made by such enlisted man, or upon written application to the department concerned made by or on behalf of such dependent or dependents in any case in which the Secretary of the department concerned finds that it is impracticable for such enlisted man to request the payment of such allowance. The payment of a monthly family allowance to any Class B or Class B–1 dependent or dependents of any such enlisted man shall be terminated upon the receipt by the department concerned of a written request by such enlisted man that such allowance be terminated. (June 23, 1942, ch. 443, title I, § 104, 56 Stat. 381, as amended Oct. 26, 1943, ch. 281, § 4, 57 Stat. 577.)

AMENDMENTS

1943—Act Oct. 26, 1943, cited to text, amended section by inserting after words "class B" wherever appearing words "or class B–1".

CROSS REFERENCES

Effective date of amendatory act Oct 26, 1943, see note under section 201 of this title

§ 205. Amount of Government's contribution to family allowance.

The amount of the monthly family allowance payable to the dependent or dependents of any such enlisted man shall be—

To class A dependent or dependents: A wife but no child, $50; a wife and one child, $80, with an additional $20 for each additional child; a child but no wife, $42, with an additional $20 for each additional child; a former wife divorced but no child, $42; a former wife divorced and one child, $72, with an additional $20 for each additional child.

To class B dependent or dependents, payable only while there is no allowance payable to any class B–1 dependent, $37.

To class B–1 dependent or dependents: One parent but no brother or sister, $50; two parents but no brother or sister, $68; one parent and one brother or

sister, $68, with an additional $11 for each additional brother or sister; two parents and one brother or sister, $79, with an additional $11 for each additional brother or sister; a brother or sister but no parent, $42, with an additional $11 for each additional brother or sister. (June 23, 1942, ch. 443, title I, § 105, 56 Stat. 382, as amended Oct. 26, 1943, ch. 281, § 5, 57 Stat. 577.)

AMENDMENTS

1943—Act Oct. 26, 1943, cited to text, amended section generally by increasing allotments to dependents

CROSS REFERENCES

Effective date of amendatory act Oct 26, 1943, see note under section 201 of this title.

§ 206. Enlisted man's contribution; amount; apportionment among dependents.

(a) For any month for which a monthly family allowance is paid under this chapter to the dependent or dependents of any such enlisted man the monthly pay of such enlisted man shall be reduced by, or charged with, the amount of $22, and shall be reduced by, or charged with, an additional amount of $5 if the dependents to whom such allowance is payable include more than one class of dependents.

(b) Whenever a division is made of payments of monthly family allowance among dependents of a class, the total amount payable under the provisions of section 205 of this title to or for the benefit, respectively, of two or more children, of two parents, of a former wife divorced and one or more children, or of two or more brothers and sisters, shall be equally divided among the respective children, parents, former divorced wife, or brothers and sisters, or shall be otherwise apportioned and paid within the respective groups as the Secretary of the department concerned may direct. The monthly family allowance to class B dependents shall be payable to only one designated dependent unless the Secretary of the department concerned shall direct that the prescribed amount be apportioned among and paid to two or more of such dependents.

(c) Notwithstanding any other provisions of this chapter, in any case in which a family allowance is granted under this chapter—

(1) to a wife living separate and apart from the enlisted man under a permanent or temporary court order or decree or written agreement, the amount of the family allowance payable to such wife shall not exceed the amount provided in such order, decree, or written agreement to be paid to such wife, and if such order, decree, or written agreement provides no amount to be paid to such wife, no family allowance shall be payable to her; or

(2) to a former wife divorced, the amount of the family allowance payable to such former wife divorced shall not exceed the amount fixed in the court order or decree as the amount to be paid to such former wife divorced.

In any case in which the application of the provisions of this subsection results in payment to a dependent or dependents of an enlisted man in an amount less than $22, the amount by which the pay of such enlisted man is reduced or with which it is charged shall be the amount of such payment. In every other case in which application of this subsection alone or in conjunction with other provisions of this chapter results in a payment or payments of $22 or more the amount of such reduction or charge shall be as provided in section 206 (a) of this title. (June 23, 1942, ch. 443, title I, § 106, 56 Stat. 382, as amended Oct. 26, 1943, ch. 281, § 6, 57 Stat. 578.)

AMENDMENTS

1943—Act Oct. 26, 1943, cited to text, amended subsecs. (a), (b), and (c) as follows: subsec. (a) by striking words "both class A and class B" and inserting in lieu words "more than one class of", and by striking out last sentence which read "The amount by which the pay of any such enlisted man is so reduced or with which it is so charged shall constitute part of the monthly family allowance payable to his dependent or dependents"; subsec. (b) generally; and subsec (c) by striking out entire subsec. and inserting in lieu thereof new subsec

CROSS REFERENCES

Effective date of amendatory act Oct 26, 1943, see note under section 201 of this title.

§ 207. Commencement and termination of family allowances; amount; regulations.

(a) An initial family allowance shall be paid for the month in which an enlisted man enters a pay status in the active military or naval service of the United States, in the amounts and to the dependents hereinafter set forth.

Such initial family allowance shall be paid to the designated dependent only when a written application therefor is filed by such enlisted man within fifteen days after the date of his entry into active service in a pay status and shall be paid as soon as practicable after the filing of such application.

No monthly family allowance shall be paid to any dependent of enlisted man for the month for which any initial family allowance is paid to any dependent of such enlisted man.

Notwithstanding the provisions of any other section of this chapter, the full amount of such initial family allowance shall be paid by the Government, and no reduction in or charge to the pay of the enlisted man shall be made for such payment.

The amount of the initial family allowance payable to the dependent or dependents shall be—

(1) $50, if such enlisted man has a wife but no child;

(2) $80, if such enlisted man has a wife and one child, and an additional $20 for each additional child;

(3) $42, if such enlisted man has no wife but has one child, and an additional $20 for each additional child;

(4) $50, if such enlisted man has one parent dependent upon him for chief support; $68 if such enlisted man has one parent and one brother or sister dependent upon him for chief support, and an additional $11 for each additional brother or sister dependent upon him for chief support;

(5) $68, if such enlisted man has two parents dependent upon him for chief support, and an additional $11 for each additional brother or sister dependent upon him for chief support;

(6) $42, if such enlisted man has no parent but has a brother or sister dependent upon him for

chief support, and an additional $11 for each additional brother or sister dependent upon him for chief support;

Payment of the initial family allowance shall be be made to one payee for each class of dependents, as defined in section 203 of this title, for whom an allowance is requested.

(b) The monthly family allowance provided for by this chapter shall be paid for the period beginning with the first day of the month in which application therefor is filed, or the first day of the month in which the dependent or dependents first become entitled thereto, whichever is later, subject to the provisions of subsection (a) of this section, and shall be terminated or reduced, as may be required, on the last day of the month in which the disbursing officer paying the allowance receives notice of a change in status of the enlisted man or a dependent which terminated or limited the right of his dependent or dependents to receive such allowance: *Provided*, That the entitlement to family allowance shall terminate or be modified at the end of the month in which such change in status of the enlisted man or a dependent occurs: *Provided further*, That in the case of any dependent of an enlisted man in active service on June 23, 1942, if application is filed for a monthly family allowance within six months after such date or within such longer period as may be prescribed in special cases by the Secretary of the department concerned, the period for which such family allowance shall be paid shall begin with the date on which such dependent first becomes entitled thereto under section 201 of this title: *Provided further*, That the Secretary of War and the Secretary of the Navy may, by regulations prescribed by them jointly, fix the dates of commencement and termination of any such family allowance on any dates not more than one month before or one month after the dates above prescribed. Such regulation shall in no event provide for the payment of such allowances for any period prior to June 1, 1942, or for any period when the United States is not engaged in a war declared by Congress and which is more than six months later than the date of termination of any such war. (June 23, 1942, ch 443, title I, § 207, 56 Stat. 383, as amended Aug. 20, 1942, ch 554, 56 Stat. 747; Oct. 26, 1943, ch. 281, § 7, 57 Stat. 578.)

AMENDMENTS

1943—Act Oct. 26, 1943, cited to text, amended section by striking out all text preceding the first proviso, including the word "Provided", and inserting in lieu thereof subsec. (a) and that part of subsec. (b) preceding words "That in the case of any dependent"

1942—Act Aug 20, 1942, cited to text, struck out former last sentence providing that payment of accrued allowances should not be made until after November 1, 1942

CROSS REFERENCES

Effective date of amendatory act Oct. 26, 1943, see note under section 201 of this title.

§ 208. Monthly allotments from pay as affected by family allowance; election between monetary allowance in lieu of quarters and family allowance.

(a) In any case in which any allotment from the pay of an enlisted man is already in effect at the time a monthly family allowance becomes payable under this chapter to a dependent or dependents of such enlisted man, such allotment may be continued, modified, or discontinued in accordance with such regulations as may be prescribed by the head of the department concerned.

(b) Monetary allowance in lieu of quarters for dependents authorized by section 110 of this title, shall not be payable for any period with respect to which family allowances to dependents of enlisted men of the first, second, or third grades are being paid. An enlisted man of the first, second, or third grade may at his option receive either the monetary allowance in lieu of quarters for dependents or have his dependents become entitled to receive family allowance, except that payment of the monetary allowance shall be made only for such periods, from the effective date of this chapter, as the enlisted man has in effect an allotment of pay, in an amount not less than the amount of such monetary allowance, for the support of the dependents on whose account the allowance is claimed. No dependents of any enlisted man shall be entitled to family allowance for any period for which such monetary allowance is paid to the enlisted man. The Secretary of the Department concerned is authorized to exercise the option on behalf of the enlisted man in any case in which he deems it desirable and finds it impracticable for the enlisted man to exercise his option, subject to termination at a later date upon specific request of the enlisted man. Whenever any option under this subsection is exercised, payments pursuant thereto shall begin at a date to be prescribed by the Secretary of the Department concerned. The monthly pay of any enlisted man of the first, second, or third grade who is provided with public quarters for his dependents and any of whose dependents is receiving a family allowance shall be reduced by, or charged with, 90 cents per day. (June 23, 1942, ch. 443, title I, § 108, 56 Stat. 383, as amended Oct. 26, 1943, ch. 281, § 8, 57 Stat. 579; Oct 6, 1945, ch 393, § 9 (b), 59 Stat. 541.)

AMENDMENTS

1945—Subsec. (b) amended generally by act Oct 6, 1945, cited to text

1943—Act Oct 26, 1943, cited to text, amended section by inserting subsec. designation "(a)" immediately preceding words "In any case in which", and by adding a new subsec. (b).

SHORT TITLE

Short title of act Oct. 6, 1945, cited to text, see note set out under sction 635 of Title 10, Army.

CROSS REFERENCES

Effective date of amendatory act Oct. 26, 1943, see note under section 201 of this title.

§ 208a. Termination of family allowance.

The exercise of an option under section 208 (b) of this title to receive the family allowance shall in no event have the effect of entitling the enlisted man to continue to have such family allowance beyond the period during which family allowance payments are authorized to be made under this chapter. (Oct. 6, 1945, ch. 393, § 9 (c), 59 Stat. 542.)

CODIFICATION

Section is from subsec. (c) of section 9 of act Oct. 6, 1945, cited to text, and was enacted as a part of the

Armed Forces Voluntary Recruitment Act of 1945 and not as a part of the Servicemen's Dependents Allowance Act of 1942 which comprises this chapter.

SHORT TITLE

Short title, see note set out under section 635 of Title 10, Army.

§ 209. Payment of family allowance to person on behalf of dependents; death of dependent.

(a) Any family allowance to which any dependent or dependents of any enlisted man is entitled under the provisions of this chapter shall be paid on behalf of such dependent or dependents to any person who may be designated by such enlisted man unless the Secretary of the department concerned determines that the person so designated is not an appropriate payee. In any case in which the Secretary of the department concerned determines that the person so designated is not an appropriate payee or in any case in which the enlisted man has not designated a payee, such allowance shall be paid on behalf of such dependent or dependents to such person as may be designated in regulations prescribed by the Secretary of the department concerned.

(b) In the event of the death of a dependent, any amount of the family allowance to which his entitlement ceases with the last day of the calendar month in which death occurs, and which is uncollected at the time of death, shall be paid to such person or persons as the Secretary of the department concerned directs (June 23, 1942, ch. 443, title I, § 109, 56 Stat. 384, as amended Oct. 26, 1943, ch. 281, § 9, 57 Stat. 580.)

AMENDMENTS

1943—Act Oct 26, 1943, cited to text, amended section by inserting subsec designation "(a)" immediately preceding words "Any family allowance", and by adding a new subsec (b)

CROSS REFERENCES

Effective date of amendatory act Oct 26, 1943, see note under section 201 of this title.

§ 210. Continuance of family allowance irrespective of accrual or reduction of pay; effect of imprisonment or desertion; definition of enlisted man; effect on other laws.

(a) Entitlement to and payment of any family allowance authorized under provisions of this chapter to the dependent or dependents of any enlisted man shall not be contingent upon pay accruing to such enlisted man or upon the monthly pay of such man being reduced by or charged with any amount.

(b) In case of the desertion or imprisonment of any enlisted man to the dependent or dependents of whom a family allowance has been granted under the provisions of this chapter, the family allowance thereafter payable to such dependent or dependents and the reduction of or charge to pay of such enlisted man shall be determined in accordance with such regulations as may be prescribed by the Secretary of the department concerned.

(c) In any case in which an enlisted man is entitled to receive or to have credited to his account pay and allowances for any period under sections 1001–1018 of the Appendix to Title 50, such enlisted man shall be deemed to be an enlisted man during such period for the purposes of this chapter.

(d) Nothing contained in this chapter and section 305 (e) (1) of the Appendix to Title 50 shall be construed to modify sections 1001–1018 of the Appendix to Title 50. (June 23, 1942, ch. 443, title I, § 110, 56 Stat. 384, as amended Oct. 26, 1943, ch. 281, § 10, 57 Stat. 580.)

REFERENCES IN TEXT

Reference to "sections 1001–1018 of the Appendix to Title 50" appeared in act June 23, 1942, cited to text, as a reference to act March 7, 1942, ch 166, 56 Stat 143, which act also affected sections 691, 693, and 715 of Title 5, Executive Departments and Government Officers and Employees, and section 943 of Title 34, Navy.

AMENDMENTS

1943—Act Oct. 26, 1943, cited to text, amended subsec (a) by providing that the family allotment should not be contingent upon the pay of the enlisted man "being reduced by or charged with any amount."

CROSS REFERENCES

Effective date of amendatory act Oct 26, 1943, see note under section 201 of this title.

Enlisted man defined, see section 220 of this title.

§ 211. Administration of chapter; regulations; delegation of authority.

This chapter shall be administered by the Secretary of War in its application to enlisted men of the Army of the United States and the dependents of such enlisted men and shall be administered by the Secretary of the Navy in its application to enlisted men of the United States Navy, the Marine Corps, and the Coast Guard, and the dependents of such enlisted men. Said Secretaries are authorized to prescribe jointly or severally such regulations as they may deem necessary to enable them to carry out the provisions of this chapter and to delegate to such officers or employees of their respective departments as they may designate any of their functions under this chapter. (June 23, 1942, ch. 443, title I, § 111, 56 Stat. 384.)

§ 212. Determination of facts; finality; review; modification; overpayments and erroneous payments.

The determination of all facts, including the fact of dependency, which it shall be necessary to determine in the administration of this chapter shall be made by the Secretary of the department concerned and such determination shall be final and conclusive for all purposes and shall not be subject to review in any court or by any accounting officer of the Government. The Secretary of the department concerned may at any time on the basis of new evidence or for other good cause reconsider or modify any such determination, and may waive the recovery of any money erroneously paid under this chapter whenever he finds that such recovery would be against equity and good conscience. The General Accounting Office shall not refuse to allow credit in the accounts of any disbursing officer for any erroneous payment or overpayment made by him in carrying out the provisions of this chapter unless such erroneous payment or overpayment was made by him as the result of his gross negligence or with the intent to defraud the United States. No recovery

shall be made from any officer authorizing any erroneous payment or overpayment under this chapter unless such payment was authorized by him as the result of his gross negligence or with the intent to defraud the United States. (June 23, 1942, ch. 443, title I, § 112, 56 Stat. 384.)

§ 213. Availability of appropriations.

Any appropriations heretofore or hereafter made to the department concerned for the pay of enlisted men shall be available for the payment of the family allowances payable under the provisions of this chapter. (June 23, 1942, ch. 443, title I, § 113, 56 Stat. 385.)

§ 214. Cooperation by Director of Selective Service System.

The Director of the Selective Service System is authorized and directed to cooperate with the Secretary of War and the Secretary of the Navy by providing them with such information in the possession of, or available to, the Selective Service System as may be necessary to enable them to efficiently administer the provisions of this chapter. (June 23, 1942, ch. 443, title I, § 114, 56 Stat. 385.)

§ 215. Assignability of family allowances; liability to creditors, levy, etc.

The monthly family allowances payable under the provisions of this chapter shall not be assignable; shall not be subject to the claims of creditors of any person to whom or on behalf of whom they are paid; and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever. (June 23, 1942, ch. 443, title I, § 115, 56 Stat. 385.)

§ 216. Fraudulently obtaining or receiving funds or family allowances; penalties.

Whoever shall obtain or receive any money, check, or family allowance under this chapter, without being entitled thereto and with intent to defraud, shall be punished by a fine of not more than $2,000. or by imprisonment for not more than one year, or both. (June 23, 1942, ch. 443, title I, § 116, 56 Stat. 385.)

§ 217. False statements; penalties.

Whoever in any claim for family allowance or in any document required by this chapter or by regulation made under this chapter makes any statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both. (June 23, 1942, ch. 443, title I, § 117, 56 Stat. 385.)

§ 218. Fraudulent acceptance of payments after termination of right; penalties.

Any person who has been entitled to payment of a family allowance under this chapter and whose entitlement to payment of such allowance has ceased shall, if he thereafter accepts payment of such allowance with the intent to defraud, be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or both. (June 23, 1942, ch. 443, title I, § 118, 56 Stat. 385.)

§ 219. Prohibition against payment of part of payments to agents or attorneys; penalties.

Any person who shall, directly or indirectly, solicit, contract for, charge, or receive or shall attempt to solicit, contract for, charge, or receive any fee or compensation for assisting in any manner an enlisted man or dependent in obtaining a family allowance payable under this chapter, shall, upon conviction thereof, be guilty of a misdemeanor and for each and every offense shall be punishable by a fine of not less than $100 nor more than $1,000 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment. (June 23, 1942, ch. 443, title I, § 119, 56 Stat. 385, as amended Oct. 26, 1943, ch. 281, § 11, 57 Stat. 580.)

AMENDMENTS

1943—Act Oct. 26, 1943, cited to text, amended section generally.

CROSS REFERENCES

Effective date of amendatory act Oct. 26, 1943, see note under section 201 of this title.

§ 220. Definitions.

As used in this chapter—

(a) The term "wife" means a lawful wife.

(b) The term "former wife divorced" means a former wife divorced who has not remarried and to whom alimony has been decreed and is still payable.

(c) The term "child" includes—

(1) a legitimate child;

(2) a child legally adopted;

(3) a stepchild, if a member of the man's household, including a stepchild who continues as a member of the man's household after death of the mother or termination of the marriage; and

(4) an illegitimate child, but only if the man has been judicially ordered or decreed to contribute to such child's support; has been judicially decreed to be the putative father of such child; or, has acknowledged in writing, that he is the father of such child.

(d) The term "child" also includes a person to whom the man stands in loco parentis and has so stood for not less than twelve months prior to the date of application on behalf of such child.

(e) The term "parent" includes father and mother, grandfather and grandmother, stepfather and stepmother, father and mother through adoption, either of the person in the service or of the spouse, and persons who, for a period of not less than one year prior to the man's enlistment or induction, stood in loco parentis to the man concerned: *Provided*, That not more than two within those named therein may be designated to receive an allowance, and in the absence of a designation by the enlisted man preference shall be given to the parent, or parents not exceeding two, who actually exercised parental relationship at the time of or most nearly prior to the date of the enlisted man's entrance into active service: *Provided further*, That if such parent or parents be not dependent or waive an allowance, preference may be extended to others within the class who at a more remote time actually supported the enlisted man prior to entrance into service.

(f) The terms "brother" and "sister" include brothers and sisters of the half blood as well as those of the whole blood, stepbrothers and stepsisters, and brothers and sisters through adoption.

(g) The terms "child", "brother", and "sister" are limited to unmarried persons either (1) under eighteen years of age, or (2) of any age, if incapable of self-support by reason of mental or physical defect.

(h) The terms "pay" and "base pay" means base pay and longevity pay only.

(i) The terms "man" and "enlisted man" mean any enlisted individual, male or female, of the first to seventh grades, both inclusive, and any aviation cadet, in any of the services mentioned in section 201 of this title, and any member, except the leader and second leader, of the band of the United States Marine Corps, but do not include any member of the Philippine Army, the Philippine Scouts, the insular force of the Navy, the Samoan native guard or band of the Navy, or the Samoan reserve force of the Marine Corps.

(j) The term "department concerned" means the War Department or the Navy Department, whichever may be the appropriate one in the particular case. (June 23, 1942, ch. 443, title I, § 120, 56 Stat. 385, as amended Oct. 26, 1943, ch. 281, §§ 12, 13, 57 Stat 580.)

AMENDMENTS

1943—Act Oct 26, 1943, cited to text, amended subsecs. (c) (4), (d), (g), and (i) as follows. subsec. (c) (4) by striking out words "under oath" following "or, has acknowledged"; subsec. (d) by striking out entire subsec. and inserting in lieu thereof new subsec.; subsec. (g) by striking out word "grandchild" following word "child"; and subsec. (i) generally.

CROSS REFERENCES

Effective date of amendatory act Oct. 26, 1943, see note under section 201 of this title.

Enlisted man defined, see section 210 of this title.

§ 221. Dependents of enlisted female prescribed; rights of husband and children; amount of family allowances; restrictions.

The dependents of an enlisted female shall be as prescribed by this chapter except that husband and children shall be included as dependents only when found by the Secretary of the department concerned to be dependent upon her for chief support. The amount of the family allowance payable to the dependents of an enlisted female shall be as prescribed by this chapter except that the amount for a husband or husband and children shall be that prescribed for a wife or wife and children. The provisions of this section shall be applicable to dependents of any enlisted female only insofar as such provisions are not inconsistent with the provisions of any law pertaining to the service of which she is a member. (June 23, 1942, ch. 443, title I, § 121, as added Oct. 26, 1943, ch. 281, § 14, 57 Stat. 581.)

CROSS REFERENCES

Effective date of amendatory act Oct 26, 1943, see note under section 201 of this title.

TITLE 38.—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chap. Sec.

11B. World War II Veterans' Mustering-Out Payments (New)..... 691

11C. World War II Servicemen's Readjustment Benefits (New)..... 693

Chapter 1.—ADMINISTRATION OF VETERANS' AFFAIRS

Sec.

11h. Certification without cost of District of Columbia records to establish veteran's claims (New).

12. Administration of provisions of section 457 of Title 10 (New).

DEPARTMENT OF MEDICINE AND SURGERY (NEW)

15. Establishment of Department of Medicine and Surgery; functions.

15a. Composition of Department.

15b. Administrative personnel.
- (a) Composition of Office of Chief Medical Director
- (b) Chief Medical Director, duties and responsibilities; qualifications; salary.
- (c) Deputy Medical Director; duties; qualifications; salary.
- (d) Assistant Medical Directors; number, salary.
- (e) Director and Deputy Director of Nursery Service; qualifications, duties and responsibilities, salary.
- (f) Additional Chiefs of specialized services, salary
- (g) Tenure.
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15c Appointment of professional and technical personnel.

15d. Qualifications for appointment of personnel; compensation during terminal leave from armed forces.

15e. Doctors, dentists, and nurses.
- (a) Establishment of appointment qualifications.
- (b) Probationary period.
- (c) Promotions.
- (d) Continuation of employment of personnel of Medical Service.
- (e) Eligibility for reinstatement in Federal civil service.

15f. Grades and salaries of doctors, dentists, and nurses; regulation of employment; leaves of absence.

15g. Medical or surgical specialist; appointment; qualifications; retention of rating; additional pay allowance.

15h. Personnel within civil service retirement provisions.

15i. Disciplinary boards.
- (a) Composition; duties.
- (b) Chairman and secretary; oaths.
- (c) Investigators; representation of accused by counsel.
- (d) Recommendations by board; action by Administrator; conclusiveness of decision.

15j Appointment of additional employees; salary

15k. Establishment of special medical advisory group; composition; duties; number; tenure; compensation.

15l. Payment of employees' expenses for attendance at scientific meetings and special courses of instruction; reimbursement.

15m. Employment of temporary and part-time personnel; establishment of residencies; compensation.

15n. Regulations.

CROSS REFERENCES

Repeal, with limitations and exceptions, of laws existing on March 20, 1933, granting pensions and veterans' relief, see sections 717 and 718 of this title.

§ 11. Establishment of Veterans' Administration; transfer of duties, powers, and functions of hospitals, bureaus, agencies, and offices relating to veterans.

CROSS REFERENCES

Establishment of a Department of Medicine and Surgery, see sections 15–15n of this title.

§ 11a. Administrator of Veterans' Affairs; appointment; salary, functions, powers, and duties.

TRANSPORTATION DURING NATIONAL EMERGENCY FOR EMPLOYEES IN FIELD STATIONS

Act Oct. 25, 1943, ch. 276, 57 Stat. 575 provided as follows:

"During the present war and not exceeding six months after the termination of the war, the Administrator of Veterans' Affairs, whenever he finds such action to be necessary for the efficient conduct of the affairs of his Administration, and unde such regulations as he may prescribe, is authorized to utilize automotive equipment of the Veterans' Administration to transport its employees between field stations and nearest adequate public transportation at such reasonable rates of fare for the service furnished as he may establish. All moneys collected as fares from such employees shall be accounted for and shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts. The authority herein granted the Administrator of Veterans' Affairs shall be exercised with respect to any station only after determination by the Office of Defense Transportation that existing private and other facilities are not and cannot be rendered adequate by other means, and that its exercise will result in the most efficient method of supplying transportation to the personnel concerned and a utilization of transportation facilities consistent with the plans, policies, and purposes of the Office of Defense Transportation."

CROSS REFERENCES

Establishment of a Department of Medicine and Surgery, see sections 15–15n of this title.

Gift of United States flag to relative of deceased veterans, regulations, see section 184 of Title 36, Patriotic Societies and Observances.

§ 11a–1. Employment of medical consultants.

REPEATED.—Act Apr. 5, 1941, ch. 40, § 1, 55 Stat 120; act June 27, 1942, ch. 450, § 1, 56 Stat. 420; act June 26, 1943, ch. 145, title I, § 1, 57 Stat. 192, act June 27, 1944, ch. 286, title I, § 1, 58 Stat. 382; act May 3, 1945, ch 106, title I, § 1, 59 Stat 128.

CROSS REFERENCES

Establishment of a Department of Medicine and Surgery, see sections 15–15n of this title.

§ 11a–2. Finality of Administrator's decisions on questions concerning claims for benefits or payments.

CROSS REFERENCES

Death, conclusiveness of Administrator's finding, see section 32a of this title.

§ 11a–3. Transportation of children of employees of Veterans' Administration to and from school.

REPEATED.—Act Apr. 5, 1941, ch. 40, § 1, 55 Stat. 120; act June 27, 1942, ch. 450, § 1, 56 Stat 420; act June 26, 1943,

ch. 145, title I, § 1, 57 Stat. 192; act June 27, 1944, ch. 286, title I, § 1, 58 Stat. 381; act May 3, 1945, ch 106, title I, § 1, 59 Stat. 128.

§ 11h. Certification without cost of District of Columbia records to establish veteran's claims.

When a copy of any public record of the District of Columbia is required by the Veterans' Administration to be used in determining the eligibility of any person to participate in benefits made available by the Veterans' Administration, the official custodian of such public record shall without charge provide the applicant for such benefits or any person (including any veterans' organization) acting on his behalf or the authorized representative of the Veterans' Administration with a certified copy of such record. (Dec. 3, 1945, ch. 513, 59 Stat. 591.)

§ 12. Administration of provisions of section 457 of Title 10.

The duties, powers, and functions incident to the administration and payment of the benefits provided in section 457 of Title 10 are hereby vested in the Veterans' Administration: *Provided,* That in the administration of the retirement pay provisions of the said statute the determination of all questions of eligibility for the benefits thereof, including all questions of law and fact relating to such eligibility, shall be made by the Secretary of War, or by someone designated by him in the War Department, in the manner, and in accordance with the standards, provided by law or regulations for Regular Army personnel: *And provided further,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this section. (Sept. 26, 1941, ch 425, § 2, 55 Stat. 734.)

DEPARTMENT OF MEDICINE AND SURGERY (NEW)

§ 15. Establishment of Department of Medicine and Surgery; functions.

The medical service in the Veterans' Administration, as at present constituted, is abolished and in its stead there is authorized and established in the Veterans' Administration a Department of Medicine and Surgery under a Chief Medical Director. The functions of the Department of Medicine and Surgery shall be those necessary for a complete medical and hospital service to be prescribed by the Administrator of Veterans' Affairs (referred to in sections 15b–15g and 15i–15n of this title as the Administrator) pursuant to sections 15–15n of this title, other statutory authority and regulations established pursuant to law, for the medical care and treatment of veterans. (Jan. 3, 1946, ch. 658, § 1, 59 Stat 675.)

EFFECTIVE DATE

Section 16 of act Jan. 3, 1946, cited to text, provided that sections 15–15n of this title should become effective on Jan. 3, 1946

§ 15a. Composition of Department.

The Department of Medicine and Surgery shall include the following: Office of the Chief Medical Director, Medical Service, Dental Service, Nursing Service, and Auxiliary Service. (Jan. 3, 1946, ch. 658, § 2, 59 Stat. 675.)

§ 15b. Administrative personnel—(a) Composition of Office of Chief Medical Director.

The Office of the Chief Medical Director shall consist of the Chief Medical Director, one Deputy Medical Director, not to exceed eight Assistant Medical Directors, and such other personnel and employees as may be authorized by sections 15–15n of this title.

(b) Chief Medical Director; duties and responsibilities; qualifications; salary.

The Chief Medical Director shall be the Chief of the Department of Medicine and Surgery and shall be directly responsible to the Administrator for the operations of the Department. He shall be a qualified doctor of medicine, appointed by the Administrator. During the period of his service as such, the Chief Medical Director shall be paid a salary of $12,000 a year.

(c) Deputy Medical Director; duties; qualifications; salary.

The Deputy Medical Director shall be the principal assistant of the Chief Medical Director. He shall be a qualified doctor of medicine, appointed by the Administrator. During the period of his service as such, the Deputy Medical Director shall be paid a salary of $11,500 a year.

(d) Assistant Medical Directors; number; salary.

There may be not to exceed eight Assistant Medical Directors, appointed by the Administrator, who shall be paid a salary of $11,000 a year each: *Provided,* That one shall be a qualified doctor of dental surgery who shall be directly responsible to the Chief Medical Director for the operations of the Dental Service.

(e) Director and Deputy Director of Nursery Service; qualifications; duties and responsibilities; salary.

The Director and Deputy Director of Nursing Service shall be qualified registered nurses, appointed by the Administrator and shall be responsible to the Chief Medical Director for the operation of the Nursing Service. During the period of her service as such, the Director of Nursing Service shall be paid a salary of $8,000 a year and the Deputy Director shall be paid a salary of $7,000 a year.

(f) Additional chiefs of specialized services; salary.

The Administrator may appoint a chief pharmacist, a chief dietitian, a chief physical therapist, and a chief occupational therapist. During the period of his service as such, each chief shall be paid a salary of $6,000 a year.

(g) Tenure.

Any appointment provided for in subsections (a)–(f) of this section shall be for a period of four years subject to removal by the Administrator for cause.

(h) Reappointment.

Reappointments may be made for successive like periods. (Jan. 3, 1946, ch. 658, § 3, 59 Stat. 675.)

§ 15c. Appointment of professional and technical personnel.

There shall be appointed by the Administrator additional personnel as he may find necessary for the medical care of veterans, as follows:

(a) Doctors, dentists, and nurses;

(b) Managers, pharmacists, physical therapists, occupational therapists, dietitians; scientific personnel, such as pathologists, bacteriologists, chemists, biostatisticians, and other medical and dental technologists. (Jan. 3, 1946, ch. 658, § 4, 59 Stat. 675.)

§ 15d. Qualifications for appointment of personnel; compensation during terminal leave from armed forces.

Any person to be eligible for appointment in the Department of Medicine and Surgery must—

(a) Be a citizen of the United States.

(b) In the Medical Service—

hold the degree of doctor of medicine or of doctor of osteopathy from a college or university approved by the Administrator, have completed an internship satisfactory to the Administrator, and be licensed to practice medicine, surgery, or osteopathy in one of the States or Territories of the United States or in the District of Columbia.

(c) In the Dental Service—

hold the degree of doctor of dental surgery from a college or university approved by the Administrator, and be licensed to practice dentistry in one of the States or Territories of the United States or in the District of Columbia.

(d) In the Nursing Service—

have successfully completed a full course of nursing in a recognized school of nursing, approved by the Administrator, and be registered as a graduate nurse in one of the States or Territories of the United States or in the District of Columbia.

(e) In the Auxiliary Service—

(1) manager of hospital, home, or center—

have such business and administrative experience and qualifications as the Administrator shall prescribe;

(2) pharmacist—

hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy approved by the Administrator, and be registered as a pharmacist in one of the States or Territories of the United States or in the District of Columbia;

(3) physical therapists, occupational therapists, dietitians, and other auxiliary employees

shall have such scientific or technical qualifications as the Administrator shall prescribe.

(f) Persons may be appointed under sections 15–15n of this title while on terminal leave from the armed forces and may be paid for their services rendered under such appointment notwithstanding any law or regulation to the contrary. (Jan. 3, 1946, ch. 658, § 5, 59 Stat. 676.)

§ 15e. Doctors, dentists, and nurses—(a) Establishment of appointment qualifications.

Appointments of doctors, dentists, and nurses shall be made only after qualifications have been satisfactorily established in accordance with regulations prescribed by the Administrator, without regard to civil-service requirements.

(b) Probationary period.

Such appointments as described in subsection (a) of this section shall be for a probationary period of three years and the record of each person serving under such appointment in the Medical, Dental, and Nursing Services shall be reviewed from time to time by a board, appointed in accordance with regulations of the Administrator, and if said board shall find him not fully qualified and satisfactory he shall be separated from the service.

(c) Promotions.

Promotions of doctors, dentists, and nurses shall be made only after examination given in accordance with regulations prescribed by the Administrator. Automatic promotions within grade may be made in increments of the minimum pay of the grade in accordance with regulations to be prescribed by the Administrator.

(d) Continuation of employment of personnel of Medical Service.

Doctors, dentists, and nurses in the present Medical Service shall be continued in their present positions until the Administrator shall have determined their qualifications as provided in subsection (a) of this section.

(e) Eligibility for reinstatement in Federal civil service.

In determining eligibility for reinstatement in Federal civil service of persons appointed to positions in the Department of Medicine and Surgery, who at the time of appointment shall have a civil-service status, and whose employment in the Department of Medicine and Surgery is terminated, the period of service performed in the Department of Medicine and Surgery shall be included in computing the period of service under Civil Service Rule IX, except that this subsection shall not be construed as authorizing restoration of any position abolished by section 15 of this title. (Jan. 3, 1946, ch. 658, § 6, 59 Stat. 676.)

§ 15f. Grades and salaries of doctors, dentists, and nurses; regulation of employment; leaves of absence.

(a) The grades and per annum full-pay ranges for positions provided in subsection (a) of section 15c of this title shall be as follows:

MEDICAL SERVICE

Chief grade, $8,750 minimum to $9,800 maximum.

Senior grade, $7,175 minimum to $8,225 maximum.

Intermediate grade, $6,230 minimum to $7,070 maximum.

Full grade, $5,180 minimum to $6,020 maximum.

Associate grade, $4,300 minimum to $5,180 maximum.

Junior grade, $3,640 minimum to $4,300 maximum.

DENTAL SERVICE

Senior grade, $7,175 minimum to $8,225 maximum.

Intermediate grade, $6,230 minimum to $7,070 maximum.

Full grade, $5,180 minimum to $6,020 maximum.

Associate grade, $4,300 minimum to $5,180 maximum.

Junior grade, $3,640 minimum to $4,300 maximum.

NURSING SERVICE

Assistant Director, $5,180 minimum to $6,020 maximum.

Senior grade, $4,300 minimum to $5,180 maximum.

Full grade, $3,640 minimum to $4,300 maximum.

Associate grade, $2,980 minimum to $3,640 maximum.

Junior grade, $2,320 minimum to $2,980 maximum.

(b) Notwithstanding any law, Executive order, or regulation, the Administrator shall prescribe by regulation the hours and conditions of employment and leaves of absence of doctors, dentists, and nurses. (Jan. 3, 1946, ch. 658, § 7, 59 Stat. 677.)

§ 15g. Medical or surgical specialist; appointment; qualifications; retention of rating; additional pay allowance.

(a) Within the restrictions imposed by this section, the Chief Medical Director may rate any doctor appointed under subsection (a) of section 15c of this title as a medical or surgical specialist: *Provided,* That no person shall at any one time hold more than one such rating.

(b) No person may be rated as a medical or surgical specialist unless he is certified as a specialist by an American specialty board, recognized by the Administrator where such boards exist; or if no such boards exist, he has been examined and found qualified by a board appointed by the Chief Medical Director from specialists of the Department of Medicine and Surgery holding ratings in the specialty to which the candidate aspires: *Provided,* That, whenever there are insufficient specialists, rated in the proper specialty, who are readily available to constitute such a board, the Chief Medical Director may substitute consultants with comparable qualifications employed under section 15m of this title

(c) Any person, rated as a medical or surgical specialist under the provisions of this section shall retain such rating until it shall be withdrawn by the Chief Medical Director: *Provided,* That the Chief Medical Director shall not withdraw any such rating until it shall have been determined by a board of specialists that the person holding such rating is no longer qualified in his specialty.

(d) Any person, rated as a medical or surgical specialist under the provisions of this section, shall receive, in addition to his basic pay, an allowance equal to 25 percent of such pay: *Provided,* That in no event shall the pay plus the allowance authorized by this subscription exceed $11,000 per annum. (Jan. 3, 1945, ch. 658, § 8, 59 Stat. 677.)

§ 15h. Personnel within civil service retirement provisions.

Persons appointed to the Department of Medicine and Surgery shall be subject to the provisions of and entitled to the benefits under sections 691, 693, 698, 706–715, 716–719, 720–736, 736b, and 736c of Title 5. (Jan. 3, 1946, ch. 658, § 9, 59 Stat. 678.)

§ 15i. Disciplinary boards—(a) Composition; duties.

The Chief Medical Director, under such regulations as the Administrator shall prescribe, shall from time to time appoint boards to be known as disciplinary boards, each such board to consist of not less than three nor more than five employees, senior in grade, of the Department of Medicine and Surgery, to determine, upon notice and fair hearing, charges of inaptitude, inefficiency, or misconduct of any person employed in a position provided in subsection (a) of section 15c of this title.

(b) Chairman and secretary; oaths.

The Administrator shall appoint the chairman and secretary of the board, each of whom shall have authority to administer oaths.

(c) Investigators; representation of accused by counsel.

The Chief Medical Director may designate or appoint one or more investigators, to assist each disciplinary board in the collection and presentation of evidence. Any person answering to charges before a disciplinary board may be represented by counsel of his own choosing.

(d) Recommendations by board; action by Administrator; conclusiveness of decision.

A disciplinary board, when in its judgment charges are sustained, shall recommend to the Administrator suitable disciplinary action, within limitations prescribed by the Administrator, which shall include reprimand, suspension without pay, reduction in grade, and discharge from the Department of Medicine and Surgery of such person. The Administrator shall either approve the recommendation of the board, approve such recommendation with modification or exception, approve such recommendation and suspend further action at the time, or disapprove such recommendation. He shall cause to be executed such action as he approves. The decision of the Administrator shall be final. (Jan. 3, 1946, ch. 658, § 10, 59 Stat 678)

§ 15j. Appointment of additional employees; salary.

There shall be appointed by the Administrator under civil-service laws, rules, and regulations, such additional employees, other than those provided in section 15b, subsection (a) of section 15c, and those specified in section 15m of this title as may be necessary to carry out the provisions of this title: *Provided,* That employees of the Medical Service as at present constituted, other than those provided in section 15b, subsection (a) of section 15c, and section 15m of this title, shall receive original appointments to the Department of Medicine and Surgery in their present civil-service status upon certification of satisfactory service by the manager of the hospital, home, or center where such person is presently employed: *And provided further,* That the per annum salary range for hospital attendants shall be $1,572 minimum to $1,902 maximum. (Jan. 3, 1946, ch. 658, § 11, 59 Stat. 678.)

§ 15k. Establishment of special medical advisory group; composition; duties; number; tenure; compensation.

The Administrator shall establish a special medical advisory group composed of members of the

medical and allied scientific professions, nominated by the Chief Medical Director, whose duties shall be to advise the Administrator, through the Chief Medical Director, and the Chief Medical Director direct, relative to the care and treatment of disabled veterans, and other matters pertinent to the Department of Medicine and Surgery. The special medical advisory group shall conduct regular calendar quarterly meetings. The number, terms of service, compensation, and allowances to members of such advisory group shall be in accord with existing law and regulations. (Jan. 3, 1946, ch 658, § 12, 59 Stat. 678.)

§ 15*l*. Payment of employees' expenses for attendance at scientific meetings and special courses of instruction; reimbursement.

(a) The expenses, except membership fees, of employees described in section 15b and subsection (a) of section 15c of this title detailed by the Chief Medical Director to attend meetings of associations for the promotion of medical and related sciences are authoried [1] subject to available appropriations.

(b) (1) The Administrator is authorized to place employees of the Department of Medicine and Surgery described in section 15b and subsection (a) of section 15c of this title on duty, for a period not to exceed ninety days in a year, in schools, of the Army, Navy, and Public Health Service, and in civil institutions of learning, with the consent of the authorities concerned, for the purpose of increasing the professional knowledge or technical training of the personnel of the Department: *Provided*, That not to exceed 5 per centum of the personnel of the Department be placed upon such duty at any one time.

(2) The Administrator is authorized, subject to available appropriations, to pay for tuition, transportation, and educational fees of personnel placed on duty under the provisions of subsection (b) (1) of this section.

(c) Any person authorized to attend a course of training shall be required to reimburse the Veterans' Administration the expenses thereof if he voluntarily leaves the service within two years after completion of such course. (Jan. 3, 1946, ch. 658, § 13, 59 Stat. 678.)

[1] So in original. Probably should read "authorized".

§ 15m. Employment of temporary and part-time personnel; establishment of residencies; compensation.

(a) The Administrator, upon the recommendation of the Chief Medical Director, may employ, without regard to sections 661–663, 664–673, and 674 of Title 5, physicians, dentists, and nurses, on a temporary full-time, part-time, or fee basis; and dietitians, social workers, librarians, and such other professional, clerical, technical, and unskilled personnel, in addition to personnel described in section 15b, subsection (a) of section 15c, and section 15j of this title, on a temporary full-time or part-time basis at such rates of pay as he may prescribe: *Provided*, That no temporary full-time appointment shall be for a period of more than ninety days.

(b) The Administrator shall have authority to establish residencies; to appoint qualified persons to such positions without regard to civil service or classification laws, rules, or regulations; and to prescribe the conditions of such employment, including necessary training, and the customary amount and terms of pay during the period of such employment and training. (Jan. 3, 1946, ch. 658, § 14, 59 Stat. 679.)

§ 15n. Regulations.

The Chief Medical Director with the approval of the Administrator, unless specifically otherwise provided, shall promulgate all regulations necessary to the administration of the Department of Medicine and Surgery and consistent with existing law, including regulations relating to travel, transportation of household goods and effects, and deductions from pay for quarters and subsistence; and to the custody, use, and preservation of the records, papers, and property of the Department of Medicine and Surgery. (Jan. 3, 1946, ch. 658, § 15, 59 Stat. 679.)

Chapter 1A.—DISPOSITION OF DECEASED VETERANS' PERSONAL PROPERTY

SUBCHAPTER II.—DEATH WHILE INMATE OF VETERANS' ADMINISTRATION FACILITY (New)

Sec.
17 Vesting of undisposed personalty in United States as trustee for General Post Fund
17a Presumption from death in facility of contract for disposition of property.
17b Sale or destruction of property; deposit of receipts in Fund
17c Disbursements from Fund, payment of creditors
17d Disposition of remainder of assets; acquisition of assets by Administrator of Veterans' Affairs
17e Proceedings to obtain assets by Administrator of Veterans' Affairs
17f Claims of right to decedents' property, filing; limitation of time; determination, payment.
17g Notice to veterans of law.
17h Investments of surplus moneys
17i Effect on other laws.
17j Rules and regulations

SUBCHAPTER I.—PROPERTY LEFT ON VETERANS' ADMINISTRATION FACILITY

This subchapter heading has been inserted preceding section 16 of this title.

§ 16. Personal property of deceased veterans.

CROSS REFERENCES

Death while patient or member of Veterans' Administration facility, see section 17 et seq of this title

SUBCHAPTER II.—DEATH WHILE INMATE OF VETERANS' ADMINISTRATION FACILITY (New)

§ 17. Vesting of undisposed personalty in United States as trustee for General Post Fund.

Effective ninety days after December 26, 1941, whenever any veteran (admitted as a veteran) shall die while a member or patient in any facility, or any hospital while being furnished care or treatment therein by the Veterans' Administration, and shall not leave surviving him any spouse, next of kin, or heirs entitled, under the laws of his domicile, to his personal property as to which he dies intestate, all such property, including money and choses

in action, owned by said decedent at the time of death and not disposed of by will or otherwise, shall immediately vest in and become the property of the United States as trustee for the sole use and benefit of the General Post Fund, a trust fund prescribed by section 725s (b)[1] (45) of Title 31.

The foregoing provisions are conditions precedent to the initial, and also to the further furnishing of care or treatment by the Veterans' Administration in a facility or hospital. The acceptance of care or treatment by any veteran admitted as such to any Veterans' Administration facility or hospital after ninety days from December 26, 1941, and as well the continued acceptance of care or treatment furnished by the Veterans' Administration after said ninety days by any veteran who is then receiving the same shall constitute an acceptance of the provisions and conditions of this subchapter and have the effect of an assignment, effective at his death, of such assets in accordance with and subject to the terms and provisions of this subchapter and the regulations issued in accordance with and pursuant thereto. Section 136 of Title 24 shall be and remain in effect during such ninety-day period except as modified by sections 17b to 17i of this title, which sections shall be effective upon December 26, 1941. (June 25, 1910, ch. 384, § 1, as amended Dec. 26, 1941, ch. 634, 55 Stat. 868.)

[1] So in original. There is no subdivision of section 725s of Title 31 designated "(b)". Reference is probably intended to paragraph (45) following subsec (a) of that section.

GENERAL HISTORY OF SUBCHAPTER

Sections 17 17j of this title were from a paragraph of section 1, the sundry civil appropriation act for the fiscal year 1911, act June 25, 1910, ch 384, 36 Stat 736, as amended and designated to be sections 1-10 of that act by act Dec 26, 1941, ch 634, 55 Stat 868, the enacting clause of which provided "That the Act approved June 25, 1910 (36 Stat 736, 24 U S C § 136), be amended to read as follows:" Since such act June 25, 1910, originally contained ten sections, the 1941 amendment has created a duplication in the numbering of the sections thereof

Prior to the amendment by said act Dec. 26, 1941, the paragraph of the 1910 act in point related to the disposition of personal property of deceased members of the National Home for Disabled Volunteer Soldiers.

§ 17a. Presumption from death in facility of contract for disposition of property.

The fact of death of the veteran (admitted as such) in a facility or hospital, while being furnished care or treatment therein by the Veterans' Administration, leaving no spouse, next of kin, or heirs, shall give rise to a conclusive presumption of a valid contract for the disposition in accordance with this subchapter, but subject to its conditions, of all property described in section 17 of this title owned by said decedent at death and as to which he dies intestate. (June 25, 1910, ch. 384, § 2, as amended Dec. 26, 1941, ch. 634, 55 Stat. 869.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

§ 17b. Sale or destruction of property; deposit of receipts in Fund.

Any assets heretofore or hereafter accruing to the benefit of the said General Post Fund, other than money, but including jewelry and other personal effects, may be sold at the times and places and in the manner prescribed by regulations to be issued by the Administrator of Veterans' Affairs. Upon receipt of the purchase price he is authorized to deliver at the place of sale, said property sold, and upon request to execute and deliver appropriate assignments or other conveyances thereof in the name of the United States, which shall pass to the purchaser such title as decedent had at date of death. The net proceeds after paying any proper sales expenses as determined by the Administrator of Veterans' Affairs shall forthwith be paid to the Treasurer of the United States to the credit of said General Post Fund; and may be disbursed as other moneys in said fund by the Division of Disbursements, Treasury Department, upon order of said Administrator: *Provided*, That articles of personal adornment which are obviously of sentimental value, shall be retained and not sold or otherwise disposed of until the expiration of five years from the date of death of the veteran, without a claim therefor, unless for sanitary or other proper reasons it is deemed unsafe to retain same, in which event they may be destroyed forthwith. Any other articles coming into possession of the Administrator of Veterans' Affairs or his representatives by virtue of this subchapter which, under regulations to be promulgated by said Administrator, are determined to be unsalable may be destroyed forthwith or at the time prescribed by regulations, or may be used for the purposes for which disbursements might properly be made from said fund, or if not usable, otherwise disposed of in accordance with regulations. (June 25, 1910, ch. 384, § 3, as amended Dec. 26, 1941, ch. 634, 55 Stat. 869.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

§ 17c. Disbursements from Fund; payment of creditors.

Disbursements from the General Post Fund shall be made by the Division of Disbursements, Treasury Department, upon the order and within the discretion of the Administrator of Veterans' Affairs for the benefit of members and patients while being supplied care or treatment by the Veterans' Administration in any facility or hospital, and this authority is not limited to facilities or hospitals under direct administrative control of the Veterans' Administration: *Provided, however*, That there shall be paid out of the assets of the decedent so far as may be the valid claims of creditors against his estate that would be legally payable therefrom in the absence of this subchapter and without the benefit of any exemption statute, and which may be presented to the Veterans' Administration within one year from the date of death, or within the time, to the person, and in the manner required or permitted by the law of the State wherein administration, if any, is had upon the estate of the deceased veteran; and also the proper expenses and costs of administration, if any: *And provided further*, That if the decedent's estate be insolvent the distribution to creditors shall be in accordance with the laws of his domicile, and

the preferences and priorities prescribed thereby shall govern, subject to any applicable law of the United States. (June 25, 1910, ch. 384, § 4, as amended Dec. 26, 1941, ch. 634, 55 Stat. 869.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title

§ 17d. Disposition of remainder of assets; acquisition of assets by Administrator of Veterans' Affairs.

The remainder of such assets or their proceeds shall become assets of the United States as trustee for said Post Fund and disposed of in accordance with this subchapter. If there be administration upon the decedent's estate such assets, other than money, upon claim therefor within the time required by law, shall be by the administrator of the estate delivered to the Administrator of Veterans' Affairs or his authorized representative, as upon final distribution; and upon the same claim there shall be paid to the Treasurer of the United States for credit to said Post Fund any such money available for final distribution. In the absence of administration, any money, chose in action, or other property of the deceased veteran held by any person shall be paid or transferred to the Administrator of Veterans' Affairs upon demand by him or his duly authorized representative, who shall deliver itemized receipt therefor. Such payment or transfer shall constitute a complete acquittance of the transferor with respect to any claims by any administrator, creditor, or next of kin of such decedent. (June 25, 1910, ch 384, § 5, as amended Dec. 26, 1941, ch. 634, 55 Stat. 870.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title

§ 17e. Proceedings to obtain assets by Administrator of Veterans' Affairs.

If necessary to obtain such assets the Administrator of Veterans' Affairs, through his authorized attorneys, may bring and prosecute appropriate actions at law or other legal proceedings, the costs and expenses thereof to be paid as other administrative expenses of the Veterans' Administration. (June 25, 1910, ch. 384, § 6, as amended Dec. 26, 1941, ch. 634, 55 Stat. 870.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

§ 17f. Claims of right to decedents' property; filing; limitations of time; determination; payment.

Notwithstanding the crediting to said Post Fund of the assets, or proceeds thereof, of any decedent, whether upon determination by a court or the Veterans' Administration pursuant to the provisions of section 17 of this title, any person claiming a right to such assets may within five years after the death of the decedent file a claim on behalf of himself and any others claiming with the Administrator of Veterans' Affairs who, upon receipt of due proof that any person was at date of death of the veteran entitled to his personal property, or a part thereof, under the laws of the State of domicile of the decedent, may pay out of the Post Fund, but not to exceed the net amount credited thereto from said decedent's estate less any necessary expenses, the amount to which such person, or persons, was or were so entitled, and upon similar claim any assets of the decedent which shall not have been disposed of shall be delivered in kind to the parties legally entitled thereto: *Provided,* That if any person so entitled be under legal disability at the date of death of such decedent said five-year period of limitation shall run from the termination or removal of legal disability In the event of doubt as to entitlement the Administrator of Veterans' Affairs may cause administration or other appropriate proceedings to be instituted in any court having jurisdiction. In determining questions of fact or law involved in the adjudication of claims made under this section no judgment, decree or order entered in any action at law, suit in equity, or other legal proceeding of any character purporting to determine entitlement to said assets or any part thereof, shall be binding upon the United States or the Administrator of Veterans' Affairs or determinative of any fact or question involving entitlement to any such property or the proceeds thereof, or any part of said Post Fund, unless the Administrator of Veterans' Affairs has been seasonably served with notice and permitted to become a party to such suit or proceeding if he make request therefor within thirty days after such notice. Notice may be served in person or by registered mail upon said Administrator of Veterans' Affairs, or upon his authorized attorney in the State wherein the action or proceedings may be pending: *Provided, however,* That notice may be waived by the Administrator of Veterans' Affairs or by his authorized attorney, in which event the finding, judgment, or decree shall have the same effect as if said Administrator were a party and served with notice. Any necessary court costs or expenses if authorized by the Administrator may be paid as are other administrative expenses of the Veterans' Administration. (June 25, 1910, ch. 384, § 7, as amended Dec. 26, 1941, ch. 634, 55 Stat. 870.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title

§ 17g. Notice to veterans of law.

The Administrator of Veterans' Affairs shall prescribe a form of application for hospital treatment and domiciliary care which shall include notice of the provisions of this subchapter Within ninety days after approval hereof similar notice shall be given to each veteran then receiving care in any facility or hospital as described in this subchapter: *Provided, however,* That this requirement shall be met by posting of said notice with a copy of the prescribed form in a prominent place in each building wherein patients or members are housed. (June 25 1910, ch. 384, § 8, as amended Dec. 26, 1941, ch. 634, 55 Stat. 871.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

§ 17h. Investments of surplus moneys.

Moneys in the General Post Fund not required for current disbursement may be invested and reinvested by the Secretary of the Treasury in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. (June 25, 1910, ch. 384, § 9, as amended Dec. 26, 1941, ch. 634, 55 Stat. 871.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

§ 17i. Effect on other laws.

Any provision of law in conflict with this subchapter is modified accordingly, but nothing herein shall be construed to repeal or modify sections 450, 454a, and 556a of this title, or any amendments thereto, or sections 16–16j of this title. (June 25, 1910, ch. 384, § 10, as amended Dec. 26, 1941, ch. 634, 55 Stat. 871.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

§ 17j. Rules and regulations.

The Administrator of Veterans' Affairs shall have power to issue rules or regulations necessary or appropriate to carry out the purposes of this subchapter. (June 25, 1910, ch. 384, § 11, as amended Dec. 26, 1941, ch. 634, 55 Stat. 871.)

CROSS REFERENCES

General history of subchapter, see note under section 17 of this title.

Chapter 2.—GENERAL PROVISIONS RELATING TO PENSIONS

MISCELLANEOUS PROVISIONS

Sec.
26b. Waiver of retired pay or pension by Army enlisted men; administration notices to prevent concurrent payments (New).
26c. Waiver of retired pay or pension by personnel of regular military or naval establishment; administration notice to prevent duplicate payments (New).
32a. Same, State law inapplicable; conclusiveness of Administrator's findings (New).
37. Pensions for physically or mentally helpless children (New).

CROSS REFERENCES

Repeal, with limitations and exceptions, of laws existing on March 20 1933, granting pensions and veterans' relief, see sections 717 and 718 of this title

MISCELLANEOUS PROVISIONS

§§ 25, 26. Repealed. July 13, 1943, ch. 233, § 15, 57 Stat. 559.

EFFECTIVE DATE

Effective date of act July 13, 1943, ch 233, and benefits authorized thereunder, see note under section 731 of this title

§ 26b. Waiver of retired pay or pension by Army enlisted men; administration notices to prevent concurrent payments.

Where an enlisted man placed on the retired list under this section and sections 656, 939, 957, and 982a of Title 10 or under any provision of law would be eligible to receive pension or compensation under the laws administered by the Veterans' Administration, if he were not receiving retired pay, he may waive receipt of retired pay and allowances for the purpose of receiving such pension or compensation; and thereafter such retired enlisted man may waive receipt of such pension or compensation for the purpose of receiving retired pay and allowances. To prevent concurrent payments, when waiver of receipt of retired pay and allowances for the purpose of receiving pension or compensation is filed in the War Department that Department shall notify the Veterans' Administration of the receipt of such waiver and the effective date of the stoppage of retired pay and allowances. Similar report to the War Department shall be rendered by the Veterans' Administration, when waiver of receipt of pension or compensation is filed in the Veterans' Administration for the purpose of receiving retired pay and allowances. (June 30, 1941, ch. 263, § 4, 55 Stat. 395.)

ADMINISTRATION OF SECTION

Section 6 of act June 30, 1941, provided Secretary of War should administer the provisions of this section and sections 656, 939, 957 and 982a of Title 10, Army.

REPEALS

Act June 16, 1942, ch 413, § 19, 56 Stat 369, eff June 1, 1942, repealed "those portions of * * * the Act of June 30, 1941 (Public Law 140, Seventy-seventh Congress) (cited to text), which authorize allowances for enlisted men on the retired list"

§ 26c. Waiver of retired pay or pension by personnel of regular military or naval establishment; administration notice to prevent duplicate payments.

Any person who is receiving pay pursuant to any provision of law relating to the retirement of persons in the regular military or naval service, and who would be eligible to receive pension or compensation under the laws administered by the Veterans' Administration if he were not receiving such retired pay, shall be entitled to receive such pension or compensation upon the filing by such person with the department by which such retired pay is paid of a waiver of so much of his retired pay and allowances as is equal in amount to such pension or compensation. To prevent duplication of payments, the department with which any such waiver is filed shall notify the Veterans' Administration of the receipt of such waiver, the amount waived, and the effective date of the reduction in retired pay. (May 27, 1944, ch. 209, 58 Stat. 230.)

§ 27. Repealed. July 13, 1943, ch. 233, § 15, 57 Stat. 559.

EFFECTIVE DATE

Effective date of act July 13, 1943, ch 233, and benefits authorized thereunder, see note under section 731 of this title.

§ 32a. Same; State law inapplicable; conclusiveness of Administrator's findings.

No State law providing for presumption of death shall be applicable to claims for benefits under laws administered by the Veterans' Administration. If satisfactory evidence is produced establishing the fact of the continued and unexplained absence of any individual from his home and family for a period of seven years, and that after diligent search no evidence of his existence after date of disappearance has been found or otherwise received, the death of such absentee as of the date of the expiration of such

period may be considered as sufficiently proved: *Provided,* That, except in a suit brought pursuant to the provisions of sections 445 or 817 of this title, the finding of death made by the Administrator of Veterans' Affairs shall be final and conclusive. (June 5, 1942, ch. 351, 56 Stat. 325.)

CROSS REFERENCES

Administrator's decisions regarding benefits or payments, finality, see section 11a–2 of this title

§ 37. Pensions for physically or mentally helpless children.

Pension under the general and service pension laws pertaining to service prior to April 21, 1898, and under the laws reenacted by sections 368 and 369 of this title, shall be allowed to or for any person otherwise entitled as a physically or mentally helpless child regardless of his or her age at the time of death of the veteran or date of filing claim: *Provided,* That such person was insane, idiotic, or otherwise physically or mentally helpless at the date of attaining the age of sixteen years and the helpless condition exists at the date of filing claim. Payments of pension shall continue during the period of helplessness, except that payments shall be discontinued as of the date preceding the marriage of a helpless child, and when pension is properly discontinued by reason of marriage it shall not thereafter be recommenced. This section shall not be so construed as to reduce any pension under any Act, public or private. (Apr. 1, 1944, ch. 153, 58 Stat. 186)

APPLICATION AND DECLARATION OF CLAIMANT; PAYMENT OF PENSIONS

§ 44. Repealed. July 13, 1943, ch. 233, § 2, 57 Stat. 554.

EFFECTIVE DATE

Effective date of act July 13, 1943, ch 233, and benefits authorized thereunder, see note under section 731 of this title

CROSS REFERENCES

Payment of compensation to wife of incompetent without guardian and to guardian of children, see section 450 of this title

EXAMINATION OF CLAIMANTS AND PENSIONERS; FEES

§§ 71, 72, 74.

CROSS REFERENCES

Establishment of a Department of Medicine and Surgery, see sections 15–15n of this title

Chapter 3.—DISABILITY OR DEATH CAUSE DUE TO SERVICE SINCE MARCH 4, 1861

CROSS REFERENCES

Repeal, with limitations and exceptions, of laws existing on March 20, 1933, granting pensions and veterans' relief, see sections 717 and 718 of this title.

WIDOWS, REMARRIED WIDOWS, CHILDREN AND DEPENDENTS

§ 203. Succession of dependent relatives; when dependent parents entitled.

CROSS REFERENCES

Pensions payable to dependent parent after remarriage, see section 725 of this title.

§ 205. Widows and dependent mothers and sisters; remarriage of; restoration on renewed widowhood.

CROSS REFERENCES

Pensions payable to dependent parent after remarriage, see section 725 of this title.

Chapter 4A.—COAST GUARD PENSIONS

Sec.
238c. Disabilities incurred between Jan 28, 1915 and July 2, 1930 (New).
238d Same; administrative and penal provisions; when benefits begin (New).
238e. Same; reduction of pensions under other laws (New).

CROSS REFERENCES

Repeal, with limitations and exceptions, of laws existing on March 20, 1933, granting pensions and veterans' relief, see sections 717 and 718 of this title.

§ 238a. Same; claims recognized; commencement of pension.

CROSS REFERENCES

Coast Guard pensions made applicable to disabilities incurred between Jan 28, 1915, and July 2, 1930, see sections 238c–238e of this title.

§ 238c. Disabilities incurred between Jan. 28, 1915 and July 2, 1930.

The provisions of the laws administered by the Veterans' Administration granting pension and other benefits to veterans and their dependents are hereby extended to the officers and enlisted men of the United States Coast Guard and their dependents for disability resulting from personal injury or disease contracted in line of duty, or for aggravation of a preexisting injury or disease contracted or suffered in line of duty, when such disability was incurred in or aggravated by active service in the United States Coast Guard on or after January 28, 1915, and before July 2, 1930, and for death resulting from such injury or disease, under the same regulations and restrictions as provided by law for officers and enlisted men of the United States Coast Guard who incurred disability in line of duty on and after July 2, 1930, or who died as the result of such disability. (July 18, 1941, ch. 307, § 1, 55 Stat. 598)

§ 238d. Same; administrative and penal provisions; when benefits begin.

The administrative, penal, and forfeiture provisions governing the granting of benefits, including accrued pension, under sections 701–721 of this title, as amended, and the Veterans Regulations promulgated thereunder, as amended, are hereby made applicable to the benefits granted under section 238c of this title: *Provided,* That in no event shall the benefits provided by section 238c be awarded for any period prior to July 18, 1941, and the date of commencement of pension granted under section 238c shall be from the date of filing application in the Veterans' Administration under such regulations as the Administrator of Veterans' Affairs may prescribe. (July 18, 1941, ch. 307, § 2, 55 Stat. 599.)

§ 238e. Same; reduction of pensions under other laws.

Sections 238c and 238d of this title shall not be construed to reduce any pension or compensation under any Act, public or private. (July 18, 1941, ch. 307, § 3, 55 Stat. 599.)

Chapter 5.—ARTIFICIAL LIMBS AND TRUSSES

Sec
251 Seeing-eye dogs for blind veterans (New).

§§ 241–250. Repealed. May 23, 1944, ch. 202, § 3, 58 Stat. 226.

CROSS REFERENCES

Furnishing of artificial limbs or other appliances to retired officers and enlisted personnel of military establishment, and certain civilian personnel, see section 706b of this title, and section 791b of Title 5, Executive Departments and Government Officers and Employees.

§ 251. Seeing-eye dogs for blind veterans.

The Administrator of Veterans' Affairs is authorized, under such regulations as he may prescribe, to provide seeing-eye or guide dogs trained for the aid of blind veterans who are entitled to disability compensation under laws administered by the Veterans' Administrator, and to pay all necessary travel expenses to and from their homes and incurred in becoming adjusted to such seeing-eye or guide dogs and also to provide such veterans with mechanical electronic equipment for aiding them in overcoming the handicap of blindness. (May 24, 1944, ch. 203, § 1, 58 Stat. 226.)

APPROPRIATION

Section 2 of act May 24, 1944, cited to text, provided: "There is hereby authorized to be appropriated the sum of $1,000,000, or so much thereof as may be necessary, to carry out the purposes of this Act [section]."

Chapter 6.—CIVIL WAR, WAR WITH MEXICO, WAR OF 1812, AND REVOLUTIONARY WAR; SERVICE AND DISABILITY PENSIONS OF VETERANS; WIDOWS, CHILDREN, DEPENDENT RELATIVES; PENSIONS TO ARMY NURSES

WIDOWS, CHILDREN, AND DEPENDENT RELATIVES

Sec
293 Widows of Civil War veterans married subsequent to June 26, 1905; conditions (New).
294 Same; pension after December 8, 1944; effect of remarriage; penalties (New).

CROSS REFERENCES

Repeal, with limitations and exceptions, of laws existing on March 20, 1933 granting pensions and veterans' relief, see sections 717 and 718 of this title.

§§ 291c, 291d.

CODIFICATION

Provisions formerly constituting section 291c, act May 23, 1928, ch. 705, § 3, 45 Stat. 715, are now set out as section 326b of this title.

Provisions formerly constituting section 291d, act May 23, 1928, ch 705, § 4, 45 Stat. 715, are now set out as notes following sections 291a, 321b, and 326b of this title.

§ 293. Widows of Civil War veterans married subsequent to June 26, 1905; conditions.

The dependent unremarried widow of a Civil War veteran who is barred from the receipt of pension because her marriage to the veteran occurred subsequent to June 26, 1905, but who is otherwise entitled to such pension either under sections 168, 270, 271, 288, 312, 321, 326, 327 of this title, or under sections 33, 274, 275, 291b, and 326c of this title, shall be entitled to pension in her own right under said sections at the rates and under the conditions specified therein and to the additional pension provided for minor and helpless children in sections 168, 270, 271, 288, 312, 321, 326, 327 of this title, provided she married the veteran ten or more years prior to his death and lived with him continuously from the date of marriage to the date of his death except where there was a separation which was due to misconduct of or procured by the veteran without the fault of the widow: *Provided*, That if pension has been granted to an insane, idiotic, or otherwise helpless child of the veteran or to a child or children of the veteran under sixteen years of age, the widow shall not be entitled to the pension authorized in sections 293 and 294 of this title until the pension to the child or children terminates, unless such child or children be a member or members of her family and cared for by her; and when these conditions are fulfilled and the pension is granted to the widow, payment of pension to such child or children shall cease; except that in the event the amount being paid to such child or children is less than the amount authorized to the widow by sections 293 and 294 of this title, then the difference between said amounts will be paid to the widow: *Provided further*, That no pension shall be payable under sections 293 and 294 of this title to a widow under sixty years of age. (Dec. 8, 1944, ch. 546, § 1, 58 Stat. 797.)

§ 294. Same; pension after December 8, 1944; effect of remarriage; penalties.

Payment of pension as provided by sections 293 and 294 of this title shall be effective from the date of receipt of application in the Veterans' Administration, after December 8, 1944, in the form prescribed by the Administrator of Veterans' Affairs Pension under sections 293 and 294 of this title shall not be paid to the widow of a veteran of the Civil War who has remarried either once or more than once since the death of the veteran, and upon the remarriage of such a widow her pension shall be terminated. The penal and forfeiture provisions of the pension laws providing pensions for veterans of the Civil War and their widows and dependents shall be applicable to the provisions of sections 293 and 294 of this title. (Dec. 8, 1944, ch. 546, § 2, 58 Stat. 798.)

MISCELLANEOUS PROVISIONS; COMMENCEMENT OF PENSIONS

§ 321a. Same; act of July 3, 1926.

The pension or increase in the rate of pension provided for by sections 273, 291, 292, and 313 of this title, as to all persons whose names were on July 3, 1926, on the pension roll, or who were on July 3, 1926, in receipt of a pension under then existing law, shall commence at the rates therein provided on August 4, 1926; and as to persons whose names were not on July 3, 1926, on the pension roll, or who were not on July 3, 1926, in receipt of a pension under then existing law, but who may be entitled to a pension under sections 273, 291, 292, and 313 of this title, such pensions shall commence from the date of filing application therefor in the Veterans' Administration after July 3, 1926, in such form as may be prescribed by the Administrator of Veterans' Affairs;

and the issue of a check in payment of a pension for which the execution and submission of a voucher was not required shall constitute payment in the event of the death of the pensioner on or after the last day of the period covered by such check, and it shall not be canceled, but shall become an asset of the estate of the deceased pensioner. (As amended July 13, 1943, ch. 233, § 13, 57 Stat. 557.)

AMENDMENTS

1943—Act July 13, 1943, cited to text, repealed former proviso prohibiting payment of certain increased rates of pension while an inmate of a soldier's home

EFFECTIVE DATE

Effective date of act July 13, 1943, ch 233, and benefits authorized thereunder, see note under section 731 of this title.

§ 321c. Same; act of June 9, 1930.

The increase of pension provided by sections 274, 275, and 291b of this title shall be effective from and after July 4, 1930, and, as to those then in receipt of pension and shown to be entitled to such increase, shall commence from such date; and, as to those not then entitled, the increase shall commence from the date when the requisite condition is shown: *Provided*, That as to those not now in receipt of pension and who may be entitled to pension under sections 274, 275, and 291b of this title, such pension shall commence from the date of filing application therefor in the Veterans' Administration, on and after June 9, 1930, in such form as may be prescribed by the Administrator of Veterans' Affairs. (As amended July 13, 1943, ch 233, § 13, 57 Stat. 557.)

AMENDMENTS

1943—Act July 13, 1943, cited to text, repealed former second proviso relating to reduction of pension payable to Civil War veterans while an inmate of a soldier's home

EFFECTIVE DATE

Effective date of act July 13, 1943, ch 233, and benefits authorized thereunder, see note under section 731 of this title.

Chapter 6A.—CIVIL WAR VETERANS AND THEIR DEPENDENTS; PENSIONS AND EQUALIZATION OF RATES OF PENSIONS

§§ 341-341f.

Sections 341-341e, act June 9, 1930, ch 420, §§ 1-6, are now covered by sections 33, 274, 275, 291b, 321c, and 326c, respectively, of this title

Section 341f, act June 9, 1930, ch 420, § 7, 46 Stat 530, is now set out as note under sections 33, 274, 275, 291b, 321c, and 326c of this title.

Chapter 7.—WAR WITH SPAIN, PHILIPPINE INSURRECTION, AND CHINESE BOXER REBELLION; VETERANS, WOMEN NURSES, AND DEPENDENTS

GENERALLY

Sec
357b Rate of death pensions to dependents as of September 1, 1941 (New).

PENSIONS AND INCREASES TO VETERANS, WIDOWS, CHILDREN, AND NURSES AS OF MAY 1, 1926

Sec.
364g. Increase of pensions to widows (New).
364h. Period of cohabitation as affecting pensions, or increases in pensions to widows (New).

CROSS REFERENCES

Repeal, with limitations and exceptions, of laws existing on March 20, 1933, granting pensions and veterans' relief, see sections 717 and 718 of this title.

GENERALLY

§ 357b. Rate of death pensions to dependents as of September 1, 1941.

Effective on the first day of the month next following the date of enactment of this section, the rates of death compensation provided for the dependents of World War veterans by section 472b of this title, subject to the limitation contained in the last sentence of the second paragraph of said section 472b, as amended by Act of August 21, 1941, shall be payable as death pension to the dependents of veterans of the Spanish-American War, including the Philippine Insurrection and Boxer Rebellion, entitled to death pension under the provisions of paragraph IV, part I of Veterans Regulation Numbered 1 (a), as amended, and to the dependents of veterans entitled to death pension under the provisions of paragraph I (c), part II of Veterans Regulation Numbered 1 (a), as amended, where the veteran's death resulted from an injury received in line of duty in actual combat in a military expedition or military occupation. (Aug. 21, 1941, ch. 396, § 1, 55 Stat. 665.)

CROSS REFERENCES

Veterans Regulations are set out at end of Chapter 12 of this title

PENSIONS AND INCREASES TO VETERANS, WIDOWS, CHILDREN, AND NURSES AS OF MAY 1, 1926

§ 364a. Widows and children; pension from and after May 1, 1926.

The widow of any officer or enlisted man who served ninety days or more in the Army, Navy, or Marine Corps of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, between April 21, 1898, and July 4, 1902, inclusive, service to be computed from date of enlistment to date of discharge, and all leaves of absence and furloughs under General Orders, Numbered 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service, and was honorably discharged from such service, or, regardless of the length of service, was discharged for or died in service of a disability incurred in the service in line of duty, such widow having married such soldier, sailor, or marine prior to January 1, 1938, shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed upon the pension roll at the rate of $30 a month during her widowhood. And this section shall apply to a former widow of any officer or enlisted man who rendered service as hereinbefore described and who was honorably discharged, or died in service due to disability or disease incurred in the service in line of duty, such widow having remarried either once or more after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage has or have been dissolved,

either by the death of the husband or husbands or by divorce on any ground except adultery on the part of the wife and any such former widow shall be entitled to and be paid a pension at the rate of $30 a month, and any widow or former widow mentioned in this section shall also be paid $6 a month for each child under sixteen years of age of such officer or enlisted man, and in case there be no widow or one not entitled to pension under any law granting additional pension to minor children the minor children under sixteen years of age of such officer or enlisted man shall be entitled to the pension herein provided for the widow and in the event of the death or remarriage of the widow or forfeiture of the widow's title to pension the pension shall continue from the date of such death, remarriage, or forfeiture to such child or children of such officer or enlisted man until the age of sixteen years: *Provided,* That in case a minor child is insane, idiotic, or otherwise mentally or physically helpless the pension shall continue during the life of such child, or during the period of such disability; and this proviso shall apply to all pensions heretofore granted or hereafter granted under this or any former statute: *Provided further,* That when a pension has been granted to an insane, idiotic, or otherwise helpless child, or to a child or children under the age of sixteen years, a widow or former widow shall not be entitled to a pension under sections 364–364f of this title until the pension to such child or children terminates unless such child or children be a member or members of her family and cared for by her; and upon the granting of pension to such widow or former widow payment of pension to such child or children shall cease, and this proviso shall apply to all claims arising under this or any other law. (As amended Mar. 1, 1944, ch. 73, § 2, 58 Stat. 107, eff. Apr. 1, 1944.)

AMENDMENTS

1944—Act Mar 1, 1944, cited to text, amended section by striking out "September 1, 1922" in first sentence, and inserting in lieu thereof "January 1, 1938".

EFFECTIVE DATE

Amendment of section by act Mar. 1, 1944, cited to text, was made effective on the first day of the month following the date of enactment, by section 2 thereof.

§ 364b. Persons helpless or blind.

Any soldier, sailor, or marine or nurse on the pension roll on May 1, 1926, or who may be thereafter entitled to a pension under sections 351, 352, 354, 356, and 358 of this title, or under sections 364–364f of this title on account of his service during the war with Spain, the Philippine insurrection, or China relief expedition, who was on May 1, 1926, or thereafter may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of $72 a month, provided such disabilities are not the result of his or her own vicious habits. (As amended July 13, 1943, ch. 233, § 13, 57 Stat. 557.)

AMENDMENTS

1943—Act July 13, 1943, cited to text, repealed proviso limiting amount payable while an inmate of a soldier's home.

EFFECTIVE DATE

Effective date of act July 13, 1943, ch. 233, and benefits authorized thereunder, see note under section 731 of this title.

§ 364g. Increase of pensions to widows.

The $30 monthly pension payable to widows and former widows under the provisions of section 364a of this title, shall be increased to $40 per month when the age of sixty-five years is attained, and the widow or former widow who was the wife of the soldier, sailor, or marine during the period of his service, as defined in section 364a of this title, shall be paid a pension at the rate of $50 per month. (May 1, 1926, ch. 209, § 8, as added Mar. 1, 1944, ch. 73, § 3, 58 Stat. 107, eff. Apr. 1, 1944.)

EFFECTIVE DATE

Section made effective on the first day of the month following the date of enactment by act Mar. 1, 1944, cited to text.

§ 364h. Period of cohabitation as affecting pensions, or increases in pensions to widows.

No pension or increase in pension shall hereafter be allowed to the widow of a veteran of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, under any law, unless there was continuous cohabitation from the date of marriage to the date of death with the person who served, except where there was a separation which was due to the misconduct of or procured by the person who served, without the fault of the widow: *Provided,* That this section shall not be construed so as to discontinue any pension granted prior to the enactment of this section. (May 1, 1926, ch. 209, § 9, as added Mar. 1, 1944, ch. 73, § 4, 58 Stat. 107.)

PENSIONS AND INCREASES TO VETERANS AND NURSES AS OF JUNE 2, 1930

§ 365. Disabled veterans and nurses; authorization; period of service; rate; age.

All persons who served ninety days or more in the military or naval service of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, and who have been honorably discharged therefrom, or who, having served less than ninety days, were discharged for disability incurred in the service in line of duty, and who were on June 2, 1930, or who may thereafter be suffering from any mental or physical disability or disabilities of a permanent character which so incapacitates them for the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Administrator of Veterans' Affairs may provide, be placed upon the list of invalid pensions of the United States and be entitled to receive a pension not exceeding $75 a month and not less than $20 a month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown shall be rated. These rates to be fixed as follows: $20 a month for one-tenth disability; $25 a month for one-fourth disability; $35 a month for one-half disability; $50 a month for three-fourths

disability; and $75 a month for total: *Provided,* That any such person who has reached the age of sixty-two years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of $30 a month; in case such person has reached the age of sixty-eight years, $40 a month; in case such person has reached the age of seventy-two years, $50 a month; and in case such person has reached the age of seventy-five years, $75 a month: *Provided further,* That all leaves of absence and furloughs under General Orders, Numbered 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service: *Provided further,* That the provisions, limitations, and benefits of this section are extended to and shall include any woman who served honorably as a nurse, chief nurse, or superintendent of the Nurse Corps under contract for ninety days or more between April 21, 1898, and February 2, 1901, inclusive, and to any such nurse, regardless of length of service, who was released from service before the expiration of the ninety days because of disability contracted by her while in the service in line of duty. (As amended Mar. 1, 1944, ch. 73, § 1, 58 Stat. 107, eff. Apr. 1, 1944.)

AMENDMENTS

1944—Act Mar 1, 1944, cited to text, one provision of which increased the monthly pension rates under section 370 of this title from $60 to $75, increased the monthly pension rates for total disability under this section from $60 to $75

EFFECTIVE DATE

Increase of total disability pension by act Mar 1, 1944, cited to text, was made effective on the first day of the month following the date of enactment by section 1 thereof

§ 365a. Helpless and blind veterans and nurses; rate when attendant required.

Any soldier, sailor, or marine or nurse on the pension roll on June 2, 1930, or who may be thereafter entitled to a pension under sections 351, 352, 353, 358, 360, 364 to 364d, and 365 365e of this title on account of his service during the war with Spain, the Philippine insurrection, or China relief expedition, who was on June 2, 1930, or thereafter may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of $72 a month. (As amended July 13, 1943, ch. 233, § 13, 57 Stat. 557.)

AMENDMENTS

1943—Act July 13, 1943, cited to text, repealed proviso limiting amount payable while an inmate of a soldier's home.

EFFECTIVE DATE

Effective date of act July 13, 1943, ch 233, and benefits authorized thereunder, see note under section 731 of this title.

§ 365c. Helpless and blind veterans and nurses serving seventy days or more; rate when attendant required.

Any soldier, sailor, marine, or nurse who may be entitled to a pension under section 365b of this title on account of his service during the war with Spain, the Philippine insurrection, or China relief expedition, who may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of $50 a month. (As amended July 13, 1943, ch. 233, § 13, 57 Stat. 557.)

AMENDMENTS

1943—Act July 13, 1943, cited to text, repealed proviso limiting amount payable while an inmate of a soldier's home.

EFFECTIVE DATE

Effective date of act July 13, 1943, ch. 233, and benefits authorized thereunder, see note under section 731 of this title.

PENSIONS AS OF MAY 24, 1938

§ 370. Old-age pensions for veterans and nurses; period of service; amount.

All persons who served ninety days or more in the military or naval service of the United States during the war with Spain, the Philippine Insurrection, or the China Relief Expedition between the dates of April 21, 1898, and July 4, 1902, both dates inclusive, and who have been honorably discharged therefrom, or who, having served less than ninety days, were discharged for disability incurred in the service in line of duty, upon reaching the age of sixty-five years shall, upon making proof of such fact, be placed upon the pension roll and entitled to receive a pension of $75 a month: *Provided,* That all leaves of absence and furloughs under General Orders, Numbered 130, August 29, 1898, War Department, shall be included in determining the period of pensionable service: *Provided further,* That the provisions, limitations and benefits of this section be, and hereby are, extended to and shall include any woman who served honorably as a nurse, chief nurse, or superintendent of the Nurse Corps under contract for ninety days or more between April 21, 1898, and February 2, 1901, inclusive, and to any such nurse, regardless of length of service, who was released from service before the expiration of the ninety days because of disability contracted by her while in the service in line of duty. (As amended Mar. 1, 1944, ch. 73, § 1, 58 Stat. 107, eff. Apr. 1, 1944.)

AMENDMENTS

1944—Act Mar. 1, 1944, cited to text, one provision of which increased the monthly pension rate for total disability from $60 to $75 in section 365 of this title, increased the monthly pension rates of this section from $60 to $75.

EFFECTIVE DATE

Increase of pension by act Mar 1, 1944, cited to text, was made effective on the first day of the month after the date of enactment, by section 1 thereof.

§ 370c. Effect upon pensioners on Army and Navy Medal of Honor Roll.

Nothing contained in sections 370–370d of this title shall be held to affect or diminish the additional pension to those on the roll designated as the Army and Navy Medal of Honor Roll, as provided by sections 391–394 of this title and section 365 of Title 34, but any pension or increase of pension herein provided for shall be in addition thereto: *Provided,* That any pension paid to any person under the provisions of sections 370–370d of this title shall be in lieu of any other pension to which he might be en-

titled to under any other war service pension Act. (As amended July 13, 1943, ch. 233, § 13, 57 Stat. 557.)

AMENDMENTS

1943—Act July 13, 1943, cited to text, repealed proviso limiting amount payable while an inmate of a soldier's home.

EFFECTIVE DATE

Effective date of act July 13, 1943, ch 233, and benefits authorized thereunder, see note under section 731 of this title.

Chapter 8.—THE INDIAN WARS

SOLDIERS IN INDIAN WARS FROM 1817 TO 1898

Sec
381e Widows married to veterans subsequent to March 3, 1917, pension rate increases (New).
381f Effect upon pensioners on Army and Navy Medal of Honor Roll (New).

SOLDIERS IN INDIAN WARS FROM 1817 TO 1898

§ 381. Survivors placed upon pension rolls; determination of rate of payments.

Any person who served thirty days or more, or for the duration of one of the campaigns cited in section 375 of this title, even though such campaign was of less than thirty days' duration, in any military organization, whether such person was regularly mustered into the service of the United States or not, but whose service was under the authority or by the approval of the United States or any State or Territory in any Indian war or campaign, or in connection with, or in the zone of, any active Indian hostilities in any of the States or Territories of the United States from January 1, 1817, to December 31, 1898, inclusive, the determination as to what constitutes the zone of active Indian hostilities to be made by the Administrator of Veterans' Affairs, and who is now or may hereafter be suffering from any mental or physical disability or disabilities of a permanent character which so incapacitate him for the performance of manual labor as to render him unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Administrator of Veterans' Affairs may provide, be placed upon the pension roll of the United States and be entitled to receive a pension not exceeding $60 a month and not less than $20 a month, proportioned to the degree of inability to earn a support, and in determining such inability each and every infirmity shall be duly considered and the aggregate of the disabilities shown shall be rated, these rates to be fixed as follows: $20 a month for one-tenth disability, $25 a month for one-fourth disability, $35 a month for one-half disability, $50 a month for three-fourths disability, and $60 a month for total disability: *Provided*, That any such person who has reached the age of sixty-two years shall, upon making proof of such fact, be entitled to receive a pension of $30 a month; and in case such person has reached the age of sixty-five years, $60 a month: *Provided further*, That any such person who is now or hereafter may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be given a rate of $100 a month. (As amended Mar. 3, 1944, ch. 78, § 1, 58 Stat. 108.)

AMENDMENTS

1944—Act Mar. 3, 1944, cited to text, in amending section generally, increased the maximum rate of pensions from $50 to $60 per month, and proportioned the rate of payments to the inability to earn a support.

§ 381–1. Increase of pensions—(a) Rates of pensions.

From and after the 1st day of the next month after August 25, 1937, all surviving soldiers of the various Indian wars and campaigns who were on August 25, 1937, on the pension rolls or who may thereafter be placed thereon under the provisions of sections 371–375, and 381 of this title, shall be entitled to receive a pension not exceeding $55 per month and not less than $20 per month, proportioned to the degree of inability to earn a support as determined by the Administrator of Veterans' Affairs, and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated: *Provided*, That any such person who has reached the age of sixty-two years shall be entitled to receive a pension of $25 a month; in case such person has reached the age of sixty-eight years, $35 a month; in case such person has reached the age of seventy-two years, $45 a month; and in case such person has reached the age of seventy-five years, $55 a month: *Provided further*, That any such person who is on August 25, 1937, or thereafter may become, on account of age or physical or mental disabilities, helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be paid the rate of $72 a month. (As amended July 13, 1943, ch. 233, § 13, 57 Stat. 557.)

* * * * *

AMENDMENTS

1943—Subsec (a) amended by act July 13, 1943, cited to text, which repealed proviso limiting amount payable while an inmate of a soldier's home

EFFECTIVE DATE

Effective date of act July 13, 1943, ch. 233, and benefits authorized thereunder, see note under section 731 of this title

§ 381c. Commencement of pensions.

The pension or increased rate of pension herein provided for shall commence from the date of filing application therefor after March 3, 1927, in such form as may be prescribed by the Administrator of Veterans' Affairs, or the date of the inception of the requisite condition as shown by the evidence, whichever is the later: *Provided*, That as to veterans who hereafter apply for and receive pension under the provisions of sections 381, 381a–381f of this title, increased pension by reason of disability requiring the regular aid and attendance of another person shall be effective as of the date of inception of the requisite condition as shown by the evidence, but not earlier than the date of the original application for pension hereunder. (As amended Mar. 3, 1944, ch. 78, § 2, 58 Stat. 109.)

AMENDMENTS

1944—Act Mar. 3, 1944, cited to text, in amending section generally, omitted provisions relating to rate of payments.

§ 381e. Widows married to veterans subsequent to March 3, 1917; pension rate increases.

The dependent unremarried widow of any person who rendered service as described in section 381 of this title, who is barred from receiving pension because her marriage to the veteran occurred subsequent to March 3, 1917, but who is otherwise entitled to pension under section 381a of this title, shall be entitled to pension in her own right and to the additional pension provided for minor and helpless children in section 381a of this title: *Provided*, That she has attained the age of sixty years, was married to the veteran ten or more years prior to his death, and lived with him continuously from the date of marriage to the date of his death, except where there was a separation which was due to or procured by the veteran without the fault of the widow: *Provided further*, That if pension has been granted to an insane, idiotic, or otherwise helpless child of the veteran or to a child or children of the veteran under sixteen years of age, the widow shall not be entitled to the pension authorized by this section until the pension to the child or children terminates, unless such child or children be a member or members of her family and cared for by her; and when these conditions are fulfilled and the pension is granted to the widow, payment of pension to such child or children shall cease; except that in the event the amount being paid to such child or children is less than the amount authorized to the widow by this section, then the difference between said amounts shall be paid to the widow: *Provided further*, That any widow otherwise entitled to pension under sections 381, 381a–381f of this title who has attained or who shall hereafter attain the age of seventy years shall be entitled to and paid a pension at the rate of $40 per month: *Provided further*, That the widow otherwise entitled under sections 381, 381a–381f of this title who was the wife of the veteran during the period of his service in an Indian war or campaign shall be entitled to and shall be paid a pension at the rate of $50 per month. Payment of pension or increase of pension at the rates provided in this section shall commence as provided in section 381c of this title. Pension and increase of pension under this section shall not be paid to the widow who has remarried either once or more than once since the death of the veteran, and upon remarriage of such a widow her pension shall be terminated. (Mar. 3, 1927, ch 320, § 7, as added Mar. 3, 1944, ch. 78, § 3, 58 Stat. 109.)

§ 381f. Effect upon pensioners on Army and Navy Medal of Honor Roll.

SAVINGS CLAUSE

Nothing contained in the provisions of sections 381, 381a–381f of this title shall be construed to discontinue, diminish, or reduce any pension heretofore granted, nor to abridge or deny rights under any law in effect on March 3, 1927, nor be held to affect or diminish the additional pension to those on the roll designated as the Army and Navy Medal of Honor Roll, as provided by sections 391–394 of this title, but any pension or increase of pension herein provided for shall be in addition thereto. Mar. 3, 1927, ch 320, § 6, as added Mar. 3, 1944, ch. 78, § 4, 58 Stat. 110.

Chapter 9.—ARMY AND NAVY MEDAL OF HONOR ROLL

§ 393. Same; pensions additional to other pensions; liability to attachment, etc.

* * * * *

The special pension allowed under this section shall not be subject to any attachment, execution, levy, tax, lien, or detention under any process whatever. (Apr. 27, 1916, ch. 88, § 3, 39 Stat. 54; June 30, 1916, ch. 194, 39 Stat. 242; May 3, 1922, ch. 177, 42 Stat. 505; July 3, 1930, ch. 863, § 2, 46 Stat. 1016.)

Chapter 10.—WORLD WAR VETERANS' RELIEF

SUBCHAPTER II.—COMPENSATION AND TREATMENT

Sec.
471a–1 Increase in monthly rates of certain pensions and compensation (New)
471a–2 Increase in monthly rates of certain pensions and compensation; effective date (New).
472b–1. Same, compensation or pension not reduced by renewable term or automatic, or National Service Life Insurance monthly payments; modification of section 472b (New)
507b Same, extension to World War II (New)

SUBCHAPTER I.—GENERAL

§ 434. Hospitalization, medical care, and treatment of beneficiaries; powers of Administrator; hospital facilities; transfer of hospitals from Treasury and Public Health Department; recreational facilities.

CROSS REFERENCES

Establishment of a Department of Medicine and Surgery, see sections 15–15n of this title

§ 438j. Additional hospital, domiciliary, and out-patient dispensary facilities; powers of Administrator; acceptance of gifts; fireproof construction; location.

In order to provide sufficient hospital, domiciliary, and out-patient dispensary facilities to care for the increasing load of disabled veterans of all wars and to enable the Veterans' Administration to care for its beneficiaries in Veterans' Administration institutions, rather than in contract temporary facilities and other institutions, the Administrator of Veterans' Affairs, subject to the approval of the President, is authorized to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization or domiciliary care under sections 421–426, 428–434, 439–456, 471–501, 511–518, 531–537, 551–555, 571–574 of this title, or the various laws pertaining to the Bureau of National Homes, formerly the National Home for Disabled Volunteer Soldiers, by purchase, replacement, and remodeling or extension of existing plants, and by construction on sites now owned by the Government or on sites to be acquired by purchase, condemnation, gift, or otherwise of such hospitals, domiciliary and out-patient dispensary facilities to include the necessary buildings and auxiliary structures, mechanical equipment, approach work, roads, and trackage facilities leading thereto, sidewalks abutting hospital reservations, vehicles, livestock, furniture, equipment, and accessories; and also to provide accommodations for officers, nurses, and attending personnel; and also to provide proper and suitable recreational centers; and the Administrator of Vet-

erans' Affairs is authorized to accept gifts or donations for any of the purposes named herein. Such hospital and domiciliary plants to be constructed shall be of fireproof construction, and existing plants purchased shall be remodeled to be fireproof, and the location and nature thereof, whether for domiciliary care or the treatment of tuberculosis, neuropsychiatric, or general medical and surgical cases, shall be in the discretion of the Administrator of Veterans' Affairs, subject to the approval of the President. (Mar. 4, 1931, ch. 521, § 1, 46 Stat. 1550.)

APPROPRIATIONS

Additional appropriations for construction and repair under this section and section 438k of this title were contained in the following Independent Offices Appropriation Acts:

1946—May 3, 1945, ch. 106, title I, 59 Stat. 129—$84,500,000.

1945—June 27, 1944, ch. 286, title I, 58 Stat. 382—$7,374,500.

§ 438k. Construction and repair of hospital buildings.

CROSS REFERENCES

Additional appropriations, see note under section 438j of this title.

§ 445. Actions on claims; jurisdiction; parties; procedure; limitation; witnesses; definitions.

CROSS REFERENCES

Death, conclusiveness of Administrator's finding generally, see section 32a of this title.

§ 450. Payments to minors, mental incompetents, or persons under legal disability.

* * * * *

(4) Any benefit payable or paid by the Veterans' Administration shall be subject to the applicable provisions of sections 454a and 556a of this title, as now or hereafter amended: *Provided,* That in any case of an incompetent veteran having no guardian, payment of compensation, pension, or retirement pay may be made in the discretion of the Administrator to the wife of such veteran for the use of the veteran and his dependents: *And provided further,* That payment of death benefits to a widow for herself and child or children, if any, may be made directly to such widow, notwithstanding she may be a minor. Section 44 of this title is hereby repealed and any other law in conflict herewith is modified accordingly. (As amended July 13, 1943, ch. 233, § 2, 57 Stat. 554.)

AMENDMENTS

1943—Subsec. (4) added by act July 13, 1943, cited to text.

EFFECTIVE DATE

Effective date of act July 13, 1943, ch. 233, and benefits authorized thereunder, see note under section 731 of this title.

§ 451. Payments to personal representatives or person entitled to decedent's property in case of intestacy; escheat to United States.

CROSS REFERENCES

Establishment of a Department of Medicine and Surgery, see sections 15–15n of this title.

§ 461. Pay and allowances of Medical Reserve Corps officers and nurses.

REPEATED.—Act June 30, 1941, 6:20 p. m., E. S. T., ch. 262, § 1, 55 Stat. 387; act July 2, 1942, ch. 477, § 1, 56 Stat. 626; act July 1, 1943, ch. 185, § 1, 57 Stat. 362; act June 28, 1944, ch. 303, § 1, 58 Stat. 589; act July 3, 1945, ch. 265, § 1, 59 Stat. 399.

CROSS REFERENCES

Establishment of a Department of Medicine and Surgery, see sections 15–15n of this title.

§ 462. Applicability of title to Philippine Islands.

CODIFICATION

Provisions of this section are now covered by section 557 of this title.

SUBCHAPTER II.—COMPENSATION AND TREATMENT

§ 471a–1. Increase in monthly rates of certain pensions and compensation.

The monthly rates of compensation or pension payable to veterans of World War I and World War II, including veterans entitled to wartime rates under Veterans Regulation No. 1 (a), Part II, par. I (c), for service on or after September 16, 1940, for service-incurred disability, not including the special awards and allowances fixed by law, which are payable under any laws or regulations administered by the Veterans' Administration are hereby increased by 15 per centum. (May 27, 1944, ch. 207, § 1, 58 Stat. 229.)

EFFECTIVE DATE

Section 3 of act May 27, 1944, cited to text, provided: "Sec. 3. The increases provided by this Act shall be effective from the first day of the first month following the passage of this Act."

§ 471a–2. Increase in monthly rates of certain pensions and compensation; effective date.

The monthly rates of pension for service-connected disability, exclusive of special awards and allowances fixed by law, payable under laws administered by the Veterans' Administration to veterans not included in section 471a–1 of this title, are hereby increased by 15 per centum, effective as of the first day of June 1944. (Dec. 7, 1944, ch. 523, 58 Stat. 797.)

§ 472b. Death compensation; rates.

* * * * *

Widow, age under fifty years, $38; widow, age fifty years or over, $45; widow with one child, $10 additional for such child up to ten years of age, increased to $15 from age ten (with $8 for each additional child up to ten years of age, increased to $13 from age ten) (subject to apportionment regulations); no widow but one child, $20; no widow but two children, $33 (equally divided); no widow but three children, $46 (equally divided) (with $8 for each additional child, total amount to be equally divided); dependent mother or father, $45 (or both) $25 each. As to the widow, child, or children, the total compensation payable under this section shall not exceed $83. The amount of compensation herein authorized shall be paid in the event the monthly payment of compensation under Veterans Regulation Numbered 1 (g), and the monthly payment of yearly renewable term or automatic insurance, or national service life insurance does not aggregate or exceed the amount of compensation herein authorized: *Provided,* That persons entitled to pension or compensation on account of the death, disability, or service of more

than one person, if otherwise entitled, shall be paid the increased rates provided by this section. (As amended Aug. 21, 1941, ch. 396, § 2, 55 Stat. 665.)

* * * * *

AMENDMENTS

1941—Act Aug. 21, 1941, cited to text, amended last sentence of second paragraph by inserting words "or national service life insurance" before proviso and adding the latter, effective Sept. 1, 1941.

CHANGE OF RATES

Act July 13, 1943, ch. 233, § 14, 57 Stat. 558, set out as section 731 of this title makes a change in the rates of death compensation or pension to widows and children by elimination of the differential in rates based upon age, and adoption of higher rates for all ages.

MODIFICATION

Provisions relating to monthly payments under this section being reduced by yearly renewable term or automatic, or National Service Life Insurance payments modified, see section 472b–1 of this title.

CROSS REFERENCES

Veterans' Regulations are set out at end of Chapter 12 of this title.

§ 472b–1. Same; compensation or pension not reduced by renewable term or automatic, or National Service Life Insurance monthly payments; modification of section 472b.

Effective August 1, 1942, in no event shall monthly payments of yearly renewable term or automatic, or National Service Life Insurance serve to reduce amounts of compensation or pension otherwise payable under existing compensation or pension laws. Section 472b of this title is modified accordingly. (July 11, 1942, ch. 504, § 10, 56 Stat. 659.)

§ 503. Surviving widow or child of deceased veteran; compensation from and after June 28, 1934.

(a) The surviving widow, child, or children of any deceased person who served in World War I before November 12, 1918, or if the person was serving with the United States military forces in Russia before April 2, 1920, and who was discharged or released from active service under conditions other than dishonorable after having served ninety days or more or for disability incurred in the service in line of duty, or who at time of death was receiving or entitled to receive compensation, pension, or retirement pay for service-connected disability, shall, upon filing application and such proofs in the Veterans' Administration as the Administrator of Veterans' Affairs may prescribe, be entitled to receive pension as provided by sections 503–505, 506–507a of this title.

(b) Repealed. Dec. 14, 1944, ch. 581, § 1, 58 Stat. 803.

(c) Payment of compensation under the provisions of sections 503–505, 506–507a of this title shall not be made to any widow without child, or a child, whose annual income exceeds $1,000, or to a widow with a child or children whose annual income exceeds $2,500. In determining annual income any payments by the United States Government because of disability or death under laws administered by the Veterans' Administration shall not be considered: *Provided,* That where payments to a widow are disallowed or discontinued hereunder, payment to a child or children of the deceased veteran may be made as though there is no widow. (As amended July 13, 1943, ch. 233, § 11, 57 Stat. 556; Dec. 14, 1944, ch. 581, § 1, 58 Stat. 803.)

AMENDMENTS

1944—Former subsec. (a) repealed by act Dec. 14, 1944, cited to text, which added a new subsec. (a).

Subsec. (b) repealed by act Dec. 14, 1944, cited to text.

1943—Subsec. (c) amended by act July 13, 1943, cited to text, which affected second sentence thereof.

EFFECTIVE DATE; VALIDATION OF MATURED CLAIMS

Effective date of act July 13, 1943, ch. 233, and benefits authorized thereunder, see note under section 731 of this title.

Section 4 of act Dec. 14, 1944, cited to text, provided: "This Act [sections 503, 504, 505a, 734, and 735 of this title] shall be effective from the date of its approval [Dec. 14, 1944]: *Provided,* That notwithstanding the repeal of subsections (a) and (b) of section 1 of Public Law Numbered 484, Seventy-third Congress, as amended [section 503 (a, b) of this title], contained in section 1 of this act [section 503 (a, b) of this title], claims otherwise payable for a period prior to the effective date of this act [Dec. 14, 1944] may be adjudicated and placed on the roll and the benefits of this act [sections 503, 504, 505a, 734, and 735 of this title] shall be applicable to such claims and those claims now on the rolls."

§ 504. Same; rate.

(a) That the monthly rates of pension shall be as follows: Widow but no child, $35; widow and one child, $45 (with $5 for each additional child); no widow but one child, $18; no widow but two children, $27 (equally divided); no widow but three children, $36 (equally divided) with $4 for each additional child (the total amount to be equally divided).

(b) The total pension payable under this section shall not exceed $74. Where such benefits would otherwise exceed $74, the amount of $74 may be apportioned as the Administrator of Veterans' Affairs may prescribe. (As amended May 27, 1944, ch. 207, § 2, 58 Stat. 230; Dec. 14, 1944, ch. 581, § 2, 58 Stat. 803.)

AMENDMENTS

1944—Subsec. (a) amended by act May 27, 1944, cited to text, which increased rates generally.

Subsec. (a) reenacted without change by act Dec. 14, 1944, cited to text.

Subsec. (b) amended by act Dec. 14, 1944, cited to text, which raised the total compensation payable from $64 to $74.

EFFECTIVE DATE; VALIDATION OF MATURED CLAIMS

Section 3 of act May 27, 1944, cited to text, provided: "The increases provided by this Act shall be effective from the first day of the first month following the passage of this Act."

Effective date and validation of matured claims, see note set out under section 503 of this title.

§ 505a. Same; definition of widow; proof of marriage; effect of remarriage or separation.

On and after May 13, 1938, for the purpose of payment of compensation or pension under the laws administered by the Veterans' Administration, the term "widow of a World War I veteran" shall mean a woman who was married prior to December 14, 1944, or ten or more years, to the person who served: *Provided,* That all marriages shall be proven as valid marriages according to the law of the place where the parties resided at the time of marriage

or the law of the place where the parties resided when the right to compensation or pension accrued: *And provided further,* That where the original date of marriage meets the statutory requirement and the parties were legally married at date of death of the veteran, the requirement of this section as to date of marriage will be regarded as having been met. Compensation or pension shall not be allowed a widow who has remarried either once or more than once, and where compensation or pension is properly discontinued by reason of remarriage it shall not thereafter be recommenced No compensation or pension shall be paid to a widow unless there was continuous cohabitation with the person who served from the date of marriage to date of death, except where there was a separation which was due to the misconduct of or procured by the person who served, without the fault of the widow. (As amended Dec. 14, 1944, ch. 581, § 3, 58 Stat. 804.)

AMENDMENTS

1944—Act Dec 14, 1944, cited to text, amended section by changing definition of "widow" from one married prior to May 13, 1938, to one married prior to Dec 14, 1944, and inserted proviso

EFFECTIVE DATE, VALIDATION OF MATURED CLAIMS

Effective date and validation of matured claims, see note set out under section 503 of this title.

§ 507b. Same; extension to World War II.

The benefits of sections 503–505 and 506–507a of this title are hereby extended to widows and children of persons who served during the period of the present war, as defined in existing law, subject to the administrative, definitive, and regulatory provisions of sections 503–505 and 506–507a of this title: *Provided,* That the definition of "widow" shall be that contained in Veterans' Regulation No. 10, Part V. (May 27, 1944, ch 207, § 4, 58 Stat. 230.)

CODIFICATION

Section as amended by act Dec 14, 1944, ch 581, § 6, 58 Stat 804, see section 735 of this title

SUBCHAPTER III.—INSURANCE

§ 512. Term insurance; renewal; termination; conversion to elected policies; payment.

Except as provided in the second paragraph of this section, not later than July 2, 1927, all term yearly renewable insurance held by persons who were in the military service after April 6, 1917, shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, twenty-payment life, endowment maturing at age sixty-two, five-year level premium term, and into other usual forms of insurance, and for reconversion of any such policies to a higher premium rate or upon proof of good health satisfactory to the Administrator of Veterans' Affairs, to a lower premium rate, in accordance with regulations to be issued by the Administrator of Veterans' Affairs, and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each, and may be deducted from the pay or deposit of the insured or be otherwise made at his election: *Provided,* That no reconversion shall be made to the five-year level premium form of policy. *Provided further,* That at the expiration of any five-year period a five-year level-premium term policy may be renewed for a second or third or fourth five-year period at the premium rate for the attained age without medical examination; and in case the five-year period of any such policy shall have expired between January 24, 1942, and the expiration of five months after May 14, 1942, and the policy has not been continued in another form of Government insurance such policy may be renewed as of the date of its expiration on the same conditions upon payment of the back premiums within five months after May 14, 1942; and the Administrator of Veterans' Affairs shall cause notice to be mailed to the holder of any such policy of the provisions of the amendment to this amendatory proviso by the Act of May 14, 1942: *Provided further,* That any five-year level premium term policy which shall expire while the insured is outside the continental limits of the United States and in the opinion of the Administrator of Veterans' Affairs cannot be reached promptly by the usual methods of communication, may be renewed at the expiration of any five-year period, by the designated beneficiary or by an agent authorized in writing by the insured to take such action, for a second or third or fourth five-year term period at the premium rate for the attained age without medical examination: *Provided further,* That unless it be shown by evidence satisfactory to the Administrator of Veterans' Affairs that the insured does not desire renewal, any such policy in force when the five-year term period expires or has expired on or after December 7, 1941, while the insured was in the active service (as defined in section 1001 (b) of Appendix to Title 50) outside the continental limits of the United States, excluding any policy continued in another form of Government insurance, will be deemed to have been renewed at the expiration of such five-year term period, and the head of the department concerned is hereby authorized and directed to make an allotment under section 1001–1018 of Appendix to Title 50, subject to prospective termination by the insured in accordance with section 1007 thereof, to cover the premiums at the required rate from the date of renewal: *And provided further,* That the two foregoing provisos authorizing renewal of a five-year level premium term policy by any person other than the insured or his duly authorized agent shall be effective until the termination of hostilities as proclaimed by the President or as determined by joint resolution of the Congress, and for three months thereafter. (As amended May 14, 1942, ch. 314, 56 Stat. 283; Mar. 23, 1943, ch. 19, 57 Stat. 41.)

* * * * *

AMENDMENTS

1943—Act Mar. 23, 1943, cited to text, added last three provisos to first paragraph.

1942—Act May 14, 1942, cited to text, amended second proviso of first paragraph.

§ 513. Liability of United States for matured converted insurance; funds usable for payment of; reserve fund.

CROSS REFERENCES

Disability of physically disabled members of Naval and Marine Corps Reserve as traceable to hazard of military or naval service, see section 853c-6 of Title 34, Navy.

Chapter 11.—WORLD WAR VETERANS' ADJUSTED COMPENSATION

CROSS REFERENCES

Repeal, with limitations and exceptions, of laws existing on March 20, 1933, granting pensions and veterans' relief, see sections 717 and 718 of this title.

§ 612. Application for benefits; time for making; by whom made; death of veteran after application is made; regulations as to.

* * * * *

(b) Such application shall be made and filed on or before January 2, 1940, (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making or filing of a personal application, then by such representative of the veteran and in such manner as may be by regulations prescribed. An application made by a person other than the representative authorized by any such regulation, or not filed on or before January 2, 1940, shall be held void. If the veteran dies after the application is made and before it is filed it may be filed by any person: *Provided, however,* That if the veteran died between May 19, 1924, and July 1, 1924, without making the application, leaving a widow surviving him, the application may be made by the widow and shall be valid with the same force and effect in every respect as if the application had been made by the veteran.

* * * * *

(May 19, 1924, ch. 157, § 302, 43 Stat. 123; July 3, 1926, ch. 751, § 1, 44 Stat. 826; May 29, 1928, ch. 860, § 1, 45 Stat. 947; June 5, 1930, ch. 398, § 1, 46 Stat. 496; Aug. 23, 1935, ch. 621, § 2, 49 Stat. 729.)

Chapter 11B.—WORLD WAR II VETERANS' MUSTERING-OUT PAYMENTS (New)

Sec
691 Short title
691a Eligibility for payments
691b Amount, method, and determination of payments
691c Payments to persons honorably discharged prior to February 3, 1944, limitation.
691d Death after discharge as affecting payments
691e Payments as assignable, taxable, attachable; regulations, conclusiveness of decisions of Secretary of War and Secretary of the Navy, payments to survivors
691f Definitions
691g Appropriations

§ 691. Short title.

This chapter may be cited as the "Mustering-Out Payment Act of 1944." (Feb. 3, 1944, ch. 9, § 8, 58 Stat. 10.)

CROSS REFERENCES

Servicemen's Readjustment Act of 1944, see sections 693-697e of this title

Veterans preference rights in federal employment, see sections 851-869 of Title 5, Executive Departments and Government Officers and Employees.

§ 691a. Eligibility for payments.

(a) Except as provided in subsection (b) of this section, each member of the armed forces who shall have been engaged in active service in the present war, and who is discharged or relieved from active service under honorable conditions on or after December 7, 1941, shall be eligible to receive mustering-out payment.

(b) No mustering-out payment shall be made to—

(1) any member of the armed forces who, at the time of discharge or relief from active service, is receiving base pay at a higher rate than the base pay of the third period as prescribed in section 101 of Title 37;

(2) any member of the armed forces who, at the time of discharge or relief from active service, is transferred or returned to the retired list with retirement pay or to a status in which he receives retirement pay;

(3) any member of the armed forces for any active service performed prior to the date of his discharge or relief from active service on his own initiative to accept employment or, in the case of any member so relieved from active service, for any active service performed prior to the date of his discharge while in such inactive status, unless he has served outside the continental limits of the United States or in Alaska;

(4) any Air Corps Reserve officer who is entitled to receive a lump-sum payment under section 300a of Title 10;

(5) any member of the armed forces whose total period of service has been as a student detailed for training under (A) the Army specialized training program, (B) the Army Air Forces college training program, or (C) any similar program under the jurisdiction of the Navy, Marine Corps, or Coast Guard;

(6) any member of the armed forces for any active service performed prior to the date of his discharge from such forces for the purpose of entering the United States Military Academy, the United States Naval Academy, or the United States Coast Guard Academy;

(7) any member of the armed forces whose sole service has been as a cadet at the United States Military Academy or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any of said Academies; and

(8) any commissioned officer unless he is discharged or relieved from active service within three years after the termination of the present war as proclaimed by the President. (Feb. 3, 1944, ch. 9, § 1, 58 Stat. 8.)

§ 691b. Amount, method, and determination of payments.

(a) Mustering-out payment for persons eligible under section 691a of this title shall be in sums as follows:

(1) $300 for persons who, having performed active service for sixty days or more, have served outside the continental limits of the United States or in Alaska.

(2) $200 for persons who, having performed active service for sixty days or more, have served no part thereof outside the continental limits of the United States or in Alaska.

(3) $100 for persons who have performed active service for less than sixty days.

(b) Each person eligible to receive mustering-out payment under subsection (a) (1) shall receive one-third of the stipulated amount at the time of final discharge or ultimate relief from active service or, at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment; and the remaining amount of such payment shall be paid in two equal installments—one month and two months, respectively, from the date of the original payment. Each person eligible to receive mustering-out payment under subsection (a) (2) shall receive one-half of the stipulated amount at the time of final discharge or ultimate relief from active service or, at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment; and the remaining amount of such payment shall be paid one month from the date of the original payment. Each person eligible to receive mustering-out payment under subsection (a) (3) shall receive the stipulated amount at the time of such discharge or relief from active service or, at the option of the person so eligible, at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment. A person entitled to receive the first installment of the mustering-out payment at the time of discharge or release for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment shall, at his election, receive the whole of such payment in one lump sum, rather than in installments. (Feb. 3, 1944, ch. 9, § 2, 58 Stat. 9, as amended Oct. 6, 1945, ch. 393, § 7 (a), 59 Stat. 540.)

AMENDMENTS

1945—Subsec. (b) amended generally by act Oct. 6, 1945, cited to text, so as to authorize mustering-out payments by eligibile persons now in the service, if they so elect, when they enlist, reenlist, or are appointed in the Regular Army and Navy.

EFFECTIVE DATE

Subsec. (c) of section 7 of act Oct. 6, 1945, provided: "The amendments made by this section shall be applicable, in the case of the Naval Establishment, with respect to enlistments, reenlistments, and appointments on or after February 1, 1945, and in the case of the Military Establishment, with respect to enlistments, reenlistments, and appointments on or after June 1, 1945."

SHORT TITLE

Short title of act Oct. 6, 1945, cited to text, see note set out under section 635 of Title 10, Army.

CROSS REFERENCES

Exemption of payment from income tax, see section 22 (b) (14) of Title 26, Internal Revenue Code.

Section as applicable to Coast Guard, see section 189 of Title 34, Navy.

§ 691c. Payments to persons honorably discharged prior to February 3, 1944; limitation.

Any member of the armed forces entitled to mustering-out payment who shall have been discharged or relieved from active service under honorable conditions before February 3, 1944 shall, if application therefor is made within two years after February 3, 1944, be paid such mustering-out payment by the War Department or the Navy Department, as the case may be, beginning within one month after application has been received and approved by such department: *Provided,* That no member of the armed forces shall receive mustering-out payment under this chapter more than once, and such payment shall accrue and the amount thereof shall be computed as of the time of discharge for the purpose of effecting a permanent separation from the service or of ultimate relief from active service, or, at the option of such member, for the purpose of enlistment, reenlistment, or appointment in the Regular Military or Naval Establishment. (Feb. 3, 1944, ch. 9, § 3, 58 Stat. 9, as amended Oct. 6, 1945, ch. 393, § 7 (b), 59 Stat. 540.)

AMENDMENTS

1945—Act Oct. 6, 1945, cited to text, amended section by inserting ", or, at the option * * * Military or Naval Establishment" immediately preceding the period.

SHORT TITLE

Short title of act Oct. 6, 1945, cited to text, see note set out under section 635 of Title 10, Army

EFFECTIVE DATE

Effective date of act Oct. 6, 1945, cited to text, see note under section 691b of this title.

CROSS REFERENCES

Section as applicable to Coast Guard, see section 189 of Title 34, Navy.

§ 691d. Death after discharge as affecting payments.

If any member of the armed forces, after his discharge or relief from active service, shall die before receiving any portion of or the full amount of his mustering-out payment, the balance of the amount due him shall be payable, on appropriate application therefor, to his surviving spouse, if any; and if he shall leave no surviving spouse, then in equal shares to his child or children, if any; and if he shall leave no surviving spouse or child or children, then in equal shares to his surviving parents, if any: *Provided,* That no payments under this chapter shall be made to any other person. (Feb. 3, 1944, ch. 9, § 4, 58 Stat. 9.)

§ 691e. Payments as assignable, taxable, attachable; regulations; conclusiveness of decisions of Secretary of War and Secretary of the Navy; payments to survivors.

(a) Mustering-out payments due or to become due under this chapter shall not be assignable and any payments made to or on account of a veteran hereunder shall be exempt from taxation, shall be exempt from the claims of creditors, including any claim of the United States, and shall not be subject to attachment, levy, or seizure by or under any legal or equitable process whatever either before or after receipt by the payee.

(b) The Secretary of War and the Secretary of the Navy shall make such regulations not inconsistent with this chapter as may be necessary effectively to carry out the provisions thereof, and the decisions of the Secretary of War and the Secretary of

the Navy shall be final and not subject to review by any court or other Government official.

(c) The Secretary of War and the Secretary of the Navy, or such subordinate officers as they may designate, are authorized to make direct payment to survivors over seventeen years of age, and to select a proper person or persons to whom mustering-out payments may be made for the use and benefit of former active members of the armed forces, or survivors thereof, as defined by section 691d of this title, without the necessity of appointment by judicial proceedings of a legal representative of any such former member or such survivors when, in the opinion of the respective Secretaries or their designees, the interests of persons under seventeen years of age so justify, or where the former active member or his survivors is suffering from a mental disability sufficient to make direct payment not in the best interests of such person or persons. Payments made under the provisions of this subsection shall constitute a complete discharge of the obligation of the United States as provided in sections 691–691g of this title; and the selection of a proper person or persons, as provided herein, and the correctness of the amount due and paid to such person or persons shall have the same finality as that accorded decisions made pursuant to subsection (b): *Provided*, That the provisions of this subsection shall not apply where a legal guardian or committee has been judicially appointed, except as to any payments made hereunder prior to the receipt of notice of appointment. (Feb. 3, 1944, ch. 9, § 5, 58 Stat. 10, as amended Dec. 16, 1944, ch. 599, 58 Stat. 812.)

AMENDMENTS

1944—Subsec. (c) added by act Dec. 16, 1944, cited to text.

§ 691f. Definitions.

As used in this chapter—

(a) The term "member of the armed forces" means any member of the Army or Navy of the United States, the United States Marine Corps, the United States Coast Guard, or any of their respective components, and any member of the Women's Army Auxiliary Corps who was discharged under honorable conditions on account of disability.

(b) The term "spouse" means a lawful wife or husband.

(c) The term "child" includes (1) a legitimate child; (2) a child legally adopted; and (3) a stepchild, if, at the time of death of the member of the armed forces, such stepchild was a member of the deceased's household.

(d) The term "parent" includes father and mother, stepfather and stepmother, and father and mother through adoption. (Feb. 3, 1944, ch. 9, § 6, 58 Stat. 10.)

§ 691g. Appropriations.

Appropriations for the Army and Navy, and the several components thereof, respectively, shall be available for the payments provided by this chapter and necessary administrative expenses. There are hereby authorized to be appropriated such additional sums as may be necessary to carry out the provisions of this chapter. Amounts expended hereunder shall be included in the annual reports to the Congress by the Departments concerned. (Feb. 3, 1944, ch. 9, § 7, 58 Stat. 10.)

Chapter 11C.—WORLD WAR II SERVICEMEN'S READJUSTMENT BENEFITS (New)

SUBCHAPTER .—POWERS AND DUTIES OF THE VETERANS' ADMINISTRATION

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696g. Liability of certifying and disbursing officers
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SUBCHAPTER V.—GENERAL ADMINISTRATIVE AND PENAL PROVISIONS

697 Application of other laws; acceptance of uncompensated services; contracts with agencies or persons for services.
697a Appropriations
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697g. Benefits available during terminal leave or hospitalization; effective date (New).

SUBCHAPTER I —POWERS AND DUTIES OF THE VETERANS' ADMINISTRATION

§ 693. Veterans' Administration as essential war agency; right to priorities; procurement of buildings.

The Veterans' Administration is declared to be an essential war agency and entitled to priority equal to the highest granted any department or agency of the Government in personnel, service, space, equipment, supplies, and material under any laws, Executive orders, and regulations pertaining to priorities. The Administrator is authorized, for the purpose of extending benefits to veterans and dependents, and to the extent he deems necessary, to procure the necessary space for administrative, clinical, medical, and out-patient treatment purposes by lease, purchase, or construction of buildings, or by condemnation or declaration of taking, pursuant to existing statutes. (June 22, 1944, ch. 268, title I, § 100, 58 Stat. 284, as amended July 6, 1945, ch. 280, 59 Stat. 463; Dec. 28, 1945, ch. 588, § 1, 59 Stat. 623.)

AMENDMENTS

1945—Act July 6, 1945, cited to text, amended section generally by raising its priority level from second to equal of that of any department or agency of the government

Act Dec. 28, 1945, cited to text, amended section by striking "During the continuance of the present war and for six months after its termination," preceding "The Administrator" in the second sentence.

SHORT TITLE

Section 1 of act June 22, 1944, cited to text, provided: "That this Act [sections 693–697e of this title] may be cited as the 'Servicemen's Readjustment Act of 1944'."

CROSS REFERENCES

Continuation of delayed or interrupted education, see Veterans' Reg. No. 1 (a), part VIII, following chapter 12 of this title.

Mustering-Out Payment Act of 1944, see sections 691–691g of this title.

Veterans' preference rights in federal employment, see sections 851–869 of Title 5, Executive Departments and Government Officers and Employees

§ 693a. Construction of hospitals; establishment of regional, branch, etc., offices; appropriation.

The Administrator of Veterans' Affairs and the Federal Board of Hospitalization are authorized and directed to expedite and complete the construction of additional hospital facilities for war veterans, and to enter into agreements and contracts for the use by or transfer to the Veterans' Administration of suitable Army and Navy hospitals after termination of hostilities in the present war or after such institutions are no longer needed by the armed services; and the Administrator of Veterans' Affairs is authorized and directed to establish necessary regional offices, sub-offices, branch offices, contact units, or other subordinate offices in centers of population where there is no Veterans' Administration facility, or where such a facility is not readily available or accessible: *Provided*, That there is authorized to be appropriated the sum of $500,000,000 for the construction of additional hospital facilities. (June 22, 1944, ch. 268, title I, § 101, 58 Stat. 284.)

CROSS REFERENCES

Appropriations available, see note under section 438j of this title.

§ 693b. Agreements between Administrator and the Secretaries of War and the Navy for mutual use of hospital and domiciliary facilities; transfer of personnel.

The Administrator of Veterans' Affairs and the Secretary of War and Secretary of the Navy are granted authority to enter into agreements and contracts for the mutual use or exchange of use of hospital and domiciliary facilities, and such supplies, equipment, and material as may be needed to operate properly such facilities, or for the transfer, without reimbursement of appropriations, of facilities, supplies, equipment, or material necessary and proper for authorized care for veterans, except that at no time shall the Administrator of Veterans' Affairs enter into any agreement which will result in a permanent reduction of Veterans' Administration hospital and domiciliary beds below the number now established or approved, plus the estimated number required to meet the load of eligibles under laws administered by the Veterans' Administration, or in any way subordinate or transfer the operation of the Veterans' Administration to any other agency of the Government.

Nothing in sections 301–305, 306–309, 310, 311–318 of Appendix to Title 50, or any Act, shall be construed to prevent the transfer or detail of any commissioned, appointed or enlisted personnel from the armed forces to the Veterans' Administration subject to agreements between the Secretary of War or the Secretary of the Navy and the Administrator of Veterans' Affairs: *Provided*, That no such detail shall be made or extend beyond six months after

the termination of the war. (June 22, 1944, ch. 268, title I, § 102, 58 Stat. 284.)

§ 693c. Administrator's placement of personnel in Army and Navy installations.

The Administrator of Veterans' Affairs shall have authority to place officials and employees designated by him in such Army and Navy installations as may be deemed advisable for the purpose of adjudicating disability claims of, and giving aid and advice to, members of the Army and Navy who are about to be discharged or released from active service. (June 22, 1944, ch. 268, title I, § 103, 58 Stat. 285.)

§ 693d. Discharge of members from armed services; final pay; execution of claim for compensation, pension, or hospitalization; prosthetic appliances.

No person shall be discharged or released from active duty in the armed forces until his certificate of discharge or release from active duty and final pay, or a substantial portion thereof, are ready for delivery to him or to his next of kin or legal representative; and no person shall be discharged or released from active service on account of disability until and unless he has executed a claim for compensation, pension, or hospitalization, to be filed with the Veterans' Administration or has signed a statement that he has had explained to him the right to file such claim: *Provided,* That this section shall not preclude immediate transfer to a veterans' facility for necessary hospital care, nor preclude the discharge of any person who refuses to sign such claim or statement: *And provided further,* That refusal or failure to file a claim shall be without prejudice to any right the veteran may subsequently assert.

Any veteran entitled to a prosthetic appliance shall be furnished such fitting and training, including institutional training, in the use of such appliance as may be necessary, whether in a Veterans' Administration facility, other training institution, or by out-patient treatment, including such service under contract and including necessary travel expenses to and from their homes to such hospital or training institution.

The Administrator may procure any and all items mentioned in this section herein, including necessary services required in the fitting, supplying, and training in use of such items by purchase, manufacture, contract, or in such other manner as the Administrator may determine to be proper without regard to any other provision of law. (June 22, 1944, ch. 268, title I, § 104, 58 Stat. 285, as amended Dec. 28, 1945, ch. 588, § 2, 59 Stat. 623)

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section by striking second par. and inserting in lieu thereof a new second par., and adding the third par.

§ 693e. Statements by personnel of armed forces regarding disease or injury.

No person in the armed forces shall be required to sign a statement of any nature relating to the origin, incurrence, or aggravation of any disease or injury he may have, and any such statement against his own interest signed at any time, shall be null and void and of no force and effect. (June 22, 1944, ch. 268, title I, § 105, 58 Stat. 285.)

§ 693f. Aid by veterans' organizations in presentation of veterans' claims; regulations; office space furnished.

(a) Upon certification to the Secretary of War or Secretary of the Navy by the Administrator of Veterans' Affairs of paid full time accredited representatives of the veterans' organizations specified in section 101 of this title, and other such national organizations recognized by the Administrator of Veterans' Affairs thereunder in the presentation of claims under laws administered by the Veterans' Administration, the Secretary of War and Secretary of the Navy are authorized and directed to permit the functioning, in accordance with regulations prescribed pursuant to subsection (b) of this section, of such accredited representatives in military or naval installations on shore from which persons are discharged or released from the active military or naval service: *Provided,* That nothing in this section shall operate to affect measures of military security now in effect or which may hereafter be placed in effect, nor to prejudice the right of the American Red Cross to recognition under existing statutes.

(b) The necessary regulations shall be promulgated by the Secretary of War and the Secretary of the Navy jointly with the Administrator of Veterans' Affairs to accomplish the purpose of this section, and in the preparation of such regulations the national officer of each of such veterans' organizations who is responsible for claims and rehabilitation activities shall be consulted. The commanding officer of each such military or naval installation shall cooperate fully with such authorized representatives in the providing of available space and equipment for such representatives.

(c) The Administrator is further authorized at his discretion and under such regulations as he may prescribe to furnish, if available, necessary space and suitable office facilities for the use of paid full-time representatives of such organizations. (June 22, 1944, ch. 268, title I, § 200, 58 Stat. 285, as amended Dec. 28, 1945, ch. 588, § 3, 59 Stat. 623.)

AMENDMENTS

1945—Subsec. (c) added by act Dec. 28, 1945, cited to text.

§ 693g. Discharge or dismissal from service as affecting rights; effect of insanity; applicability to war risk.

The discharge or dismissal by reason of the sentence of a general court martial of any person from the military or naval forces, or the discharge of any such person on the ground that he was a conscientious objector who refused to perform military duty or refused to wear the uniform or otherwise to comply with lawful orders of competent military authority, or as a deserter, or of an officer by the acceptance of his resignation for the good of the service, shall bar all rights of such person, based upon the period of service from which he is so discharged or dismissed, under any laws administered by the Veterans' Administration: *Provided,* That in the case of any such person, if it be established to the satisfaction of the Administrator that at the time of the commission of the offense such person was in-

sane, he shall not be precluded from benefits to which he is otherwise entitled under the laws administered by the Veterans' Administration: *And provided further*, That this section shall not apply to any war risk, Government (converted) or national service life-insurance policy. (June 22, 1944, ch. 268, title I, § 300, 58 Stat. 286.)

§ 693h. Review of discharge or dismissal by boards of review in War and Navy Departments; procedure and limitations.

The Secretary of War and the Secretary of the Navy, after conference with the Administrator of Veterans' Affairs, are authorized and directed to establish in the War and Navy Departments, respectively, boards of review composed of five members each, whose duties shall be to review, on their own motion or upon the request of a former officer or enlisted man or woman or, if deceased, by the surviving spouse, next of kin, or legal representative, the type and nature of his discharge or dismissal, except a discharge or dismissal by reason of the sentence of a general court martial. Such review shall be based upon all available records of the service department relating to the person requesting such review, and such other evidence as may be presented by such person. Witnesses shall be permitted to present testimony either in person or by affidavit and the person requesting review shall be allowed to appear before such board in person or by counsel: *Provided*, That the term "counsel" as used in this section shall be construed to include, among others, accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 101 of this title. Such board shall have authority, except in the case of a discharge or dismissal by reason of the sentence of a general court martial, to change, correct, or modify any discharge or dismissal, and to issue a new discharge in accord with the facts presented to the board. The Articles of War and the Articles for the Government of the Navy are amended to authorize the Secretary of War and the Secretary of the Navy to establish such boards of review, the findings thereof to be final subject only to review by the Secretary of War or the Secretary of the Navy, respectively: *Provided*, That no request for review by such board of a discharge or dismissal under the provisions of this section shall be valid unless filed within fifteen years after such discharge or dismissal or within fifteen years after June 22, 1944, whichever be the later. (June 22, 1944, ch. 268, title I, § 301, 58 Stat. 286.)

§ 693i. Review of findings of retiring boards; procedure and limitations.

(a) The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury are authorized and directed to establish, from time to time, boards of review composed of five commissioned officers, two of whom shall be selected from the Medical Corps of the Army or Navy, or from the Public Health Service, as the case may be. It shall be the duty of any such board to review, at the request of any officer retired or released from active service, without pay, for physical disability pursuant to the decision of a retiring board, board of medical survey, or disposition board, the findings and decisions of such board. Such review shall be based upon all available service records relating to the officer requesting such review, and such other evidence as may be presented by such officer. Witnesses shall be permitted to present testimony either in person or by affidavit, and the officer requesting review shall be allowed to appear before such board of review in person or by counsel. In carrying out its duties under this section such board of review shall have the same powers as exercised by, or vested in, the board whose findings and decision are being reviewed. The proceedings and decision of each such board of review affirming or reversing the decision of any such retiring board, board of medical survey, or disposition board shall be transmitted to the Secretary of War, the Secretary of the Navy, or the Secretary of the Treasury, as the case may be, and shall be laid by him before the President for his approval or disapproval and orders in the case.

(b) No request for review under this section shall be valid unless filed within fifteen years after the date of retirement for disability or after June 22, 1944, whichever is the later.

(c) As used in this section—

(1) the term "officer" means any officer subject to the laws granting retirement for active service in the Army, Navy, Marine Corps, or Coast Guard, or any of their respective components;

(2) the term "counsel" shall have the same meaning as when used in section 693h of this title. (June 22, 1944, ch. 268, title I, § 302, 58 Stat. 287, as amended Dec. 28, 1945, ch. 588, § 4, 59 Stat. 623.)

AMENDMENTS

1945—Subsec. (a) amended by act Dec 28, 1945, cited to text, which struck out "to inactive service" and inserted in lieu thereof "from active service" and inserted "board of medical survey, or disposition board," in sentence beginning "It shall be", struck out "the retiring board" and inserted in lieu thereof "such board of review" in sentence beginning "In carrying out", and inserted ", board of medical survey or disposition board" in sentence beginning "The proceedings and".

SUBCHAPTER II.—LOANS

§ 694. General provisions including eligibility, administration, interest, term, security and foreclosure.

(a) Any person who shall have served in the active military or naval service of the United States at any time on or after September 16, 1940, and prior to the termination of the present war and who shall have been discharged or released therefrom under conditions other than dishonorable after active service of ninety days or more, or by reason of an injury or disability incurred in service in line of duty, shall be eligible for the benefits of this subchapter. Any loan made by such veteran within ten years after the termination of the war for any of the purposes, and in compliance with the provisions, specified in this subchapter, is automatically guaranteed by the Government by this title in an amount not exceeding fifty per centum of the loan: *Provided*, That the aggregate amount guaranteed shall not exceed $2,000 in the case of non-real-

estate loans, nor $4,000 in the case of real-estate loans; or a prorated portion thereof on loans of both types or combination thereof.

(b) Loans guaranteed under this subchapter shall be payable under such terms and conditions as may be agreed upon by the parties thereto, subject to the conditions and limitations of this subchapter and the regulations issued pursuant to section 694 of this title: *Provided,* That the liability under the guaranty within the limitations of this subchapter shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation: *Provided further,* That loans guaranteed under this subchapter shall bear interest at a rate not exceeding 4 per centum per annum and shall be payable in full in not more than twenty-five years, or in the case of loans on farm realty in not more than forty years: *And provided further,* That (1) the maturity on a non-real-estate loan shall not exceed ten years; (2) any loan for a term in excess of five years shall be amortized in accordance with established procedure; (3) except as provided in section 694e of this title any real-estate loan, other than for repairs, alterations or improvements, shall be secured by a first lien on the realty, and a non-real-estate loan, except as to working or other capital, merchandise, good-will and other intangible assets, shall be secured by personalty to the extent legal and practicable.

(c) An honorable discharge shall be deemed a certificate of eligibility to apply for a guaranteed loan. Any veteran who does not have a discharge certificate, or who received a discharge other than honorable, may apply to the Administrator for a certificate of eligibility. Upon making a loan as provided in this subchapter, the lender shall forthwith transmit to the Administrator a statement setting forth the full name and serial number of the veteran, amount and terms of the loan, and the legal description of the property, together with the appraisal report made by the designated appraiser. Where the loan is automatically guaranteed, the Administrator shall provide the lender with a loan guaranty certificate or other evidence of the guaranty. He shall also endorse on the veteran's discharge, or eligibility certificate, the amount and type of guaranty used, and the amount, if any, remaining. An amount equivalent to 4 per centum on the amount originally guaranteed shall be paid to the lender by the Administrator out of available appropriations, to be credited upon the loan. Nothing in this subchapter shall be deemed to preclude the assignment of any guaranteed loan nor the assignment of the security therefor.

(d) Loans guaranteed under this subchapter may be made by any Federal land bank, national bank, State bank, private bank, building and loan association, insurance company, credit union, or mortgage and loan company, that is subject to examination and supervision by an agency of the United States or of any State or Territory, including the District of Columbia. Any loan at least 20 per centum of which is guaranteed under this subchapter may be made by any national bank, or Federal savings and loan association; or by any bank, trust company, building and loan association or insurance company organized or authorized to do business in the District of Columbia; without regard to the limitations and restrictions of any other statute with respect to—

(1) ratio of amount of loan to the value of the property;

(2) maturity of loan;

(3) requirement for mortgage or other security;

(4) dignity of lien; or

(5) percentage of assets which may be invested in real estate loans.

(e) Any loan proposed to be made to an eligible veteran by any lender not of a class specified in subsection (d) may be guaranteed by the Administrator if he finds that it is in accord otherwise with the provisions of this subchapter. (June 22, 1944, ch. 268, title III, § 500, 58 Stat. 291, as amended Oct. 6, 1945, ch. 393, § 11 (b), 59 Stat. 542; Dec. 28, 1945, ch. 588, § 8, 59 Stat. 626.)

AMENDMENTS

1945—Subsec. (d) added by act Oct. 6, 1945, cited to text.

Act Dec. 28, 1945, cited to text, amended section generally and among other changes added subsec (e).

EFFECTIVE DATE OF 1945 AMENDMENT; LOANS UNDER PRIOR PROVISIONS

Section 510 of act June 22, 1944, as amended by section 8 of act Dec. 28, 1945, both cited to text, provided "This title, as amended [subchapter], shall be effective from the date of enactment [June 22, 1944]: *Provided,* That any application for guaranty of a loan filed within ninety days after such date [June 22, 1944] may be approved under the title [subchapter] as it existed prior to amendment: *And provided further,* That nothing herein shall be construed to affect any contractual right under any certificate of guaranty issued thereunder."

SHORT TITLE

Short title of act Oct 6, 1945, cited to text, see note set out under section 635 of Title 10, Army.

§ 694a. Loans for homes.

Any loan made to a veteran under this subchapter, the proceeds of which are to be used for purchasing residential property or constructing a dwelling to be occupied as his home or for the purpose of making repairs, alterations, or improvements in property owned by him and occupied as his home, is automatically guaranteed if made pursuant to the provisions of this subchapter, including the following:

(1) That the proceeds of such loan will be used for payment of the property purchased or constructed or improved;

(2) That the contemplated terms of payment required in any mortgage to be given in part payment of the purchase price or the construction cost bear a proper relation to the veteran's present and anticipated income and expenses; and that the nature and condition of the property is such as to be suitable for dwelling purposes; and

(3) That the price paid or to be paid by the veteran for such property or for the cost of construction, repairs, or alterations does not exceed the reasonable value thereof as determined by proper appraisal made by an appraiser designated by the Administrator. (June 22, 1944, ch. 268,

title III, § 501, 58 Stat. 292, as amended Dec. 28, 1945, ch. 588, § 8, 59 Stat. 628.)

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section generally and among other changes deleted "(a)" and omitted subsec. (b) entirely.

EFFECTIVE DATE

Effective date of section and making of loans under prior provisions see note set out under section 694 of this title.

§ 694b. Loans for farms and equipment.

Any loan made to a veteran under this subchapter, the proceeds of which are to be used for purchasing any lands, buildings, livestock, equipment, machinery, supplies or implements, or for repairing, altering, constructing or improving any land, equipment, or building, including the farmhouse, to be used in farming operations conducted by the veteran involving production in excess of his own needs, or for working capital requirements necessary for such operations, or to purchase stock in a cooperative association where the purchase of such stock is required by Federal statute as an incident to obtaining the loan, is automatically guaranteed if made pursuant to the provisions of this subchapter, including the following:

(1) That the proceeds of such loan will be used for any such purposes in connection with bona fide farming operations conducted by the applicant;

(2) That such property will be useful in and reasonably necessary for efficiently conducting such operations;

(3) That the ability and experience of the veteran, and the nature of the proposed farming operations to be conducted by him, are such that there is a reasonable likelihood that such operations will be successful; and

(4) That the purchase price paid or to be paid by the veteran for such property does not exceed the reasonable value thereof as determined by proper appraisal made by an appraiser designated by the Administrator. (June 22, 1944, ch. 268, title III, § 502, 58 Stat. 292, as amended June 30, 1945, ch. 204, § 16, 59 Stat. 270; Dec. 28, 1945, ch. 588, § 8, 59 Stat. 628.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by inserting "or to purchase * * * a guaranty is sought," following "applicant,".

Act Dec. 28, 1945, cited to text, amended section generally.

EFFECTIVE DATE

Effective date of section and making of loans under prior provisions, see note set out under section 694 of this title.

SAVING CLAUSE AND EFFECTIVE DATE

Saving clause and effective date of amendment by act June 30, 1945, cited to text, see notes set out under section 712 of Title 12, Banks and Banking.

§ 694c. Loans for business property.

Any loan made to a veteran under this subchapter, the proceeds of which are to be used for the purpose of engaging in business or pursuing a gainful occupation, or for the cost of acquiring for such purpose land, buildings, supplies, equipment, machinery, tools, inventory, stock in trade, or for the cost of the construction, repair, alteration or improvement of any realty or personalty used for such purpose, or to provide the funds needed for working capital, is automatically guaranteed if made pursuant to the provisions of this subchapter, including the following:

(1) That the proceeds of such loan will be used for any of the specified purposes in connection with bona fide pursuant of gainful occupation by the veteran;

(2) That such property will be useful in and reasonably necessary for the efficient and successful pursuit of such business or occupation;

(3) That the ability and experience of the veteran, and the conditions under which he proposes to pursue such business or occupation, are such that there is a reasonable likelihood that he will be successful in the pursuit of such business or occupation; and

(4) That the purchase price paid or to be paid by the veteran for such property, or the cost of such construction, alterations, or improvements, does not exceed the reasonable value thereof as determined by proper appraisal made by an appraiser designated by the Administrator. (June 22, 1944, ch. 268, title III, § 503, 58 Stat. 292, as amended Dec. 28, 1945, ch 588, § 8, 59 Stat. 628.)

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section generally.

EFFECTIVE DATE

Effective date of section and making of loans under prior provisions, see note set out under section 694 of this title.

§ 694d. Rules and regulations by Administrator; delegation of authority.

The Administrator is authorized to promulgate such rules and regulations not inconsistent with this subchapter, as are necessary and appropriate for carrying out the provisions of this subchapter, and may delegate to subordinate employees authority to issue certificates, or other evidence, of guaranty of loans guaranteed under the provisions of this subchapter, and to exercise other administrative functions under this subchapter. (June 22, 1944, ch. 268, title III, § 504, 58 Stat. 293, as amended Dec. 28, 1945, ch 588, § 8, 59 Stat. 629.)

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section by inserting "not inconsistent with this subchapter" following "rules and regulations" and by deleting "approve loans subject to" and inserting in lieu thereof "issue certificates, or other evidence, of guaranty of loans guaranteed under".

EFFECTIVE DATE

Effective date of section and making of loans under prior provisions, see note set out under section 694 of this title.

§ 694e. Secondary loans; amount; regulations; eligibility for farm tenant loans.

(a) In any case wherein a principal loan, for any of the purposes stated in sections 694a–694c of this title, is approved by a Federal agency to be

made or guaranteed or insured by it pursuant to applicable law and regulations, and the veteran is in need of a second loan to cover the remainder of the purchase price or cost, or a part thereof, the Administrator, subject otherwise to the provisions of this subchapter, may guarantee the full amount of the second loan: *Provided*, That such second loan shall not exceed 20 per centum of the purchase price or cost: *And provided further*, That regulations to be promulgated jointly by the Administrator and the head of such agency may provide for servicing of both loans by such agency and for refinancing of the principal loan to include any unpaid portion of the secondary loan with accrued interest, if any, after the curtailment thereon equals twice the amount of the secondary loan.

(b) Any person who is a veteran eligible for the benefits of this subchapter, as provided in section 694 of this title, and who is found by the Secretary of Agriculture, by reason of his ability and experience, including training as a vocational trainee, to be likely to carry out successfully undertakings required of him under a loan which may be made under sections 1000–1003, 1004–1029 of Title 7, shall be eligible for the benefits of such sections to the same extent as if he were a farm tenant. (June 22, 1945, ch. 268, title III, § 505, 58 Stat. 293, as amended Dec. 28, 1945, ch. 588, § 8, 59 Stat. 629.)

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section generally.

EFFECTIVE DATE

Effective date of section and making of loans under prior provisions, see note set out under section 694 of this title.

APPROPRIATIONS

Appropriations for loans to individual farmers as including $25,000,000 for eligible veterans, see note set out under section 1001 of Title 7, Agriculture.

§ 694f. Veterans' priority for materials for construction, repair, or alteration of dwelling houses.

In order to enable persons who have served ninety days or more in the land or naval forces during the present war, and who have satisfactorily completed their period of active military or naval service, to obtain materials required for the construction, alteration, or repair of dwelling houses to be occupied by them, any department or agency of the Government, in allocating or granting priorities with respect to any materials, shall give to such persons a preference over all other users of such materials (except to the extent such materials are needed by such other users to meet actual military needs), without requiring any showing of hardship or other necessity for the construction, alteration, or repair of such dwelling houses. (May 3, 1945, ch. 106, title II, § 215, 59 Stat. 134.)

CODIFICATION

Section was not enacted as a part of the Servicemen's Readjustment Act of 1944 which comprises this chapter.

§ 694g. Procedure on default.

In the event of default in the payment of any loan guaranteed under this subchapter, the holder of the obligation shall notify the Administrator who shall thereupon pay to such holder the guaranty not in excess of the pro rata portion of the amount originally guaranteed, and shall be subrogated to the rights of the holder of the obligation to the extent of the amount paid on the guaranty: *Provided*, That prior to suit or foreclosure the holder of the obligation shall notify the Administrator of the default, and within thirty days thereafter the Administrator may, at his option, pay the holder of the obligation the unpaid balance of the obligation plus accrued interest and receive an assignment of the loan and security: *Provided further*, That (1) nothing in this section shall be construed to preclude any forbearance for the benefit of the veteran as may be agreed upon by the parties to the loan and approved by the Administrator; and (2) the Administrator may establish the date, not later than the date of judgment and decree of foreclosure or sale, upon which accrual of interest or charges shall cease. (June 22, 1944, ch. 268, title III, § 506, as added Dec. 28, 1945, ch. 588, § 8, 59 Stat. 630.)

EFFECTIVE DATE

Effective date of section and making of loans under prior provisions see note set out under section 694 of this title.

§ 694h. Loans for refinancing delinquent indebtedness; conditions.

Any loan made to a veteran, the proceeds of which are to be used to refinance any indebtedness of the veteran which is secured of record on property to be used or occupied by the veteran as a home or for farming purposes, or indebtedness incurred by him in the pursuit of a gainful occupation which he is pursuing or which he proposes in good faith to pursue, or any delinquent taxes or assessments on such property or business, is automatically guaranteed if made pursuant to the provisions of this subchapter, including the following:

(1) Such loan became in default or the delinquency occurred not later than ten years after the termination of the war;

(2) Such refinancing will aid the veteran in his economic readjustment; and

(3) The amount of the guaranteed loan does not exceed the reasonable value of the property or business, as determined by proper appraisal made by an appraiser designated by the Administrator. (June 22, 1944, ch. 268, title III, § 507, as added Dec 28, 1945, ch. 588, § 8, 59 Stat. 630.)

EFFECTIVE DATE

Effective date of section and making of loans under prior provisions see note set out under section 694 of this title.

§ 694i. Insurance of loans in lieu of guaranty; terms and conditions; interest rates; payment of loan.

(a) Any loans which might be guaranteed under the provisions of this subchapter, when made or purchased by any financial institution subject to examination and supervision by an agency of the United States or of any State or Territory, including the District of Columbia, may, in lieu of such

guaranty, be insured by the Administrator under an agreement whereby he will reimburse any such institution for losses incurred on such loan up to 15 per centum of the aggregate of loans so made or purchased by it.

(b) Loans insured under this section shall be made on such other terms, conditions, and restrictions as the Administrator may prescribe within the limitations set forth in this subchapter. The Administrator may fix the maximum rate of interest payable on any class of non-real-estate loans insured hereunder at a figure not in excess of a 3 per centum discount rate or an equivalent straight interest rate on non-amortized loans.

(c) The Administrator shall pay the same amount on each loan insured hereunder as he would be required to pay under the sixth sentence of section 694 (c) of this title if the loan were guaranteed rather than insured. (June 22, 1944, ch. 268, title III, § 508, as added Dec. 28, 1945, ch. 588, § 8, 59 Stat. 630.)

EFFECTIVE DATE

Effective date of section and making of loans under prior provisions see note set out under section 694 of this title

§ 694j. Powers of Administrator; limitations; conclusiveness of Administrator's actions.

(a) With respect to matters arising by reason of this subchapter as now or hereafter amended and, notwithstanding the provisions of any other law, the Administrator may—

(1) Sue and be sued in his official capacity in any court of competent jurisdiction, State or Federal;

(2) Subject to specific limitations in this chapter, consent to the modification, with respect to rate of interest, time of payment of principal or interest or any portion thereof, security or other provisions of any note, contract, mortgage or other instrument securing a loan which has been guaranteed or insured hereunder;

(3) Pay, or compromise, any claim on, or arising because of, any such guaranty or insurance;

(4) Pay, compromise, waive or release any right, title, claim, lien or demand, however acquired, including any equity or any right of redemption;

(5) Purchase at any sale, public or private, upon such terms and for such prices as he determines to be reasonable, and take title to, property, real, personal or mixed; and similarly sell, at public or private sale, exchange, assign, convey, or otherwise dispose of any such property; and

(6) Complete, administer, operate, obtain and pay for insurance on, and maintain, renovate, repair, modernize, lease, or otherwise deal with any property acquired or held pursuant to this subchapter: *Provided,* That the acquisition of any such property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction of, on, or over such property (including power to tax) or impair the rights under the State or local law of any persons on such property.

(b) The powers by this section granted may be exercised by the Administrator without regard to any other provisions of law not enacted expressly in limitation hereof, which otherwise would govern the expenditure of public funds: *Provided,* That section 5 of Title 41 shall apply to any contract for services or supplies on account of any property acquired pursuant to this section if the amount of such contract exceeds $1,000.

(c) The financial transactions of the Administrator incident to, or arising out of, the guaranty of loans pursuant to this subchapter, and the acquisition, management, and disposition of property, real, personal or mixed, as incident to such activities and pursuant to this section, shall be final and conclusive upon all officers of the Government. (June 22, 1944, ch. 268, title III, § 509, as added Dec. 28, 1945, ch. 588, § 8, 59 Stat. 631.)

EFFECTIVE DATE

Effective date of section and making of loans under prior provisions see note set out under section 694 of this title.

SUBCHAPTER III.—EMPLOYMENT

§ 695. Creation of Veterans' Placement Service Board; powers and duties; appointment of chief; availability of public records.

(a) In the enactment of the provisions of this subchapter Congress declares as its intent and purpose that there shall be an effective job counseling and employment placement service for veterans, and that, to this end, policies shall be promulgated and administered, so as to provide for them the maximum of job opportunity in the field of gainful employment. For the purpose there is hereby created to cooperate with and assist the United States Employment Service, as established by the provisions of sections 49–49k of Title 29 and section 338 of Title 39, a Veterans' Placement Service Board, which shall consist of the Administrator of Veterans' Affairs, as Chairman, the Director of the National Selective Service System, and the Administrator of the Federal Security Agency, or whoever may have the responsibility of administering the functions of the United States Employment Service. The Board shall determine all matters of policy relating to the administration of the Veterans' Employment Service of the United States Employment Service.

(b) The Chairman of the Board shall have direct authority and responsibility for carrying out its policies through the veterans' employment representatives in the several States or through persons engaged in activities authorized by subsection (g) of section 308 of Appendix to Title 50. The Chairman may delegate such authority to an executive secretary who shall be appointed by him and who shall thereupon be the Chief of the Veterans' Employment Service of the United States Employment Service.

(c) The public records of the Veterans' Personnel Division, National Selective Service System, and the Veterans' Employment Service of the United States Employment Service shall be available to the Board. (June 22, 1944, ch. 268, title IV, § 600, 58 Stat. 293.)

§ 695a. Veterans' Employment state representatives; appointment; qualifications; salary; duties.

The United States Employment Service shall assign to each of the States a veterans' employment representative, who shall be a veteran of the wars of the United States separated from active service under honorable conditions, who at the time of appointment shall have been a bona fide resident of the State for at least two years, and who shall be appointed, subject to the approval of the Board, in accordance with the civil-service laws, and whose compensation shall be fixed in accordance with sections 661–663, 664–673, and 674 of Title 5. Each such veterans' employment representative shall be attached to the staff of the public employment service in the State to which he has been assigned. He shall be administratively responsible to the Board, through its executive secretary, for the execution of the Board's veterans' placement policies through the public employment service in the State. In cooperation with the public employment service staff in the State, he shall—

(a) be functionally responsible for the supervision of the registration of veterans in local employment offices for suitable types of employment and for placement of veterans in employment;

(b) assist in securing and maintaining current information as to the various types of available employment in public works and private industry or business;

(c) promote the interest of employers in employing veterans;

(d) maintain regular contact with employers and veterans' organizations with a view of keeping employers advised of veterans available for employment and veterans advised of opportunities for employment; and

(e) assist in every possible way in improving working conditions and the advancement of employment of veterans. (June 22, 1944, ch. 268, title IV, § 601, 58 Stat. 294.)

§ 695b. Assignment of additional personnel to veterans' employment representatives.

Where deemed necessary by the Board, there shall be assigned by the administrative head of the employment service in the State one or more employes, preferably veterans, of the staffs of local employment service offices, whose services shall be primarily devoted to discharging the duties prescribed for the veterans' employment representative. (June 22, 1944, ch. 268, title IV, § 602, 58 Stat. 294.)

§ 695c. Cooperation between Veterans' Placement Service Board and other Federal agencies.

All Federal agencies shall furnish the Board such records, statistics, or information as may be deemed necessary or appropriate in administering the provisions of this subchapter, and shall otherwise cooperate with the Board in providing continuous employment opportunities for veterans. (June 22, 1944, ch. 268, title IV, § 603, 58 Stat. 295.)

§ 695d. Maintenance of United States Employment Service.

The Federal agency administering the United States Employment Service shall maintain that service as an operating entity and, during the period of its administration, shall effectuate the provisions of this subchapter. (June 22, 1944, ch. 268, title IV, § 604, 58 Stat. 295.)

§ 695e. Estimate of funds for administration as item in budget of United States Employment Service.

(a) The Board through its executive secretary shall estimate the funds necessary for the proper and efficient administration of this subchapter; such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget of the United States Employment Service. Any funds appropriated pursuant to this special item as contained in the budget of the United States Employment Service shall not be available for any purpose other than that for which they were appropriated, except with the approval of the Board.

(b) The War Manpower Commission shall from its current appropriation allocate and make available sufficient funds to carry out the provisions of this subchapter during the current fiscal year. (June 22, 1944, ch. 268, title IV, § 605, 58 Stat. 295.)

§ 695f. Definitions.

The term "United States Employment Service" as used in this subchapter means that Bureau created by the provisions of sections 49–49k of Title 29 and section 338 of Title 39, or such successor agencies as from time to time shall perform its functions and duties, as now performed by the War Manpower Commission.

The term "veteran" as used in this subchapter shall mean a person who served in the active service of the armed forces during a period of war in which the United States has been, or is, engaged, and who has been discharged or released therefrom under conditions other than dishonorable. (June 22, 1944, ch. 268, title IV, §§ 606, 607, 58 Stat 295.)

SUBCHAPTER IV.—UNEMPLOYMENT READJUSTMENT ALLOWANCES

§ 696. Eligibility and qualifications; termination of war.

(a) Any person who shall have served in the active military or naval service of the United States at any time after September 16, 1940, and prior to the termination of the present war, and who shall have been discharged or released from active service under conditions other than dishonorable, after active service of ninety days or more, or by reason of an injury or disability incurred in service in line of duty, shall be entitled, in accordance with the provisions of this subchapter and regulations issued by the Administrator of Veterans' Affairs pursuant thereto, to receive a readjustment allowance as provided herein for each week of unemployment, not to exceed a total of fifty-two weeks, which (1) begins after the first Sunday of the third calendar month after June 22, 1944, and (2) occurs not later than two years after discharge or release or the termination of the war, whichever is the later date: *Provided,* That no such allowance shall be paid for any period

for which he receives increased pension under part VII of Veterans Regulation 1 (a) or a subsistence allowance under part VIII of such regulation: *Provided further*, That no readjustment allowance shall be payable for any week commencing more than five years after the termination of hostilities in the present war.

(b) Such person shall be deemed eligible to receive an allowance for any week of unemployment if claim is made for such allowance and the Administrator finds with respect to such week that—

(1) the person is residing in the United States at the time of such claim;

(2) the person is completely unemployed, having performed no service and received no wages, or is partially unemployed in that services have been performed for less than a full work-week and the wages for the week are less than the allowance under this subchapter plus $3;

(3) the person is registered with and continues to report to a public employment office, in accordance with its regulations;

(4) the person is able to work and available for suitable work: *Provided*, That no claimant shall be considered ineligible in any period of continuous unemployment for failure to comply with the provisions of this subparagraph if such failure is due to an illness or disability which occurs after the commencement of such period.

(c) For the purposes of this subchapter, neither the present war nor hostilities therein shall be considered as terminating, in the case of any individual, before the termination of such individual's first period of enlistment or reenlistment contracted within one year after October 6, 1945 (June 22, 1944, ch. 268, title V, § 700, 58 Stat. 295, as amended Oct. 6, 1945, ch. 393, § 11 (c), 59 Stat. 542.)

AMENDMENTS

1945—Subsec. (c) added by act Oct 6, 1945, cited to text.

SHORT TITLE

Short title of act Oct 6, 1945, cited to text, see note set out under section 635 of Title 10, Army.

§ 696a. Disqualifications.

(a) Notwithstanding the provisions of section 696 of this title, a claimant shall be disqualified from receiving an allowance if—

(1) he leaves suitable work voluntarily, without good cause, or is suspended or discharged for misconduct in the course of employment;

(2) he, without good cause, fails to apply for suitable work to which he has been referred by a public employment office, or to accept suitable work when offered him; or

(3) he, without good cause, does not attend an available free training course as required by regulations issued pursuant to the provisions of this subchapter.

(b) Notwithstanding the provisions of section 696 of this title, a claimant shall also be disqualified from receiving an allowance for any week with respect to which it is found that his unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed: *Provided*, That this subsection shall not apply if it is shown that—

(1) he is not participating in or directly interested in the labor dispute which causes the stoppage of work; and

(2) he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage there were members employed at the premises at which the stoppage occurs, any of whom are participating in or directly interested in the dispute: *Provided, however*, That if in any case separate branches of work, which are commonly conducted as separate business in separate premises, are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises

(c) (1) If a claimant is disqualified under the provisions of subsection (a) of this section, he shall be disqualified to receive any readjustment allowance for the week in which the cause of his disqualification occurred and for not more than four immediately following weeks.

(2) In addition to the disqualification prescribed in paragraph (1) above, the Administrator may, in cases of successive disqualifications under the provisions of subsection (a) of this section, extend the period of disqualification for such additional period as the Administrator may prescribe, but not to exceed eight additional weeks in the case of any one disqualification.

(d) (1) In determining under subsection (a) of this section the suitability of work or the existence of good cause with respect to a claimant, the conditions and standards prescribed by the unemployment compensation laws of the State in which he files his claim shall govern: *Provided*, That the Administrator may prescribe conditions and standards for applicants in any State having no applicable statute

(2) In determining under subsection (a) of this section the suitability of work, no work shall be deemed suitable for an individual if—

(A) the position offered is vacant due directly to a strike, lock-out, or other labor dispute; or

(B) the wages, hours, or other conditions of the work offered are substantially less favorable to him than those prevailing for similar work in the locality. (June 22, 1944, ch. 268, title V, § 800, 58 Stat. 296.)

§ 696b. Amount and payments.

(a) The allowance for a week shall be $20 less that part of the wages payable to him for such week which is in excess of $3: *Provided*, That where the allowance is not a multiple of $1, it shall be computed to the next highest multiple of $1.

(b) The number of weeks of allowances to which each eligible veteran shall be entitled shall be determined as follows: For each calendar month or major fraction thereof of active service during the period stated in section 696 of this title the veteran shall be entitled to four weeks of allowances, but in no event to exceed the maximum provided in section 696 of this title: *Provided*, That the al-

lowance for the qualifying ninety days service shall be eight weeks for each such month. (June 22, 1944, ch. 268, title V, § 900, 58 Stat. 297.)

§ 696c. Time of payments; disposition of amounts due claimant upon death.

(a) Readjustment allowances shall be paid at the intervals prescribed by the unemployment compensation law of the State in which the claim was made: *Provided*, That if none are so prescribed readjustment allowances shall be paid at such reasonable intervals as may be determined by the Administrator

(b) Any allowances remaining unpaid upon the death of a claimant shall not be considered a part of the assets of the estate of the claimant, or liable for the payment of his debts, or subject to any administration of his estate, and the Administrator may make payment thereof to such person or persons he finds most equitably entitled thereto. (June 22, 1944, ch. 268, title V, § 901, 58 Stat 297)

§ 696d. Eligibility of self-employed persons; conditions; amount and time of payments.

(a) Any person qualified under subsection (a) of section 696 of this title, and residing in the United States who is self-employed for profit in an independent establishment, trade, business, profession, or other vocation shall be eligible for readjustment allowances under this subchapter within the time periods applicable, and not in excess of the total amount provided in this subchapter.

(b) Upon application by the veteran showing, in accordance with rules prescribed by the Administrator, that he has been fully engaged in such self-employment and that his net earnings in a trade, business, profession, or vocation, have been less than $100 in the previous calendar month, the veteran shall be entitled to receive, subject to the limitations of this subchapter as to time and amount, the difference (adjusted to the next highest multiple of $1), between $100 and his net earnings for such month.

(c) Payment of such allowance shall be made by the Administrator to each eligible veteran at the time and in the manner other payments are made directly to veterans by the Administrator.

(d) Subsection (b) of section 696 of this title and section 696a of this title shall not apply in determining the eligibility for allowances of a claimant under this section. (June 22, 1944, ch. 268, title V, § 902, 58 Stat. 297)

§ 696e. Adjustment of duplicate benefits.

Where an allowance is payable to a claimant under this subchapter and where, for the same period, either an allowance or benefit is received under any Federal or State unemployment or disability compensation law, the amount received or accrued from such other source shall be subtracted from the allowance payable under this subchapter (except that this section shall not apply to pension, compensation, or retired pay paid by the Veterans' Administration); and the resulting allowances, if not a multiple of $1, shall be readjusted to the next higher multiple of $1. (June 22, 1944, ch. 268, title V, § 1000, 58 Stat. 298.)

§ 696f. Administration—(a) Utilization of existing facilities of Federal and State agencies.

The Administrator of Veterans' Affairs is authorized to administer this subchapter and shall, insofar as possible, utilize existing facilities and services of Federal and State departments or agencies on the basis of mutual agreements with such departments or agencies. Such agreements shall provide for the filing of claims for readjustment allowances with the Administrator through established public employment offices and State unemployment-compensation agencies. Such agencies, through agreement, shall also be utilized in the processing, adjustment, and determination of such claims and the payment of such allowances. To facilitate the carrying out of agreements with State departments or agencies and to assist in the discharge of the Administrator's duties under this subchapter, a representative of the Administrator, who shall be a war veteran separated from active service under honorable conditions and who at the time of appointment shall have been a bona fide resident of the State for at least two years, shall be located in each participating State department or agency.

(b) Rules and regulations.

The Administrator, consistent with the provisions of this subchapter, shall prescribe such rules and regulations and require such records and reports as he may find necessary to carry out its purposes: *Provided, however*, That cooperative rules and regulations relating to the performance by Federal or State departments, or agencies, of functions under agreements made therewith may be made by the Administrator after consultation and advisement with representatives of such departments or agencies.

(c) Delegation of powers and duties.

The Administrator may delegate to any officer or employee of his own or of any cooperating department or agency of any State such of his powers and duties, except that of prescribing rules and regulations, as the Administrator may consider necessary and proper to carry out the purposes of this subchapter.

(d) Reimbursement to State agencies.

Allowances paid by the cooperating State agencies shall be repaid upon certification by the Administrator. The Secretary of the Treasury, through the Division of Disbursement of the Treasury, and without the necessity of audit and settlement by the General Accounting Office, shall pay monthly to the departments, agencies, or individuals designated, the amounts so certified.

(e) Advance estimate of administrative expenses.

The Administrator shall from time to time certify to the Secretary of the Treasury for payment in advance or otherwise such sums as he estimates to be necessary to compensate any Federal department or agency for its administrative expenses under this subchapter. Such sums shall cover periods of no longer than six months.

(f) Certification to Social Security Board.

The Administrator shall also from time to time certify to the Social Security Board such State departments or agencies as may be participating in the administration of this subchapter, and the amount of the administrative expense incurred or to be incurred by a State under agreements made pursuant to this section. Upon such certification the Social Security Board shall certify such amount to the Secretary of the Treasury, in addition to the amount, if any, payable by said Board under the provisions of section 502 (a) of Title 42, and the additional amount so certified shall be paid to each State by the Secretary of the Treasury out of the appropriation for the Veterans' Administration.

(g) Disposition of moneys.

Any money paid to any cooperating agency or person, which is not used for the purpose for which it was paid shall, upon termination of the period covered by such payment or the agreement with such agency or person, be returned to the Treasury and credited to the current appropriation for carrying out the purpose of this subchapter, or, if returned after the expiration of period covered by this subchapter, shall be covered into the Treasury as miscellaneous receipts. (June 22, 1944, ch. 268, title V, § 1100, 58 Stat. 298.)

§ 696g. Liability of certifying and disbursing officers.

(a) No person designated by the Administrator as a certifying officer shall, in the absence of gross negligence, or intent to defraud the United States, be liable with respect to the payment of any allowance certified by him under this subchapter.

(b) No disbursing officer shall, in the absence of gross negligence, or intent to defraud the United States, be liable with respect to any payment by him under this subchapter if it was based upon a voucher signed by a certifying officer designated by the Administrator. (June 22, 1944, ch. 268, title V, § 1101, 58 Stat. 299.)

§ 696h. Hearings on claim denials; review.

Any claimant whose claim for an allowance has been denied shall be entitled to a fair hearing before an impartial tribunal of the State agency or such other agency as may be designated by the Administrator. The representative of the Administrator located in each State shall be the final appellate authority in regard to contested claims arising in such State, subject to review by the Administrator. (June 22, 1944, ch. 268, title V, § 1102, 58 Stat. 299.)

§ 696i. Railroad Retirement Board; application for benefits; procedure; cooperating agency.

In the case of any veteran eligible under the provisions of this subchapter who either at the time of application for the benefits herein provided is a "qualified employee" as defined in section 353 of Title 45, or was last employed prior to such application by an employer as defined in section 351 of Title 45, claim may be made through an office operated by or a facility designated as a free employment office by the Railroad Retirement Board pursuant to the provisions of sections 351–366, and 367 of Title 45. In such cases, the conditions and standards as to suitability of work or existence of good cause, the intervals for making claim for and payment of benefits, and the administrative and appellate procedures prescribed by or under sections 351–366, and 367 of Title 45 shall govern, if not in conflict with the provisions of this subchapter, the appellate procedures being subject to final appeal to the Administrator. In such cases, a reference in this subchapter to a cooperating State agency shall be deemed to include the Railroad Retirement Board. (June 22, 1944, ch. 268, title V, § 1103, 58 Stat. 299.)

§ 696j. Issuance of subpenas; making investigations; administration of oaths.

The authority to issue subpenas and provisions for invoking aid of the courts of the United States in case of disobedience thereto, to make investigations, and to administer oaths, as contained in sections 131–133 of this title, shall be applicable in the administration of this subchapter. (June 22, 1944, ch. 268, title V, § 1200, 58 Stat. 299.)

§ 696k. Acceptance of unauthorized allowance.

Any claimant who knowingly accepts an allowance to which he is not entitled shall be ineligible to receive any further allowance under this subchapter. (June 22, 1944, ch. 268, title V, § 1300, 58 Stat. 300.)

§ 696*l*. Penalties for false statements, misrepresentations, and unlawful acceptance of allowance.

(a) Whoever, for the purpose of causing an increase in any allowance authorized under this subchapter, or for the purpose of causing any allowance to be paid where none is authorized under this subchapter, shall make or cause to be made any false statement or representation as to any wages paid or received, or whoever makes or causes to be made any false statement of a material fact in any claim for any allowance under this subchapter, or whoever makes or causes to be made any false statement, representation, affidavit, or document in connection with such claim, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

(b) Whoever shall obtain or receive any money, check, or allowance under this subchapter, without being entitled thereto and with intent to defraud the United States, shall be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or both. (June 22, 1944, ch. 268, title V, § 1301, 58 Stat. 300.)

§ 696m. Definitions.

As used in this subchapter—

(a) The term "week" means such period or periods of seven consecutive calendar days as may be prescribed in regulations by the Administrator.

(b) The term "wages" means all remuneration for services from whatever sources, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. (June 22, 1944, ch. 268, title V, § 1400, 58 Stat. 300.)

SUBCHAPTER V.—GENERAL ADMINISTRATIVE AND PENAL PROVISIONS

§ 697. Application of other laws; acceptance of uncompensated services; contracts with agencies or persons for services.

Except as otherwise provided in this chapter, the administrative, definitive, and penal provisions under sections 30a and 485 of Title 5 and sections 701–703, 704, 705, 706, 707–715, and 716–721 of this title, and the provisions of sections 450, 451, 454a and 556a of this title, shall be for application under this chapter. For the purpose of carrying out any of the provisions of sections 30a and 485 of Title 5 and sections 701–703, 704, 705, 706, 707–715, and 716–721 of this title, and this chapter, the Administrator shall have authority to accept uncompensated services, and to enter into contracts or agreements with private or public agencies, or persons, for necessary services, including personal services, as he may deem practicable. (June 22, 1944, ch. 268, title VI, § 1500, 58 Stat. 300.)

§ 697a. Appropriations.

Except as otherwise specified, the appropriations for the Veterans' Administration are hereby made available for expenditures necessary to carry out the provisions of this chapter and there is hereby authorized to be appropriated such additional amounts as may be necessary to accomplish the purposes of this chapter. (June 22, 1944, ch. 268, title VI, § 1501, 58 Stat. 300.)

§ 697b. Definitions and construction of terms.

Wherever used in this chapter, unless the context otherwise requires, the singular includes the plural; the masculine includes the feminine; the term "Administrator" means the Administrator of Veterans' Affairs; the term "United States" used geographically means the several States, Territories and possessions, and the District of Columbia; the term "State" means the several States, Territories and possessions, and the District of Columbia; and the phrases "termination of hostilities in the present war", "termination of the present war", and "termination of the war", mean termination of the war as declared by Presidential proclamation or concurrent resolution of the Congress. (June 22, 1944, ch. 268, title VI, § 1502, 58 Stat. 300.)

§ 697c. Discharge or release as prerequisite to benefits.

A discharge or release from active service under conditions other than dishonorable shall be a prerequisite to entitlement to veterans' benefits provided by this chapter or sections 30a and 485 of Title 5 and sections 701–703, 704, 705, 706, 707–715, and 716–721 of this title. (June 22, 1944, ch. 268, title VI, § 1503, 58 Stat. 301.)

§ 697d. Annual report to Congress.

The Administrator shall transmit to the Congress annually a report of operations under this chapter. If the Senate or the House of Representatives is not in session, such reports shall be transmitted to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be. (June 22, 1944, ch. 268, title VI, § 1504, 58 Stat. 301.)

§ 697e. Repealed. Dec. 28, 1945, ch. 588, § 9, 59 Stat. 631.

Section, act June 22, 1944, ch. 268, title VI, § 1505, 58 Stat. 301, related to adjusted compensation, deduction of benefits paid, and repayment of loans.

§ 697f. Eligibility of United States citizens who served in armed forces of allies; conditions.

Persons who served in the active military or naval service of any government allied with the United States in World War II and who at time of entrance into such active service were citizens of the United States shall, by virtue of such service, and if otherwise qualified, be entitled to the benefits of Veterans' Regulation No. 1 (a) part VIII, sections 694–694e, 694g–694j, 695–695f, and 696–696m of this title or of section 701 of this title and Veterans' Regulation No. 1 (a) part VII, in the same manner and to the same extent as persons who served in the active military or naval service of the United States: *Provided,* That any such benefit shall not be extended to any person who is not a resident of the United States at time of filing claim or to any person who has applied for and received the same or similar benefit from the government of the nation in whose active military or naval service he served. (June 22, 1944, ch. 268, title VI, § 1506, as added Dec. 28, 1945, ch. 588, § 10, 59 Stat. 631.)

§ 697g. Benefits available during terminal leave or hospitalization; effective date.

Notwithstanding the provisions of section 697c of this title, any person while on terminal leave, or while hospitalized pending final discharge, may be afforded the benefits of Veterans' Regulation No 1 (a) part VIII and sections 694–694e, 694g–694j of this title, or vocational rehabilitation training under section 701 of this title and Veterans' Regulation No. 1 (a) part VII, subject to all conditions thereof except actual discharge: *Provided,* That no subsistence allowance shall be paid in such cases under Veterans' Regulation No. 1 (a) part VIII or section 701 of this title and Veterans' Regulation No. 1 (a) part VII. This section shall be effective from June 22, 1944. (June 22, 1944, ch. 268, title VI, § 1507, as added Dec. 28, 1945, ch. 588, § 10, 59 Stat. 631.)

Chapter 12.—PENSION AND VETERANS' RELIEF REORGANIZATION

Sec.

725. Duration of pensions payable to dependent parents (New).
726. Determination of service connection of disease or injury (New).
727. Application of certain provisions to benefits provided under other laws, rates of pension applicable to children of certain deceased veterans (New).
728 Forfeiture of benefits for mutiny, treason, sabotage, etc. (New).
729. Termination of benefits to noncitizen beneficiaries in enemy territory (New).
730. Attendance at service academies as active military or naval service in World War II (New).
731. Death compensation rates to surviving widow, child, or children (New).

Sec.
732 Disability pension payable from date of discharge (New).
733. Effective date of death pensions of persons missing in action (New).
734. Application of certain other benefit provisions, reduction or discontinuance of compensation (New)
735. Death compensation payable to widow, child, or children of World War II veteran where death due other than to service, definitions (New).

§ 701. Pensions; who are eligible; termination of World War.

* * * * *

(f) Any person who served in the active military or naval forces on or after September 16, 1940, and prior to the termination of hostilities in the present war, shall be entitled to vocational rehabilitation subject to the provisions and limitations of Veterans Regulation Numbered 1 (a), as amended, part VII, or to education or training subject to the provisions and limitations of part VIII. (As amended Mar. 24, 1943, ch. 22, § 1, 57 Stat 42; June 22, 1944, ch. 268, title II, § 400 (a), 58 Stat. 287.)

AMENDMENTS

1944—Subsec (f) amended by Act June 22, 1944, cited to text, which substituted "September 16, 1940," for "December 7, 1941," and added "or to education or training subject to the provisions and limitations of part VIII"

1943—Subsec (f) was added by act Mar. 24, 1943, cited to text.

CROSS REFERENCES

Pensions payable to dependent parent after remarriage, see section 725 of this title

§ 706b. Hospitalization and domiciliary care of veterans serving during war period; furnishing of artificial limbs or other appliances; commutation in lieu thereof.

In the administration of laws pertaining to veterans, retired officers, and enlisted men of the Army, Navy, Marine Corps, and Coast Guard, who served honorably during a war period as recognized by the Veterans' Administration, shall be, and are entitled to hospitalization and domiciliary care in the same manner and to the same extent as veterans of any war are now or may hereafter be furnished hospitalization or domiciliary care by the Veterans' Administration and subject to those provisions of paragraph VI (A) of Veterans Regulation Numbered 6 (c), which provide for reduction of monetary benefits to veterans having neither wife, child, nor dependent parent while being furnished hospital treatment, institutional, or domiciliary care.

Any retired officer or enlisted man of the Army, Navy, Marine Corps, or Coast Guard, who lost a limb or the use thereof through injury or disease incurred or contracted in line of duty in the military or naval service at any time, may be provided with an artificial limb or other appliance found by the Administrator of Veterans' Affairs to be reasonably necessary in medical judgment for such injury or disease, including necessary transportation to effect the fitting thereof, upon receipt of claim under such regulations as the Administrator of Veterans' Affairs may prescribe. No commutation in lieu of such artificial limb or other appliance shall be payable on and after the date of this enactment. (As amended Dec. 22, 1941, ch. 612, 55 Stat. 850; May 23, 1944, ch. 202, § 1, 58 Stat. 225.)

AMENDMENTS

1944—Act May 23, 1944, cited to text, amended section by adding second par

1941—Act Dec. 22, 1941, cited to text, substituted words "in the same manner and to the same extent as veterans of any war are now or may hereafter be furnished hospitalization or domiciliary care by the Veterans' Administration" in lieu of "on parity with other war veterans."

REFFRENCES IN TEXT

Veterans Regulation Numbered 6 (c), referred to in this section, is set out at the end of this chapter.

REPEALS

Section 3 of act May 23, 1944, cited to text, provided: "Any other Acts, or parts of Acts, in conflict or inconsistent with the provisions of this Act, are hereby repealed to the extent of such conflict or inconsistency."

§ 724. Benefits applicable to veterans in service in Russia.

VETERANS' REGULATIONS

Supplementary material concerning Veterans' Regulations is set out following last section of this chapter

§ 725. Duration of pensions payable to dependent parents.

Pension or compensation payable to a dependent mother or father under any law administered by the Veterans' Administration shall continue during dependency whether dependency arises prior or subsequent to the death of the veteran on whose account the benefit is payable. The fact of remarriage of the mother or father shall not operate to terminate such pension, provided that dependency exists notwithstanding such remarriage. (July 30, 1941, ch. 329, § 1, 55 Stat. 603.)

REPEAL

Section 2 of act July 30, 1941, cited to text, repealed any provision of law inconsistent with this section.

§ 726. Determination of service connection of disease or injury.

The Administrator of Veterans' Affairs is hereby authorized and directed to include in the regulations pertaining to service connection of disabilities additional provisions in effect requiring that in each case where a veteran is seeking service connection for any disability due consideration shall be given to the places, types, and circumstances of his service as shown by his service record, the official history of each organization in which he served, his medical records, and all pertinent medical and lay evidence

In the case of any veteran who engaged in combat with the enemy in active service with a military or naval organization of the United States during some war, campaign, or expedition, the Administrator of Veterans' Affairs is authorized and directed to accept as sufficient proof of service connection of any disease or injury alleged to have been incurred in or aggravated by service in such war, campaign, or expedition, satisfactory lay or other evidence of service incurrence or aggravation of such injury or disease, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of such veteran: *Provided*, That service connection of such injury or disease may be rebutted by clear and convincing evidence to the contrary. The reasons

for granting or denying service connection in each such case shall be recorded in full. (Dec. 20, 1941, ch. 603, 55 Stat. 847.)

§ 727. Application of certain provisions to benefits provided under other laws; rates of pension applicable to children of certain deceased veterans.

The administrative, definitive, and regulatory provisions of sections 701–703, 704, 705, 706, 707–710, 712–715, 717, 717 note, 718, 720, 721 of this title and section 30a of Title 5, and Veterans Regulations, as now or hereafter amended, shall be applicable to benefits provided under sections 366, 367, 471a, 473a, 501a, 511a, 700, 706, 709, 722 and 723, of this title; sections 503–505, 506–507a of this title, and under laws reenacted by sections 368 and 369 of this title: *Provided,* That where solely as a result of the definition of the term "child" in paragraph VI of Veterans Regulation Numbered 10—Series as amended by Act July 13, 1943, ch. 233, § 7, 57 Stat. 555, the child or children of a deceased veteran of the Spanish-American War, Boxer Rebellion, or Philippine Insurrection would be entitled to benefits under the general pension law or service pension Acts reenacted by sections 368 and 369 of this title; the rates of service pension applicable to such child or children shall be those provided in sections 503–505, 506–507a of this title, as now or hereafter amended. (July 13, 1943, ch 233, § 1, 57 Stat. 554.)

EFFECTIVE DATE

Effective date of act July 13, 1943, ch 233, and benefits authorized thereunder, see note under section 731 of this title

§ 728. Forfeiture of benefits for mutiny, treason, sabotage, etc.

Any person shown by evidence satisfactory to the Administrator of Veterans' Affairs to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies shall forfeit all accrued or future benefits under laws administered by the Veterans' Administration pertaining to gratuities for veterans and their dependents: *Provided, however,* That the Administrator of Veterans' Affairs, in his discretion, may apportion and pay any part of such benefits to the dependents of such person not exceeding the amount to which each dependent would be entitled if such person were dead. (July 13, 1943, ch. 233, § 4, 57 Stat. 555.)

EFFECTIVE DATE

Effective date of act July 13, 1943, ch 233, and benefits authorized thereunder, see note under section 731 of this title.

§ 729. Termination of benefits to noncitizen beneficiaries in enemy territory.

When any person not a citizen of the United States entitled to compensation, pension, or other gratuity under laws administered by the Veterans' Administration is located in the territory of or under military control of an enemy of the United States or of any of its allies, any award of such benefits in favor of such person shall be terminated forthwith and such person shall not be entitled to any such benefits except upon the filing of a new claim accompanied by evidence satisfactory to the Administrator of Veterans' Affairs showing that the claimant was not guilty of any of the offenses enumerated in section 728 of this title: *Provided,* That no compensation, pension, or other gratuity shall be paid for any period prior to the date of such new claim: *Provided further,* That while such person is located in a territory of or under military control of an enemy of the United States or any of its allies, any part of the benefits to which such person would otherwise be entitled may, in the discretion of the Administrator of Veterans' Affairs, be apportioned and paid to the dependents of such person who are in the United States or in a place not occupied or controlled by such enemy, except that the amount so apportioned and paid shall not exceed the amount to which each dependent would be entitled if such person were dead. (July 13, 1943, ch 233, § 5 57 Stat 555)

EFFECTIVE DATE

Effective date of act July 13, 1943, ch 233, and benefits authorized thereunder, see note under section 731 of this title

§ 730. Attendance at service academies as active military or naval service in World War II.

Service as a cadet at the United States Military Academy or as a midshipman at the United States Naval Academy or as a cadet at the United States Coast Guard Academy on or after December 7, 1941, and before termination of hostilities incident to the present war as determined by proclamation of the President or by concurrent resolution of the Congress shall be considered active military or naval service in World War II for the purposes of laws administered by the Veterans' Administration. (July 13, 1943, ch. 233, § 10, 57 Stat. 556.)

EFFECTIVE DATE

Effective date of act July 13, 1943, ch 233, and benefits authorized thereunder, see note under section 731 of this title

§ 731. Death compensation rates to surviving widow, child, or children.

(a) The surviving widow, child, or children of any deceased person, entitled to wartime service-connected death compensation or pension at the rates provided in paragraph two of section 472b of this title, shall be entitled to receive compensation or pension at the monthly rates specified below:

Widow but no child, $50, widow with one child, $65, with $13 for each additional child (subject to apportionment regulations); no widow but one child, $25; no widow but two children, $38 (equally divided) with $10 for each additional child (total amount to be equally divided). As to the widow, child, or children, the total amount payable under this paragraph shall not exceed $100.

(b) The surviving widow, child, or children of any deceased person, entitled to peacetime service-connected death pension at the rates provided in paragraph two of section 1 of Public Law Numbered 690, Seventy-seventh Congress, approved July 30, 1942 (56 Stat. 731), shall be entitled to receive pension at the monthly rates specified below:

Widow but no child, $38; widow with one child, $49 with $10 for each additional child (subject to apportionment regulations); no widow but one child,

$19; no widow but two children, $28 (equally divided) with $8 for each additional child (total amount to be equally divided). As to the widow, child, or children, the total pension payable under this paragraph shall not exceed $75.

(c) As to such persons who now are on the compensation or pension rolls or are applicants for compensation or pension and are found entitled, at said rates, the compensation or pension or increase thereof at the rates authorized in (a) or (b) of this section shall commence on the first day of August 1943, and as to those filing claims hereafter and found entitled to said rates, compensation or pension payable under this section shall begin as authorized in existing law and regulations: *Provided,* That the rates of compensation or pension authorized by this section shall not be awarded for any period prior to the first day of August 1943. (July 13, 1943, ch. 233, § 14, 57 Stat. 558.)

REFERENCES IN TEXT

Words "paragraph two of section 1 of Public Law Numbered 690, Seventy-seventh Congress, approved July 30, 1942 (56 Stat 731)," to which reference is made in this section has been classified as a note under Veterans' Regulation No. 1 (a), part II, par III, following section 732 of this title.

CODIFICATION

Section, act June 28, 1934, ch 867, § 1, is now covered by section 503 of this title.

EFFECTIVE DATE OF ACT JULY 13, 1943, CH 233, AND BENEFITS AUTHORIZED THEREUNDER

Act July 13, 1943, ch 233, § 16, 57 Stat 559, provided: "This Act (affecting sections 25, 26, 27, 44, 321a, 321c, 364b, 365a, 365c, 370c, 381–1, 450, 503, 727–732 of this title, and Regulations Nos 1 (a), 2 (a), 6 (a) and 10) shall be effective from the date it is approved and necessary adjustments in awards shall be made effective unless otherwise provided herein, the first of the calendar month following adjudicative action, or the first of the calendar month following date of receipt of claim, whichever is the earlier. In all other cases benefits authorized by virtue of this Act shall be effective from date of receipt of claim therefor under this Act and subject to the provisions that death compensation or death pension shall be effective as of the day following the date of death of the veteran if claim is filed within one year after the death of the veteran: *Provided,* That in no event shall payments authorized by this Act be made for any period prior to the date of enactment of this Act (August 1943)."

§ 732. Disability pension payable from date of discharge.

Notwithstanding any other provision of law, pension payable for disability shall be payable from date of discharge if claim therefor is filed within one year from discharge. (July 13, 1943, ch. 233, § 17, 57 Stat. 560.)

CODIFICATION

Section, act June 28, 1934, ch 867, § 2, is now covered by section 504 of this title.

§ 733. Effective date of death pensions of persons missing in action.

Effective December 7, 1941, where in the case of a person in the active land or naval service a report of death or a finding of death has been made by the Secretary of War or the Secretary of the Navy, the effective date of an award of death pension or compensation payable under sections 701–703, 704, 705, 706, 707–710, 712–715, 717, 718, 720, and 721 of this title and section 30a of Title 5, shall be the day following the date fixed by the Secretary as the date of death in such report or finding: *Provided,* That claim be filed prior to one year after report or finding of death is made: *And provided further,* That death pension or compensation under the laws administered by the Veterans' Administration shall not be payable to any dependent for any period for which such dependent has received, or is entitled to receive, an allowance, allotment, or service pay of the deceased. (Sept. 7, 1944, ch. 405, 58 Stat. 728.)

§ 734. Application of certain other benefit provisions; reduction or discontinuance of compensation.

Except to the extent they may conflict with the provisions of this section and sections 503, 504, 505a, and 735 of this title, the provisions of sections 701–703, 704, 705, 706, 707–710, 712–715, 717, 718, 720, 721 of this title, and section 30a of Title 5, the Veterans Regulations promulgated thereunder, and of sections 450, 503 (c), 727–732 of this title, and Veterans' Regulations Nos. 1 (a), 2 (a), 6 (a), and 10 following chapter 12 of this title, as now or hereafter amended, shall be applicable to this section and sections 503, 504, 505a, and 735 of this title: *Provided,* That no compensation or pension shall be reduced or discontinued by the enactment of this section and sections 503, 504, 505a, and 735 of this title. (Dec. 14, 1944, ch 581, § 58 Stat. 804)

EFFECTIVE DATE; VALIDATION OF MATURED CLAIMS

Effective date and validation of matured claims, see note set out under section 503 of this title.

§ 735. Death compensation payable to widow, child, or children of World War II veteran where death due other than to service; definitions.

The widow, child, or children of a veteran who served in World War II whose death is not due to service therein, but who at the time of death was receiving or entitled to receive pension, compensation, or retirement pay for disability incurred in such service, or who, having served at least ninety days during such war period or having been discharged for disability incurred in line of duty during such service, dies or has died from a disease or disability not service connected and at the time of death had a disability due to such service for which pension would be payable if 10 per centum or more in degree, shall be entitled to pension in the amounts and otherwise subject to the conditions of sections 503–505 and 506–507a of this title: *Provided,* That for the purposes of this section the definition of the terms "veteran", "widow", "child or children" shall be those applicable to World War II as provided in sections 701–703, 704, 705, 706, 707–710, 712–715, 717, 718, 720, 721 of this title, and section 30a of Title 5, as now or hereafter amended: *And provided further,* That section 507b of this title, is hereby amended accordingly. (Dec. 14, 1944, ch. 581, § 6, 58 Stat. 804.)

EFFECTIVE DATE; VALIDATION OF MATURED CLAIMS

Effective date and validation of matured claims, see note set out under section 503 of this title.

VETERANS' REGULATIONS PROMULGATED PURSUANT TO CHAPTER 12

Vet. Reg. No. 1 (a). Entitlement to pensions.

PART I

PENSIONS TO VETERANS AND THE DEPENDENTS OF VETERANS FOR DISABILITY OR DEATH RESULTING FROM ACTIVE MILITARY OR NAVAL SERVICE DURING THE SPANISH-AMERICAN WAR, BOXER REBELLION, PHILIPPINE INSURRECTION, AND/OR THE WORLD WAR

I. (a) For disability resulting from personal injury or disease contracted in line of duty, or for aggravation of a preexisting injury or disease contracted or suffered in line of duty, when such disability was incurred in or aggravated by active military or naval service during an enlistment or employment entered into on or after April 21, 1898, and before August 13, 1898, where the injury or disease was incurred or aggravated prior to July 5, 1902; or during an enlistment or employment where there was actual participation in the Philippine Insurrection on or after August 13, 1898, and before July 5, 1902: *Provided, however,* That if the person was serving with the United States military forces engaged in the hostilities in the Moro Province the dates herein stated shall extend to July 15, 1903; or during an enlistment or employment where there was actual participation in the Boxer Rebellion on or after June 20, 1900, and before May 13, 1901; or during an enlistment or employment entered into on or after April 6, 1917, and before November 12, 1918, where the disease or injury was incurred prior to July 2, 1921: *Provided, however,* If the person was serving with the United States military forces in Russia the dates herein shall be extended to April 1, 1920, or during an enlistment or employment entered into on or after December 7, 1941, and before the termination of hostilities incident to the present war as determined by proclamation of the President or by concurrent resolution of the Congress; or where such disability was incurred in or aggravated by active military or naval service during an enlistment or employment where there was active service in the Spanish-American War, or actual participation in the Boxer Rebellion, or Philippine Insurrection, or active service in the World War or in World War II during the dates specified, the United States will pay to any person thus disabled and who was honorably discharged a pension as hereinafter provided but no pension shall be paid if the disability is the result of the person's own misconduct.

(b) For the purposes of paragraph I (a) hereof every person employed in the active military or naval service shall be taken to have been in sound condition when examined, accepted, and enrolled for service except as to defects, infirmities, or disorders noted at time of the examination, acceptance, and enrollment, or where clear and unmistakable evidence demonstrates that the injury or disease existed prior to acceptance and enrollment and was not aggravated by such active military or naval service. (As amended July 13, 1943, ch 233, § 9, 57 Stat 556)

* * * * *

II * * *

* * * * *

(k) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of one foot, or one hand, or blindness of one eye, having only light perception, the rate of pension provided in part I, paragraph II, subparagraphs (a) to (j), shall be increased by $35 per month; and in the event of anatomical loss or loss of use of one foot, or one hand, or blindness of one eye, having only light perception, in addition to the requirement for any of the rates specified in subparagraphs (*l*) to (n), inclusive, of part I, paragraph II, the rate of pension shall be increased by $35 per month for each such loss or loss of use, but in no event to exceed $300 per month.

(*l*) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss, or loss of use of both hands, or both feet, or of one hand and one foot, or is blind in both eyes, with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, the monthly pension shall be $200.

(m) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place, or has suffered blindness in both eyes, rendering him so helpless as to be in need of regular aid and attendance, the monthly pension shall be $235.

(n) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or has suffered the anatomical loss of both eyes, the monthly pension shall be $265

(o) If the disabled person, as the result of service-incurred disability, has suffered disability under conditions which would entitle him to two or more of the rates provided in one or more of the subparagraphs (*l*) to (n), inclusive, of part I, paragraph II of this Regulation, no condition being considered twice in the determination, or has suffered total deafness in combination with total blindness with 5/200 visual acuity or less, the monthly pension shall be $300

(p) In the event the disabled person's service-incurred disabilities exceed the requirements for any of the rates prescribed herein, the Administrator, in his discretion, may allow the next higher rate or an intermediate rate, but in no event in excess of $300. (As amended Sept. 20, 1945, ch. 369, § 1, 59 Stat 533)

[EFFECTIVE DATE. Section 3 of act Sept. 20, 1945, ch 369, 59 Stat. 533, provided. "The increased rates provided by this Act [amendments to Reg. No 1 (a) pt I (k–p) and pt. II (k–p)] shall be effective from the first day of the first month following the passage of this Act [Sept 20, 1945], and shall be deemed to include the 15 per centum increase in the rate of compensation or pension payable for service-incurred disability under section 1, Public Law 312, Seventy-eighth Congress, May 27, 1944 [section 251 of this title], or Public Law 469, Seventy-eighth Congress, December 7, 1944 [section 471a–2 of this title]]

PART II

PAYMENT OF PENSION FOR DISABILITY OR DEATH INCURRED DURING PEACE-TIME SERVICE

I * * *

* * * * *

(c) Any veteran otherwise entitled to pension under the provisions of part II of this regulation or the general pension law shall be entitled to receive the rate of pension provided in part I of this regulation, if the disability resulted from an injury or disease received in line of duty (1) as a direct result of armed conflict, or (2) while engaged in extra hazardous service, including such service under conditions simulating war, or (3) while the United States is engaged in war.

The dependents of any deceased veteran, whose death resulted from an injury or disease received in line of duty as described in this subparagraph, otherwise entitled to pension under the provisions of part II of this regulation or the general pension law, shall be entitled to pension at the rates provided for service-connected death compensation benefits for dependents of World War veterans by section 5 of Public Law Numbered 198, Seventy-sixth Congress, as amended (U S C , Title 38, sec 472b), or if barred by the insurance limitations thereof, the rates provided by paragraph IV of part I, Veterans Regulation Numbered 1 (a), as amended. (As amended Dec. 19, 1941, ch. 598, § 1, 55 Stat 844)

(Sections 2 and 3 of act Dec 19, 1941, section 1 of which amended Vet. Reg No. 1 (a), Pt. II, Par. 1 (c), provided as follows:

("SEC 2 The Administrator of Veterans' Affairs is hereby authorized to make rules and regulations, not inconsistent with the provisions of this Act, which are necessary to carry out its purposes.

("SEC 3 The provisions of this Act shall also apply to disability or death occurring prior to the effective date of this Act, but payments authorized by this Act shall not be made for any period prior to the date of enactment, or the date of receipt in the Veterans' Administra-

tion of application for the benefits thereof, whichever is the later date.

("This Act shall not be so construed as to reduce any pension under any Act, public or private.")

II. * * *

* * * * *

(k) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of one foot, or one hand, or blindness of one eye, having only light perception, the rate of pension provided in part II, paragraph II, subparagraphs (a) to (j), shall be increased by $26 25 per month; and in the event of anatomical loss or loss of use of one foot, or one hand, or blindness of one eye, having only light perception, in addition to the requirement for any of the rates specified in subparagraphs (*l*) to (n), inclusive, of part II, paragraph II, the rate of pension shall be increased by $26 25 per month for each such loss or loss of use but in no event to exceed $225 per month

(*l*) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss, or loss of use of both hands, or both feet, or of one hand and one foot, or is blind in both eyes, with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, the monthly pension shall be $150

(m) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place, or has suffered blindness in both eyes, rendering him so helpless as to be in need of regular aid and attendance, the monthly pension shall be $176 25

(n) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or has suffered the anatomical loss of both eyes, the monthly pension shall be $198 75

(o) If the disabled person, as the result of service-incurred disability, has suffered disability under conditions which would entitle him to two or more of the rates provided in one or more of the subparagraphs (*l*) to (n) inclusive, of part II, paragraph II, of this Regulation, no condition being considered twice in the determination, or has suffered total deafness in combination with total blindness with 5/200 visual acuity or less, the monthly pension shall be $225

(p) In the event the disabled person's service-incurred disabilities exceed the requirements for any of the rates prescribed herein, the Administrator, in his discretion, may allow the next higher rate or an intermediate rate, but in no event in excess of $225 (As amended Dec 6, 1944, ch 507, 58 Stat 793, Sept 20, 1945, ch 369, § 2, 59 Stat 534.)

[EFFECTIVE DATE Section 3 of act Sept 20, 1945, ch 369, 59 Stat 533, provided "The increased rates provided by this Act [amendments to Reg No 1 (a) pt I (k–p) and pt II (k–p)] shall be effective from the first day of the first month following the passage of this Act [Sept 20, 1945], and shall be deemed to include the 15 per centum increase in the rate of compensation or pension payable for service-incurred disability under section 1, Public Law 312, Seventy-eighth Congress, May 27, 1944 [section 251 of this title], or Public Law 469, Seventy-eighth Congress, December 7, 1944 [section 471a-2 of this title]."

Amendment of part II, par II, subpar (k) by act Dec. 6, 1944, ch 507, 58 Stat. 793, was made effective on the first day of the month following the month in which that act was enacted.]

III * * *

Increased pension rates. Act July 30, 1942, ch. 539, 56 Stat 731, provided as follows:

SEC. 1 "The surviving widow, child, or children, and/or dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service as provided for in part II, paragraph I, Veterans Regulation Numbered 1 (a), as amended, and persons entitled to pension under the provisions of the general pension law for death resulting from service prior to April 21, 1898, shall be entitled to receive pension at the monthly rates specified below:

"Widow, age under fifty years, $30; widow, age fifty years or over, $35; widow with one child, $8 additional for such child up to ten years of age, increased to $11 from age ten (with $6 for each additional child up to ten years of age, increased to $10 from age ten) (subject to apportionment regulations); no widow but one child, $15; no widow but two children, $25 (equally divided); no widow but three children, $35 (equally divided) (with $6 for each additional child, total amount to be equally divided); dependent mother or father, $30 (or both) $20 each As to the widow, child, or children, the total pension payable under this paragraph shall not exceed $62

"SEC 2. As to persons now on the pension rolls or who are in receipt of or applicants for pension under laws in force prior to the date of enactment of this Act, the pension or increase of pension at the rates herein authorized shall commence on the first day of the month following the month in which this Act is enacted, and as to persons not now on the rolls or not in receipt of pension or who do not have an application pending, pension at the rates herein provided shall commence the day following the date of death of the veteran if claim is filed within one year following the date of death; otherwise the date of filing application in the Veterans' Administration: *Provided*, That notwithstanding the provisions of any other Act, all pensions which may be granted under the general pension law either in consequence of claims pending on the date of enactment of this Act or claims filed thereafter in consequence of death occuring from a cause which originated in the service since the 4th day of March 1861 shall be effective as of the day following the date of death of the veteran if claim is filed within one year after the death of such veteran, or otherwise from the date of receipt of the application: *Provided further*, That the rates of pension herein authorized shall not be awarded for any period prior to the first day of the month following the month of enactment of this Act.

"SEC 3. The provisions of this Act shall not be construed so as to terminate or reduce any pension heretofore granted, or to deny the increased rates as provided in this Act to those whose names are on the pension roll under the general law at the effective date of this Act, or deny any right, privilege, or benefit conferred by any pension law now in effect, except as to the effective date of commencement as provided in section 2 of this Act

"SEC 4 That notwithstanding any provision of law or veterans regulation, awards of death pension granted under part II of Veterans Regulation Numbered 1 (a), as amended or under Public Law 359, Seventy-seventh Congress, approved December 19, 1941 (see Vet Reg No 1 (a), Pt II, Par I (c), and note thereunder), shall be effective as of the day following the date of death of the veteran, if claim is filed within one year following the date of death."

IV[1] For the purposes of paragraph I hereof, as amended, any person who, on or after August 27, 1940, and prior to termination of the present hostilities, has applied or shall hereafter apply for enlistment or enrollment in the active military or naval forces and who was or shall be provisionally accepted and directed or ordered to report to a place for final acceptance into such military or naval service, or who was or is selected for service and after reporting pursuant to the call of his local board and prior to rejection, or who after being called in the Federal service as a member of the National Guard but before being enrolled for the Federal service suffered or shall suffer an injury or a disease in line of duty and not the result of his own misconduct, will be considered to have incurred such disability in active military or naval service: *Provided*, That payments of pension under the terms of this paragraph shall not be effective prior to the date of enactment of this amendment. (Added May 11, 1944, ch 193, 58 Stat. 219.)

[1] So in original. Probably should be "V".

PART III

PAYMENT OF PENSION FOR DISABILITIES OR DEATH NOT THE RESULT OF SERVICE

I. * * *

(f) The amount of pension payable under terms of part III shall be $50 monthly, except that where such veterans shall have been rated permanent and total and in receipt of pension for a continuous period of ten years or reach the age of sixty-five years, the amount of pension shall be $60 monthly: *Provided*, That—

(As amended June 10, 1942, ch. 402, 56 Stat. 350; May 27, 1944, ch 208, 58 Stat 230)

[Applicability to veterans of World Wars I and II Second par of Act May 27, 1944, cited to text, provided: "The provisions of this Act shall apply to veterans of both World War I and World War II "]

* * * * *

II (a) * * *

(Section 12 of act May 7, 1943, ch. 93, 57 Stat 78, provides that amounts received as overtime compensation under such act shall not be considered in determining amount of person's annual income or rate of compensation for purposes of paragraph II (a) of part III of this regulation.)

* * * * *

PART VII

VOCATIONAL REHABILITATION

1 Any person who served in the active military or naval service at any time on or after September 16, 1940, and prior to the termination of the present war, who is honorably discharged therefrom, and who has a disability incurred in or aggravated by such service for which pension is payable under laws administered by the Veterans' Administration, or would be but for receipt of retirement pay, and is in need of vocational rehabilitation to overcome the handicap of such disability, shall be entitled to such vocational rehabilitation as may be prescribed by the Administrator of Veterans' Affairs to fit him for employment consistent with the degree of disablement: *Provided*, That no course of training in excess of a period of four years shall be approved except with the approval of the Administrator, nor shall any training under this part be afforded beyond nine years after the termination of the present war

2. The Administrator shall have the power and duty to prescribe and provide suitable training to persons included in paragraph I, and for such purposes may employ such additional personnel and experts as are deemed necessary, and may utilize and extend existing Veterans' Administration facilities and utilize those of any other governmental agency as well as those maintained by joint Federal and State contribution, and, in addition, he may, by agreement or contract with public or private institutions or establishments, provide for such additional training facilities as may be suitable and necessary to accomplish the purposes of this part

3. While pursuing training prescribed herein, and for two months after his employability is determined, each veteran shall be paid the amount of subsistence allowance specified in paragraph 6 of part VIII of Veterans' Regulation Numbered 1 (a), as amended: *Provided*, That the minimum payment of such allowance, plus any pension or other benefit, shall be, for a person without a dependent, $105 per month; and for a person with a dependent, $115, plus the following amounts for additional dependents: (1) $10 for one child and $7 additional for each additional child, and (2) $15 for a dependent parent: *Provided further*, That the rates set out herein shall not be subject to the increases authorized by Public Law Numbered 312, Seventy-eighth Congress, approved May 27, 1944 (sections 471a–1 and 504 of this title): *And provided further*, That when the course of vocational rehabilitation furnished to any person as herein provided consists of training on the job by an employer, such employer shall be required to submit monthly to the Administrator a statement in writing showing any wage, compensation, or other income paid by him to such person during the month, directly or indirectly, and based upon such written statements, the Administrator is authorized to reduce the subsistence allowance of such person to an amount considered equitable and just

4. Where any person while following a course of vocational rehabilitation as provided for in this part suffers an injury or an aggravation of any injury, as a result of the pursuit of such course of vocational rehabilitation, and not the result of his or her own willful misconduct, and such injury or aggravation results in additional disability to or death of such person, the benefits under laws applicable to veterans of the present war shall be awarded in the same manner and extent as if such disability, aggravation, or death were service-connected within the meaning of such laws; except that no benefits under this paragraph shall be awarded unless application be made therefor within two years after such injury or aggravation was suffered, or such death occurred

5 The purpose of rehabilitation is to restore employability lost by virtue of a handicap due to service-incurred disability The Administrator shall have the power and duty to cooperate with and employ the facilities of other governmental and State employment agencies for the purpose of placing in gainful employment persons trained under the provisions of this part.

6 The Administrator is hereby authorized to make such rules and regulations as may be deemed necessary in order to promote good conduct and cooperation on the part of persons who are following courses of vocational rehabilitation provided by this part Penalties for the breach of such rules and regulations may, with the approval of the Administrator, extend to a forfeiture by the offender for a period of three months of such portion of the pension herein provided as will leave him not less than the amount of the monthly pension or retirement pay to which such person is entitled for service-connected disability, and such penalties may also extend to permanent discontinuance of all further benefits of this part

7 The Administrator is hereby authorized to make such rules and regulations as may be deemed necessary for the granting of leaves of absence to those following courses of vocational rehabilitation provided by this part where in his opinion such leaves do not materially interfere with the pursuit of such courses Such leaves of absence shall not in the case of any person be granted in excess of thirty days in any consecutive twelve months except in exceptional circumstances as determined by the Administrator: *Provided*, That during leave of absence under this paragraph such person shall be considered to be pursuing his course of vocational rehabilitation under this part

8 There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, available immediately and until expended, the sum of $500,000 to be utilized by the Veterans' Administration under such rules and regulations as the Administrator may prescribe, as a revolving fund for the purpose of making advancements not exceeding $100 in any case, to persons commencing or undertaking courses of vocational rehabilitation under this part, and advancement to bear no interest and to be reimbursed in such installments as may be determined by the Administrator by proper deductions from any future payments of pension or retirement pay

9 The Administrator shall have the power to provide courses of instruction for personnel and may detail employees to attend the same and may detail any such personnel to attend courses conducted by other than Veterans' Administration agencies, including private organizations, and such employees in addition to their salaries shall be entitled to the payment of expenses incident to such detail, including transportation and tuition, as the Administrator by rules and regulations shall provide, and also in his discretion, to make, or, as by agreement with other agency or institution, cause to be made studies, investigations, and reports inquiring into the rehabilitation of disabled persons and the relative abilities, aptitudes, and capacities of the several groups of the variously handicapped and as to how their potentialities can best be developed and their services best utilized in gainful and suitable employment, including the rehabilitation pro-

grams of foreign nations engaged in the present war. For this purpose he shall have the power to cooperate with such public and private agencies as he may deem advisable and to call in consultants who shall receive as compensation for their services a reasonable per diem, which the Administrator shall by rules and regulations provide, for each day actually spent in the work provided for herein and shall in addition be reimbursed for their necessary traveling and other expenses For the purposes of this part the Administrator may accept uncompensated services upon such agreement as he may deem feasible

(Added Mar 24, 1943, ch 22, § 2, 57 Stat 43, amended June 22, 1944, ch. 268, title II, § 403, 58 Stat 291; Dec. 28, 1945, ch 588, §§ 6, 7, 59 Stat. —.)

(Effective date of Act July 13, 1943, ch 233, and benefits authorized thereunder, see note under section 731 of this title)

[Amendment of par. 3 by act Dec. 28, 1945, ch. 588, § 7 (b), 59 Stat. 626, was made effective on the first day of the first calendar month after Dec 28, 1945, by section 7 (b) thereof]

(Act July 12, 1943, ch 218, title I, § 1, 57 Stat 434, provided in part: "To enable the Administrator of Veterans' Affairs to carry out the provisions of paragraph 8, part VII, of Veterans Regulation Numbered 1 (a), as amended by Public Law 16, Seventy-eighth Congress (Mar 24 1943, ch. 22, 57 Stat 43), $500,000, to be utilized as a revolving fund and to remain available until expended ")

[Section 3 of Act Mar 24, 1943, ch 22, 57 Stat 45, as amended by Act June 22, 1944, ch 268, title II, § 401, 58 Stat 290 provided· "The appropriation for the Veterans' Administration, 'Salaries and expenses, medical and hospital, and compensation and pensions', shall be available for necessary expenses under part VII, as amended, or part VIII of Veterans Regulation Numbered 1 (a), and there is authorized to be appropriated such additional amount or amounts as may be necessary to accomplish the purposes thereof Such expenses may include, subject to regulations issued by the Administrator and in addition to medical care, treatment, hospitalization, and prosthesis, otherwise authorized, such care, treatment, and supplies as may be necessary to accomplish the purposes of part VII, as amended, or part VIII of Veterans Regulation Numbered 1 (a).

[Section 4 of said act Mar 24, 1943, as added by section 402 of said act June 22, 1944, and amended Dec. 28, 1945, ch 588, § 6, 59 Stat 626, provided· "Any books, supplies, or equipment furnished a trainee or student under part VII or part VIII of Veterans Regulation Numbered 1 (a) shall be deemed released to him *Provided*, That if he fail, because of fault on his part to complete the course of training or education afforded thereunder, he may be required, in the discretion of the Administrator, to return any or all of such books, supplies, or equipment not actually expended or to repay the reasonable value thereof. *Provided further*, That returned books, supplies, or equipment may be turned in to educational or training institutions for credit under such terms as may be approved by the Administrator, or disposed of in such other manner as may be approved by the Administrator."]

PART VIII

EDUCATION OF VETERANS

1 Any person who served in the active military or naval service on or after September 16, 1940, and prior to the termination of the present war, and who shall have been discharged or released therefrom under conditions other than dishonorable, and who either shall have served ninety days or more, exclusive of any period he was assigned for a course of education or training under the Army specialized training program or the Navy college training program, which course was a continuation of his civilian course and was pursued to completion, or as a cadet or midshipman at one of the service academies, or shall have been discharged or released from active service by reason of an actual service-incurred injury or disability, shall be eligible for and entitled to receive education or training under this part: *Provided*, That such course shall be initiated not later than four years after either the date of his discharge or the termination of the present war, whichever is the later. *Provided further*, That no such education or training shall be afforded beyond nine years after the termination of the present war.

2. Any such eligible person shall be entitled to education or training at an approved educational or training institution for a period of one year plus the time such person was in the active service on or after September 16, 1940, and before the termination of the war, exclusive of any period he was assigned for a course of education or training under the Army specialized training program or the Navy college training program, which course was a continuation of his civilian course and was pursued to completion, or as a cadet or midshipman at one of the service academies, but in no event shall the total period of education or training exceed four years: *Provided*, That his work continues to be satisfactory throughout the period, according to the regularly prescribed standards and practices of the institution: *Provided further*, That wherever the period of eligibility ends during a quarter or semester and after a major part of such quarter or semester has expired, such period shall be extended to the termination of such unexpired quarter or semester.

3 (a) Such person shall be eligible for and entitled to such course of education or training, full time or the equivalent thereof in part-time training, as he may elect, and at any approved educational or training institution at which he chooses to enroll, whether or not located in the State in which he resides, which will accept or retain him as a student or trainee in any field or branch of knowledge which such institution finds him qualified to undertake or pursue: *Provided*, That, for reasons satisfactory to the Administrator, he may change a course of instruction: *And provided further*, That any such course of education or training may be discontinued at any time, if it is found by the Administrator that, according to the regularly prescribed standards and practices of the institution, the conduct or progress of such person is unsatisfactory.

(b) Any such eligible person may apply for a short, intensive postgraduate, or training course of less than thirty weeks· *Provided*, That the Administrator shall have the authority to contract with approved institutions for such courses if he finds that the agreed cost of such courses is reasonable and fair: *Provided further*, That (1) the limitation of paragraph 5 shall not prevent the payment of such agreed rates, but there shall be charged against the veteran's period of eligibility the proportion of an ordinary school year which the cost of the course bears to $500, and (2) not in excess of $500 shall be paid for any such course

(c) Any such eligible person may apply for a course of instruction by correspondence without any subsistence allowance· *Provided*, That the Administrator shall have authority to contract with approved institutions for such courses if he finds that the agreed cost of such courses is reasonable and fair: *Provided further*, (1) That the provisions of paragraph 5 shall not apply to correspondence courses; (2) that one-fourth of the elapsed time in following such course shall be charged against the veteran's period of eligibility; and (3) that the total amount payable for a correspondence course or courses for any veteran shall not exceed $500: *And provided further*, That nothing herein shall be construed to preclude the use of approved correspondence courses as a part of institutional or job training, subject to regulations prescribed by the Administrator.

4. From time to time the Administrator shall secure from the appropriate agency of each State a list of the educational and training institutions (including industrial establishments), within such jurisdiction, which are qualified and equipped to furnish education or training (including apprenticeship and refresher or retraining training), which institutions, together with such additional ones as may be recognized and approved by the Administrator, shall be deemed qualified and approved to furnish education or training to such persons as shall enroll under this part: *Provided*, That wherever there are established State apprenticeship agencies expressly charged

by state laws to administer apprentice training, whenever possible, the Administrator shall utilize such existing facilities and services in training on the job when such training is of one year's duration or more

5. The Administrator shall pay to the educational or training institution, for each person enrolled in full time or part time course of education or training, the customary cost of tuition, and such laboratory, library, health, infirmary, and other similar fees as are customarily charged, and may pay for books, supplies, equipment, and other necessary expenses, exclusive of board, lodging, other living expenses, and travel, as are generally required for the successful pursuit and completion of the course by other students in the institution· *Provided,* That in no event shall such payments, with respect to any person, exceed $500 for an ordinary school year unless the veteran elects to have such customary charges paid in excess of such limitation, in which event there shall be charged against his period of eligibility the proportion of an ordinary school year which such excess bears to $500: *Provided further,* That no payments shall be made to institutions, business or other establishments furnishing apprentice training on the job: *And provided further,* That any institution may apply to the Administrator for an adjustment of tuition and the Administrator, if he finds that the customary tuition charges are insufficient to permit the institution to furnish education or training to eligible veterans, or inadequate compensation therefor, may provide for the payment of such fair and reasonable compensation as will not exceed the estimated cost of teaching personnel and supplies for instruction; and may in like manner readjust· such payments from time to time.

6 While enrolled in and pursuing a course under this part, such person, upon application to the Administrator, shall be paid a subsistence allowance of $65 per month, if without a dependent or dependents, or $90 per month, if he has a dependent or dependents, including regular holidays and leave not exceeding thirty days in a calendar year Such person attending a course on a part-time basis, and such person receiving compensation for productive labor performed as part of their apprentice or other training on the job at institutions, business or other establishments, shall be entitled to receive such lesser sums, if any, as subsistence or dependency allowances, as may be determined by the Administrator. *Provided,* That any such person eligible under this part, and within the limitations thereof, may pursue such full time or part-time course or courses as he may elect, without subsistence allowance.

7 Any such person eligible for the benefits of this part, who is also eligible for the benefit of part VII, may elect either benefit or may be provided an approved combination of such courses: *Provided,* That the total period of any such combined courses shall not exceed the maximum period or limitations under the part affording the greater period of eligibility.

8. No department, agency, or officer of the United States, in carrying out the provisions of this part, shall exercise any supervision or control, whatsoever, over any State educational agency, or State apprenticeship agency, or any educational or training institution: *Provided,* That nothing in this section shall be deemed to prevent any department, agency, or officer of the United States from exercising any supervision or control which such department, agency, or officer is authorized, by existing provisions of law, to exercise over any Federal educational or training institution, or to prevent the furnishing of education or training under this part in any institution over which supervision or control is exercised by such other department, agency, or officer under authority of existing provisions of law.

9 The Administrator of Veterans' Affairs is authorized and empowered, to administer this part, and, insofar as he deems practicable, shall utilize existing facilities and services of Federal and State departments and agencies on the basis of mutual agreements with them Consistent with and subject to the provisions and limitations set forth in this part, the Administrator shall, from time to time, prescribe and promulgate such rules and regulations as may be necessary to carry out its purposes and provisions

10 The Administrator may arrange for educational and vocational guidance to persons eligible for education and training under this part. At such intervals as he deems necessary, he shall make available information respecting the need for general education and for trained personnel in the various crafts, trades, and professions: *Provided,* That facilities of other Federal agencies collecting such information shall be utilized to the extent he deems practicable

11 As used in this part, the term "educational or training institutions" shall include all public or private elementary, secondary, and other schools furnishing education for adults, business schools and colleges, scientific and technical institutions, colleges, vocational schools, junior colleges, teachers colleges, normal schools, professional schools, universities, and other educational institutions, and shall also include business or other establishments providing apprentice or other training on the job, including those under the supervision of an approved college or university or any State department of education, or any State apprenticeship agency or State board of vocational education, or any State apprenticeship council or the Federal Apprentice Training Service established in accordance with sections 50–50b of Title 29, or any agency in the executive branch of the Federal Government authorized under other laws to supervise such training.

12. For the purposes of this part, the present war shall not be considered as terminating, in the case of any individual, before the termination of such individual's first period of enlistment or reenlistment contracted within one year after October 6, 1945 (Added pars 1–11 June 22, 1944, ch 268, title II, § 400 (b), 58 Stat 287, par 12 Oct. 6, 1945, ch. 393, § 11 (a), 59 Stat. 542, amended Dec 28, 1945, ch 588, § 5, 59 Stat 624)

[Amendment of par. 6 by act Dec. 28, 1945, ch. 588, § 5 (e), 59 Stat. 625, was made effective on the first day of the first calendar month after Dec. 28, 1945, by section 5 (e) thereof.]

Vet Reg No. 2 (a). Effective dates of awards of disability and death pensions, provisions for filing claims; review of presumptive claims by special review boards.

* * * * *

PART I

EFFECTIVE DATES OF AWARDS OF DISABILITY AND DEATH PENSIONS AND PROVISIONS FOR FILING CLAIMS

* * * * *

IV (a) * * *

(b) Repealed. July 30, 1941, ch 329, § 2, 55 Stat 608

* * * * *

V (1) Pension, compensation, or retirement pay authorized under laws administered by the Veterans' Administration, to which a person was entitled prior to the date of his death, and not paid during his lifetime, and due and unpaid for a period not to exceed one year prior to death under existing ratings or decisions, or those based on evidence in the file at date of death, shall, upon the death of such person, be paid as hereinafter set forth:

(a) Upon the death of a person receiving an apportioned share of the veteran's pension, compensation, or retirement pay, all or any part of such unpaid amount, to the veteran or to any other dependent or dependents as may be determined by the Administrator of Veterans' Affairs;

(b) Upon the death of a veteran, to the surviving spouse; or if there be no surviving spouse, to the child or children, dependent mother or father in the order named,

(c) Upon the death of a widow or remarried widow, to the veteran's child or children;

(d) Upon the death of a child, to the surviving child or children of the veteran, entitled to death compensation or pension;

(e) In all other cases, only so much of the unpaid pension, compensation, or retirement pay may be paid as may be necessary to reimburse a person who bore the expense of last sickness and burial: *Provided, however,* That no

part of any of the accrued pension, compensation, or retirement pay shall be used to reimburse any political subdivision of the United States for expense incurred in the last sickness or burial of such person;

(f) Payment of the benefits authorized by this paragraph will not be made unless claim therefor be received in the Veterans' Administration within one year from the date of death of the beneficiary or one year after date of this enactment, whichever is later, and such claim is perfected by the submission of the necessary evidence within one year from the date of the request therefor by the Veterans' Administration: *Provided, however,* That a claim for compensation or pension by an apportionee, widow, child, or dependent parent shall be deemed to include claim for any accrued benefits.

(2) A check received by a payee in payment of pension, compensation, or retirement pay shall, in the event of the death of the payee on or after the last day of the period covered by such check, become an asset of the estate of the deceased payee.

(3) All Acts and parts of Acts in conflict with or inconsistent with the provisions of this section are hereby repealed. (As amended July 13, 1943, ch. 233, § 12, 57 Stat. 557.)

(Effective date of awards, see act July 30, 1942, ch 539, § 2, 56 Stat 731, set out in note relating to increased pension rates following Veterans' Regulation No 1 (a), Pt II, Par. III)

(Effective date of act July 13, 1943, ch 233 and benefits authorized thereunder, see note under section 731 of this title.)

Vet. Reg. No. 6 (a) Eligibility for domiciliary or hospital care, including medical treatment.

* * * * *

VI (A) Where any disabled veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the United States, or any political subdivision thereof, any pension, compensation, or retirement pay shall not exceed $20 per month *Provided,* That the amount payable for any such disabled veteran, entitled to pension for non-service-connected disability under the provisions of part III of Veterans Regulation Numbered 1 (a), as amended, shall not exceed $8 per month Where any disabled veteran who is being furnished hospital treatment, institutional or domiciliary care by the United States, or any political subdivision thereof, has a wife, child, or dependent parent, the pension, compensation, or retirement pay may, in the discretion of the Administrator, be apportioned on behalf of such wife, child, or dependent parent, in accordance with instructions issued by the Administrator

(B) Where any disabled veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the United States, or any political subdivision thereof, and shall be deemed by the Administrator of Veterans' Affairs to be insane, the pension, compensation, or retirement pay for such veteran shall be in the amounts specified in (A) above: *Provided,* That in any case where the estate of such disabled insane veteran derived from any source equals or exceeds $1,500, further payments of such benefits will not be made until the estate is reduced to $500 Any such veteran without such dependent or dependents, when maintained at his own expense in an institution, shall be subject to the foregoing limitations but shall be paid such amount otherwise payable as equals the amount charged for his care and maintenance in such institution not exceeding the amount the Administrator of Veterans' Affairs determines to be the charge as fixed by any applicable statute or valid administrative regulation: *Provided further,* That all or any part of the pension, compensation, or retirement pay payable on account of any such veteran may, in the discretion of the Administrator, and in accordance with instructions issued by the Administrator, be paid to the chief officer of the institution wherein the disabled veteran is maintained, to be properly accounted for by said chief officer and to be used for the benefit of the disabled veteran; or may be paid to the guardian of the disabled veteran in accordance with the provisions of paragraph 1 of section 450 of this title; or, in the event the disabled veteran has a wife, child, or dependent parent, may, in the discretion of the Administrator, be paid to his wife or apportioned on behalf of such wife, child, or dependent parent, or otherwise be disposed of in accordance with the provisions of paragraph 3 of section 450 of this title.

(C) Any veteran subject to the provisions of subparagraph (A) or (B) shall be deemed to be single and without dependents in the absence of satisfactory evidence to the contrary: *Provided,* That in no event shall increased compensation, pension, or retirement pay of such veteran be granted for any period more than six months prior to receipt of satisfactory evidence showing such veteran has a wife, child, or dependent parent.

(D) The pension of any disabled veteran who is an inmate of the United States Soldiers' Home or of any National or State soldiers' home on the date of this enactment (July 13, 1943), shall not be reduced or discontinued by reason of the provisions of (A), (B), or (C) above.

(E) The provisos of section 3 of the Act of May 1, 1926 (44 Stat 383, U S C., title 38, sec 364b), and of sections 2 and 4 of the Act of June 2, 1930 (46 Stat. 492, 493; U. S. C., title 38, secs 365a, 365c); that part of the proviso of section 5 of the Act of July 3, 1926, extending to and ending with a semicolon (44 Stat 807, U S C, title 38, sec 321a), the second proviso of section 5 of the Act of June 9, 1930 (44 [1] Stat. 530, U S. C, title 38, sec 321c); the third proviso of section 1 of the Act of August 25, 1937 (50 Stat. 786, U S C, title 38, sec 381-1); the first proviso of section 4 of the Act of May 24, 1938 (52 Stat 440, U S. C, title 38, sec 370c); and all other provisions of law or regulation in conflict with the foregoing provisions are hereby repealed or modified accordingly. (As amended July 13, 1943, ch 233, § 13, 57 Stat 557.)

* * * * *

[1] So in original Probably should read "46 "

(Effective date of act July 13, 1943, ch. 233, and benefits authorized thereunder, see note under section 731 of this title.)

Vet. Reg No. 10 Miscellaneous Provisions

* * * * *

IV The term "veteran of any war" shall include the following persons: World War—any officer, enlisted man, member of the Army Nurse Corps (female) or Navy Nurse Corps (female) who was employed in the active military or naval service of the United States on or after April 6, 1917, and before November 12, 1918· *Provided, however,* If the person was serving with the United States military forces in Russia the dates herein shall be extended to April 1, 1920, Spanish-American War—Any officer or enlisted man who was employed in the active military or naval service of the United States on or after April 21 1898, and before August 13, 1898, including those women who served as Army nurses under contracts on or after April 21, 1898, and before August 13, 1898, and including any person who served in the military or naval service of the United States between August 13, 1898, and July 4, 1902, both dates inclusive, and who left the continental United States under orders for military or naval service in Guam, Cuba, or Puerto Rico, between such dates: *Provided,* That for the purposes of hospitalization the term "veteran of any war" shall include persons who served overseas as contract surgeons of the Army on or after April 21, 1898, and before August 13, 1898; Philippine Insurrection—Any officer or enlisted man employed in the active military or naval service of the United States, including those women who served as Army nurses under contracts, who actually participated in the Philippine Insurrection on or after August 13, 1898, and before July 5, 1902· *Provided, however,* If the person was serving in the United States military forces engaged in the hostilities in the Moro Province, the ending date shall be July 15, 1903; Boxer Rebellion—Any officer or enlisted man, including those women who served as Army nurses under contracts, employed in actual participation in the Boxer Rebellion on or after June 20, 1900, and before May 13 1901; World War II—Any person who served in the active military or naval service of the United States on or after December 7, 1941, and before the termination of hostili-

ties in the present war as determined by proclamation of the President or by concurrent resolution of the Congress: *Provided,* That the term "active military or naval service", as used herein, shall include active duty as a member of the Women's Army Auxiliary Corps; Women's Reserve of the Navy and Marine Corps, and the Women's Reserve of the Coast Guard. (As amended Mar. 17, 1943, ch. 16, 57 Stat. 21.)

V. The term "widow" of a veteran of the Spanish-American War, the Boxer Rebellion or the Philippine Insurrection, shall mean a person who was married to the veteran prior to September 1, 1922, of a World War veteran—who was married to the veteran prior to July 3, 1931; of a peace-time veteran—who was married to the veteran prior to the expiration of ten years subsequent to his discharge from the enlistment during which the injury or disease, on account of which claim is being filed, was incurred; of a World War II veteran—who was married to the veteran prior to the expiration of ten years subsequent to the termination of hostilities incident to the present war as determined by proclamation of the President or by concurrent resolution of the Congress. (As amended July 13, 1943, ch 233, § 6, 57 Stat 555)

VI The term "child" shall mean a person unmarried and under the age of eighteen years, unless prior to reaching the age of eighteen years the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, who is a legitimate child; a child legally adopted; a stepchild if a member of the man's household; an illegitimate child but as to the father only if acknowledged in writing, signed by him, or if he has been judicially ordered or decreed to contribute to the child's support or has been, prior to his death judicially decreed to be the putative father of such child, or if he is otherwise shown by evidence satisfactory to the Administrator of Veterans' Affairs to be the putative father of such child: *Provided,* That the payment of pension shall be continued after the eighteenth birthday and until completion of education or training (but not after such child reaches the age of twenty-one years), to any child who is or may hereafter be pursuing a course of instruction at a school, college, academy, seminary, technical institute, or university, particularly designated by him and approved by the Administrator, which shall have agreed to report to the Administrator the termination of attendance of such child, and if any such institution of learning fails to make such report promptly the approval shall be withdrawn. (As amended July 13, 1943, ch. 233, § 7, 57 Stat 556.)

VII. The terms "parent", "father", and "mother" include a father, mother, father through adoption, mother through adoption, and persons who have stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than one year: *Provided,* That not more than one father and one mother, as defined, shall be recognized in any case, and preference shall be given to such father or mother who actually exercised parental relationship at the time of or most nearly prior to the date of entry into active service by the person who served. (As amended July 13, 1943, ch 233, § 8, 57 Stat 556.)

VIII. An injury or disease incurred during military or naval service will be deemed to have been incurred in line of duty and not the result of the veteran's own misconduct when the person on whose account benefits are claimed was, at the time the injury was suffered or disease contracted, in active service in the military or naval forces, whether on active duty or on authorized leave, unless such injury or disease was the result of his own willful misconduct: *Provided,* That venereal disease shall not be presumed to be due to willful misconduct if the person in service complies with the Army or Navy regulations requiring him to report and receive treatment for such disease: *Provided further,* That the requirement for line of duty will not be met if it appears that at the time the injury was suffered or disease contracted the person on whose account benefits are claimed (1) was avoiding duty by deserting the service, or by absenting himself without leave materially interfering with the performance of military duties; (2) was confined under sentence of court martial or civil court. (As amended Sept 27, 1944, ch. 426, § 2, 58 Stat. 753)

[Effective date Section 4 of act Sept. 27, 1944, ch. 426, 58 Stat 753 provided: "This Act [Sept. 27, 1944] shall be effective from the date of its approval Sections 2 and 3, inclusive [pars. VIII and IX of Reg. No 10, respectively], shall be applicable to claims filed or adjudicated thereafter and the beginning date of awards shall be as provided in applicable statute or regulations: *Provided,* That no claim heretofore disallowed by reason of misconduct or line of duty requirement shall be revived but benefits may be payable on the basis of a new claim filed hereafter in such form as may be prescribed by the Administrator of Veterans' Affairs."]

IX Pension shall not be payable under part III, Veterans Regulation Numbered 1 (a), as amended, for any disability due to the claimant's own willful misconduct or vicious habits. (As amended Sept. 27, 1944, ch. 426, § 3, 58 Stat. 753)

[Effective date of act Sept. 27, 1944, ch 426, 58 Stat. 753, see note set out under par. VIII above]

* * * * *

XIII Not more than one award of pension, compensation, or emergency officers' or regular retirement pay, shall be made concurrently to any person based on his own service. The receipt of pension or compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, shall not bar the payment of pension or compensation on account of the death or disability of any other person. This paragraph is hereby made applicable to all laws administered by the Veterans' Administration. Section 4715 of the Revised Statutes (U. S. C., title 38, sec. 25) and any other laws in conflict herewith are hereby repealed or modified accordingly.

Pension, compensation, or retirement pay on account of his own service shall not be paid while the person is in receipt of active service pay

The third proviso of paragraph 2 of section 1 of the Act of March 3, 1891 (U. S. C., title 38, sec 26), the last proviso of paragraph 2 of section 3 of the Act of January 28, 1915 (U. S C., title 38, sec. 27), and any other provision of law or Veterans Regulation contrary hereto is hereby repealed or modified accordingly. (As amended July 13, 1943, ch. 233, § 15, 57 Stat. 559.)

* * * * *

XXI Any person entitled to pension or compensation under any law or Veterans Regulation administered by the Veterans' Administration may renounce his right thereto. The application renouncing the right shall be in writing over the person's signature and upon filing of such application, payment of such benefits and the right thereto shall be terminated and he shall be denied any and all rights thereto from date of receipt of such application by the Veterans' Administration The renouncement provided for herein shall not preclude the person from filing a new application for pension or compensation at a future date but such application shall have the attributes of an original application and no payment will be made for any period prior to the date thereof. (As amended July 13, 1943, ch. 233, § 3, 57 Stat 554)

(Effective date of act July 13, 1943, ch. 233, and benefits authorized thereunder, see note under section 731 of this title.)

Chapter 13.—NATIONAL SERVICE LIFE INSURANCE

Sec.
805a. Same; deposits and disbursements; bookkeeping adjustments (New).
819. Failure of commissioned officers of air corps to pay premiums as affecting benefits; unpaid premiums as lien (New).

§ 801. Definitions.

* * * * *

(f) The terms "parent", "father", and "mother" include a father, mother, father through adoption, mother through adoption, and persons who have

stood in loco parentis to a member of the military or naval forces at any time prior to entry into active service for a period of not less than one year. (As amended July 11, 1942, ch. 504, § 7, 56 Stat. 659.)

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AMENDMENTS

1942—Subsec (f) was added by act July 11, 1942, cited to text

§ 802. Persons insurable; premiums; type of insurance; benefits and beneficiaries; effective date and amount of insurance.

• • • • •

(d) Same; persons in service.

(d) (1) Any person in the active service and while in such service shall be granted such insurance without medical examination and without medical-history statement upon application therefor in writing (made within one hundred and twenty days after April 12, 1943) upon payment of the premiums: *Provided,* That after the expiration of such one-hundred-and-twenty-day period any such person may be granted national service life insurance at any time upon application, payment of premiums, and evidence satisfactory to the Administrator showing him to be in good health.

(2) Any person in the active service on or after October 8, 1940, who, while in such service and before the expiration of one hundred and twenty days after December 20, 1941, dies or has died in line of duty (including death resulting from disease or injury incurred in line of duty), without having in force at the time of such death insurance under sections 287, 357, 502, and 575 of this title, chapter 10 of this title, or this chapter, in the aggregate amount of at least $5,000, shall be deemed to have applied for and to have been granted insurance as of the date of entry into active service or October 8, 1940, whichever is later, in the sum of $5,000 payable as provided in section 802 (h), except that payments hereunder shall be made only to the following beneficiaries and in the order named—

(A) to the widow or widower of the insured, if living and while unremarried;

(B) if no widow or widower entitled thereto, to the child or children of the insured, if living, in equal shares;

(C) if no widow or widower entitled thereto, or child, to the dependent mother or father of the insured, if living, in equal shares: *Provided,* That if such person serving as a flying cadet or aviation student, Navy or Army, between October 8, 1940, and June 3, 1941, the date of approval of sections 296a, 297a, 298a–1, 300a, 303, 304, 304a, 304b, and 308a of this title, and died as the result of an aviation accident incurred in line of duty while in such active service, such person shall be deemed to have applied for and to have been granted an aggregate amount of insurance of not less than $10,000. Any additional insurance granted by virtue of this proviso shall be payable in the manner provided by this section.

(3) (A) Any person in the active service who on or after October 8, 1940, and prior to April 20, 1942, becomes totally disabled as a result of injury or disease incurred in line of duty and such disability continues without interruption for a period of six months or until death intervening prior to the end of such six months' period without having in force at time of incurrence of such disability at least $5,000 insurance issued under sections 287, 357, 502, and 575 of this title, or sections 421–426, 428–434, 439–456, 471–501, 511–518, 531–537, 551–555, 571–574 of this title or this chapter, shall be deemed to have applied for and to have been granted, effective as of the commencement of such total disability, national service life insurance in an amount which together with any such insurance then in force shall aggregate $5,000 and such gratuitous insurance shall continue in force without payment of premiums until six months after the insured ceases to be totally disabled or until one year after September 30, 1944, whichever is the earlier date: *Provided,* That such protection shall cease and terminate unless within such period such disabled person shall make application in writing for continuance of all or any part of such insurance and shall submit evidence satisfactory to the Administrator of entitlement to waiver of premiums under subsection (n) of this section or tender the premiums thereafter becoming due: *Provided further,* That waiver of premiums under subsection (n) of this section shall not be denied under this subsection on the ground that total disability commenced prior to the effective date of such insurance: *And provided further,* That anyone who applied for and was issued insurance after becoming totally disabled, and but for such application would be entitled to insurance hereunder, shall have the right, upon application within the time and in the manner as above limited, to elect to surrender insurance applied for and to be issued insurance hereunder, or if such insurance shall have lapsed without election, such person shall be considered subject in all respects to the provisions of this subsection, as hereby amended, but policies issued hereunder shall be effective from date of surrender or lapse of policy previously issued.

(B) Any person in the active service who on or after December 7, 1941, and prior to April 20, 1942, has been or shall be captured, besieged, or otherwise isolated by the forces of an enemy of the United States for a period of at least thirty consecutive days and extending beyond April 19, 1942, and at the time of such capture, siege, or isolation by the enemy did not have in force insurance in the aggregate amount of at least $5,000 under sections 287, 357, 502, and 575 of this title, chapter 10 of this title, or this chapter, shall be deemed to have applied for and to have been granted, effective as of the date of such capture, siege, or isolation, National Service Life Insurance in an amount which together with any such insurance then in force shall aggregate $5,000 of insurance, and such insurance shall remain in force and premiums on such insurance shall be waived during the period while such person remains so captured, besieged, or isolated, and for six months thereafter: *Provided,* That such protection shall cease and terminate at the end of such period of six months unless within such period such person shall make application in writing for the continuance of all or any part of such insurance and shall submit

evidence satisfactory to the Administrator of entitlement to waiver of premiums under subsection (n) of this section, or tender the premiums thereafter becoming due.

(4) The benefits and privileges extended by this section are hereby so extended by the Congress because many of the personnel of our armed forces (1) were unable to comply with the prerequisites necessary to the granting of insurance by reason of extended duty in the North Atlantic, Hawaii, the Philippines, and other outlying bases; (2) had failed or neglected to apply for such insurance in the expectation that their service would be peacetime service only; and (3) by reason of the suddenness with which war was thrust upon us, had not sufficient time to apply for such insurance prior to engaging in combat. The Congress hereby declares that no further relief of such character will be granted.

(5) If any person deemed to have been issued insurance under subsection (d) (3) (A) or (B) of this section die without filing application and within the time limited therefor, death insurance benefits shall be payable in the manner and to the persons as stated in subsection (d) (2) of this section: *Provided*, That no application for insurance payments under subsections (d) (2) or (d) (3) of this section as hereby amended, shall be valid unless filed in the Veterans' Administration within five years after the date of death of the insured and the relationship and dependency of the applicant, where required as a basis for such claim, shall be proved as of date of death of insured by evidence satisfactory to the Administrator: *And provided further*, That persons shown by evidence satisfactory to the Administrator to have been mentally or legally incompetent at the time the right to apply for continuation of insurance or for death benefits expires, may make such application at any time within one year after the removal of such disability.

(6) Policies issued hereunder upon application as provided in subsection (3) (A) or (B) shall be issued upon the same terms and conditions as are contained in the standard policies of National Service Life Insurance.

* * * * *

(g) Beneficiaries.

The insurance shall be payable only to a widow, widower, child (including a stepchild or an illegitimate child if designated as beneficiary by the insured), parent, brother or sister of the insured. The insured shall have the right to designate the beneficiary or beneficiaries of the insurance, but only within the classes herein provided, and shall, subject to regulations, at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries but only within the classes herein provided.

(h) Manner of payment of benefits.

Such insurance shall be payable in the following manner:

(1) If the beneficiary to whom payment is first made is under thirty years of age at the time of maturity, in two hundred and forty equal monthly installments: *Provided*, That the Administrator, under regulations to be promulgated by him, may include a provision in the insurance contract authorizing the insured or the beneficiary to elect in lieu of this mode of payment, a refund life income in monthly installments payable for such period certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of such beneficiary: *Provided further*, That such optional settlement shall not be available in any case in which payments of insurance installments have been commenced prior to September 30, 1944.

(2) If the beneficiary to whom payment is first made is thirty or more years of age at the time of maturity, in equal monthly installments for one hundred and twenty months certain, with such payments continuing during the remaining lifetime of such beneficiary: *Provided*, That the Administrator, under regulations to be promulgated by him, may include a provision in the insurance contract authorizing the insured or the beneficiary to elect, in lieu of this mode of payment, a refund life income in monthly installments payable for such period certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the face value of the contract less any indebtedness with such payments continuing throughout the lifetime of such beneficiary: *Provided further*, That such optional settlement shall not be available in any case in which such settlement would result in payments of installments over a shorter period than one hundred and twenty months, nor in any case in which payments of insurance installments have been commenced prior to September 30, 1944.

3. * * *

(C) if no widow, widower, or child, to the parent or parents of the insured who last bore that relationship, if living, in equal shares;

* * * * *

(j) Payment of benefits to heirs, etc., of insured or beneficiary; death of all permitted beneficiaries.

No installments of such insurance shall be paid to the heirs or legal representatives as such of the insured or of any beneficiary, and in the event that no person within the permitted class survives to receive the insurance or any part thereof no payment of the unpaid installments shall be made, except that if the reserve of a contract of converted national service life insurance, together with dividends accumulated thereon, less any indebtedness under such contract, exceeds the aggregate amount paid to beneficiaries, the excess shall be paid to the estate of the insured unless the estate of the insured would escheat under the laws of his place of residence, in which event no payment shall be made.

* * * * *

(m) Time and method of payment of premiums.

The Administrator shall, by regulations, prescribe the time and method of payment of the premiums on such insurance, but payments of premiums in advance shall not be required for periods of more than one month each, and may at the election of the insured be deducted from his active service pay or be otherwise made: *Provided,* That an amount equal to the first premium due under a national service life-insurance policy may be advanced from current appropriations for active service pay to any person in the active service in the Army, Navy, Marine Corps, or Coast Guard, which amount shall constitute a lien upon any service or other pay accruing to the person for whom such advance was made and shall be collected therefrom if not otherwise paid: *Provided further,* That no disbursing or certifying officer shall be responsible for any loss incurred by reason of the advance herein authorized: *And provided further,* That any amount so advanced in excess of available service or other pay shall constitute a lien on the policy within the provisions of section 454a of this title.

(n) Waiver of premiums during continuous total disability; effect on rates and benefits.

Upon application by the insured and under such regulations as the Administrator may promulgate, payment of premiums on such insurance may be waived during the continuous total disability of the insured, which continues or has continued for six or more consecutive months, if such disability commenced (1) subsequent to the date of his application for insurance; (2) while the insurance was in force under premium-paying conditions, and (3) prior to the insured's sixtieth birthday: *Provided,* That the Administrator shall not grant waiver of any premium becoming due more than one year prior to the receipt in the Veterans' Administration of application for the same, except as hereinafter provided, and any premiums paid for months during which such waiver is effective shall be refunded. The Administrator shall provide by regulations for examination or reexamination of an insured claiming benefits under this subsection, and may deny benefits for failure to cooperate. In the event that it is found that an insured is no longer totally disabled, the waiver of premiums shall cease as of the date of such finding and the policy of insurance may be continued by payment of premiums as provided in said policy: *Provided further,* That in any case in which the Administrator finds that the insured's failure to make timely application for waiver of premiums or his failure to submit satisfactory evidence of the existence or continuance of total disability was due to circumstances beyond his control, the Administrator may grant waiver or continuance of waiver of premiums: *And provided further,* That in the event of death of the insured without filing application for waiver, the beneficiary, within one year after the death of the insured or September 30, 1944, whichever be the later, or, if the beneficiary be insane or a minor, within one year after removal of such legal disability, may file application for waiver with evidence of the insured's right to waiver under the conditions of this section. Premium rates shall be calculated without charge for the cost of the waiver of premiums herein provided and no deduction from benefits otherwise payable shall be made on account thereof

* * * * *

(r) Death during continuous total disability; unpaid premiums as lien.

In any case in which premiums are not waived under subsection (n) of this section solely because the insured died prior to the continuance of total disability for six months, and proof of such facts, satisfactory to the Administrator of Veterans' Affairs, is filed by the beneficiary with the Veterans' Administration within one year after September 30, 1944, or one year after the insured's death, whichever is the later date, his insurance shall be deemed to be in force at the date of his death, and the unpaid premiums shall become a lien against the proceeds of his insurance: *Provided,* That if the beneficiary be insane or a minor, proof of such facts may be filed within one year after removal of such legal disability.

(s) Failure to pay premiums as affecting benefits.

Payment of insurance benefits shall not be denied in any case in which the applicant for insurance died prior to July 1, 1942, and the Administrator of Veterans' Affairs finds that the failure to pay premiums or to effect deductions thereof as provided in subsection (m), could in any way be attributed to the inadequacy of the Service Department's procedure for authorizing deductions of premiums from active service pay prior to that date, or to want of proper instructions as to the requirements of such procedure: *Provided,* That premiums due on such insurance shall be deducted from the proceeds of the insurance unless otherwise adjusted. (As amended Dec. 20, 1941, ch. 602, § 10, 55 Stat. 846; Feb. 11, 1942, ch. 69, 56 Stat. 88; July 11, 1942, ch. 504, §§ 1–3, 5, 8, 9, 56 Stat. 657–659; Oct. 17, 1942, ch. 614, 56 Stat. 796; Apr. 12, 1943, ch. 56, 57 Stat. 64; Sept. 30, 1944, ch. 454, §§ 1–7, 58 Stat. 762; Sept. 30, 1944, ch. 455, § 2, 58 Stat. 764.)

AMENDMENTS

1944—Subsec. (d) (3) (A) amended generally by act Sept. 30, 1944, ch. 454, § 2, cited to text, which, among other things, omitted the three provisos.

Subsec. (d) (5) was amended by act Sept. 30, 1944, ch. 454, § 4, both cited to text, which substituted "five" for "one" preceding "years after the date of death", and omitted "or one year after July 11, 1942, whichever is the later date," following "after the death of the insured".

Subsec. (h) (1) amended by act Sept. 30, 1944, ch. 454, § 5, cited to text, which added provisos.

Subsec. (h) (2) amended by act Sept. 30, 1944, ch. 454, § 6, cited to text, which added provisos.

Subsec. (j) amended by act Sept. 30, 1944, ch. 454, § 1, cited to text, which added "except that if * * * shall be made.".

Subsec. (n) amended by act Sept. 30, 1944, ch. 454, § 7, cited to text, which inserted third proviso preceding last sentence.

Subsec. (r) added by act Sept. 30, 1944, ch. 454, § 3, cited to text.

Subsec. (s) added by act Sept 30, 1944, ch. 455, cited to text.

1943—Subsec. (d) (1) was amended by act Apr. 12, 1943, cited to text, by inserting words "and without medical history statement" and by substituting "April 12, 1943" for "December 20, 1941".

1942—Subsec. (d) (2) was amended by act Oct 17, 1942, cited to text, by adding the proviso at the end thereof.

Subsec. (d) (3) was added by act July 11, 1942, § 1, cited to text, eff. as of Dec 20, 1941, which repealed former par. (3).

Subsec. (d) (5) (6) were added by act July 11, 1942, §§ 2, 3, cited to text.

Subsec (g) was amended by act July 11, 1942, § 8, cited to text, by striking out the words "(including person in loco parentis if designated as beneficiary by the insured)" which followed the word "parent."

Subsec (h) (3) (c) was amended by act July 11, 1942, § 9, cited to text.

Subsec. (m) was amended by act Feb 11, 1942, cited to text

Subsec. (n) was amended by act July 11, 1942, § 5, cited to text, eff as of Oct 8, 1940

1941—Act Dec. 20, 1941, cited to text, amended subsec. (d).

REFERENCES IN TEXT

In subsec. (d), words "sections 287, 357, 502, and 575 of this title, chapter 10 of this title" appeared in act Dec 20, 1941, cited to text, as "the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended" For distribution of the latter act, see note under section 421 of this title

TRANSFER OF APPROPRIATION

Section 4 of act July 11, 1942, cited to text, sections 1–3 of which amended subsec (d) of this section, provided as follows. "The Administrator is authorized and directed to transfer from the National Service Life Insurance appropriation to the National Service Life Insurance fund such sums as may be necessary to cover all losses incurred and premiums waived under subsections (2), (3), and (4) of section 602 (d) as amended (subsections 2, 3, 4 of section 802 (d) of this title)."

EFFECTIVE DATE

Section 5 of act July 11, 1942 and section 7 of act Sept 30, 1944, ch. 454, both cited to text, provided in part that the amendments of subsec (n) by said sections 5 and 7, respectively, should be effective as of Oct 8, 1940.

APPROPRIATION CHARGEABLE

Section 3 of act Sept 30, 1944, cited to text, provided that any liability under subsec (s) was chargeable to the National Service Life Insurance appropriation.

THREE-YEAR EXTENSION OF TERM INSURANCE, PREMIUMS

Act July 2, 1945, ch. 225, 59 Stat 315, provided "That the five-year-term period under all national service life insurance issued on or before December 31, 1945, and not exchanged or converted prior to that date to a plan other than five-year-level-premium-term insurance is hereby extended for an additional period of three years. The premiums actually chargeable for such additional period shall be the same as during the original five-year period notwithstanding that the premiums due under section 602 (e) of the National Service Life Insurance Act of 1940 (subsec. (e) of this section) are those for a three-year-level-premium-term insurance at the attained age of the insured at the commencement date of such three-year period: *Provided*, That the Administrator of Veterans Affairs is authorized to make such adjustments as he may determine to be proper in reserves and any dividends.

CROSS REFERENCES

Insurance for persons whose period of military service is extended, see section 353 of Appendix to Title 50, War.

§ 805a. Same; deposits and disbursements, bookkeeping adjustments.

All cash balances in the United States Government life-insurance fund and the national service life-insurance fund on February 10, 1942, together with all moneys thereafter accruing to such funds, including premiums, appropriated moneys, the proceeds of any sales of investments which may be necessary to meet current expenditures, and interest on investments, shall be deposited with the Treasurer of the United States in the disbursing accounts of the Chief Disbursing Officer, Division of Disbursement, and shall thereupon be available for disbursement for meeting all expenditures and making investments authorized to be made from such funds without covering into the Treasury of the United States and withdrawal on money requisitions. All necessary bookkeeping adjustments of such funds in the accounts on the books of the Treasury shall be made upon the basis of the settlement of disbursing accounts by the General Accounting Office. (Feb. 10, 1942, ch. 55, 56 Stat. 87.)

§ 807. Costs of excess mortality and premium waiver; liability for benefits for death resulting from extra hazard of military or naval service.

CROSS REFERENCES

Disability of physically disabled members of Naval and Marine Corps Reserve as traceable to hazard of military or naval service, see section 853c–6 of Title 34, Navy.

§ 817. Suits in event of disagreement as to claims.

In the event of a disagreement as to a claim arising under this chapter, suit may be brought in the same manner and subject to the same conditions and limitations as are applicable to United States Government Life (converted) Insurance under the provisions of sections 445 and 551 of this title: *Provided*, That in any such suit the decision of the Administrator as to waiver or nonwaiver of premiums under this chapter as now or hereafter amended shall be conclusive and binding on the court. (As amended July 11, 1942, ch. 504, § 6, 56 Stat. 659.)

AMENDMENTS

1942—Act July 11, 1942, cited to text, amended section generally.

CROSS REFERENCES

Death, conclusiveness of Administrator's finding generally, see section 32a of this title

§ 819. Failure of commissioned officers of air corps to pay premiums as affecting benefits; unpaid premiums as lien.

Any person granted national service life insurance under sections 291, 291d, 296a–297a, 298a–1, 299, 300a, 303–304b, and 308a of Title 10, shall be deemed to have continued such insurance in force by payment of premiums whether or not such premiums were or were not paid so long as he remains in active military service as a commissioned officer and not permanently relieved from duty involving participation in regular and frequent aerial flights: *Provided*, That any premiums due and unpaid at the death of such person whose insurance is deemed to have been in force under the provisions of this section shall constitute a lien against the proceeds of such insurance. (Sept. 30, 1944, ch. 455, § 1, 58 Stat. 764.)

CODIFICATION

This section was not enacted as a part of the National Life Insurance Act of 1940

APPROPRIATION CHARGEABLE

Section 3 of act Sept. 30, 1944, cited to text, provided that any liability under this section was chargeable to the National Service Life Insurance appropriation.

TITLE 39.—THE POSTAL SERVICE

Chap. Sec.
23. Reclassification of Salaries (New)..... 851

Chapter 1.—POST OFFICES

§ 9. Rewards for detection of post-office burglars.

REPEATED.—Act May 31, 1941, ch 156, title II, § 1, 55 Stat. 229, act Mar 10, 1942, ch 178, title II, § 1, 56 Stat 163; act June 30, 1943, ch 179, title II, 57 Stat. 264, act Apr 22, 1944, ch. 175, title II, § 1, 58 Stat 209, act Apr. 24, 1945, ch. 92, title II, 59 Stat 69

Chapter 2.—POSTMASTERS

Sec.
31c. Same; appointment on advancement of fourth class to third class post office; reappointment (New).
31d. Appointment for fourth-class post offices in Alaska (New).
57b. Postmasters of fourth class (New).

§ 31b. Same; appointments to first-, second-, and third-class post offices; residence.

Appointments to positions of postmaster at first-, second-, and third-class post offices shall be made by the reappointment and classification, non-competitively, of the incumbent postmaster, or by promotion from within the Postal Service in accordance with the provisions of sections 632, 633, 635, 637, 638, 640, 641, 642 of Title 5, sections 208-212 of Title 18 and section 42 of Title 40 and Rules, or by competitive examination, in accordance with the provisions of sections 632, 633, 635, 637, 638, 640, 641, 642 of Title 5, sections 208–212 of Title 18 and section 42 of Title 40 and Rules. No person shall be eligible for appointment under this section unless such person has actually resided within the delivery of the office to which he is appointed, or within the city or town where the same is situated for one year next preceding the date of such appointment, if the appointment is made without competitive examination; or for one year preceding the date fixed for the close of receipt of applications for examination, if the appointment is made after competitive examination: *Provided*, That residence within the delivery of the post office or within the city or town where the same is situated shall be essential to the examination, appointment, reappointment, or promotion of applicants for postmaster at offices unless the Civil Service Commission finds that peculiar local conditions preclude or render impossible the application of such requirements. In such cases the Commission may examine and certify for appointment, reappointment, or promotion persons who reside in such area adjacent to, or surrounding, the delivery zone of the post office as may be fixed by the Civil Service Commission. (As amended July 18, 1941, ch. 308, 55 Stat. 599.)

AMENDMENTS

1941—Proviso was added by act July 18, 1941, cited to text.

§ 31c. Same; appointment on advancement of fourth class to third class post office; reappointment.

No postmaster at an office of the fourth class shall be required, in the event such office is advanced to the third class, to pass any competitive or noncompetitive examination as a condition to appointment or service as postmaster at the office so advanced; and no postmaster at an office of the third class shall be required, in the event such office is relegated to the fourth class, to pass any competitive or noncompetitive examination as a condition to appointment or service as postmaster at the office so relegated; and any postmaster or acting postmaster of the fourth or third class who has passed a civil-service examination at any time and has given service satisfactory to the Department may be reappointed without further civil-service examination. (May 20, 1944, ch. 200, 58 Stat. 224.)

§ 31d. Appointment for fourth-class post offices in Alaska.

Notwithstanding any other provision of law, any officer, agent, or employee of the United States Government, who is a citizen of the United States, shall be eligible to appointment as postmaster of a fourth-class post office in the Territory of Alaska and may serve and act as such postmaster and receive the compensation provided by law for such services. (Oct. 16, 1945, ch. 416, 59 Stat. 544.)

§ 49. Adjustment of claims of postmasters and Navy, Coast Guard and Army mail clerks.

The Postmaster General may investigate all claims of postmasters, Navy mail clerks, assistant Navy mail clerks, Coast Guard mail clerks, assistant Coast Guard mail clerks, Army mail clerks, and assistant Army mail clerks for the loss of any funds or valuable paper which they may have in their official custody, resulting from burglary, fire, or other unavoidable casualty, and for the loss occurring after April 1, 1924, by bank failure of any such funds deposited in National or State banks, and if he shall determine that such loss resulted from no fault or negligence on the part of such officers or employees, may pay to them or credit them with the amount so ascertained to have been lost or destroyed, and may also credit them with the amount of any remittance of such funds or valuable paper made by them in compliance with the instructions of the Postmaster General, which shall have been lost or stolen while in transit by mail to the office designated as a depository, or after arrival at such depository office and before the postmaster at such depository office has become responsible therefor, or to the postmaster at any other post office, and authorized shipments of postage and other stamp stock or valuable paper lost while in transit by mail

from one such officer or employee to another such officer or employee, or to or from the Post Office Department, and such funds remitted after April 1, 1924, in compliance with instructions of the Postmaster General in the form of drafts or checks which have been returned unpaid or dishonored by reason of the closing of the banks issuing such drafts or checks: *Provided*, That in all cases of bank failure the postmaster shall first file with the receiver of the insolvent bank a claim for the full amount of the funds involved and assign such claim to the Postmaster General, who shall receive all dividends accruing in any such case. No claim exceeding the sum of $10,000 shall be paid or credited until after the facts shall have been ascertained by the Postmaster General, and an appropriation made therefor. All such claims must be presented within six months from the time the loss occurred: *Provided further*, That in the case of claims of Navy mail clerks, assistant Navy mail clerks, Coast Guard mail clerks, assistant Coast Guard mail clerks, Army mail clerks, assistant Army mail clerks, and postmasters outside the continental United States the limitation shall be two years as to claims for losses occurring while the United States is at war: *Provided further*, That the provisions of this section, as regards Army mail clerks and assistant Army mail clerks, shall be applicable to claims which have arisen or may arise at any time subsequent to August 21, 1941, and likewise shall, in the case of Coast Guard mail clerks and assistant Coast Guard mail clerks, be applicable to claims which have arisen or may arise at any time subsequent to July 11, 1941. (As amended Dec. 7, 1945, ch. 560, § 1, 59 Stat. 603.)

AMENDMENTS

1945—Act Dec 7, 1945, cited to text, amended section generally to cover Coast Guard mail clerks and assistant mail clerks and Army mail clerks and assistant mail clerks

§ 49a. Same; noncoverage of certain loss claims.

The provisions of section 49 of this title shall not be applicable to claims for losses cognizable under sections 134–134h of Title 5, nor to claims for losses by Army mail clerks and assistant Army mail clerks relating to stamps which were supplied to them by the War Department and not by the Post Office Department, nor to the funds received through the sale of such stamps, nor to claims for losses by Navy mail clerks and assistant Navy mail clerks relating to stamps which were supplied to them by the Navy Department and not by the Post Office Department, nor to the funds received through the sale of such stamps. (Mar. 17, 1882, ch 41, § 2, 22 Stat. 30, as amended May 9, 1888, ch. 231, § 2, 25 Stat. 135; Jan. 21, 1914, ch. 12, § 2, 38 Stat. 279; Dec. 7, 1945, ch. 560, § 2, 59 Stat. 604.)

AMENDMENTS

1945—Act Dec 7, 1945, cited to text, amended section generally to exclude from coverage certain claims.

§§ 53, 54. Superseded. July 6, 1945, ch. 274, § 8, 59 Stat. 437, eff. July 1, 1945.

Section 53, which provided for classification of postmasters and postal employees and adjustment of salaries, is now covered by section 858 of this title.

Section 54, amended by acts Feb 28, 1925, ch. 368, § 1, 43 Stat 1053; June 11, 1930, ch 454, 46 Stat. 553, provided for compensation of postmasters of first, second, and third-class post offices, is now covered by section 858 of this title.

§ 54a. Same; annual readjustment of salaries.

CROSS REFERENCES

Readjustment of salaries of postmasters of the fourth class, see section 57b of this title.

§ 55. Superseded. July 6, 1945, ch. 274, § 8, 59 Stat. 437, eff. July 1, 1945.

Section, which provided for the salary of the postmaster at Washington, D. C., is now covered by section 858 of this title.

§ 56. Postmasters' salaries; certain sales of stamps not included.

In determining the gross receipts upon which the salary of a postmaster shall be based, stamps, stamped envelopes, and postal cards sold in large or unusual quantities to any person to be used in mailing matter at other post offices, or in mailing matter diverted from other offices, shall not be included, whether the sale be made with or without solicitation by the postmaster: *Provided*, That subsection (c) of section 1001 of the Revenue Act of 1932 (47 Stat. 285), as amended, is hereby repealed, retroactive to January 1, 1944, and thereafter the gross postal receipts shall be counted for the purpose of determining the class of the post office or the compensation or allowances of postmasters or other employees, whose compensation or allowances are based on the annual receipts of such offices. (As amended July 6, 1945, ch. 274, § 8 (a), 59 Stat. 437.)

REFERENCES IN TEXT

"Subsection (c) of section 1001 of the Revenue Act of 1932 (47 Stat 285), as amended," referred to in text, was formerly set out as a note under section 280 of this title.

CODIFICATION

Proviso to section is from section 8 (a) of act July 6, 1945, cited to text.

§ 57. Superseded. Mar. 29, 1944, ch. 143, 58 Stat. 131.

Section 57, amended by act June 4, 1926, ch. 476, 44 Stat. 695, relating to compensation of postmaster of fourth class, was first superseded by act May 29, 1944, ch. 143, 58 Stat. 130, former sections 57b–57d of this title, is now covered by section 858 of this title.

§ 57a. Apportionment of compensation of postmasters of fourth class on change during fiscal year.

PRESENT PROVISIONS

Present provisions covering compensation of fourth class postmasters, see section 858 of this title.

§ 57b. Postmasters of fourth class.

Postmasters of the fourth class shall embrace all those at offices where the gross postal receipts are less than $1,500 per annum. (Mar. 29, 1944, ch. 143, § 1, 58 Stat. 130.)

REPEALS

Section 4 of act Mar. 29, 1944, cited to text, provided: "All laws or parts of laws inconsistent with this Act are hereby repealed: *Provided*, That nothing in this Act shall be construed to repeal the provisions of [former] section 717 of title 39 of the United States Code authorizing the payment of fees on domestic or international money orders issued at money-order post offices of the fourth class, nor allowances for rent, fuel, light, and

equipment as provided in the Thirty-ninth United States Code, [former] section 60a."

§ 57c. Superseded. July 6, 1945, ch. 274, § 8, 59 Stat. 437, eff. July 1, 1945.

Section, act Mar. 29, 1944, ch 143, § 2, 58 Stat. 130, which provided compensation for postmasters of the fourth class, is now covered by section 858 of this title.

§ 57d. Same; annual readjustment of compensation.

The salaries of postmasters of the fourth class shall be readjusted at the beginning of each fiscal year: *Provided,* That only 85 per centum of the gross postal receipts during the period the increased rate of postage, authorized by the Revenue Act of June 6, 1932, as amended (July 6, 1932, to July 1, 1943), remains in force shall be counted for the purpose of determining the compensation or allowances of such postmasters and the classification of post offices: *Provided further,* That for the purpose of fixing the compensation and allowances at offices of the fourth class, credits shall be allowed only for the postage collected in addition to the regular rate on business reply cards and letters in business reply envelopes delivered at such offices. (Mar. 29, 1944, ch. 143, § 3, 58 Stat. 131.)

MODIFICATION

Section has been partially modified by section 858 (a) of this title which provides for the repeal of section 1001 (c) of Revenue Act of 1932, and the inclusion of total gross receipts for the purpose of determining class of post office and compensation or allowance of postmasters or other employees whose compensation or allowances are based on the annual receipts of such offices.

INCREASED POSTAL RATES

For increase in postal rates provided for in Revenue act of Feb. 25, 1944, ch 63, title IV, §§ 401–410, 58 Stat. 69, 70, see notes under sections 245, 246, 246b–246d, 280, 293, 384, 386, 468, and 716 of this title.

§ 58. Additional compensation to fourth-class postmasters for separating services and for unusual conditions during portion of year.

CROSS REFERENCES

Advancement of fourth-class post offices to appropriate class where receipts rise due to unusual conditions, see sections 60 and 858 (a) of this title

§ 59. Assignment of fourth-class offices to proper class on increase of receipts.

CROSS REFERENCES

General provisions governing compensation of postmasters of the fourth class, see section 858 of this title

REPEAL

Section 4 of act Mar. 29, 1944, ch. 143, 58 Stat. 131, provided that all laws or parts of laws in conflict with it were repealed.

§ 60. Advancement of fourth-class offices to appropriate class under unusual conditions; reduction to appropriate class.

MODIFICATION

Section has been modified by provisions of section 858 (a) of this title.

§ 60a. Allowance to postmasters of fourth class.

CROSS REFERENCES

Provisions covering compensation of postmasters of the fourth class, see section 858 of this title.

Provisions of former section 57c relating to compensation of postmasters of the fourth class as not repealing provisions of this section, see note under section 57b of this title.

Chapter 3.—ASSISTANT POSTMASTERS, AND CLERKS AND EMPLOYEES

Sec
138 Army mail clerks and assistants (New).

§ 81. Superseded. July 6, 1945, ch. 274, § 12, 59 Stat. 443, eff. July 1, 1945.

Section, which provided for clerk hire at third-class post offices, is now covered by section 862 of this title.

§§ 86–95. Superseded. July 6, 1945, ch. 274, §§ 8–12, 59 Stat. 438, eff. July 1, 1945.

Section 86, which provided for salaries of employees other than in automatic grades at offices of first class, is now covered by section 859 of this title.

Section 87, which provided for the number of assistant postmasters at certain first class post offices, is now covered by section 861 of this title.

Section 88, which provided for the salaries of assistant postmasters at second class offices, is now covered by section 860 of this title

Section 89, which provided for assistant postmasters at certain third-class offices, is now covered by section 862 of this title

Section 90, which provided for salaries of supervisory employees at Washington, D. C., post office, is now covered by section 858 of this title.

Section 91, which provided for number of assistant superintendents of mails, delivery, registry, and assistant cashiers to be paid maximum salaries, is now covered by section 859 of this title.

Section 92, which provided increased salaries for employees in State depositories for surplus postal funds and central accounting offices, is now covered by section 859 of this title

Section 93, amended by act Aug. 26, 1937, ch. 826, 50 Stat. 841, which provided for basis of salaries of superintendents of classified stations, is now covered by section 859 of this title.

Section 94, which provided for classification and salaries of superintendents of classified stations, is now covered by section 859 of this title.

Section 95, which provided for classification and salaries of assistant superintendents of classified stations, is now covered by section 859 of this title

§ 98. Superseded. July 6, 1945, ch. 274, § 9, 59 Stat. 438, eff. July 1, 1945.

Section, which provided for minimum of salaries of employees in supervisory grades, is now covered by section 859 of this title.

§§ 100, 101. Superseded. July 6, 1945, ch. 274, §§ 9, 12, 59 Stat. 438, 443, eff. July 6, 1945.

Section 100, which provided for grades of certain employees designated by titles for which more than one grade of salary is provided, is now covered by section 859 of this title.

Section 101, amended by acts Aug. 27, 1935, ch 759, 49 Stat. 904, Aug 26, 1937, ch. 825, 50 Stat 840, Mar 20, 1944, ch. 102, 58 Stat. 118, which provided for classification, salaries, and promotion of messengers, watchmen, mail handlers, and substitutes, is now covered by section 862 of this title.

§ 103. Superseded. July 6, 1945, ch. 274, § 12, 59 Stat. 443, eff. July 1, 1945.

Section, which provided for classification, salaries, and readjustment of grades of clerks in first and second class post offices and City Delivery Service letter carriers, is now covered by section 862 of this title.

§§ 104–108. Superseded. July 6, 1945, ch. 274, §§ 12, 25, 59 Stat. 443, 461, eff. July 1, 1945.

Section 104, act Mar. 4, 1913, ch. 143, 37 Stat. 796, amended by acts Feb. 28, 1925, ch. 368, §§ 4, 11, 43 Stat. 1059, 1065; Dec 8, 1928, ch 11, 45 Stat. 1016; Feb. 28, 1929, ch. 372, 45 Stat. 1405; June 27, 1934, ch. 848, § 2, 48 Stat. 1266; Aug. 16, 1937, ch. 652, 50 Stat. 650; May 12,

1939, ch. 128, 53 Stat. 740, which provided for credit for certain substitute services upon appointment to regular service, is now covered by section 862 of this title.

Section 105, which provided for rate of hourly pay for substitute clerks at other than first and second class post offices, is now covered by section 862 of this title.

Section 106, which provided for salaries of carriers and substitutes in Village Delivery Service, is now covered by section 862 of this title.

Section 107, relating to credit for military service, is now covered by section 875 of this title.

Section 108, which provided for promotion of clerks in first and second class offices and letter carriers in City Delivery Service, is now covered by section 862 of this title.

§ 109. Promotions.

Provisions of last sentence of section are modified by section 861 (b) of this title

§§ 112–112c. Superseded. July 6, 1945, ch. 274, §§ 12, 25, 59 Stat. 443, 461, eff. July 1, 1945.

Section 112, act Mar. 2, 1907, ch. 2513, 34 Stat. 1207, relating to auxiliary and substitute employees, is now covered by section 862 of this title.

Section 112a, act Mar 24, 1944, ch. 134, § 1, 58 Stat. 121, which provided for pay increases, promotion, etc of substitute employees, is now covered by section 862 of this title.

Section 112b, act Mar 24, 1944, ch. 134, § 2, 58 Stat. 121, which provided for service credit for substitute upon appointment to a regular position, is now covered by section 862 of this title.

Section 112c, act Mar. 24, 1944, ch. 134, § 3, 58 Stat. 121, which provided for allowable service for credit and military service as credit, is now covered by section 875 of this title.

§ 112d. Expired.

Section 112d, act Mar 24, 1944, ch. 134, § 4, 58 Stat. 121, which provided that the pay increases to temporary employees authorized by former sections 112a 112c, and now superseded by section 862 of this title, were part of basic compensation for the purpose of computation for the additional temporary 15% increase granted by section 835 of this title, is obsolete as section 835 expired on June 30, 1945

§ 113. Superseded. July 6, 1945, ch. 274, § 12, 59 Stat. 443, eff. July 1, 1945.

Section 113, act Mar. 9, 1914, ch 33, 38 Stat 299, amended by acts July 28, 1916, ch. 261, § 1, 39 Stat. 417, Feb. 28, 1925, ch. 368, § 4, 43 Stat. 1059, which provided for pay of substitute, temporary, or auxiliary clerks at first and second class post offices and substitute letter carriers in City Delivery Service, is now covered by section 862 of this title.

§§ 115–118. July 6, 1945, ch. 274, §§ 2–4, 12, 13, 59 Stat. 435, 443, 445, eff. July 1, 1945.

Section 115, which provided for salaries of marine carriers assigned to Detroit River Marine Service, is now covered by section 862 of this title.

Section 116, amended by acts May 29, 1928, ch. 907, 45 Stat. 998; Feb 20, 1929, cc. 276, 277, 45 Stat. 1251; June 27, 1930, ch 650, 46 Stat 825, Aug 24, 1935, ch 643, 49 Stat. 795, May 15, 1939, ch 136, 53 Stat. 745, Oct. 9, 1940, ch 791, 54 Stat. 1062, July 1, 1944, ch. 369, § 2, 58 Stat 677, which provided for classification and salaries, hours of work, overtime, etc., of employees in the Motor Vehicle Service, is now covered by sections 852, 854, and 863 of this title.

Section 117, amended by act Mar. 20, 1944, ch. 102, 58 Stat 118, provided for hours of work for special clerks, clerks, and mail handlers in first and second class post offices and carriers in City Delivery Service, is now covered by sections 852 and 854 of this title.

Section 118, amended by act Mar. 20, 1944, ch. 102, 58 Stat. 118, which provided for compensatory time to employees in first or second class post offices, is now covered by section 853 of this title.

§ 120. Superseded. July 6, 1945, ch. 274, § 3, 59 Stat. 435, eff. July 1, 1945.

Section, which provided for compensatory time to supervisory employees, is now covered by section 853 of this title.

§ 122. Superseded. July 6, 1945, ch. 274, § 21, 59 Stat. 459, eff. July 1, 1945.

Section, which provided for reduction in salary and restoration to former grade or advancement to intermediate grade, is now covered by section 871 of this title.

§ 131. Superseded. July 6, 1945, ch. 274, §§ 8, 26, 59 Stat. 437, 461, eff. July 1, 1945.

CODIFICATION

Section, act Feb. 28, 1925, ch. 368, § 11, 43 Stat. 1065, which provided that there shall be no reduction in rank or salary, is now covered by sections 858 and 876 of this title

§ 133. Extra Labor at Offices.

EXTRA CLERICAL ASSISTANCE AT OFFICES, ETC, SERVING MILITARY AND NAVAL PERSONNEL

Act July 9, 1943, ch. 213, 57 Stat 391, as amended by act Dec 7, 1945 ch. 558, 59 Stat 603, provided: "That, during the present war and for six months thereafter, whenever deemed necessary in serving military and naval personnel at military and naval camps, posts, or stations, or at civilian plants devoted to war production, the Postmaster General is hereby authorized to detail any postal employee from main post offices to postal units, at such camps, posts, or stations, or civilian plants, without changing the official station of such postal employee, and to authorize allowances, not exceeding $4 per day in lieu of actual expenses, while so detailed, without regard to the Subsistence Expense Act of 1926 [sections 821–823 and 824 833 of Title 5], such allowances to be paid from the appropriation 'Miscellaneous items, first- and second-class post offices'.

"SEC. 2. The Comptroller General of the United States is authorized and directed to allow credit for any payments made prior to July 9, 1943, not exceeding the allowances herein provided, to the employees so detailed."

§ 134. Mail clerks and assistants for Navy Marine Corps, or Coast Guard.

Enlisted men of the United States Navy, Marine Corps, or Coast Guard may, upon selection by the Secretary of the Navy in the case of the Navy or Marine Corps, and by the Secretary of the Treasury in the case of the Coast Guard, be designated by the Post Office Department as "Navy mail clerks" and "assistant Navy mail clerks" and as "Coast Guard mail clerks" and "assistant Coast Guard mail clerks", who shall be authorized to receive and open all pouches and sacks of mail addressed to naval and Coast Guard vessels, as the case may be, to make proper delivery of such mail, to receive matter for transmission in the mails, to receipt for registered matter (keeping an accurate record thereof), to keep and have for sale an adequate supply of postage stamps, to make up and dispatch mails, and other postal duties as may be authorized by the Postmaster General, all in accordance with such rules and regulations as may be prescribed by the commanding officer of the vessel or of the squadron to which the vessel is attached Such enlisted men may also be designated as Navy mail clerks and assistant Navy mail clerks and as Coast Guard mail clerks and assistant Coast Guard mail clerks with expeditionary forces on shore or for duty at stations and shore

establishments under the Navy Department and the Treasury Department, respectively, where the services of such mail clerks and assistant mail clerks are necessary. Each mail clerk and assistant mail clerk shall take the oath of office prescribed for employees of the Postal Service and shall be amenable in all respects to naval and Coast Guard discipline, as the case may be, except that, as to their duties as such clerks, the commanding officers of the vessels upon which they are stationed shall require them to be governed by the postal laws and regulations of the United States. Whenever necessity arises therefor any assistant mail clerk may be required by the commanding officer of the vessel upon which he is stationed or of the squadron to which said vessel is attached to perform the duties of mail clerk. They shall receive as compensation for such services from the Navy Department or from the Treasury Department, as the case may be, in addition to that paid them of the grade to which they are assigned, such sum in the case of mail clerks not to exceed $500 per annum, and in that of assistant mail clerks not to exceed $300 per annum, as may be determined and allowed by the Navy Department and by the Treasury Department, respectively. (As amended July 11, 1941, ch. 290, § 9 (a), 55 Stat. 586.)

AMENDMENTS

1941—Act July 11, 1941, amended section by making it applicable to the Coast Guard.

CROSS REFERENCES

Army mail clerks, see section 138 of this title.

Extra clerical assistance at certain offices for duration of war, see note under section 133 of this title.

§ 135. Same; bonds.

Every Navy mail clerk and assistant Navy mail clerk and every Coast Guard mail clerk and assistant Coast Guard mail clerk shall give bond to the United States in such penal sum as the Postmaster General may deem sufficient for the faithful performance of his duties as such clerk: *Provided*, That the Secretary of the Navy may waive the giving of bond in the cases of Navy mail clerks and assistant Navy mail clerks. Navy mail clerks and assistant Navy mail clerks whose bonds are so waived shall not be entitled to the extra compensation otherwise authorized to be paid them by law. The Post Office Department shall be reimbursed annually by the Navy Department in an amount equal to funds embezzled by unbonded Navy mail clerks and assistant Navy mail clerks, and funds expended in payment of claims arising from errors, losses, or defalcations by unbonded Navy mail clerks and assistant Navy mail clerks. (As amended July 11, 1941, ch. 290, § 9 (b), 55 Stat. 586; July 2, 1945, ch. 226, § 1, 59 Stat. 315.)

AMENDMENTS

1945—Act July 2, 1945, cited to text, amended section by adding the proviso

1941—Act July 11, 1941, cited to text, amended section by making it applicable to the Coast Guard.

APPROPRIATIONS

Section 2 of act July 2, 1945, cited to text, provided: "There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this Act (this section)."

§ 136. Mail messengers and other postal employees; employment in dual capacity; extra duties; compensation.

When in the judgment of the Postmaster General the needs and interests of the Postal Service so require he may employ mail messengers and postal employees in a dual capacity, or assign extra duties to such mail messengers and postal employees; and, notwithstanding the provisions of sections 58, 69, and 70 of Title 5, compensation shall be paid to such mail messengers and postal employees for such services at the rate provided by law for such services. (As amended June 11, 1942, ch. 406, 56 Stat. 358; Dec. 23, 1944, ch. 717, 58 Stat. 922.)

AMENDMENTS

1944—Act Dec. 23, 1944, cited to text, amended section by omitting "Postmasters and acting postmasters are authorized" preceding "When in the judgment" and giving authority to Postmaster General.

1942—Act June 11, 1942, cited to text, substituted "at the rate provided by law for such services" for "if the total compensation actually paid for all services does not exceed $2,000 for any one fiscal year".

CROSS REFERENCES

Temporary additional compensation for employees in Postal Service, see section 835 of this title.

§ 137. Superseded. July 6, 1945, ch. 274, § 14, 59 Stat. 446, eff. July 1, 1945.

Section, act Mar 25, 1940 ch. 71, title II, 54 Stat 76, amended by acts May 31, 1941, ch. 156, title II, § 1, 55 Stat. 233, Mar. 10, 1942, ch 178, title II, § 1, 56 Stat 168, Apr. 22, 1944, ch. 175, title II, § 1, 58 Stat 213, Apr 24, 1945, ch. 92, title II, 59 Stat. 74, relating to rates of compensation of the mechanical labor force, is now covered by section 864 of this title.

§ 138. Army mail clerks and assistants.

Enlisted men of the Army of the United States may, upon selection by the Secretary of War, be designated by the Post Office Department as "Army mail clerks" and "assistant Army mail clerks", who shall be authorized to receive and open all pouches and sacks of mail addressed to Army posts, military reservations, and defense bases, owned or leased, to make proper delivery of such mail, to receive matter for transmission in the mails, to receipt for registered matter (keeping an accurate record thereof) to keep and have for sale an adequate supply of postage stamps, to make up and dispatch mails, and other postal duties as may be authorized by the Postmaster General, all in accordance with such rules and regulations as may be prescribed by the commanding Army officer at the base, post, or reservation. Each Army mail clerk and assistant Army mail clerk shall take the oath of office prescribed for employees of the Postal Service and shall give bond to the United States in such sum as the Postmaster General may deem sufficient for the faithful performance of his duties as such mail clerk, and shall be amenable in all respects to Army discipline, except that, as to their duties as such clerks, the commanding officer at the base, post, or reservation at which they are stationed shall require them to be governed by the Postal Laws and Regulations of the United States. Whenever necessity arises therefor any assistant mail clerk may be required by such commanding officer to perform the duties of mail clerk. Compensation for

services shall be paid by the War Department in addition to that paid them in the grade to which they are assigned, such sum in the case of mail clerks not to exceed $500 per annum, and in the case of assistant mail clerks not to exceed $300 per annum, as may be determined and allowed by the War Department. (Aug. 21, 1941, ch. 392, 55 Stat. 656.)

CROSS REFERENCES

Extra clerical assistance at certain offices for duration of war, see note under section 133 of this title.

Navy and Marine Corps mail clerks, see section 134 of this title

§§ 139–140. Superseded. July 6, 1945, ch. 274, § 12, 14, 59 Stat. 443, 446, eff. July 1, 1945.

Section 139, act Oct. 18, 1943, ch 261, 57 Stat. 572, relating to classification and salaries of custodial employees, is now covered by section 864 of this title.

Section 139a, act July 1, 1944, ch 369, § 1, 58 Stat. 677, relating to yearly promotions of custodial employees, is now covered by section 864 of this title.

Section 140, act Mar. 20, 1944, ch 102, 58 Stat 118, relating to classification change of laborer to mail handler, and compensation for grade, is now covered by section 862 of this title

Chapter 4.—CITY DELIVERY, BRANCH OFFICES, AND RECEIVING BOXES

§ 160. Restrictions on establishing stations and branches.

SUSPENSION OF SECTION, EFFECTIVE PERIOD

Sections 1 and 2 of act June 28, 1944, ch 297, 58 Stat 463, provided: SEC 1. "The third proviso in the Act of June 9, 1896, entitled 'An Act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven' (29 Stat 313; 39 U. S C 160), is hereby suspended for the duration of the present war

"SEC. 2. This Act shall remain in effect for the duration of the present war and for six months thereafter."

§ 167. Same; offices at which special delivery may be had; messengers; contracts and compensation.

CROSS REFERENCES

Provisions of section relating to compensation of messengers have been superseded by section 872 of this title.

§§ 169a, 170. Superseded. July 6, 1945, ch. 274, § 22, 59 Stat. 459, eff. July 1, 1945.

Section 169a, act Mar. 2, 1931, ch. 372, § 3, 46 Stat. 1469, relating to schedule of rates to be paid special delivery messengers, is now covered by section 872 of this title.

Section 170, amended by act Mar 2, 1931, ch 372, § 5, 46 Stat. 1469, relating to compensation of special delivery messengers, is now covered by section 872 of this title.

§ 175. Superseded. July 6, 1945, ch. 274, § 22, 59 Stat. 459, eff. July 1, 1945.

Section, relating to carfare for special delivery messengers and delivery from first and second class post offices, is now covered by section 872 of this title.

Chapter 5.—RURAL DELIVERY SERVICE

§§ 197–198. Superseded. July 6, 1945, ch. 274, § 17, 59 Stat. 455, eff. July 1, 1945.

Section 197, amended by acts June 25, 1934, ch 741, § 1 (a), 48 Stat 1212; June 25, 1938, ch. 707, § 1, 52 Stat 1205; July 30, 1941, ch. 331, § 1, 55 Stat 609, relating to compensation of rural delivery carriers, is now covered by section 867 of this title.

Section 197a, act June 25, 1934, ch. 741, § 1 (d), 48 Stat. 1213, amended by act May 16, 1938, ch. 224, 52 Stat 377, relating to reduction in rural delivery carriers salary, is now covered by section 867 of this title.

Section 198, relating to compensation of rural delivery carriers serving triweekly routes, is now covered by section 867 of this title.

§§ 201–203. Superseded. July 6, 1945, ch. 274, §§ 6, 17, 59 Stat. 436, 455, eff. July 1, 1945.

Section 201, relating to the hiring of substitute carriers, is now covered by section 867 of this title.

Section 202, relating to compensation of substitute carriers, is now covered by section 867 of this title.

Section 203, relating to annual leave for carriers and rate of pay for substitutes during said leave, is now covered by sections 856 and 867 of this title.

§ 206. Superseded. July 6, 1945, ch. 274, 1945, § 17, 59 Stat. 455, eff. July 1, 1945.

Section, act July 28, 1916, ch. 261, § 1, 39 Stat 423, amended by acts Feb. 28, 1925, ch 368, § 8, 43 Stat. 1064, Ex. Ord No 6176, June 16, 1933, June 30, 1932, ch. 314, Part II, title I, § 112, 47 Stat 403, Ex Ord. No. 6332, Oct 12, 1933, Ex. Ord. No. 6675, Apr. 13, 1934; June 25, 1934, ch. 741, § 1 (c), 48 Stat. 1213, relating to allowances to rural delivery carriers for maintenance of equipment is now covered by section 867 of this title.

§ 207. Superseded. June 25, 1934, ch. 741, § 1, 48 Stat. 1212.

Section, which provided for the temporary reduction of pay of rural carriers, was formerly covered by section 197 of this title which has now been superseded by section 867 of this title.

Chapter 6.—MAIL MATTER

Sec.

226b Same, waiver of application fees where newspapers and periodicals voluntarily suspend publication for duration of war (New).

246a–1 Fees for collect-on-delivery service for sealed domestic mail matter (New).

246e Fees and indemnity for collect-on-delivery service for registered sealed domestic mail (New)

§ 226b. Same; waiver of application fees where newspapers and periodicals voluntarily suspend publication for duration of war.

No newspaper or other periodical publication which has been accorded second-class mail privileges, and which has voluntarily suspended publication, or shall hereafter voluntarily suspend publication, for the duration of the war because of conditions attributable to the war effort, shall be required upon resumption of regular publication to pay any of the fees provided for by section 226a of this title, if such newspaper or periodical publication resumes regular publication prior to the end of the sixth month following the expiration of the unlimited national emergency proclaimed by the President on May 27, 1941: *Provided*, That before any such newspaper or periodical shall be entitled to reentry as second-class matter without payment of any application fee the publisher shall furnish to the Postmaster General satisfactory evidence that the suspension of his publication was because of conditions attributable to the war effort. (July 9, 1943, ch 209, 57 Stat. 390.)

§ 245. Same; fee for insurance; receipt of delivery.

The fee for insurance shall be 3 cents for indemnification not to exceed $5, 10 cents for indemnification not to exceed $25, 15 cents for indemnification not to exceed $50, and 25 cents for indemnification not to exceed $200. Whenever the sender of an insured article of mail matter shall so request, and upon payment of a fee of 4 cents at the time of mailing,

or of 7 cents subsequent to the time of mailing, a receipt shall be obtained for such insured mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender and be received in the courts as prima facie evidence of such delivery: *Provided*, That upon payment of the additional sum of 27 cents at the time of mailing by the sender of an insured article of mail matter, a receipt shall be obtained for such insured mail matter, showing to whom, when, and the address where the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery: *Provided further*, That no refund shall be made of fees paid for return receipts for registered or insured mail where the failure to furnish the sender a return receipt or the equivalent is not due to the fault of the Postal Service. (As amended Sept. 17, 1944, ch. 411, § 1, 58 Stat. 732.)

AMENDMENTS

1944—Act Sept 17, 1944, cited to text, which amended section generally, increased all fees

REPEAL OF TEMPORARY INCREASES

Section 406 of act Feb. 25, 1944, ch. 63, title IV, 58 Stat. 70, which provided for a temporary increase in fees for insurance on mail, was repealed by section 5 of act Sept. 17, 1944, cited to text. Section 407 of said act Feb 25, 1944, which provided for a temporary increase in fees for receipts of insured and registered mail amended by section 5 of said act of Sept 17, 1944, omitting the increase for receipts of insured mail For effective date see note under this section.

EFFECTIVE DATE

Section 6 of act Sept. 17, 1944, cited to text, provided "This Act [sections 245, 245 note, 246, 246 note, 246a–1, 246b note, 246c note, 246e, 276b, 386 note and 716 note of this title] shall take effect on the first day of the second month following the month of its enactment."

§ 246. Fees for collect-on-delivery third- and fourth-class mail.

The fee for collect-on-delivery service for domestic third- and fourth-class mail shall be 15 cents for collections and indemnity not to exceed $2.50; 20 cents for collections and indemnity not to exceed $5; 30 cents for collections and indemnity not to exceed $25; 40 cents for collections and indemnity not to exceed $50; 50 cents for collections and indemnity not to exceed $100; 55 cents for collections and indemnity not to exceed $150; and 60 cents for collections and indemnity not exceeding $200. The fee for notifying the sender or his representative of inability to deliver a collect-on-delivery article shall be 5 cents. (As amended Sept. 17, 1944, ch. 411, § 1, 58 Stat. 732.)

AMENDMENTS

1944—Act Sept. 17, 1944, cited to text, which amended section generally, increased all fees.

REPEAL OF TEMPORARY INCREASE

Section 408 (a) of act Feb 25, 1944, ch. 63, title IV, 58 Stat. 70, which provided for temporary increase on collect-on-delivery fee for domestic third- and fourth-class mail, was repealed by section 5 of act Sept. 17, 1944, cited to text. For effective date see note under this section.

EFFECTIVE DATE

Section 6 of act Sept 17, 1944, cited to text, provided "This Act [sections 245, 245 note, 246, 246 note, 246a–1, 246b note, 246c note, 246e, 276b, 386 note and 716 note of this title] shall take effect on the first day of the second month following the month of its enactment."

§ 246a–1. Fees for collect-on-delivery service for sealed domestic mail matter.

The fees for collect-on-delivery service for sealed domestic mail matter of any class bearing postage at the first-class rate shall be equal in each case to the fee charged for collect-on-delivery service for domestic third- and fourth-class mail. (Sept. 17, 1944, ch. 411, § 2, 58 Stat. 733.)

EFFECTIVE DATE

Section 6 of act Sept. 17, 1944, cited to text, provided "This Act [sections 245, 245 note, 246, 246 note, 246a–1, 246b note, 246c note, 246e, 276b, 386 note and 716 note of this title] shall take effect on the first day of the second month following the month of its enactment."

§ 246b. Collect-on-delivery parcels; return of undelivered parcels to sender; demurrage charges for delay in delivery.

REPEAL OF TEMPORARY INCREASE

Section 408 (b) of act Feb. 25, 1944, ch. 63, title IV, 58 Stat. 70, which provided for a temporary increase of fee for services in effecting delivery of collect-on-delivery mail, was repealed by section 5 of act Sept. 17, 1944, ch. 411, 58 Stat. 733.

EFFECTIVE DATE

Section 6 of act Sept 17, 1944, ch. 411, 58 Stat. 733, provided that the repeals by section 5 of said act Sept. 17, 1944, should become effective on the first day of the second month following the month of its enactment.

§ 246c. Collect-on-delivery parcels; return of undelivered parcels to sender; demurrage charges for delay in delivery.

REPEAL OF TEMPORARY INCREASE

Section 408 (b) of act Feb. 25, 1944, ch 63, title IV, 58 Stat. 70, which provided for increase of demurrage charges on collect-on-delivery parcels, was repealed by act Sept. 17, 1944, ch 411, 58 Stat. 733.

EFFECTIVE DATE

Section 6 of act Sept. 17, 1944, ch. 411, 58 Stat. 733, provided that the repeals by section 5 of said act Sept. 17, 1944, should become effective on the first day of the second month following the month of its enactment.

§ 246d. Additional delivery fee for delivery of registered, insured, and collect-on-delivery mail.

TEMPORARY INCREASE

Section 409 of act Feb. 25, 1944, ch. 63, title IV, 58 Stat. 70, provided as follows: "The additional fee for effecting the delivery of domestic registered, insured, and collect-on-delivery mail, the delivery of which is restricted to the addressee only, or to the addressee or order, is increased by an amount equal to the fee provided by existing law."

EFFECTIVE DATE OF INCREASES

Section 401 of act Feb. 25, 1944, ch. 63, title IV, 58 Stat. 69, provided that the increases should become effective on the thirtieth day after the date of the enactment of this act.

TERMINATION DATE OF INCREASES

Section 410 of act Feb. 25, 1944, ch. 63, title IV, 58 Stat. 70, provided as follows:

"(a) *In general.* The increases in postal rates, fees, and charges made by this title shall cease to be in effect on and after the first day of the first month which begins at least six months after the termination of hostilities in the present war.

"(b) *Definition.* For the purposes of this section the term 'termination of hostilities in the present war' means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier."

§ 246e. Fees and indemnity for collect-on-delivery service for registered sealed domestic mail.

The fees for collect-on-delivery service for registered sealed domestic mail of any class bearing postage at the first-class rate and the limits of indemnity for the loss, rifling, or damage thereof in the mails, shall, in addition to postage and any other required additional fees, be as follows:

Amount collectible and limit of indemnity payable	Fee, including registration
From $0.01 to $10	40 cents
From $10.01 to $50	55 cents
From $50.01 to $100	75 cents
From $100.01 to $200	$1.00

When indemnity in excess of $200 is desired, the fees for domestic registered collect-on-delivery mail, shall, in addition to postage and any other required additional fees, be as follows:

Amount of indemnity	Fee, including registration
From $200 01 to $300	$1. 05
From $300 01 to $400	1. 10
From $400.01 to $500	1. 15
From $500 01 to $600	1. 20
From $600 01 to $700	1 25
From $700.01 to $800	1. 30
From $800.01 to $1,000	1. 40

(Sept. 17, 1944, ch. 411, § 3, 58 Stat. 733.)

EFFECTIVE DATE

Section 6 of act Sept. 17, 1944, cited to text, provided "This Act [sections 245, 245 note, 246, 246 note, 246a–1, 246b note, 246c note, 246e, 276b, 386 note and 716 note of this title] shall take effect on the first day of the second month following the month of its enactment."

§ 261. Undeliverable parcels containing perishable matter; sale by Government; disposition of proceeds.

CROSS REFERENCES

Temporary additional compensation for employees in Postal Service, see section 835 of this title.

Chapter 7.—POSTAGE

Sec.

293a–1. Books consisting only of reading matter or of reading matter with incidental spaces for notations (New).

§ 276b. Same; stamps; schedule of rates; ordinary stamps in lieu of special-delivery stamps.

To procure the most expeditious handling and transportation practicable and the immediate delivery of mail matter at the office of address, special-delivery stamps shall be affixed thereto, in addition to the regular postage, in accordance with the following schedule: Matter weighing not more than 2 pounds, if of the first class, 13 cents; if of any other class, 17 cents; matter weighing more than 2 but not more than 10 pounds, if of the first class, 20 cents, if of any other class, 25 cents; matter weighing more than 10 pounds, if of the first class, 25 cents, if of any other class, 35 cents: *Provided*, That under such regulations as the Postmaster General may prescribe, ordinary postage stamps of equivalent value may be accepted in lieu of the special-delivery stamps herein specified. (As amended Sept. 17, 1944, ch. 411, § 4, 58 Stat. 733.)

AMENDMENTS

1944—Act Sept. 17, 1944, cited to text, amended section by increasing fee of matter weighing under two pounds, if first class from 10 cents to 13 cents, and, if any other class, from 15 cents to 17 cents.

EFFECTIVE DATE

Section 6 of act Sept. 17, 1944, cited to text, provided "This Act [sections 245, 245 note, 246, 246 note, 246a–1, 246b note, 246c note, 246e, 276b, 386 note and 716 note of this title] shall take effect on the first day of the second month following the month of its enactment."

§ 280. Postage on first-class matter.

TEMPORARY INCREASE OF RATES

Section 1001 of the Revenue Act of 1932, as further amended, provides as follows:

"(a) On and after the thirtieth day after the date of the enactment of this Act and until July 1, 1947, the rate of postage on all mail matter of the first class (except postal cards and private mailing or post cards, and except other first class matter on which the rate of postage under existing law is 1 cent for each ounce or fraction thereof) shall be 1 cent for each ounce or fraction thereof in addition to the rate provided by existing law: *Provided*, That such additional rate shall not apply to first-class matter mailed for local delivery or for delivery wholly within a county the population of which exceeds one million, provided said county is entirely within a corporate city." (As amended May 28, 1941, ch 143, 55 Stat 210; June 17, 1943, ch. 129, 57 Stat. 157; June 30, 1945, ch. 211, § 1, 59 Stat. 295)

* * * * *

(c) Repealed. Act July 6, 1945, ch 274, § 8 (a), 59 Stat. 437, eff. Jan 1, 1944.

AMENDMENTS TO TEMPORARY INCREASE OF RATES

Section 2 of act June 16, 1933, ch 96 48 Stat 254, as further amended, provided as follows: "SEC 2 The President is authorized during the period ending June 30, 1947, to proclaim such modifications of postage rates on mail matter (except that in the case of first-class matter the rate shall not be reduced to less than 2 cents an ounce or fraction thereof) as, after a survey by him, he may deem advisable by reason of increase in business, the interests of the public, or the needs of the Postal Service, and such modifications shall be in effect on and after such date as he shall proclaim and until July 1, 1947. In case a modification of the rate of postage on first-class matter is proclaimed, the President shall also make a corresponding modification in the percentages of gross postal receipts specified in section 1001 (c) of the Revenue Act of 1932 as amended by this Act, [Repealed] which percentages shall be in effect during the period such modification of the rate of postage on first-class matter is in effect. Nothing in this section shall be construed as giving the President authority to change the rate fixed by law on first-class matter mailed for local delivery, postal cards, and private mailing or post cards" (As amended May 28, 1941, ch 143, 55 Stat 210; June 17, 1943, ch 129, 57 Stat. 157; June 30, 1945, ch. 211, § 1, 59 Stat. 295)

ADDITIONAL TEMPORARY INCREASES IN LOCAL RATES

Section 402 (a) of act Feb. 25, 1944, ch 63, title IV, 58 Stat 69, provided as follows: "The rate of postage on all mail matter of the first class mailed for local delivery or for delivery wholly within a county which is entirely within a corporate city and the population of which exceeds one million (except postal cards and private mailing or post cards, and except other first class matter on which the rate of postage under existing law is 1 cent for each ounce or fraction thereof) shall be increased by 1 cent for each ounce or fraction thereof."

EFFECTIVE DATE OF INCREASES

Section 401 of act Feb. 25, 1944, ch. 63, Title IV, 58 Stat. 69, provided that the increases should become effective on the thirtieth day after the date of the enactment of this Act.

TERMINATION DATE OF INCREASES

Section 410 of act Feb 25, 1944, ch. 63, title IV, 58 Stat. 70, provided as follows:

"(a) In general. The increases in postal rates, fees, and charges made by this title shall cease to be in effect on and after the first day of the first month which begins at least six months after the termination of hostilities in the present war.

"(b) Definition. For the purposes of this section the term 'termination of hostilities in the present war' means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier."

§ 293. Same; rates of postage; service charge.

TEMPORARY INCREASE

Section 403 of act Feb. 25, 1944, ch. 63, title IV, 58 Stat. 69, provided as follows: "The rate of postage on all mail matter of the fourth class shall be increased by an amount equal to 3 per centum of the rate provided by existing law, or by 1 cent, whichever is the greater If the 3 per centum amount results in a fractional part of a cent, such fractional part shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent."

EFFECTIVE DATE OF INCREASES

Section 401 of act Feb 25, 1944, ch. 63, title IV, 58 Stat. 69, provided that the increases should become effective on the thirtieth day after the date of the enactment of this Act.

TERMINATION DATE OF INCREASES

Section 410 of act Feb. 25, 1944, ch. 63, title IV, 58 Stat. 70, provided as follows:

"(a) In general The increases in postal rates, fees, and charges made by this title shall cease to be in effect on and after the first day of the first month which begins at least six months after the termination of hostilities in the present war.

"(b) Definition For the purposes of this section the term 'termination of hostilities in the present war' means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier."

§ 293a–1. Books consisting only of reading matter or of reading matter with incidental spaces for notations.

The postage rate on books consisting wholly of reading matter or reading matter with incidental blank spaces for students' notations and containing no advertising matter other than incidental announcements of books, when mailed under such regulations as the Postmaster General may prescribe, shall be 3 cents per pound or fraction thereof, irrespective of the postal zone of destination thereof: *Provided*, That this section shall not affect the rates of postage on books mailed by or to libraries and organizations as prescribed by section 293a of this title. (June 30, 1942, ch. 459, 56 Stat. 462)

Chapter 8.—THE FRANKING PRIVILEGE

Sec.

321c. Penalty mail privilege of executive departments, agencies, etc ; procurement of envelopes, labels to Postmaster General (New)

321d. Annual reports by executive departments, agencies, etc , estimated cost covered in annual appropriations, deposit of moneys (New).

321e. Limitation on size and weight of acceptable articles (New).

321f. Fourth class mail for articles of excessive size or weight, shipment by most economical means (New).

321g. War and Navy Departments as exempt from provisions of sections 321c–321f (New).

321h. Executive departments, agencies, etc., to supply information under sections 321c–321g (New).

CROSS REFERENCES

Free postage on first-class letter mail matter sent by members of armed forces, see section 639 of Appendix to Title 50, War.

§ 321b. Restriction on privilege of executive departments and independent establishments; reports of free mail.

SUSPENDED IN PART

Insofar as the Selective Service System is concerned, so much of this section as requires the heads of independent establishments and executive departments to submit quarterly reports concerning mail matter transmitted free was suspended during the emergency declared by the President on May 27, 1941, by act Feb 21, 1942, ch 108, title I, 56 Stat. 101.

During the period of national emergency declared by the President on September 8, 1939, the provision of this section requiring the head of each executive department and independent establishment (other than the Post Office Department) to submit quarterly reports was suspended by act Sept 9, 1940, 9 a. m , E S T , ch 717, title III, § 301, 54 Stat 884, as amended Oct. 26, 1942, ch. 629, title II, § 202, 56 Stat 1005

§ 321c. Penalty mail privilege of executive departments, agencies, etc.; procurement of envelopes, lables to Postmaster General.

All envelopes, labels, wrappers, cards, and other articles, bearing the indicia prescribed by law for matter mailed free of postage under the penalty privilege by all executive departments and agencies, all independent establishments of the Government, and all other organizations and persons authorized by law to use the penalty privilege, shall be procured or accounted for through the Postmaster General under such regulations as he shall prescribe. The head of each such department, agency, establishment, or other organization, or each such person, shall submit to the Postmaster General within sixty days after the close of each fiscal year a statement showing the number of envelopes, labels, wrappers, cards, and other articles bearing such indicia on hand at the close of such fiscal year. (June 28, 1944, ch. 293, § 1, 58 Stat. 394)

EFFECTIVE DATE

Section 8 of act June 28, 1944, cited to text, provided. "This Act [sections 321c–321h of this title] shall take effect July 1, 1944."

APPROPRIATIONS

Section 7 of act June 28, 1944, cited to text, provided: "There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act [sections 321c–321h of this title] "

§ 321d. Annual reports by executive departments, agencies, etc.; estimated cost covered in annual appropriations; deposit of moneys.

(a) The Postmaster General shall report to the Congress and to the Bureau of the Budget as soon as practicable after the close of the fiscal year ending June 30, 1944, and within ninety days after the close of each subsequent fiscal year, the number of envelopes, labels, wrappers, cards, and other articles bearing such penalty indicia used during such fiscal year by each executive department and agency, by

each independent establishment, and by each organization and person authorized by law to use the penalty privilege.

(b) The Postmaster General shall, beginning with the fiscal year beginning July 1, 1944, report quarterly to the Congress and the Bureau of the Budget the number of envelopes, labels, wrappers, cards, and other articles bearing such penalty indicia procured or accounted for, through him, by each such department, agency, establishment, and other organization and person, together with the estimated number of pieces and weight of matter mailed free of postage under the penalty privilege and the estimated cost of handling such matter as determined by the cost ascertainment procedure of the Post Office Department.

(c) Based on the estimated cost determined in accordance with subsection (b), each such department, agency, and independent establishment, except the Post Office Department, shall include in its annual estimates of appropriations an amount representing the anticipated costs to the Post Office Department of handling the penalty mail of such department, agency, or independent establishment.

(d) Within thirty days following determination and advice by the Postmaster General of the estimated cost of handling the penalty mail, each such department, agency, and independent establishment shall deposit in the general funds of the Treasury as miscellaneous receipts from its appropriations an amount equivalent to such costs. (June 28, 1944, ch. 293, § 2, 58 Stat. 394.)

EFFECTIVE DATE

Effective date, see note under section 321c of this title.

§ 321e. Limitation on size and weight of acceptable articles.

On and after August 1, 1944, no article or package of official matter, or number of articles or packages of official matter constituting in fact a single shipment, exceeding four pounds in weight shall be admitted to the mails under the penalty privilege, except (1) stamped paper and supplies sold or used by the postal service; and (2) books and documents published or circulated by order of Congress when mailed by the Superintendent of Public Documents or under the franking privilege. (June 28, 1944, ch. 293, § 3, 58 Stat. 394.)

§ 321f. Fourth class mail for articles of excessive size or weight; shipment by most economical means.

(a) Official matter not within the provisions of section 321e of this title which is over four pounds in weight, if otherwise mailable, whether sealed or unsealed, including written matter, shall, if such matter does not exceed the limit of weight or size prescribed for fourth-class matter, be accepted for mailing upon the payment of postage at fourth-class rates.

(b) Shipments of official matter shall be sent by the most economical means of transportation practicable, and the Postmaster General may refuse to accept any such matter for shipment by mail when in his judgment it is in the public interest that it be forwarded by other means at less expense. (June 28, 1944, ch. 293, § 4, 58 Stat. 395.)

§ 321g. War and Navy Departments as exempt from provisions of sections 321c–321f.

Sections 321c–321f of this title shall not apply to the Department of War and the Department of the Navy, and their activities outside of the city of Washington, for the duration of the present war and six months thereafter. (June 28, 1944, ch. 293, § 5, 58 Stat. 395.)

§ 321h. Executive departments, agencies, etc., to supply information under sections 321c–321g.

All executive departments and agencies, all independent establishments of the Government, and all other organizations and persons authorized by law to use the penalty privilege, are directed to supply as soon as practicable, all necessary information requested by the Post Office Department to carry out the provisions of sections 321c–321h of this title. (June 28, 1944, ch. 293, § 6, 58 Stat. 395.)

EFFECTIVE DATE

Effective date, see note under section 321c of this title.

§ 331. Reading matter for blind; Bibles; reproducers for sound-reproduction records.

Books, pamphlets, and other reading matter published either in raised characters, whether prepared by hand or printed or in the form of sound-reproduction records for the use of the blind, in packages not exceeding the weight prescribed by the Postmaster General, and containing no advertising or other matter whatever, unsealed, and when sent by public institutions for the blind, or by any public libraries, as a loan to blind readers, or when returned by the latter to such institutions or public libraries; magazines, periodicals, and other regularly issued publications in such raised characters, whether prepared by hand or printed, or on sound-reproduction records (for the use of the blind), which contain no advertisements and for which no subscription fee is charged, shall be transmitted in the United States mails free of postage and under such regulations as the Postmaster General may prescribe.

Volumes of the Holy Scriptures, or any part thereof, published either in raised characters, whether prepared by hand or printed, or in the form of sound-reproduction records for the use of the blind, which do not contain advertisements (a) when furnished by an organization, institution, or association not conducted for private profit, to a blind person without charge, shall be transmitted in the United States mails free of postage; (b) when furnished by an organization, institution, or association not conducted for private profit to a blind person at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof; under such regulations as the Postmaster General may prescribe.

Reproducers for sound-reproduction records for the blind or parts thereof which are the property of the United States Government, when shipped for repair purposes by an organization, institution, public library, or association for the blind not conducted for private profit, or by a blind person to an agency not conducted for private profit, or from such an agency to an organization, institution, public library,

or association for the blind not conducted for private profit, or to a blind person, may be transmitted through the mails at the rate of 1 cent per pound or fraction thereof; under such regulations as the Postmaster General may prescribe.

The Postmaster General may in his discretion extend this rate of 1 cent per pound or fraction thereof to reproducers for sound-reproduction records for the blind, or parts thereof, and, when mailed to be repaired or being returned after repair, to Braille writers and other appliances for the blind, or parts thereof, which are the property of State governments or subdivisions thereof, or of public libraries, or of private agencies for the blind not conducted for private profit, or of blind individuals, under such regulations as he may prescribe.

All letters written in point print or raised characters or on sound-reproduction records used by the blind, when unsealed, shall be transmitted through the mails as third-class matter. (As amended Oct. 14, 1941, ch. 437, 55 Stat. 737.)

AMENDMENTS

1941—Act Oct. 14, 1941, cited to text, inserted provisions in next to last paragraph respecting items repaired or for repair.

Chapter 10.—REGISTERED MAIL

§ 384. Registered matter and fees.

TEMPORARY INCREASE

Section 405 of act Feb. 25, 1944, ch. 63, title IV, 58 Stat. 70, provided as follows. "The registry fees for registered mail shall be increased by 33⅓ per centum, computed in each case to the nearest multiple of 5 cents, and the additional fees for registered mail shall be increased by 33⅓ per centum, computed in each case, if the amount of such increase is not a multiple of 1 cent, to the multiple of 1 cent next above such amount."

EFFECTIVE DATE OF INCREASES

Section 401 of act Feb 25, 1944, ch 63, title IV, 58 Stat 69, provided that the increases should become effective on the thirtieth day after the date of the enactment of this act

TERMINATION DATE OF INCREASES

Section 410 of act Feb 25, 1944, ch 63, title IV, 58 Stat. 70, provided as follows·

"(a) In general. The increases in postal rates, fees, and charges made by this title shall cease to be in effect on and after the first day of the first month which begins at least six months after the termination of hostilities in the present war.

"(b) Definition. For the purposes of this section the term 'termination of hostilities in the present war' means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier."

§ 386. Receipt for delivery of registered mail.

TEMPORARY INCREASE

Section 407 of act Feb. 25, 1944, ch. 63, title IV, 58 Stat. 70, as amended by section 5 of act Sept. 17, 1944, ch. 411, 58 Stat. 733, provided as follows:

"The fees for obtaining receipts for registered mail shall be increased by 33⅓ per centum, computed, if the amount of such increase is not a multiple of 1 cent, to a multiple of 1 cent next above such amount."

EFFECTIVE DATE

Section 6 of act Sept. 17, 1944, ch. 411, 58 Stat. 733, provided that the amendment by section 5 of said act Sept. 17, 1944, should become effective on the first day of the second month following the month of its enactment.

Section 401 of act Feb. 25, 1944, ch. 63, title IV, 58 Stat. 69, provided that the increases should become effective on the thirtieth day after the date of the enactment of this Act.

TERMINATION DATE OF INCREASES

Section 410 of act Feb. 25, 1944, ch 63, title IV, 58 Stat. 70, provided as follows:

"(a) In general The increases in postal rates, fees, and charges made by this title shall cease to be in effect on and after the first day of the first month which begins at least six months after the termination of hostilities in the present war.

"(b) Definition. For the purposes of this section the term 'termination of hostilities in the present war' means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier "

Chapter 13.—AIR MAIL

§ 463. Same; postage rates.

TEMPORARY INCREASE

Section 402 (b) of act Feb 25, 1944, ch 63, title IV, 58 Stat 69, provided as follows: "The rate of postage on air mail shall be increased by 2 cents for each ounce or fraction thereof."

EFFECTIVE DATE OF INCREASES

Section 401 of act Feb. 25, 1944, ch. 63, title IV, 58 Stat 69, provided that the increases should become effective on the thirtieth day after the date of the enactment of this act.

TERMINATION DATE OF INCREASES

Section 410 of act Feb 25, 1944, ch 63, title IV, 58 Stat 70, provided as follows:

"(a) In general The increases in postal rates, fees, and charges made by this title shall cease to be in effect on and after the first day of the first month which begins at least six months after the termination of hostilities in the present war.

"(b) Definition. For the purposes of this section the term 'termination of hostilities in the present war' means the date proclaimed by the President as the date of such termination, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier."

Chapter 16.—RAILWAY MAIL OFFICERS AND EMPLOYEES

§ 602. Superseded. May 26, 1936, ch. 453, 49 Stat. 1374.

Section, relating to salaries of supervisory employees of the railway mail service, was superseded by section 602a which is now covered by section 866 of this title.

§ 602a. Superseded. July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945.

Section, act May 26, 1936, ch 453, 49 Stat 1374, relating to salaries of supervisory employees of the railway mail service, is now covered by section 866 of this title.

§§ 605–608. Superseded. July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945.

Section 605, relating to ratings and salaries of clerks in charge of sections in offices of division superintendents, is now covered by section 688 of this title.

Section 606, relating to classification and salaries of mail handlers of the railway mail service, is now covered by section 866 of this title.

Section 607, amended by acts June 14, 1934, ch. 518, 48 Stat. 958; Oct. 23, 1941, ch. 457, § 2, 55 Stat. 744, relating to promotion and readjustment of grades of mail handlers of the railway mail service, is now covered by section 866 of this title

Section 607a, act Feb. 28, 1925, ch. 368, § 7 (pt), as added Oct. 23, 1941, ch. 457, § 1, 55 Stat. 744, relating to hours of service and overtime pay of mail handlers of the railway mail service, is now covered by section 866 of this title.

Section 608, relating to classification of railway postal clerks, is now covered by section 866 of this title.

§ 609. Railway postal clerks; appointment.

CROSS REFERENCES

Temporary transfer of railway postal clerk to the duties of post-office clerk or city delivery carrier, see note set out under section 862 of this title.

§ 610. Superseded. July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945.

Section 610, relating to classification and salary of railway postal clerks, is now covered by section 866 of this title.

§§ 613–617. Superseded. July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945.

Section 613, relating to hours of service, compensatory time, and overtime, is now covered by section 866 of this title.

Section 614, relating to substitute clerks, classification, salaries, and credits, is now covered by section 866 of this title.

Section 615, relating to travel allowances of substitute clerks, is now covered by section 866 of this title.

Section 616, relating to compensatory time and overtime of mail handlers and railway postal clerks at terminal post offices and transfer offices, is now covered by section 866 of this title.

Section 617, relating to classification of railway post office lines and promotion of clerks, is now covered by section 866 of this title.

§ 618. Superseded. July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945.

Section, which provided for classes of terminal railway post offices and for the promotion of clerks, is now covered by section 866 of this title.

§ 618a. Terminal railway post offices; classification of clerks.

CROSS REFERENCES

Provisions relating to classification of clerks are now covered by section 866 of this title.

§ 619. Superseded. July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945.

Section, which provided for classes of transfer offices and promotion of clerks, is now covered by section 866 of this title.

§§ 621–623. Superseded. July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945.

Section 621, amended by acts Aug. 14, 1937, ch. 632, 50 Stat 647, Aug 1, 1941, ch 347, 55 Stat 615, relating to promotion of clerks assigned to offices of division superintendents or chief clerks, is now covered by section 866 of this title

Section 622, relating to promotion of examiners, is now covered by section 866 of this title.

Section 623, relating to promotions for meritorious services, is now covered by section 866 of this title.

§ 626. Superseded. July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945.

Section, amended by act June 5, 1934, ch. 393, 48 Stat. 880, relating to promotions of clerks in the highest grade, is now covered by section 866 of this title.

§ 627. Same; restoration after reduction in grade.

Provisions of last sentence providing for automatic promotions for those who had not progressed to the maximum grade have been superseded by section 871 of this title.

§§ 628, 629. Superseded. July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945.

Section 628, relating to restrictions on advancement, is now covered by section 866 of this title.

Section 629, relating to working hours and overtime, is now covered by section 866 of this title.

§ 633. Superseded. July 6, 1945, ch. 274, § 16, 59 Stat. 451, eff. July 1, 1945.

Section, relating to travel allowances, is now covered by section 866 of this title.

§ 635. Superseded. July 6, 1945, ch. 274, § 6, 59 Stat. 436, eff. July 1, 1945.

Section, relating to annual leave, is now covered by section 856 of this title.

§ 637. Substitutes for clerks absent otherwise than on annual leave.

Provisions of section authorizing the employment of a substitute and payment of same from salary of absent employee are modified by section 856 of this title.

Chapter 18.—POST-OFFICE INSPECTORS

§§ 693, 693a. Superseded. July 6, 1945, ch. 274, § 15, 59 Stat. 450, eff. July 1, 1945.

Section 693, relating to classification and salaries of post office inspectors, is now covered by section 865 of this title

Section 693a, act Aug. 7, 1935, ch 450, 49 Stat. 538, relating to adjustment of post office inspectors' compensation, is now covered by section 865 of this title.

§ 698. Superseded. July 6, 1945, ch. 274, § 15, 59 Stat. 450, eff. July 1, 1945.

Section, relating to classification, salary and transfer of clerks, is now covered by section 865 of this title.

§ 702. Repealed. July 6, 1945, ch. 274, § 21, 59 Stat. 459, eff. July 1, 1945.

Section, which provided for promotion regardless of increase in pay, is now covered by section 871 of this title

Chapter 19.—THE MONEY-ORDER SYSTEM

§ 716. Amount of orders, and fees.

REPEAL OF TEMPORARY INCREASE

Section 404 of act Feb 25, 1944, ch 63, title IV, 58 Stat. 70, which provided for an increase in fees for money orders, was repealed by section 5 of act Sept. 17, 1944, ch. 411, 58 Stat. 733

EFFECTIVE DATE

Section 6 of act Sept. 17, 1944, ch. 411, 58 Stat 733, provided that the repeals by section 5 of said act Sept. 17, 1944, should become effective on the first day of the second month following the month of its enactment.

§ 717. Clerks; compensation; additional clerks at international exchange offices.

Provisions of section relating to compensation of money-order clerks are now covered by section 862 of this title.

REPEAL

Provisions of former sections 57b–57d relating to compensation of postmasters of the fourth class as not repealing provisions of former section 717, see note under former section 57b of this title.

§ 738. Postal notes.

The Postmaster General may authorize postmasters at such offices as he shall designate, under such regulations as he shall prescribe, to issue and pay money orders not exceeding $10, to be known as postal notes at 5 cents each: *Provided, however,* That the Postmaster General is hereby authorized, in order to promote the service to the public, to increase or decrease the fees fixed by Congress for postal notes to an amount not less than 3 cents or more than 6 cents, whenever he shall find that such fees are too low to insure the receipt of revenues adequate to pay the cost of the postal-note system

or materially higher than necessary to pay the cost thereof: *And provided further*, That he shall be required to report to the Congress revision of any fee at least sixty days prior to its effective date.

Postal notes shall be valid for two calendar months from the date of their issue, but thereafter may be paid by the Postmaster General or refund may be made in case of loss, upon evidence satisfactory to him, under such regulations as he may prescribe. Postal notes shall not be negotiable or transferable through endorsement. (As amended June 28, 1944, ch. 299, 58 Stat. 508.)

AMENDMENTS

1944—Act June 28, 1944, cited to text, amended section generally providing for a 5 cent fee but giving the Postmaster General authority to change fee within the range of 3 to 6 cents, and changing the length of validity of the notes from six months to two months.

Chapter 20.—POSTAL SAVINGS DEPOSITORIES

Sec
756a. Termination of authority to issue cards and stamps, liability for stamps outstanding (New)

§ 756. Deposits; amount; cards and stamps for small amounts.

POSTAL-SAVINGS STAMPS

Section 757c (c) of Title 31, Money and Finance, as amended by act Feb 19, 1941, ch 7, § 3, 55 Stat 7, purported to remove "The limitation on the authority of the Postmaster General to prescribe the denominations of postal-savings stamps contained in" this section and to authorize the Postmaster General, "for the purposes of such section and to encourage and facilitate the accumulation of funds for the purchase of savings bonds and savings certificates, to prepare and issue postal-savings stamps in such denominations as he may prescribe." Apparently the removal of such limitation and the granting of such authority had already been effected by act July 26, 1939, cited to text.

CROSS REFERENCES

Cards and stamps, termination of authority to issue, see section 756a of this title.

§ 756a. Termination of authority to issue cards and stamps; liability for stamps outstanding.

The authority of the Postmaster General contained in section 756 of this title and section 757c (c) of Title 31 to prepare and issue postal-savings cards and postal-savings stamps shall terminate on such date as stamps issued by the Secretary of the Treasury pursuant to the authority contained in section 22 (c) of the Second Liberty Bond Act, as amended, are made available for sale to the public; and, as soon as practicable thereafter, the Board of Trustees of the Postal Savings System shall pay to the Secretary of the Treasury a sum equal to the redemption value of all postal-savings stamps outstanding, and after such payment has been made the obligation to redeem such stamps shall cease to be a liability of the Board of Trustees of the Postal Savings System but shall constitute a public debt obligation of the United States. (Mar. 28, 1942, ch. 205, § 5, 56 Stat. 189.)

§ 760. Bonds issued to depositors; investment of savings funds in bonds.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance.

Chapter 22.—MISCELLANEOUS PROVISIONS RELATING TO THE POSTAL SERVICE

Sec.
835. Temporary additional compensation for postal employees (New).
836. Same; appropriations (New).

§ 801. Superseded. July 6, 1945, ch. 274, § 19, 59 Stat. 458, eff. July 1, 1945.

Section, which provided for salaries of requisition fillers and packers in division of equipment and supplies, is now covered by section 869.

§ 805. Sale of post-route maps and rural delivery maps.

REPEALED—Act May 31, 1941, ch 156, title II, § 1, 55 Stat 232, act Mar 10, 1942, ch. 178, title II, § 1, 56 Stat 167, act June 30, 1943, ch. 179, title II, 57 Stat 267, act May 22, 1944, ch 175, title II, § 1, 58 Stat. 212; act Apr. 24, 1945, ch. 92, title II, 59 Stat 72.

§ 809a. Contracts for telephone service.

REPEALED—Act May 31, 1941, ch. 156, title II, § 1, 55 Stat 234, act Mar 10, 1942, ch. 178, title II, § 1, 56 Stat 168, act June 30, 1943, ch 179, title II, 57 Stat 269, act Apr 22, 1944, ch. 175, title II, § 1, 58 Stat. 214; act Apr. 24, 1945, ch. 92, title II, 59 Stat. 74.

§ 813. Rewards to postal employees for inventions and improvements in service; amount; release of future claims.

The Postmaster General is authorized, under such rules and regulations as he may prescribe, to pay a cash reward for any invention, suggestion, or series of suggestions submitted by one or more employees of the Post Office Department or the Postal Service, which will clearly effect a material economy or increase efficiency in the administration or operation of the Post Office Department or the Postal Service, and which has been adopted for use.

The total amount of rewards made under this section in any one fiscal year shall not exceed $25,000 and the amount so paid for any one invention, suggestion, or series of suggestions shall not exceed $1,000.

Rewards made under this section shall be paid out of the appropriation for the postal activity primarily benefiting, or may be distributed among appropriations for postal activities benefiting, as the Postmaster General may determine. Payments shall be in addition to the regular compensation of the employee receiving the reward. No employee shall be paid a reward under this section until he has properly executed an agreement to the effect that the use by the United States of the invention, suggestion, or series of suggestions made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns. (Dec. 3, 1945, ch. 512, 59 Stat. 591.)

§ 821. Compensation and promotion of printers, mechanics, etc.

Provisions relating to compensation and promotion of clerks of United States Stamped Envelope Agency, see section 862 of this title.

§§ 822–824e. Superseded. July 6, 1945, ch. 274, § 6, 59 Stat. 436, eff. July 1, 1945.

Section 822, which provided for payment of salaries at annual or monthly rate, division of time, and computation of pay, is now covered by section 857 of this title.

Section 823, act June 27, 1884, ch. 126, 23 Stat 60, amended by acts Oct. 1, 1890, ch. 1260, 26 Stat. 648,

May 27, 1908, ch. 206, 35 Stat. 413; June 5, 1920, ch. 254, 41 Stat. 1052; June 19, 1922, ch. 227, § 3, 42 Stat. 660; Feb. 28, 1925, ch. 368, § 11, 43 Stat. 1064; May 17, 1928, ch 604, § 1, 45 Stat. 595; May 15, 1939, ch. 135, 53 Stat. 745, relating to leave of absence and sick leave, is now covered by section 856 of this title.

Section 823a, act June 5, 1920, ch. 254, 41 Stat 1052, amended by acts June 19, 1922, ch 227, § 3, 42 Stat. 660, Feb. 28, 1925, ch. 368, title I, § 7, 43 Stat. 1063, relating to cumulation of annual leave is now covered by section 856 of this title.

Section 824, relating to annual leave of employees of mail-bag and mail lock repair shops, is now covered by section 856 of this title.

Section 824b, act July 18, 1939, ch. 323, § 2, 53 Stat. 1062, amended by act Apr. 30, 1940, ch 165, § 2, 54 Stat. 171, relating to sick leave for substitute employees, is now covered by section 856 of this title

Section 824c, act July 18, 1939, ch 323, § 3, 53 Stat. 1062, relating to maximum leave for substitute employees, is now covered by section 856 of this title.

Section 824d, act July 18, 1939, ch. 323, § 4, 53 Stat. 1062, relating to service prerequisite necessary for substitute employees to receive annual and sick leave, is now covered by section 856 of this title

Section 824e, act July 18, 1939, ch. 323, § 5, 53 Stat. 1062, relating to rules and regulations governing leave provisions for substitute employees, is now covered by section 856 of this title

§ 826. Ascertainment of revenues derived from and cost of carrying and handling several classes of mail matter; statement annually; payment of cost.

The Postmaster General is authorized to continue the work of ascertaining the revenues derived from and the cost of carrying and handling the several classes of mail matter and of performing the special services, and to state the results annually and pay the cost thereof out of the departmental and field appropriations of the several bureaus of the Department supervising or conducting the studies. (As amended June 28, 1944, ch. 292, 58 Stat 393.)

AMENDMENTS

1944—Act June 28, 1944, cited to text, amended section omitting "as far as practicable and pay the cost thereof out of the appropriation for inland transportation by railroad routes" and inserted in lieu thereof "and pay the cost * * * conducting the studies.".

RETROACTIVE EFFECT

Act June 28, 1944, cited to text, provided that the amendment of section by said act be effective as of July 1, 1943

§ 828. Superseded. July 6, 1945, ch. 274, § 5, 59 Stat. 436, eff. July 1, 1945.

Section, act May 24, 1928, ch. 725, 45 Stat. 725, amended by acts May 12, 1939, ch 129, 53 Stat. 741; Mar 20, 1944, ch 102, 58 Stat. 118; June 12, 1944, ch. 242, 58 Stat. 273; July 1, 1944, ch. 369, § 3, 58 Stat. 678, relating to extra pay for night work, is now covered by section 855 of this title.

§ 831. Superseded. Aug. 14, 1935, ch. 535, § 1, 49 Stat. 650.

Section, act Feb. 17, 1931, ch. 206, 46 Stat. 1164, relating to compensatory time or overtime for Saturday or holiday work, was superseded by section 832 of this title which is now covered by sections 853, 854, and 866 of this title.

§ 832. Superseded. July 6, 1945, ch. 274, §§ 3, 4, 16, 59 Stat. 435, 451, eff. July 1, 1945.

Section, act Aug. 14, 1935, ch. 535, § 1, 49 Stat. 650, amended by acts Aug 9, 1939, ch. 611, 53 Stat. 1273; Mar 27, 1942, ch. 201, 56 Stat 188; Mar. 20, 1944, ch. 102, 58 Stat. 118, relating to compensatory time or overtime for Saturday or holiday work, is now covered by sections 853, 854, and 866 of this title.

§ 833. Ratio of substitute to regular employees.

The ratio of substitute post-office clerks, substitute city letter carriers, substitute mail handlers, substitutes in the motor vehicle service, and substitutes in the Railway Mail Service shall be not more than one substitute for eight regular employees: *Provided,* That at post offices with receipts of more than $500,000 per annum, and less than $10,000,000 per annum, the ratio of substitutes shall not be more than one substitute for ten regular employees: *Provided further,* That at post offices with receipts of less than $500,000 the ratio shall be not more than one substitute for twelve regular employees, and at offices having less than twelve employees one substitute shall be provided: *Provided further,* That where the ratio of substitutes on August 14, 1935 was in excess of the ratio provided for herein no additional substitutes shall be appointed until these ratios are established: *And provided further,* That the provisions of this section shall not operate to furlough or dismiss any regular substitute. (As amended Mar. 20, 1944, ch. 102, 58 Stat. 118.)

AMENDMENTS

1944—Act Mar. 20, 1944, cited to text, abolished classification of laborer and in lieu created classification of mail handler. For text of act Mar. 20, 1944, see section 140 of this title.

§ 834. Ratio of substitute to regular employees; provisions not to operate as furloughs or dismissals.

The ratio of classified substitute railway postal clerks, classified substitute post-office clerks, classified substitute city letter carriers, classified substitute village letter carriers, classified substitute mail handlers, watchmen, and messengers, and classified substitutes in the Motor Vehicle Service, to regular railway postal clerks, post-office clerks, city letter carriers, village letter carriers, mail handlers, watchmen, and messengers, and employees of the Motor Vehicle Service, shall be not more than one classified substitute to six regular employees, or fraction thereof, respectively, except that in offices having fewer than six regular employees there may be one substitute clerk and one substitute carrier, and one substitute in the Motor Vehicle Service: *Provided,* That where the ratio of substitutes is now in excess of these ratios, no additional classified substitutes shall be appointed until these ratios are established: *Provided further,* That the provisions of this section shall not operate to furlough or dismiss (1) any classified substitute railway postal clerks, post-office clerks, city letter carriers, village letter carriers, or mail handlers, watchmen, or messengers; or (2) any classified substitutes in the Motor Vehicle Service. (As amended Mar. 20, 1944, ch. 102, 58 Stat. 118.)

AMENDMENTS

1944—Act Mar. 20, 1944, cited to text, abolished classification of laborer and in lieu created classification of mail handler. For text of Act Mar. 20, 1944, see section 140 of this title.

§§ 835, 836. Expired.

Sections 835 and 836, act Apr. 9, 1943, ch. 27, §§ 1, 2, 57 Stat. 59, respectively, relating to temporary additional compensation for postal employees and providing appropriations therefor, expired on June 30, 1945, by the express provisions of section 3 of said act.

Chapter 23.—RECLASSIFICATION OF SALARIES (New)

Sec.
851. Definition of employees.
852. Hours of duty, exclusion of certain employees.
853. Compensatory time, overtime in lieu thereof under certain conditions; exclusion of certain employees.
854. Payment of overtime; method of computation.
855. Night differential pay; exclusion of certain employees.
856. Annual leave, sick leave.
857. Payment method for employees on annual basis.
858. Compensation of postmasters; reduction.
859. Compensation of supervisors in first-class offices.
860. Compensation of assistant postmasters in second-class offices.
861. Determination of number of supervisory officers in first- and second-class offices; promotion of regular clerks and carriers above grade 9.
862 Classification and compensation of clerical and carrier employees at first-, second-, and third-class offices, and dispatchers and operators of the pneumatic tube service; promotion of substitute employees.
863. Classification and compensation of Motor Vehicle Service employees, promotion of substitute employees.
864. Classification and compensation of Custodial Service employees; pay rates for temporary employees.
865. Inspection Service.
(a) Compensation of supervisory employees.
(b) Classification and compensation of inspectors.
(c) Classification of clerical force.
(d) Classification and compensation of clerks
(e) Classification and compensation of principal review clerks.
(f) Transfer of City Delivery Service clerks and carriers.
866. Railway Mail Service and Air Mail Service.
(a) Compensation of officers.
(b) Classification and compensation of clerks.
(c) Division of railway post-office lines; assignment of clerks; promotion.
(d) Promotion of clerks assigned to terminal railway and air mail field railway post offices.
(e) Promotion of clerks assigned to transfer offices.
(f) Determination of number of employees in terminal railway and air mail field railway post offices, and transfer offices.
(g) Promotion of clerks assigned to offices of division superintendents, regional superintendents, and chief clerks.
(h) Grade of examiners and assistant examiners.
(i) Advancement below grade of clerks in charge.
(j) Rights and benefits of highway post-office vehicle operators.
(k) Classification and compensation of substitute railway postal clerks.
(l) Regular appointment of substitute railway postal clerks.
(m) Substitute railway postal clerks credited with full time while traveling; travel allowances.
(n) Classification and compensation of mail handlers.
(o) Classification and compensation of substitute mail handlers.
Sec.
866. Railway Mail Service and Air Mail Service—Con.
(p) Compensatory time, overtime in lieu thereof.
(q) Hours of duty; payment of overtime; computation.
(r) Travel allowance.
(s) Time of promotions
(t) Readjustment of grades
867. Rural Delivery Service.
(a) Classification and compensation of carriers for routes less than thirty miles; promotion.
(b) Promotion and compensation on routes over thirty miles.
(c) Compensation of carriers serving triweekly routes
(d) Additional compensation.
(e) Mileage allowances.
(f) Compensation of substitute carriers
(g) Readjustment of salaries
868. Classification and compensation of employees in the Mail Equipment Shops; temporary employees.
869. Classification and compensation of employees of Division of Equipment and Supplies.
870. Compensatory time for Saturday work during Japanese war; computation for overtime pay.
871. Automatic promotion credits.
872. Special-Delivery Messengers.
(a) Classification and compensation of full-time messengers
(b) Classification and compensation of substitute, temporary, or auxiliary messengers.
(c) Determination of grade
(d) Mileage allowance.
(e) Employment in other duties, deliveries by other than regular employees
(f) Rent of additional delivery vehicles.
(g) Status of service for purpose of veterans' reemployment.
873 Readjustment of salaries of regular employees to conform to this chapter, computation.
874. Readjustment of salaries of part-time positions to conform to this chapter, computation.
875. Continuous active service as allowable service for computation purposes, military service
876. Limitation on reduction of annual base pay.

§ 851. Definition of employees.

The term "employees" wherever used in this chapter shall include officers, supervisors, special-delivery messengers in offices of the first class, and all other employees paid from field appropriations of the Postal Service, other than postmasters, skilled-trades employees of the mail-equipment shops, job cleaners in first- and second-class post offices, and employees who are paid on a fee or contract basis. (July 6, 1945, ch 274, § 1, 59 Stat. 435)

APPROPRIATIONS

Section 27 of act July 6, 1945, cited to text, provided: "The sums appropriated for salaries and compensation of postmasters, officers, and employees of the Postal Service in the Act making appropriations for the fiscal year ending June 30, 1946 [act Apr. 24, 1945, ch 92, title II, 59 Stat. 68] shall be available for the payment of salaries and compensation of postmasters, officers, and employees of the Postal Service at the rates of compensation herein provided; and such additional sums as may be necessary are hereby authorized to be appropriated to carry out the provisions of this Act [this chapter]."

EFFECTIVE DATE

Section 28 of act July 6, 1945, cited to text, provided: "This Act [this chapter] shall take effect on July 1, 1945."

§ 852. Hours of duty; exclusion of certain employees.

Employees shall be required to work not more than eight hours a day except as provided in section 854 of this title. The eight hours of service shall not extend over a longer period than ten consecutive hours, and the schedules of duty of the employees shall be regulated accordingly: *Provided,* That the provisions of this section shall not apply to employees of the Railway Mail Service and the Air Mail Service; post-office inspectors; rural carriers; traveling mechanicians; examiners of equipment and supplies; employees in third-class post offices; employees paid on an hourly basis; employees not in the automatic or additional annual salary grades; and carriers in the Village Delivery Service: *Provided further,* That any classified substitute employee who reports for duty at any post office or other postal unit in compliance with an official order shall be employed not less than two hours following the hour at which such classified substitute employee is ordered to report. Employment in any branch of the Postal Service will be construed as compliance with this proviso. (July 6, 1945, ch. 274, § 2, 59 Stat. 435.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 853. Compensatory time; overtime in lieu thereof under certain conditions; exclusion of certain employees.

When the needs of the service require employees to perform service on Saturdays, Sundays, or holidays, they shall be allowed compensatory time for such service on one day within five working days next succeeding the Saturday or Sunday and within thirty days next succeeding the holiday: *Provided,* That the Postmaster General may, if the exigencies of the service require, authorize the payment of overtime to employees other than supervisory employees whose base salaries are more than $3,200 per annum for services performed on Saturdays, Sundays, and Christmas Day during the month of December in lieu of compensatory time: *Provided further,* That supervisory employees whose base salaries are more than $3,200 per annum shall be allowed compensatory time for services performed on Saturdays, Sundays, and on Christmas Day during the month of December within one hundred and eighty days from the days such service was performed: *And provided further,* That the provisions of this section shall not apply to employees of the Railway Mail Service and the Air Mail Service; post-office inspectors; rural carriers; traveling mechanicians; examiners of equipment and supplies; clerks in third-class post offices; and employees paid on an hourly basis. (July 6, 1945, ch. 274, § 3, 59 Stat. 435.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 854. Payment of overtime; method of computation.

In emergencies or if the needs of the service require, employees may be employed in excess of eight hours per day and for such overtime service they shall be paid on the basis of 150 per centum of the annual rate of pay received by such employees. In computing compensation for such overtime employment, the annual salary or compensation for such employees shall be divided by two thousand and eighty, the number of working hours in a year. The quotient thus obtained will be the base hourly compensation and one and one-half times that amount will be the hourly rate of overtime pay: *Provided,* That the provisions of this section shall not apply to employees of the Railway Mail Service and the Air Mail Service; post-office inspectors; rural carriers; traveling mechanicians; examiners of equipment and supplies; employees paid on an hourly basis, and supervisory employees. (July 6, 1945, ch. 274, § 4, 59 Stat. 435.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 855. Night differential pay; exclusion of certain employees.

Employees who are required to perform night work shall be paid extra for each hour of such work at the rate of 10 per centum of their base hourly compensation, computed by dividing the base annual salary by two thousand and eighty. Night work shall be defined as any work performed between the hours of 6 o'clock postmeridian and 6 o'clock antemeridian: *Provided,* That such differential for night duty shall not be included in computing any overtime compensation to which the officer or employee may be entitled. The provisions of this section shall not apply to post-office inspectors; traveling mechanicians; examiners of equipment and supplies; officers of the Railway Mail Service and of the Air Mail Service; and rural carriers. (July 6, 1945, ch. 274, § 5, 59 Stat. 436.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title

§ 856. Annual leave; sick leave.

Postmasters and employees shall be granted fifteen days' leave of absence with pay, exclusive of Saturdays, Sundays, and holidays, each fiscal year and sick leave with pay at the rate of ten days a year, exclusive of Saturdays, Sundays, and holidays, to be cumulative. Sick leave shall be granted only upon satisfactory evidence of illness in accordance with regulations to be prescribed by the Postmaster General: *Provided,* That the fifteen days' leave shall be credited at the rate of one and one-quarter days for each month of actual service: *Provided further,* That classified substitute employees, under such regulations as the Postmaster General may prescribe, shall be granted the same rights and benefits with respect to annual and sick leave that accrue to regular employees in proportion to the time employed in a pay status and one hundred and sixty-eight hours and forty minutes of such employment shall entitle the employee to one and one-quarter days' annual leave and six hours and forty minutes' sick leave: *And provided further,* That in no event shall a classified substitute employee be credited during a twelve-month period with more than fifteen days'

annual and ten days' sick leave. (July 3, 1945, ch. 274, § 6, 59 Stat. 436.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 857. Payment method for employees on annual basis.

Where the compensation of any postmaster, other officer, or employee is on an annual basis, the following rules for division of time and computation of pay for services rendered are established:

Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month and one-half of each such installment shall be paid on the sixteenth day of the month and the first day of the following month, or as soon thereafter as practicable. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month, in connection with annual compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the thirty-first day of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the Postal Service during a thirty-one-day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said Service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry. For each day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited. (July 6, 1945, ch. 274, § 7, 59 Stat. 436.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 858. Compensation of postmasters; reduction.

(a) The compensation of postmasters shall be annual salaries to be fixed by the Postmaster General from their respective quarterly returns for the calendar year immediately preceding the adjustment, based on gross postal receipts at the following rates: *Provided*, That subsection (c) of section 1001 of the Revenue Act of 1932 (47 Stat. 285), as amended, is hereby repealed, retroactive to January 1, 1944, and thereafter the gross postal receipts shall be counted for the purpose of determining the class of the post office or the compensation or allowances of postmasters or other employees, whose compensation or allowances are based on the annual receipts of such offices: *Provided further*, That in fixing the salaries of the postmaster and supervisory employees in the post office at Washington, District of Columbia, the Postmaster General may, in his discretion, add not to exceed 75 per centum to the gross receipts of that office:

FIRST CLASS

$40,000 but less than $50,000	$3,600
$50,000 but less than $60,000	3,700
$60,000 but less than $75,000	3,800
$75,000 but less than $90,000	$3,900
$90,000 but less than $120,000	4,000
$120,000 but less than $150,000	4,100
$150,000 but less than $200 000	4,200
$200,000 but less than $250,000	4,300
$250,000 but less than $300,000	4,400
$300,000 but less than $400,000	4,600
$400,000 but less than $500,000	4,800
$500,000 but less than $600,000	5,300
$600,000 but less than $1,000,000	5,600
$1,000,000 but less than $1,500,000	6,000
$1,500,000 but less than $3,000,000	7,000
$3,000,000 but less than $7,000,000	8,000
$7,000,000 but less than $10,000,000	9,000
$10,000,000 but less than $20,000,000	10,000
$20,000,000 but less than $40,000,000	11,000
$40,000,000 and upward	12,000

SECOND CLASS

$8,000 but less than $12,000	3,000
$12,000 but less than $15,000	3,000
$15,000 but less than $18,000	3,000
$18,000 but less than $22,000	3,100
$22,000 but less than $27,000	3,200
$27,000 but less than $33,000	3,300
$33,000 but less than $40,000	3,400

Provided, That where the gross postal receipts of a post office of the second class for each of two consecutive calendar years are less than $8,000, or where in any calendar year the gross postal receipts are less than $7,000, it shall be relegated to the third class.

THIRD CLASS

$1,500 but less than $1,600	1,400
$1,600 but less than $1,700	1,500
$1,700 but less than $1,900	1,600
$1,900 but less than $2,100	1,700
$2,100 but less than $2,400	1,800
$2,400 but less than $2,700	1,900
$2,700 but less than $3,000	2,000
$3,000 but less than $3,500	2,100
$3,500 but less than $4,200	2,200
$4,200 but less than $5,000	2,300
$5,000 but less than $6,000	2,400
$6,000 but less than $7,000	2,500
$7,000 but less than $8,000	2,600

FOURTH CLASS

Less than $100	168
$100 but less than $150	264
$150 but less than $200	348
$200 but less than $250	432
$250 but less than $300	516
$300 but less than $350	588
$350 but less than $400	636
$400 but less than $450	684
$450 but less than $500	720
$500 but less than $600	804
$600 but less than $700	900
$700 but less than $800	984
$800 but less than $900	1,068
$900 but less than $1,000	1,152
$1,000 but less than $1,100	1,236
$1,100 but less than $1,500	1,320

(b) The base annual compensation of an incumbent postmaster shall not be reduced in the readjustment to conform to the provisions of this chapter, except for a decrease in gross postal receipts to an amount for which a lower salary grade is provided. (July 6, 1945, ch. 274, § 8, 59 Stat. 437.)

REFERENCES IN TEXT

Subsection (c) of section 1001 of the Revenue Act of 1932 (47 Stat 285) as amended, referred to in text, was set out as a note under section 280 of this title.

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 859. Compensation of supervisors in first class offices.

(a) At post offices of the first class the annual salaries of supervisory employees shall be based on gross postal receipts for the preceding calendar year as follows:

(b) Receipts of $40,000 but less than $75,000—assistant postmaster, $3,200; superintendent of mails, $3,100.

(c) Receipts of $75,000 but less than $90,000—assistant postmaster, $3,300; superintendent of mails, $3,200.

(d) Receipts of $90,000 but less than $120,000—assistant postmaster, $3,400; superintendent of mails, $3,300; foremen, $3,200; clerks in charge, $3,100.

(e) Receipts of $120,000 but less than $150,000—assistant postmaster, $3,500; superintendent of mails, $3,300; foremen, $3,200; clerks in charge, $3,100.

(f) Receipts of $150,000 but less than $200,000—assistant postmaster, $3,600; superintendent of mails, $3,400; foremen, $3,200; clerks in charge, $3,100

(g) Receipts of $200,000 but less than $250,000—assistant postmaster, $3,700; superintendent of mails, $3,400; foremen, $3,200; clerks in charge, $3,100.

(h) Receipts of $250,000 but less than $300,000—assistant postmaster, $3,800; superintendent of mails, $3,500; assistant superintendent of mails, $3,300; foremen, $3,200; clerks in charge, $3,100.

(i) Receipts of $300,000 but less than $400,000—assistant postmaster, $3,900; superintendent of mails, $3,600; assistant superintendent of mails, $3,300; foremen, $3,200; clerks in charge, $3,100.

(j) Receipts of $400,000 but less than $500,000—assistant postmaster, $4,000; superintendent of mails, $3,600; assistant superintendent of mails, $3,300; foremen, $3,200; clerks in charge, $3,100.

(k) Receipts of $500,000 but less than $600,000—assistant postmaster, $4,100; superintendent of mails, $3,700; superintendent of postal finance, $3,400; superintendent of money orders, $3,200; assistant superintendents of mails, $3,300; foremen, $3,200; clerks in charge, $3,100.

(l) Receipts of $600,000 but less than $1,000,000—assistant postmaster, $4,200; superintendent of mails, $3,900; superintendent of postal finance, $3,500; superintendent of money orders, $3,300; assistant superintendents of mails, $3,300; foremen, $3,200; clerks in charge, $3,100.

(m) Receipts of $1,000,000 but less than $2,000,000—assistant postmaster, $4,300; superintendent of mails, $4,100; superintendent of postal finance, $3,700; assistant superintendent of postal finance, $3,100; superintendent of money orders, $3,400; assistant superintendent of money orders, $3,100; assistant superintendents of mails, $3,500; auditor, $3,100; station examiners, $3,100; general foremen, $3,300; foremen, $3,200; clerks in charge, $3,100.

(n) Receipts of $2,000,000 but less than $3,000,000—assistant postmaster, $4,400; superintendent of mails, $4,200; superintendent of postal finance, $3,800; assistant superintendent of postal finance, $3,300; superintendent of money orders, $3,500; assistant superintendent of money orders, $3,100; senior assistant superintendent of mails, $3,700; assistant superintendents of mails, $3,500; auditor, $3,100; station examiners, $3,100; general foremen, $3,300; foremen, $3,200; clerks in charge, $3,100.

(o) Receipts of $3,000,000 but less than $5,000,000—assistant postmaster, $4,500; superintendent of mails, $4,300; superintendent of postal finance, $4,000; assistant superintendent of postal finance, $3,500; superintendent of money orders, $3,700; assistant superintendent of money orders, $3,200; senior assistant superintendent of mails, $3,900; assistant superintendents of mails, $3,500; auditor, $3,100; station examiners, $3,200; general foremen, $3,300; foremen, $3,200; clerks in charge, $3,100.

(p) Receipts of $5,000,000 but less than $7,000,000—assistant postmaster, $4,700; superintendent of mails, $4,500; superintendent of postal finance, $4,200; assistant superintendent of postal finance, $3,500; superintendent of money orders, $3,900; assistant superintendent of money orders, $3,300; senior assistant superintendent of mails, $4,100; assistant superintendent of mails, $3,700; auditor, $3,100; station examiners, $3,200; general foremen, $3,500; foremen, $3,200; clerks in charge, $3,100.

(q) Receipts of $7,000,000 but less than $9,000,000—assistant postmaster, $5,100; superintendent of mails, $4,800; superintendent of postal finance, $4,400; assistant superintendent of postal finance, $3,800; superintendent of money orders, $4,000; assistant superintendent of money orders, $3,500; senior assistant superintendent of mails, $4,300; assistant superintendents of mails, $3,900; auditor, $3,100; station examiners, $3,200; general foremen, $3,500; foremen, $3,200; clerks in charge, $3,100.

(r) Receipts of $9,000,000 but less than $14,000,000—assistant postmaster, $5,300; general superintendent of finance, $5,100; general superintendent of mails, $5,100; superintendent of postal finance, $4,500; superintendent of money orders, $4,500; superintendent of incoming mails, $4,500; superintendent of outgoing mails, $4,500; superintendent of carriers, $4,500; superintendent of registry, $4,500; senior assistant superintendents, $4,100; assistant superintendents, $3,900; auditor, $3,200; chief station examiner, $3,600; station examiners, $3,200; general foremen, $3,500; foremen, $3,200; clerks in charge, $3,100.

(s) Receipts of $14,000,000 but less than $20,000,000—assistant postmaster, $5,700; general superintendent of finance, $5,200; general superintendent of mails, $5,200; assistant general superintendent of mails, $4,900; superintendent of postal finance, $4,500, superintendent of money orders, $4,500; superintendent of incoming mails, $4,500; superintendent of outgoing mails, $4,500; superintendent of carriers, $4,500; superintendent of registry, $4,500; senior assistant superintendents, $4,100; assistant superintendents, $3,900; auditor, $3,600; chief station examiner, $3,600; station examiners, $3,200; general foremen, $3,500; foremen, $3,200; clerks in charge, $3,100.

(t) Receipts of $20,000,000 but less than $40,000,000—assistant postmaster, $6,200; general superintendent of finance, $5,500; general superintendent of mails, $5,500; assistant general superintendent of mails, $5,100; superintendent of postal finance, $4,700, superintendent of money orders, $4,700; superintendent of incoming mails, $4,700; superintendent of outgoing mails, $4,700; superintendent of carriers, $4,700; superintendent of registry, $4,700; senior assistant superintendents, $4,500; assistant superintendents, $3,900; auditor, $4,400; assistant auditor, $3,700; chief station examiner, $3,700; station examiners, $3,400; general foremen, $3,600; foremen, $3,200; clerks in charge, $3,100.

(u) Receipts of $40,000,000 and up—assistant postmaster, $6,700; general superintendent of finance, $5,700; general superintendent of mails, $5,700; assistant general superintendent of finance, $5,100; assistant general superintendent of mails, $5,100; superintendent of postal finance, $4,700; superintendent of money orders, $4,700; superintendent of incoming mails, $4,700; superintendent of outgoing mails, $4,700; superintendent of carriers, $4,700; superintendent of registry, $4,700; senior assistant superintendents, $4,500; assistant superintendents, $3,900; auditor, $4,400; assistant auditor, $3,700, chief station examiner, $3,700; station examiners, $3,400; general foremen, $3,600; foremen, $3,200; clerks in charge, $3,100.

(v) The annual salaries of supervisors in the United States Stamped Envelope Agency shall be as follows:

Agent, $4,000; assistant agent, $3,500.

(w) The salary of superintendents of classified stations shall be based on the number of employees assigned thereto and the annual postal receipts. No allowance shall be made for sales of stamps to patrons residing outside of the territory of the stations. At classified stations each $25,000 of postal receipts shall be considered equal to one additional employee: *Provided,* That in determining the number of employees at a classified station, credit shall be allowed for service performed by regular employees, substitute employees other than those serving in lieu of regular employees absent from duty for any cause and temporary employees assigned to the station, and for each two thousand and twenty-four hours of service performed by such employees the station superintendent shall be allowed credit for one employee.

(x) At classified stations the salaries of superintendents, and, where there are more than fifty employees, assistant superintendents, shall be as follows: One to five employees—superintendent, $3,200; six to fifteen employees—superintendent, $3,300; sixteen to twenty-five employees—superintendent, $3,400; twenty-six to fifty employees—superintendent, $3,600; fifty-one to seventy-five employees—superintendent, $3,700; assistant superintendents, $3,200; seventy-six to one hundred employees—superintendent, $3,800; assistant superintendents, $3,300; one hundred and one to one hundred and fifty employees—superintendent, $3,900; assistant superintendents, $3,400; one hundred and fifty-one to two hundred employees—superintendent, $4,000; assistant superintendents, $3,500; two hundred and one to three hundred employees—superintendent, $4,200; assistant superintendents, $3,700; three hundred and one to four hundred employees—superintendent, $4,300; assistant superintendents, $3,800; four hundred and one to five hundred employees—superintendent, $4,400; assistant superintendents, $3,900; five hundred and one to one thousand employees—superintendent, $4,600; assistant superintendents, $4,100, one thousand and one employees and up—superintendent, $4,700; assistant superintendents, $4,200.

(y) In readjusting supervisory positions at first-class post offices to conform to the provisions of this chapter reassignments shall be made as follows:

AT POST OFFICES WITH RECEIPTS OF $9,000,000 AND UP

One of the assistant postmasters shall be the assistant postmaster and the other assistant postmaster shall be one of the general superintendents.

The superintendent of mails, the superintendent of delivery, the postal cashier, superintendent of registry, or the superintendent of money orders shall be the other general superintendent: *Provided,* That the auditor at offices with receipts of $20,000,000 and up, and the money order cashier at offices with receipts of less than $20,000,000 may be selected for the position of general superintendent and assigned accordingly.

Unless otherwise assigned as provided herein, the postal cashier shall be superintendent of postal finance, and at offices with receipts less than $20,000,000 the money-order cashier shall be superintendent of money orders.

At offices with receipts of $40,000,000 and up, selections for assistant general superintendent of finance and assistant general superintendent of mails shall be made from the positions of superintendent of mails, superintendent of delivery, superintendent of money orders, superintendent of registry, assistant superintendent of money orders, auditor, and postal cashier; and those selected shall be assigned accordingly: *Provided,* That at offices with receipts less than $40,000,000 the superintendent of mails or the superintendent of delivery shall be the assistant general superintendent of mails.

At offices with receipts of $20,000,000 and up, the assistant superintendent of money orders and the money-order cashier shall be senior assistant super-

intendents of money orders, unless otherwise assigned as provided herein.

Assistant superintendents whose annual base pay is $3,700 or more who are not otherwise assigned as provided herein shall be senior assistant superintendents. Assistant superintendents whose annual base pay is $3,500 shall be assistant superintendents. Assistant superintendents whose annual base pay is $3,100 or less shall be general foremen.

Foremen whose annual base pay is $2,700 shall be foremen and foremen whose annual base pay is less than $2,700 shall be clerks in charge.

At offices with receipts less than $20,000,000 the chief bookkeeper or assistant cashier who performs the duties of auditor shall be auditor, and at offices with receipts of $20,000,000 and up a senior salary grade bookkeeper or the employee performing the duties of chief bookkeeper shall be assistant auditor. Other bookkeepers whose annual base pay is $3,300 shall be general foremen; those whose annual base pay is $2,800 shall be foremen, and those whose annual base pay is $2,600 or less shall be clerks in charge.

The station examiner or the assistant cashier performing the duties of chief station examiner shall be chief station examiner. Senior salary grade assistant cashiers shall be senior assistant superintendents of postal finance or money orders, where such positions are authorized by the Postmaster General; assistant cashiers whose annual base pay is $3,200 or $3,300 shall be assistant superintendents; assistant cashiers whose annual base pay is $3,100 shall be general foremen; assistant cashiers whose annual base pay is $2,800 shall be foremen and those whose annual base pay is $2,600 shall be clerks in charge.

AT POST OFFICES WITH RECEIPTS OF $2,000,000 BUT LESS THAN $9,000,000

The postal cashier shall be superintendent of postal finance and the money-order cashier shall be superintendent of money orders. Senior salary grade assistant cashiers shall be assistant superintendents of postal finance and of money orders, respectively, and other assistant cashiers shall be general foremen, foremen, or clerks in charge, based on the title and salary that most nearly approximates their annual base pay plus $400.

At offices with receipts of $2,000,000 but less than $5,000,000 assistant superintendents of mails whose annual base pay is $3,300 or $3,500 shall be senior assistant superintendents of mails, and those whose annual base pay is $3,000 or $3,100 shall be assistant superintendents of mails; those whose annual base pay is less than $3,000 shall be general foremen At offices with receipts of $5,000,000 but less than $9,000,000 assistant superintendents whose annual base pay is $3,700 or $3,900 shall be senior assistant superintendents of mails, and those whose annual base pay is $3,300 or $3,500 shall be assistant superintendents of mails; those whose annual base pay is less than $3,300 shall be general foremen.

Foremen whose annual base pay is $2,600 shall be foremen and those whose annual base pay is less than $2,600 shall be clerks in charge. The bookkeeper or other supervisor who performs the duties of auditor shall be auditor, and other bookkeepers shall be clerks in charge.

AT POST OFFICES WITH RECEIPTS OF $500,000 BUT LESS THAN $2,000,000

The postal cashier shall be superintendent of postal finance and the money-order cashier shall be superintendent of money orders.

At offices with receipts of $1,000 000 but less than $2,000,000, assistant cashiers shall be assistant superintendents of postal finance and money orders, respectively.

Bookkeepers or employees performing the duties of auditor shall be auditors where such positions are provided; otherwise they shall be clerks in charge.

Station examiners or employees performing the duties of station examiners shall be station examiners where such positions are provided; otherwise they shall be clerks in charge

At offices with receipts of $1,000,000 but less than $2,000,000, assistant superintendents of mails whose annual base pay is $3,100 shall be assistant superintendents of mails; those whose annual base pay is less than $3,100 shall be general foremen.

At offices with receipts of $1,000,000 but less than $2,000 000, foremen whose annual base pay is $2,600 shall be foremen; those whose annual base pay is less than $2,600 shall be clerks in charge.

(z) At central accounting offices where the gross postal receipts are less than $5,000,000 the superintendent of postal finance, or the employee in charge of such records and adjustments of the accounts, shall be allowed an increase of $200 per annum. At central accounting offices with gross postal receipts of $9,000,000 and up, the auditor shall be allowed a salary equal to that of the senior assistant superintendent; at central accounting offices with receipts of $2,000,000 but less than $9,000,000, the auditor shall be allowed a salary equal to that of the assistant superintendent of postal finance; at central accounting offices with receipts of less than $2,000,000, the employee performing the duties of auditor shall be allowed a salary equal to that of foremen. (July 6, 1945, ch. 274, § 9, 59 Stat 438.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 860. Compensation of assistant postmasters in second class offices.

At post offices of the second class the annual salaries of assistant postmasters shall be based on gross postal receipts for the preceding calendar year as follows:

$8,000 but less than $10,000	$2,800
$10,000 but less than $12,000	2,800
$12,000 but less than $15,000	2,800
$15,000 but less than $18,000	2,800
$18,000 but less than $22,000	2,800
$22,000 but less than $27,000	2,900
$27,000 but less than $33,000	2,900
$33,000 but less than $40,000	2,900

(July 6, 1945, ch. 274, § 10, 59 Stat. 443)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 861. Determination of number of supervisory officers in first and second class offices; promotion of regular clerks and carriers above grade 9.

(a) The Postmaster General shall determine the supervisory needs at post offices of the first and second classes and shall fix the number of supervisors to be employed in accordance with the salary schedules provided in sections 859 and 860 of this title: *Provided,* That not more than one assistant postmaster may be employed at any post office.

(b) Regular clerks and carriers of grade 9 and above in first- and second-class post offices shall be eligible for promotion to the higher positions in their respective offices, and if for any reason such clerks and carriers of grade 9 and above are not available those clerks and carriers in the lower grades in such offices shall be eligible for such promotions. (July 6, 1945, ch. 274, § 11, 59 Stat. 443.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 862. Classification and compensation of clerical and carrier employees at first, second, and third class offices, and dispatchers and operators of the pneumatic tube service; promotion of substitute employees.

(a) Carriers in the City Delivery Service, clerks in post offices of the first and second classes, clerks in the United States Stamped Envelope Agency, and dispatchers of the pneumatic tube service shall be divided into eleven grades as follows:

Grade 1	$1,700	Grade 7	$2,300
Grade 2	1,800	Grade 8	2,400
Grade 3	1,900	Grade 9	2,500
Grade 4	2,000	Grade 10	2,600
Grade 5	2,100	Grade 11	2,700
Grade 6	2,200		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the eleventh grade: *Provided,* That for such employees at post offices of the first class there shall be three additional grades; that is, grade 12—$2,800; grade 13—$2,900; grade 14—$3,000, and that employees who perform faithful and meritorious service shall be promoted to grade 12 after three years of such service in grade 11, shall be promoted to grade 13 after five years of such service in grade 12, and shall be promoted to grade 14 after seven years of such service in grade 13: *Provided further,* That marine carriers assigned to the Detroit River Marine Service shall be paid an annual salary of $300 in excess of the highest salary provided for carriers in the automatic grades in the City Delivery Service: *And provided further,* That the annual salary of such marine carriers shall not be in excess of $3,000.

The pay of substitute, temporary, or auxiliary employees in the services named in the preceding paragraph shall be on an hourly basis at the following rates:

Grade 1	$0.84	Grade 7	$1.14
Grade 2	.89	Grade 8	1.19
Grade 3	.94	Grade 9	1.24
Grade 4	.99	Grade 10	1.29
Grade 5	1.04	Grade 11	1.34
Grade 6	1.09		

(b) Mail handlers, messengers, and watchmen at post offices of the first and second classes paid from appropriations of the First Assistant Postmaster General; and operators of the pneumatic tube service; shall be divided into six grades with annual salaries as follows:

Grade 1	$1,600	Grade 4	$1,900
Grade 2	1,700	Grade 5	2,000
Grade 3	1,800	Grade 6	2,100

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the sixth grade.

(c) The pay of substitute, temporary, or auxiliary employees in the services named in the preceding paragraph shall be on an hourly basis at the following rates:

Grade 1	$0.79	Grade 4	$0.94
Grade 2	.84	Grade 5	.99
Grade 3	.89	Grade 6	1.04

(d) Classified cleaners at post offices of the first and second classes paid from appropriations of the First Assistant Postmaster General shall be divided into seven grades with annual salaries, as follows:

Grade 1	$1,300	Grade 5	$1,700
Grade 2	1,400	Grade 6	1,800
Grade 3	1,500	Grade 7	1,900
Grade 4	1,600		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade.

(e) Carriers in the village delivery service, and clerks employed not less than forty hours per week in post offices of the third class, shall be divided into six grades with annual salaries, as follows: *Provided,* That clerks in post offices of the third class shall not be appointed or promoted to a salary grade in excess of $100 less than the salary of the postmaster at the office to which assigned:

Grade 1	$1,200	Grade 4	$1,500
Grade 2	1,300	Grade 5	1,600
Grade 3	1,400	Grade 6	1,700

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the sixth grade.

The pay of substitute, temporary, or auxiliary employees in the services named in the preceding paragraph shall be on an hourly basis at the following rates:

Grade 1	$0.59	Grade 4	$0.74
Grade 2	.64	Grade 5	.79
Grade 3	.69	Grade 6	.84

Provided, That substitute, temporary, or auxiliary clerks in post offices of the third class shall not be paid in excess of 79 cents per hour where the salary of the postmaster is $1,700 per annum; in excess of 74 cents per hour where the salary of the postmaster is $1,600 per annum; in excess of 69 cents per hour where the salary of the postmaster is $1,500 per annum; or in excess of 64 cents per hour where the salary of the postmaster is $1,400 per annum.

(f) Substitute employees listed in this section shall be promoted to the next higher grade at the beginning of the quarter following two thousand and twenty-four hours' satisfactory service in a pay status, including time served as a special delivery messenger: *Provided,* That there shall be not more than one increase in the rate of pay of such employee within a period of twelve months: *And provided further,* That when a substitute employee is appointed to a regular position, such employee shall be assigned to a salary grade corresponding to the salary as a substitute. Any fractional part of a year's substitute service accumulated since the last compensation increase as a substitute shall be included with the regular service of a regular employee in determining eligibility for promotion to the next higher grade following appointment to a regular position. (July 6, 1945, ch. 274, § 12, 59 Stat 443.)

TEMPORARY ASSIGNMENT OF CLERKS

Act Nov. 4, 1943, ch. 295, § 1, 57 Stat. 586 as amended June 30, 1945, ch. 206, 59 Stat. 270 provided:

"Section 1. The Postmaster General may, in an emergency, when the interest of the Service requires, temporarily assign any post-office clerk to the duties of city delivery carrier or any such carrier to the duties of such clerk and in an emergency, when the interest of the Service requires, may temporarily assign any post-office clerk or city delivery carrier to the duties of a railway postal clerk or any railway postal clerk to the duties of a post-office clerk or city delivery carrier without change of pay-roll status, the compensation of any temporarily assigned employee to be paid from the appropriation made for the work to which he is regularly assigned.

"Section 2. This Act shall terminate on June 30, 1945, or such earlier date as the Congress by concurrent resolution may prescribe."

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 863. Classification and compensation of Motor-Vehicle Service employees; promotion of substitute employees.

(a) Employees in the Motor Vehicle Service shall be classified as follows: Superintendents, $3,100, $3,200, $3,300, $3,400, $3,800, $4,000, $4,200 and $4,400 per annum: *Provided,* That at offices where the receipts are $20,000,000 or more the salaries shall be $4,700; assistant superintendents, $3,100, $3,200, $3,300 and $3,400; chiefs of records and chief mechanics, $2,700, $2,800, $2,900, $3,100, $3,200, and $3,400; route supervisors, chiefs of supplies, chief dispatchers, and mechanics in charge, $2,700, $2,800, $2,900, $3,100, and $3,200; special mechanics, $2,700, $2,800, $2,900, and $3,000: *Provided further,* That assistant superintendents shall not be authorized at offices where the salary of the superintendent is less than $3,800.

(b) Clerks, driver-mechanics, general mechanics, and dispatchers shall be divided into eleven grades, as follows:

Grade 1	$1,700	Grade 7	$2,300
Grade 2	1,800	Grade 8	2,400
Grade 3	1,900	Grade 9	2,500
Grade 4	2,000	Grade 10	2,600
Grade 5	2,100	Grade 11	2,700
Grade 6	2,200		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the eleventh grade: *Provided,* That for such motor-vehicle employees at post offices of the first class there shall be three additional grades; that is, grade 12, $2,800; grade 13, $2,900; grade 14, $3,000, and that employees who perform faithful and meritorious service shall be promoted to grade 12 after three years of such service in grade 11, shall be promoted to grade 13 after five years of such service in grade 12, and shall be promoted to grade 14 after seven years of such service in grade 13.

(c) The pay of substitute, temporary, or auxiliary special mechanics shall be at the rate of $1.25 per hour. The pay of substitute, temporary, or auxiliary clerks, driver-mechanics, general mechanics, and dispatchers shall be on an hourly basis at the following rates:

Grade 1	$0.84 per hour	Grade 7	$1.14 per hour
Grade 2	.89 per hour	Grade 8	1.19 per hour
Grade 3	.94 per hour	Grade 9	1.24 per hour
Grade 4	99 per hour	Grade 10	1.29 per hour
Grade 5	1.04 per hour	Grade 11	1 34 per hour
Grade 6	1.09 per hour		

(d) Garagemen-drivers and mechanics' helpers shall be divided into six grades with annual salaries as follows:

Grade 1	$1,600	Grade 4	$1,900
Grade 2	1,700	Grade 5	2,000
Grade 3	1,800	Grade 6	2,100

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the sixth grade.

The pay of substitute, temporary, or auxiliary garagemen-drivers, and mechanics' helpers shall be on an hourly basis at the following rates:

	Per hour		*Per hour*
Grade 1	$0.79	Grade 4	$0.94
Grade 2	.84	Grade 5	.99
Grade 3	.89	Grade 6	1.04

(e) Substitute employees in the automatic grades listed in this section shall be promoted to the next higher grade at the beginning of the quarter following two thousand and twenty-four hours' satisfactory service in a pay status, including time served as a special delivery messenger: *Provided,* That there shall be not more than one increase in the rate of pay of such employee within a period of twelve months: *Provided further,* That, when a substitute employee is appointed to a regular position, such

employee shall be assigned to the salary grade corresponding to the salary grade as a substitute. Any fractional part of a year's substitute service accumulated since the last compensation increase as a substitute shall be included with the regular service of a regular employee in determining eligibility for promotion to the next higher grade following appointment to a regular position. (July 6, 1945, ch. 274, § 13, 59 Stat. 445.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 864. Classification and compensation of Custodial Service employees; pay rates for temporary employees.

(a) The annual rates of compensation of supervisory employees in the custodial service shall be as follows:

Supervising superintendents of buildings, $5,200.

Superintendents of mechanical units, $5,000.

Assistant superintendents of mechanical units, $4,200.

Inspection engineers, $4,200.

Mechanical engineers, $4,200.

Superintendents of buildings; chief engineers: Buildings of twenty million cubic feet and up, $5,000; buildings of fifteen million but less than twenty million cubic feet, $4,500; buildings of ten million but less than fifteen million cubic feet, $4,200; buildings of six million but less than ten million cubic feet, $3,900; buildings of three million but less than six million cubic feet, $3,600; buildings of one million but less than three million cubic feet, $3,300.

Superintending engineers: Buildings of six million but less than fifteen million cubic feet, $4,500; buildings of three million but less than six million cubic feet, $4,200; buildings of one million but less than three million cubic feet, $3,600.

Principal elevator mechanics, $3,600.

Foremen of shops: Buildings of twenty million cubic feet and up, $3,600; buildings of less than twenty million cubic feet, $3,200.

Foremen of conveyors: Buildings of less than twenty million cubic feet, $3,200.

Foremen of mechanics, $3,200.

Watch engineers, $3,200.

Janitors with fewer than fifteen subordinates, $2,200; with fifteen to twenty-nine subordinates, $2,400; with thirty to fifty-nine subordinates, $2,600; with sixty to ninety-nine subordinates, $2,800; with one hundred or more subordinates, $3,000.

Foremen of elevator operators with one hundred or more subordinates, $2,700.

Captains of the guard with fewer than ten subordinates, $2,400; with ten to nineteen subordinates, $2,600; with twenty to thirty-nine subordinates, $2,800; with forty or more subordinates, $3,000.

Lieutenants of the guard with fewer than ten subordinates, $2,400; with ten or more subordinates, $2,600.

Foremen of laborers with fewer than fifteen subordinates, $2,200; with fifteen to twenty-nine subordinates, $2,400; with thirty or more subordinates, $2,600.

Enginemen-janitors: Buildings of less than six hundred thousand cubic feet, $2,400; buildings of over six hundred thousand cubic feet, $2,600.

Chief clerks, $3,100.

(b) Clerks of the custodial service shall be divided into eleven grades as follows:

Grade 1	$1,700	Grade 7	$2,300
Grade 2	1,800	Grade 8	2,400
Grade 3	1,900	Grade 9	2,500
Grade 4	2,000	Grade 10	2,600
Grade 5	2,100	Grade 11	2,700
Grade 6	2,200		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the eleventh grade: *Provided*, That for such custodial employees at first-class post offices there shall be three additional grades; that is, grade 12, $2,800; grade 13, $2,900; grade 14, $3,000, and that employees who perform faithful and meritorious service shall be promoted to grade 12 after three years of such service in grade 11, shall be promoted to grade 13 after five years of such service in grade 12, and shall be promoted to grade 14 after seven years of such service in grade 13.

(c) Elevator mechanics in the custodial service shall be divided into eight grades as follows:

Grade 1	$2,300	Grade 5	$2,700
Grade 2	2,400	Grade 6	2,800
Grade 3	2,500	Grade 7	2,900
Grade 4	2,600	Grade 8	3,000

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the eighth grade: *Provided*, That for such custodial employees at first-class post offices there shall be two additional grades; that is, grade 9, $3,100; grade 10, $3,200, and that employees who perform faithful and meritorious service shall be promoted to grade 9 after three years of such service in grade 8, and shall be promoted to grade 10 after five years of such service in grade 9.

(d) Mechanics in the custodial service shall be divided into eight grades as follows:

Grade 1	$2,100	Grade 5	$2,500
Grade 2	2,200	Grade 6	2,600
Grade 3	2,300	Grade 7	2,700
Grade 4	2,400	Grade 8	2,800

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the eighth grade: *Provided*, That for such custodial employees at post offices of the first class there shall be two additional grades; that is, grade 9, $2,900, and grade 10, $3,000, and that employees who perform faithful and meritorious service shall be promoted to grade 9 after three years of such service in grade 8, and shall be promoted to grade 10 after five years of such service in grade 9.

(e) Assistant enginemen, assistant mechanics, and elevator mechanic-helpers and chief telephone operators shall be divided into 7 grades as follows:

Grade 1	$1,900	Grade 5	$2,300
Grade 2	2,000	Grade 6	2,400
Grade 3	2,100	Grade 7	2,500
Grade 4	2,200		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade: *Provided*, That for such custodial employees at post offices of the first class there shall be two additional grades; that is, grade 8, $2,600, and grade 9, $2,700, and that employees who perform faithful and meritorious service shall be promoted to grade 8 after three years of such service in grade 7, and shall be promoted to grade 9 after five years of such service in grade 8.

(f) General mechanics, assistant chief telephone operators, and elevator starters in the custodial service shall be divided into seven grades as follows:

Grade 1	$1,700	Grade 5	$2,100
Grade 2	1,800	Grade 6	2,200
Grade 3	1,900	Grade 7	2,300
Grade 4	2,000		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade: *Provided*, That for such custodial employees at post offices of the first class there shall be two additional grades; that is, grade 8, $2,400, and grade 9, $2,500, and that such employees who perform faithful and meritorious service shall be promoted to grade 8 after three years of such service in grade 7, and shall be promoted to grade 9 after five years of such service in grade 8.

(g) Telephone operators, firemen, gardeners, guards, skilled helpers, and marble polishers of the custodial service shall be divided into seven grades, as follows:

Grade 1	$1,600	Grade 5	$2,000
Grade 2	1,700	Grade 6	2,100
Grade 3	1,800	Grade 7	2,200
Grade 4	1,900		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade.

(h) Firemen-laborers, oilers, window cleaners, elevator operators, and messengers in the custodial service shall be divided into seven grades as follows:

Grade 1	$1,400	Grade 5	$1,800
Grade 2	1,500	Grade 6	1,900
Grade 3	1,600	Grade 7	2,000
Grade 4	1,700		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade.

(i) Laborers, matrons, head charmen, and head charwomen in the custodial service shall be divided into seven grades with annual salaries, as follows:

Grade 1	$1,300	Grade 5	$1,700
Grade 2	1,400	Grade 6	1,800
Grade 3	1,500	Grade 7	1,900
Grade 4	1,600		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade.

(j) Charmen and charwomen working part time shall be divided into four grades with hourly rates of compensation as follows:

	Per hour		*Per hour*
Grade 1	$0.65	Grade 3	$0.75
Grade 2	.70	Grade 4	.80

and shall be promoted successively at the beginning of the quarter following a total of two thousand and twenty-four hours of satisfactory service in a pay status in each grade to the next higher grade until they reach the fourth grade: *Provided*, That there shall be not more than one increase in the rate of pay of such employees within a period of twelve months.

(k) Examiners of equipment and supplies in the custodial service shall be divided into ten grades with annual salaries, as follows:

Grade 1	$3,500	Grade 6	$4,000
Grade 2	3,600	Grade 7	4,100
Grade 3	3,700	Grade 8	4,200
Grade 4	3,800	Grade 9	4,300
Grade 5	3,900	Grade 10	4,500

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the tenth grade.

(l) Temporary employees in the custodial service shall be paid at the respective rates of pay of grade 1 provided herein for regular employees. (July 6, 1945, ch. 274, § 14, 59 Stat. 446.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 865. Inspection Service—(a) Compensation of supervisory employees.

The annual salaries of inspectors in charge, assistant inspectors in charge, and supervisory employees at division headquarters of the Inspection Service shall be as follows:

Post-office inspectors in charge, $6,700.
Assistant post-office inspectors in charge, $6,000.
Chief clerks, $4,000.
Assistant chief clerks, $3,500.
Chiefs of sections, $3,400.

(b) Classification and compensation of inspectors.

Post-office inspectors shall be divided into ten grades with annual salaries as follows:

Grade 1	$3,200	Grade 6	$4,200
Grade 2	3,400	Grade 7	4,600
Grade 3	3,600	Grade 8	5,000
Grade 4	3,800	Grade 9	5,500
Grade 5	4,000	Grade 10	6,000

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade until they reach grade 8: *Provided*, That promotion of not more than 25 per centum of the authorized quota of inspectors may be made to grades 9 and 10. The Postmaster General shall assign difficult or complex work to be performed by inspectors in grades 9 and 10 and shall select the inspectors to be assigned to these grades under such rules and regulations as he shall prescribe: *Provided further*, That inspectors will not be selected for promotion to grades 9 and 10 until they have completed at least one year's faithful and meritorious service in the next lower grade.

(c) Classification of clerical force.

The clerical force of the Post Office Inspection Service shall be classified as clerks and principal review clerks.

(d) Classification and compensation of clerks.

Clerks at division headquarters and other posts of duty of post-office inspectors shall be divided into nine grades with annual salaries as follows:

Grade 1	$1,900	Grade 6	$2,400
Grade 2	2,000	Grade 7	2,500
Grade 3	2,100	Grade 8	2,600
Grade 4	2,200	Grade 9	2,700
Grade 5	2,300		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach grade 9: *Provided*, That for such clerks there shall be three additional grades; that is, grade 10, $2,800; grade 11, $2,900; grade 12, $3,000; and that clerks who perform faithful and meritorious service shall be promoted to grade 10, after three years of such service in grade 9; shall be promoted to grade 11, after five years of such service in grade 10; and shall be promoted to grade 12, after seven years of such service in grade 11.

(e) Classification and compensation of principal review clerks.

Principal review clerks at division headquarters of post-office inspectors shall be divided into four grades with annual salaries as follows:

Grade 1	$2,700	Grade 3	$2,900
Grade 2	2,800	Grade 4	3,000

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the fourth grade: *Provided*, That for such clerks there shall be two additional grades; that is, grade 5, $3,100; grade 6, $3,200; and that such clerks who perform faithful and meritorious service shall be promoted to grade 5 after three years of such service in grade 4, and shall be promoted to grade 6 after five years of such service in grade 5.

(f) Transfer of City Delivery Service clerks and carriers.

Whenever in the discretion of the Postmaster General the needs of the service require such action, he is authorized to transfer clerks, or carriers in the City Delivery Service to the position of clerk at division headquarters and other posts of duty of post-office inspectors at a salary not to exceed $2,300 when the salary of the employee being transferred is less than $2,300, and when the salary of the employee being transferred is equal to or greater than $2,300, such employee may be transferred at not less than the salary received in the position from which transferred. After such transfer is made effective, employees so transferred shall be eligible for promotion to the grades of salary provided herein for clerks at division headquarters and other posts of duty of post-office inspectors. (July 6, 1945, ch. 274, § 15, 59 Stat. 450.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 866. Railway Mail Service and Air Mail Service—(a) Compensation of officers.

The annual salaries of officers in the Railway Mail Service and the Air Mail Service shall be as follows: Division superintendents, $6,700; assistant division superintendents, $5,700; assistant superintendents at large, $5,500; chief clerks, $5,000; assistant chief clerks, $4,200; chiefs of sections in offices of division superintendents, Railway Mail Service, $4,200; regional superintendents, Air Mail Service, $5,000; and assistant regional superintendents, Air Mail Service, $4,200.

(b) Classification and compensation of clerks.

Railway postal clerks, and clerks assigned to offices of regional superintendents of Air Mail Service, shall be divided into seventeen grades with annual salaries as follows:

Grade 1	$1,900	Grade 10	$2,800
Grade 2	2,000	Grade 11	2,900
Grade 3	2,100	Grade 12	3,000
Grade 4	2,200	Grade 13	3,100
Grade 5	2,300	Grade 14	3,200
Grade 6	2,400	Grade 15	3,300
Grade 7	2,500	Grade 16	3,400
Grade 8	2,600	Grade 17	3,500
Grade 9	2,700		

(c) Division of railway post-office lines; assignment of clerks; promotion.

Railway post-office lines shall be divided into two classes, class A and class B, and clerks assigned to class A lines shall be promoted successively to grade 9, and after three years of faithful and meritorious service in grade 9 shall be promoted to grade 10; after five years of faithful and meritorious service in grade 10 shall be promoted to grade 11, and after seven years of faithful and meritorious service in grade 11 shall be promoted to grade 12. Clerks in charge in class A lines shall be of grade 14. Clerks assigned to class B lines shall be promoted successively to grade 11 and shall be promoted to grade 12 after three years of faithful and meritorious service in grade 11; to grade 13 after five years of faithful and meritorious service in grade 12; and to grade 14 after seven years of faithful and meritorious service in grade 13. Clerks in charge of Class B lines shall be of grade 16: *Provided*, That in trains in which

more than sixty feet of distributing car space is authorized in either direction over the entire length of the run not less than five days per week in either direction, the clerk in charge may be of grade 17 and in such trains there may be a second clerk in charge, who may be of grade 16. The provisions of this paragraph shall apply to the employees assigned to highway post-office service. Lines in class A existing on July 1, 1945, shall be continued in class A and lines in Class B existing on that date shall be continued in Class B.

(d) Promotion of clerks assigned to terminal railway and air mail field railway post offices.

Clerks assigned to terminal railway post offices and air mail field railway post offices shall be promoted successively to grade 9; and after three years of faithful and meritorious service in grade 9 shall be promoted to grade 10; after five years of faithful and meritorious service in grade 10 shall be promoted to grade 11; and after seven years of faithful and meritorious service in grade 11 shall be promoted to grade 12. Clerks in charge of terminal railway post offices and air mail field railway post offices with less than twenty employees shall be of grade 14 and the clerks in charge of tours shall be of grade 13. Clerks in charge of terminal railway post offices and air mail field railway post offices with twenty to seventy-four employees shall be of grade 16 and clerks in charge of tours shall be of grade 15 and clerks in charge of crews within tours shall be of grade 14. Clerks in charge of terminal railway post offices and air mail field railway post offices with seventy-five or more employees shall be of grade 17, the clerks in charge of tours shall be of grade 16, and the clerks in charge of crews within tours shall be of grade 15: *Provided*, That in terminal railway post offices and air mail field railway post offices having twenty or more employees there shall be appointed for each clerk in charge, including clerks in charge of tours and crews, a clerk of one grade lower than the lowest grade clerk in charge in each organization and such clerks shall act as clerks in charge during the absences of the clerk in charge for whom designated: *Provided further*, That in terminal railway post offices and air mail field railway post offices with fewer than twenty employees a relief clerk in charge may be appointed in grade 13 to be the clerk in charge during absences of the clerks in charge.

(e) Promotion of clerks assigned to transfer offices.

Clerks assigned to transfer offices shall be promoted successively to grade 11, and after three years of faithful and meritorious service in grade 11 shall be promoted to grade 12; after five years of faithful and meritorious service in grade 12 shall be promoted to grade 13; and after seven years of faithful and meritorious service in grade 13 shall be promoted to grade 14. Clerks in charge of transfer offices with one to four employees and of tours in such transfer offices shall be of grade 15. Clerks in charge of transfer offices with five to nineteen employees shall be of grade 16 and clerks in charge of tours shall be of grade 15. Clerks in charge of transfer offices with twenty or more employees shall be of grade 17 and the clerks in charge of tours shall be of grade 16: *Provided*, That in transfer offices having twenty or more employees there shall be appointed for each clerk in charge, including clerks in charge of tours, a clerk of one grade lower than the lowest grade clerk in charge of each organization and such clerks shall act as clerks in charge during the absences of the clerk in charge for whom designated: *Provided further*, That in transfer offices with nineteen or fewer employees and having two or more clerks in charge regularly assigned a relief clerk in charge may be appointed in grade 15.

(f) Determination of number of employees in terminal railway and air mail field railway post offices, and transfer offices.

In determining the number of employees in terminal railway post offices, transfer offices, and air mail field railway post offices, credit shall be allowed for service performed by regular employees, substitute employees other than those serving in lieu of regular employees absent for any cause, and temporary employees assigned to such offices, and for each two thousand and twenty-four hours of service performed by such employee the office shall be allowed credit for one employee.

(g) Promotion of clerks assigned to offices of division superintendents, regional superintendents, and chief clerks.

Clerks assigned to offices of division superintendents, regional superintendents Air Mail Service, and in chief clerks' offices shall be promoted successively to grade 9 and after three years of faithful and meritorious service in grade 9 shall be promoted to grade 10; after five years of faithful and meritorious service in grade 10 shall be promoted to grade 11; and after seven years of faithful and meritorious service in grade 11 shall be promoted to grade 12. Assistant chiefs of sections in offices of division superintendents and clerks in charge of units in offices of regional superintendents of Air Mail Service, and in offices of chief clerks, shall be of grade 16 or 17: *Provided*, That all clerks in charge and those clerks designated to act as clerks in charge during absences of clerks in charge, in offices of division superintendents, regional superintendents Air Mail Service, chief clerks, class A runs, terminal railway post offices, and air mail field railway post offices, shall be required to progress through the automatic grades to and including grade 9 before being eligible to receive the salary provided herein for the various grades of clerks in charge and clerks who will act as clerks in charge: *Provided further*, That clerks in charge and clerks designated to act as clerks in charge during absences of clerks in charge in transfer offices and clerks in charge assigned to class B runs shall be required to progress through the automatic grades to and including grade 11 before being eligible to receive the salary provided herein for the various grades of clerks in charge and clerks who will as [1] as clerks in charge.

(h) Grade of examiners and assistant examiners.

Examiners shall be of grade 16 and assistant examiners shall be of grade 15 whether assigned to the offices of division superintendent or chief clerk: *Provided*, That examiners to be eligible to receive the

salary provided herein shall first progress through the automatic grades to and including grade 9.

(i) Advancement below grade of clerks in charge.

In filling positions below that of clerks in charge no clerk shall be advanced more than one grade in a period of a year.

(j) Rights and benefits of highway post-office vehicle operators.

Operators of highway post-office vehicles shall be entitled to the same rights and benefits that accrue to railway postal clerks assigned to road duty, except no allowance shall be given these employees for service required on lay-off periods as provided herein for railway postal clerks assigned to road duty: *Provided*, That such operators shall be promoted successively to grade 9; after three years of faithful and meritorious service in grade 9 shall be promoted to grade 10; after five years of faithful and meritorious service in grade 10 shall be promoted to grade 11, and after seven years of faithful and meritorious service in grade 11 shall be promoted to grade 12.

(k) Classification and compensation of substitute railway postal clerks.

Substitute railway postal clerks shall be paid, for actual services performed when on other than road duty, and shall be paid for road services performed according to the time value of the trip of such road service including a proper allowance for all services required on lay-off periods, as provided herein for regular employees assigned to road duty, on an hourly basis at the following rates:

	Per hour		*Per hour*
Grade 1	$0.94	Grade 6	$1.19
Grade 2	.99	Grade 7	1.24
Grade 3	1.04	Grade 8	1.29
Grade 4	1.09	Grade 9	1.34
Grade 5	1.14		

and shall be promoted successively to grade 9 following one year's satisfactory service in the next lower grade.

(l) Regular appointment of substitute railway postal clerks.

Substitute railway postal clerks, when appointed regular clerks, shall be appointed in the salary grade corresponding to their salary grade as a substitute. Any fractional part of a year's service accumulated after the last promotion as a substitute shall be included with his service as a regular clerk in determining eligibility for promotion to the next higher grade following appointment to a regular position.

(m) Substitute railway postal clerks credited with full time while traveling; travel allowances.

Substitute railway postal clerks shall be credited with full time while traveling under orders of the Department to and from their designated headquarters to take up assignments, together with actual and necessary travel expenses, not to exceed $4 per day, while on duty away from such headquarters. When a substitute railway postal clerk performs service in a railway post office or highway post office starting from his official headquarters, he shall be allowed travel expenses under the law applying to clerks regularly assigned to the run.

(n) Classification and compensation of mail handlers.

Mail handlers in the Railway Mail Service shall be divided into six grades, with annual salaries as follows:

Grade 1	$1,600	Grade 4	$1,900
Grade 2	1,700	Grade 5	2,000
Grade 3	1,800	Grade 6	2,100

and shall be promoted successively to grade 6 following one year's satisfactory service in the next lower grade.

(o) Classification and compensation of substitute mail handlers.

Substitute mail handlers in the Railway Mail Service shall be paid hourly rates as follows:

	Per hour		*Per hour*
Grade 1	$0.79	Grade 4	$0.94
Grade 2	.84	Grade 5	.99
Grade 3	.89	Grade 6	1.04

and shall be promoted successively to grade 6 following one year's satisfactory service in the next lower grade: *Provided*, That when a substitute mail handler is appointed to a regular position, such employee shall be assigned to a salary grade corresponding to the salary grade as a substitute and any fractional part of a year's service accumulated since the last promotion shall be included with the service as a regular employee in determing eligibility for promotion to the next higher grade following appointment to a regular position.

(p) Compensatory time; overtime in lieu thereof.

When the needs of the service require employees of the Railway Mail and Air Mail Services, other than railway postal clerks assigned to road duty and officers, to perform service on Saturdays, Sundays, or holidays they shall be allowed compensatory time for such service within five working days next succeeding the Saturday or Sunday, and on one day within thirty days next succeeding the holiday: *Provided, however*, That the Postmaster General may, if the exigencies of the service require, authorize the payment of overtime for services performed on the Saturdays, Sundays during the month of December, and on Christmas Day in lieu of compensatory time: *Provided further*, That the service of railway postal clerks assigned to road duty shall be based on an average of not exceeding eight hours daily for two hundred and fifty-three days per annum, including allowances for all service required on lay-off periods, and such allowances shall be not less than fifty minutes per day for two hundred and fifty-three days per annum for clerks assigned to class A runs and not less than one hour and thirty-five minutes per day for two hundred and fifty-three days per annum for clerks assigned to class B runs, and railway postal clerks assigned to road duty required to perform service in excess of an average of eight hours daily for two hundred and fifty-three days shall be paid for such overtime service on the basis

of 150 per centum of the annual rate of pay received by such employees. In computing compensation for such overtime employment, the annual salary or compensation for such employees shall be divided by two thousand and twenty-four, the number of working hours in a year. The quotient thus obtained will be the base hourly compensation and one and one-half times that amount will be the hourly rate of overtime pay.

(q) Hours of duty; payment of overtime; computation.

Employees of the Railway Mail and Air Mail Services, other than railway postal clerks assigned to road duty and officers, shall be required to work not more than eight hours a day and the eight hours of service shall not extend over a longer period than ten consecutive hours, but in cases of emergency, or if the needs of the service require, they may be required to work in excess of eight hours a day and shall be paid overtime for such additional service on the basis of 150 per centum of their annual base pay. In computing compensation for such overtime the annual salary or compensation shall be divided by two thousand and twenty-four, the number of working hours in a year. The quotient thus obtained will be the base hourly compensation, and one and one-half times that amount will be the hourly rate of overtime pay.

(r) Travel allowance.

In addition to the salaries provided by this chapter, the Postmaster General may make travel allowances in lieu of actual expenses, at fixed rates per annum, not exceeding in the aggregate the sum annually appropriated, to railway postal clerks, and substitute railway postal clerks, assigned to road duty in railway post-office cars, and highway post-office vehicles after ten hours from the time of beginning their initial run, under such regulations as he may prescribe, and in no case shall such allowance exceed $4 per day.

(s) Time of promotions.

Promotions to automatic grades shall be made at the beginning of the quarter following one year's satisfactory service in the next lower grade. Promotions to additional grades shall be made at the beginning of the quarter following the required periods of faithful and meritorious service as provided herein: *Provided*, That two thousand and twenty-four hours of service in a pay status shall comprise a year's work for substitute railway postal clerks and substitute mail handlers: *Provided further*, That there shall be not more than one increase in the rate of pay of a substitute employee within a period of twelve months.

(t) Readjustment of grades.

In the readjustment of the service to conform to the provisions of this chapter, clerks in charge of the Railway Mail Service of grade 5 or higher shall be placed in the grades provided for their assignments. A relief clerk in charge for whom a clerk in charge assignment is not provided under this chapter shall be assigned to one grade lower than the lowest grade clerk in charge in the organization to which such relief clerk in charge is assigned. (July 6, 1945, ch. 274, § 16, 59 Stat. 451.)

[1] So in original. Probably should read "act".

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 867. Rural Delivery Service—(a) Classification and compensation of carriers for routes less than thirty miles; promotion.

Carriers in the Rural Delivery Service shall be divided into eleven grades, with salaries based in part on specified rates per mile per annum and in part on fixed compensation per annum, as follows:

For routes thirty miles or less in length served six days a week:

Rates per mile	*Fixed compensation*
Grade 1, $54	0
Grade 2, $56	$24
Grade 3, $58	48
Grade 4 $60	72
Grade 5, $62	96
Grade 6, $64	120
Grade 7, $66	144
Grade 8, $68	168
Grade 9, $70	192
Grade 10, $72	216
Grade 11, $74	240

and carriers shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the eleventh grade: *Provided*, That there shall be three additional grades of carriers in the Rural Delivery Service, with rates of pay per mile per annum and fixed compensation per annum, as follows:

Rates per mile	*Fixed compensation*
Grade 12, $76	$264
Grade 13, $78	288
Grade 14, $80	312

and carriers who perform faithful and meritorious service shall be promoted to grade 12 after three years of such service in grade 11, and shall be promoted to grade 13 after five years of such service in grade 12, and shall be promoted to grade 14 after seven years of such service in grade 13.

(b) Promotion and compensation on routes over thirty miles.

A rural carrier assigned to a route over thirty miles in length served six days a week shall be promoted and shall be paid for the first thirty miles at the rates per mile per annum and the fixed compensation per annum, as herein provided for routes thirty miles or less in length, and shall be paid $20 per mile per annum for each mile or major fraction thereof said route is in excess of thirty miles, based on actual mileage.

(c) Compensation of carriers serving triweekly routes.

A rural carrier serving one triweekly route shall be paid a salary on the basis of a route one-half the length of the route served by him. A rural carrier

serving two triweekly routes shall be paid a salary on the basis of a route one-half the combined length of the two routes.

(d) Additional compensation.

The Postmaster General may, in his discretion, allow and pay such additional compensation as he may determine to be fair and reasonable in each individual case to rural carriers serving heavily patronized routes not exceeding forty-five miles in length: *Provided*, That the total annual compensation of a rural carrier serving a heavily patronized route of not exceeding forty-five miles in length shall not exceed $3,000, exclusive of maintenance allowance: *Provided further*, That a rural carrier below the maximum grade provided herein shall not be granted an additional allowance for serving a heavily patronized route in an amount that would exceed $3,000 when added to the salary he would receive in the maximum grade.

(e) Mileage allowances.

In addition to the salaries provided in this section, each carrier in the Rural Delivery Service shall be paid for equipment maintenance a sum equal to 6 cents per mile per day for each mile or major fraction of a mile scheduled. Payments for equipment and maintenance as provided herein shall be at the same periods and in the same manner as payments for regular compensation to rural carriers.

(f) Compensation of substitute carriers.

A substitute rural carrier who performs service for a regular carrier absent with pay shall be paid at the same rate paid the regular carrier for each day's service, exclusive of Sundays and authorized holidays. A temporary rural carrier serving a route in place of a regular carrier absent without pay shall be paid at the same rate paid the regular carrier, Sundays and holidays included except at the beginning or end of the period of employment. A temporary rural carrier serving a route for which there is no regular carrier shall be paid at the rate of salary provided for a carrier of grade 1 for the route on which service is performed, including Sundays and authorized holidays except at the beginning and end of the period of employment.

(g) Readjustment of salaries.

In the readjustment of the salaries of carriers in the Rural Delivery Service to conform to the provisions of this chapter, rural carriers assigned to routes seventeen miles or more in length shall be placed in grade 8; rural carriers assigned to routes eleven to sixteen miles in length, inclusive, shall be placed in grade 9; rural carriers assigned to routes eight to ten miles in length, inclusive, shall be placed in grade 10, and rural carriers assigned to routes seven miles or less in length shall be placed in grade 11: *Provided*, That any carrier in the Rural Mail Delivery Service on June 30, 1945, who serves six days a week a rural route of less than thirty miles, or who serves three days a week a rural route of less than sixty miles or two routes of a combined length of less than sixty miles, and who is receiving for such service an annual salary in excess of a salary based on the standard rate of $60 per mile per annum for the first thirty miles, and whose annual salary is in excess of such standard rate in conformity with subsection (d) of the first section of the Act entitled "An Act to adjust the salaries of rural letter carriers, and for other purposes" (48 Stat. 1213), approved June 25, 1934, as amended (U. S. C., 1940 edition, title 39, sec. 197–a), shall be assigned to the lowest grade that will provide an annual salary of not less than his base pay under all provisions of said Act, as amended, plus $300. (July 6, 1945, ch. 274, § 17, 59 Stat. 455.)

REFERENCE IN TEXT

Words "with subsection (d) of the first section of the Act entitled 'An Act to adjust the salaries of rural letter carriers, and for other purposes' (48 Stat. 1213), approved June 25, 1934, as amended (U. S. C. 1940 edition, title 39, sec. 197–a)" referred to in subsec. (g) of this section was formerly set out as section 197a of this title and is now set out as a "Prior provisions" note under this section.

PRIOR PROVISIONS

Act June 25, 1934, ch. 741, § 1 (d), 48 Stat. 1213, amended May 16, 1938, ch. 224, 52 Stat. 377; July 30, 1941, ch. 331, § 1, 55 Stat. 609, formerly set out as 197a of this title, provided: "In the case of any carrier in the Rural Mail Delivery Service on July 1, 1934, who serves six days a week a rural route of less than thirty miles, or who serves three days a week a rural route of less than sixty miles or two routes of a combined length of less than sixty miles, the annual salary of such carrier shall not be reduced more than $180 by operation of section 197 of this title. Should any such carrier be transferred to another route or other routes, the salary which he was receiving on June 30, 1934, shall be protected to the same extent as such salary would, under the preceding sentence, have been protected had such carrier continued to serve the route or routes from which he was transferred and had the length of such route or routes been changed to correspond to that of such other route or routes."

TEMPORARY INCREASE

Act Dec. 17, 1943, ch. 366, §§ 1–3, 57 Stat. 607, provided for a temporary additional payment of 1 cent per mile for equipment maintenance until June 30, 1945, at which time it expired by express provisions of section 3 of said act.

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 868. Classification and compensation of employees in the Mail Equipment Shops; temporary employees.

(a) The salary of employees in the Mail Equipment Shops shall be as follows:

Superintendent, $5,700; assistant superintendent, $4,200; general foremen, $3,600; foremen of the clerical-mechanical service, $2,600 and $2,800, cost accounting and purchasing clerks, $3,100, $3,300, and $3,500; engineers in charge, $3,100; draftsmen, $3,100, $3,300, and $3,500; assistant foremen, $2,400.

(b) Clerks, nurses, and painters shall be divided into eleven grades with annual salaries as follows:

Grade 1	$1,700	Grade 7	$2,300
Grade 2	1,800	Grade 8	2,400
Grade 3	1,900	Grade 9	2,500
Grade 4	2,000	Grade 10	2,600
Grade 5	2,100	Grade 11	2,700
Grade 6	2,200		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory serv-

ice in each grade to the next higher grade until they reach the eleventh grade: *Provided*, That there shall be three additional grades; that is, grade 12, $2,800; grade 13, $2,900; and grade 14, $3,000; and employees who perform faithful and meritorious service shall be promoted to grade 12 after three years of such service in grade 11, shall be promoted to grade 13 after five years of such service in grade 12, and shall be promoted to grade 14 after seven years of such service in grade 13.

(c) Pressmen, lock makers, mail-bag repairers, inspectors, mechanics, and postmarking stamp makers shall be divided into seven grades, with annual salaries as follows:

Grade 1	$1,800	Grade 5	$2,200
Grade 2	1,900	Grade 6	2,300
Grade 3	2,000	Grade 7	2,400
Grade 4	2,100		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade.

(d) Firemen, firemen-guards, skilled laborers, and sewers shall be divided into six grades, with annual salaries as follows:

Grade 1	$1,600	Grade 4	$1,900
Grade 2	1,700	Grade 5	2,000
Grade 3	1,800	Grade 6	2,100

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the sixth grade.

(e) Junior mechanics, laborers, and messengers shall be divided into seven grades with annual salaries as follows:

Grade 1	$1,300	Grade 5	$1,700
Grade 2	1,400	Grade 6	1,800
Grade 3	1,500	Grade 7	1,900
Grade 4	1,600		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade.

(f) Temporary employees in the mail equipment shops shall be paid at the respective rates of pay of grade 1 provided herein for regular employees. (July 6, 1945, ch. 274, § 18, 59 Stat. 457.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 869. Classification and compensation of employees of Division of Equipment and Supplies.

(a) Traveling mechanicians shall be divided into eleven grades, with annual salaries as follows:

Grade 1	$3,000	Grade 7	$3,600
Grade 2	3,100	Grade 8	3,700
Grade 3	3,200	Grade 9	3,800
Grade 4	3,300	Grade 10	3,900
Grade 5	3,400	Grade 11	4,000
Grade 6	3,500		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the ninth grade, shall be promoted to the tenth grade, after three years' faithful and meritorious service in grade 9, and shall be promoted to the eleventh grade after five years' faithful and meritorious service in grade 10.

(b) Storekeepers shall be paid annual salaries of $3,200 and foremen shall be paid annual salaries of $2,700.

(c) Requisition fillers and packers shall be divided into seven grades, with annual salaries as follows:

Grade 1	$1,800	Grade 5	$2,200
Grade 2	1,900	Grade 6	2,300
Grade 3	2,000	Grade 7	2,400
Grade 4	2,100		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade.

(d) Laborers shall be divided into seven grades with annual salaries as follows:

Grade 1	$1,300	Grade 5	$1,700
Grade 2	1,400	Grade 6	1,800
Grade 3	1,500	Grade 7	1,900
Grade 4	1,600		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the seventh grade. (July 6, 1945, ch. 274, § 19, 59 Stat. 458.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 870. Compensatory time for Saturday work during Japanese war; computation for overtime pay.

During the period of hostilities with Japan and for not more than thirty days thereafter, when the needs of the service require postmasters of the first, second, and third classes, post-office inspectors, traveling mechanicians, examiners of equipment and supplies, and officers of the Railway Mail and Air Mail Services, to perform service on Saturday they shall be allowed compensatory time for such service on one day within five working days next succeeding the Saturday on which the excess service was performed: *Provided*, That when and if required by the Postmaster General to be on duty more than forty hours a week, they shall be paid as additional pay for working such additional time of eight hours as follows: Those whose salaries are over $5,000 and not over $7,999, 5 per centum of their base annual salaries; those whose salaries are over $4,000 and not over $5,000, 10 per centum of their base annual salaries; those whose salaries are over $2,000 and not over $4,000, 15 per centum of their base annual salaries; those whose salaries are $2,000, or under, 20 per centum of their base annual salaries: *Provided further*, That no postmaster whose base annual salary is $8,000 or over shall receive any additional

compensation for such overtime work: *Provided further,* That the Postmaster General may, if the exigencies of the service require, authorize the payment of overtime in lieu of compensatory time for service performed on Saturday by employees included in the provisions of sections 853 and 866 (p) of this title. In computing compensation for such overtime employment, the annual salary or compensation for such employees shall be divided by two thousand and eighty, the number of working hours in a year. The quotient thus obtained will be the base hourly compensation and one and one-half time[1] that amount will be the hourly rate of overtime pay. Such overtime payments shall not be considered as part of the earned basic compensation. (July 6, 1945, ch. 274, § 20, 59 Stat. 459.)

[1] So in original. Probably should read "times".

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 871. Automatic promotion credits.

Employees who, under laws in effect June 30, 1945, are entitled to automatic promotions in salary effective July 1, 1945, and for whom automatic promotion grades are provided in this chapter, shall be given credit for their earned automatic promotion in salary before applying the provisions of sections 873 and 874 of this title. Employees who, under the laws in effect on June 30, 1945, would have received automatic promotions in salary on October 1, 1945, or January 1, or April 1, 1946, and for whom automatic increases in salary not exceeding $100 per annum or 5 cents per hour, are provided in this chapter, shall be given credit for the time served since their last promotion prior to June 30, 1945, in determining eligibility for automatic promotions under the provisions of this chapter. (July 6, 1945, ch. 274, § 21, 59 Stat. 459.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 872. Special-Delivery Messengers—(a) Classification and compensation of full-time messengers.

Where special-delivery messengers are employed on a full-time basis in offices of the first class, they shall be divided into nine grades, with annual salaries as follows:

Grade 1	$1,600	Grade 6	$2,100
Grade 2	1,700	Grade 7	2,200
Grade 3	1,800	Grade 8	2,300
Grade 4	1,900	Grade 9	2,400
Grade 5	2,000		

and shall be promoted successively at the beginning of the quarter following one year's satisfactory service in each grade to the next higher grade until they reach the ninth grade.

(b) Classification and compensation of substitute, temporary, or auxiliary messengers.

The pay of substitute, temporary, or auxiliary special-delivery messengers in offices of the first class shall be on an hourly basis at the following rates:

Grade 1	$0.79	Grade 6	$1.04
Grade 2	.84	Grade 7	1.09
Grade 3	.89	Grade 8	1.14
Grade 4	.94	Grade 9	1.19
Grade 5	.99		

and shall be promoted to the next higher grade at the beginning of the quarter following two thousand and twenty-four hours' satisfactory service in a pay status.

(c) Determination of grade.

Special-delivery messengers in offices of the first class shall, upon July 1, 1945, be entitled to the grade to conform with their years of service, as follows:

Less than 2 years' service	Grade 1
2 years but less than 3 years' service	Grade 2
3 years but less than 4 years' service	Grade 3
4 years but less than 5 years' service	Grade 4
5 years but less than 6 years' service	Grade 5
6 years' service or more	Grade 6

(d) Mileage allowance.

In addition to compensation provided in subsections (a) and (b), each special-delivery messenger in offices of the first class shall be paid for automotive-equipment maintenance at the rate of 6 cents per mile or major fraction thereof for miles traveled under the direction of the Post Office Department in making delivery of special-delivery mail or at the option of the Post Office Department at the rate of 75 cents per hour spent in making delivery of special-delivery mail. Payment for equipment maintenance as provided in this subsection shall be at the same periods and in the same manner as payments for regular compensation to special-delivery messengers.

(e) Employment in other duties; deliveries by other than regular employees.

Special-delivery messengers may be employed at duties other than the delivery of special-delivery mail when their regular duties do not require eight hours work in ten; and special-delivery articles may, in the discretion of the Postmaster General, be delivered by regular, substitute, and temporary postal employees, and such employees shall be paid their regular rate of compensation for such delivery service.

(f) Rent of additional delivery vehicles.

The Postmaster General may provide or hire vehicles under an allowance basis for use in the delivery of special-delivery mail whenever the exigencies of the service may require.

(g) Status of service for purpose of veterans' reemployment.

For the purposes of section 308 (b), (c), and (g) of Appendix to Title 50, and of section 403 (b) and (c) of Appendix to Title 50 (relating to reemployment of persons who have served in the armed forces of the United States), services as a special-delivery messenger in the Postal Service shall be considered services as an employee of the United States in a position other than temporary. (July 6, 1945, ch. 274, § 22, 59 Stat. 459.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 873. Readjustment of salaries of regular employees to conform to this chapter; computation.

In the readjustment of salaries to conform to the provisions of this chapter, regular employees for whom salary steps, automatic and additional grades have been provided in sections 862–866, 868, and 869 of this title shall be assigned to the salary of their respective positions on the basis of their base salary plus 20 per centum, or $400, whichever is the lesser amount, but not less than $300: *Provided,* That when the application of the above formula produces a sum that is not equal to a salary provided for the position, the employee shall be assigned to the next higher salary grade: *Provided further,* That no employee shall be assigned to a salary grade above the maximum automatic or additional[1] grade provided for the position: *And provided further,* That clerks who are employed not less than forty hours per week at third-class post offices, and who are appointed to regular positions, shall be assigned to the minimum salary rate provided for the position. (July 6, 1945, ch. 274, § 23, 59 Stat. 460.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 874. Readjustment of salaries of part-time positions to conform to this chapter; computation.

In the readjustment of part-time positions to conform to the provisions of this chapter, substitute, temporary, auxiliary, and other part-time employees for whom hourly rates of pay have been provided in sections 862–866, 868, and 869 of this title shall be assigned, respectively, to the hourly rate of pay that most nearly equals their base hourly rate plus 20 per centum: *Provided,* That when the base hourly rate plus 20 per centum does not equal the hourly rates provided by this chapter, fraction[1] units of 50 per centum shall be disregarded and fractional units of 50 per centum or more shall be considered as a full unit rate of pay. (July 6, 1945, ch. 274, § 24, 59 Stat. 461.)

[1] So in original. Probably should read "fractional".

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 875. Continuous active service as allowable service for computation purposes; military service.

Allowable service under the provisions of this chapter shall be only such continuous active service as has been rendered and shall not include previous periods or terms of employment: *Provided, however,* That in the case of employees who have been separated or shall hereafter be separated from the field service of the Post Office Department for military duty, the periods or terms of such service immediately preceding entry into the military service as well as the time engaged in military service shall be construed as allowable service and pro rata credit shall be given for the time engaged in military service for each year of such service. (July 6, 1945, ch. 274, § 25, 59 Stat. 461.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

§ 876. Limitation on reduction of annual base pay.

Nothing contained in this chapter shall operate to decrease the pay of any present regular employee to an amount less than his annual base pay plus $300. (July 6, 1945, ch. 274, § 26, 59 Stat 461.)

EFFECTIVE DATE

Effective date of section, see note set out under section 851 of this title.

TITLE 40.—PUBLIC BUILDINGS, PROPERTY, AND WORKS

Chapter 1.—PUBLIC BUILDINGS, GROUNDS, PARKS, AND WHARVES IN DISTRICT OF COLUMBIA

Sec

1a Compensation of Commissioner of Public Buildings (New).

7a. Appointment of personnel by Commissioner of Public Buildings (New)

109a Purchases of coal and wood by Procurement Division; application of statutory requirements as to weighing, etc (New)

§ 1a. Compensation of Commissioner of Public Buildings.

The Commissioner of Public Buildings in the Federal Works Agency shall receive a salary of $10,000 per annum from and after July 1, 1943 (July 9, 1943, ch. 210, 57 Stat. 390.)

CODIFICATION

In original section read "The Commissioner of Public Roads and the Commissioner of Federal Works Agency each shall receive a salary of $10,000 per annum from and after July 1, 1943"

§ 7a. Appointment of personnel by Commissioner of Public Buildings.

The Federal Works Administrator may, under such rules and regulations as he shall prescribe, authorize the Commissioner of Public Roads and the Commissioner of Public Buildings to make appointments of personnel for such administrations. (June 26, 1943, ch. 145, title I, § 1, 57 Stat. 176; June 27, 1944, ch 286, title I, § 1, 58 Stat. 367; May 3, 1945, ch. 106, title I, § 1, 59 Stat 112.)

§ 10. Supervision of annex buildings.

The Federal Works Administrator shall act as superintendent of the State Department Annex Building, and the War and Navy Department Buildings (Henry Park Reservation). (May 22, 1908, ch 186, § 1, 35 Stat. 218, Mar. 28, 1918, ch. 28, § 1, 40 Stat. 482, June 4, 1918, ch. 92, 40 Stat. 598; Feb. 26 1925, ch. 339, § 2, 43 Stat 983; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389; Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F. R. 2729, 53 Stat. 1426, 1427.)

§ 60a. Same; reservation of spaces adjacent to public buildings for Congress members.

REPEATED—Act July 1, 1941, ch. 271, § 1, 55 Stat. 529; act June 27, 1942, ch 452, § 1, 56 Stat 451; act July 1, 1943, ch. 184, § 1, 57 Stat. 338; act June 28, 1944, ch. 300, § 1, 58 Stat. 526; act June 30, 1945, ch. 209 § 1, 59 Stat. 289.

§ 71. Park and playground system; National Capital Park and Planning Commission.

FUNCTIONS ABOLISHED, TRANSFERRED ETC

Act Mar. 2, 1893, ch 197, § 2, 27 Stat 533, created a Highway Commission composed of the Secretaries of War and Interior, and the Chief of Engineers, to provide a permanent system of highways in the District of Columbia

Act June 6, 1924, cited to text, providing for a comprehensive development of the park and playground system of the National Capital, created a National Capital Park Commission Said act was amended by act Apr. 30, 1926, cited to text, which abolished said Highway Commission, transferred the functions thereof to a National Capital Park and Planning Commission, also created thereby

Act May 24, 1928, cited to text, amended said act June 6, 1924, and provided that the Director of Public Buildings and Public Parks of the National Capital should be the executive and disbursing officer of said National Capital Park and Planning Commission.

CROSS REFERENCES

Functions abolished, transferred, etc., by other acts cited to text, see note to section 45 of this title.

§ 77a. Guard for Treasury Department buildings; detail of Secret Service Agents to supervise.

The Secretary of the Treasury may detail two agents of the Secret Service to supervise the guard force for Treasury Department buildings in the District of Columbia, including the Bureau of Engraving and Printing. (May 31, 1941, ch. 156, title I, § 1, 55 Stat. 214; Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat. 152; June 30, 1943, ch 179, title I, 57 Stat 260; Apr. 22, 1944, ch 175 title I, § 1, 58 Stat. 204; Apr. 24, 1945, ch. 92, title I, 59 Stat 64)

AMENDMENTS

1942—Prior to act Mar. 10 1942, cited to text, the detail of one agent was authorized

§ 101. Laws of District extended to public buildings and grounds.

SPECIAL POLICEMEN

Act of Oct 26, 1942, ch 629, title II, 56 Stat 1000, provided in part as follows. "The Commissioner of Public Buildings, during the continuance of the unlimited national emergency declared by the President on May 27, 1941, may designate employees of the Public Buildings Administration as special policemen, without compensation, for duty in connection with the policing of the public property and buildings of the United States in the District of Columbia or elsewhere, such special policemen to have the authority to make arrests for violations of the laws of the United States relating to the public property and buildings of the United States and the preservation of peace and order, and to be subject to such regulations as the Commissioner of Public Buildings may prescribe, but the jurisdiction and police power of such special policeman shall be restricted to the public property and buildings of the United States under the control of said Commissioner and within the jurisdiction of the United States"

§ 109a. Purchases of coal and wood by Procurement Division; application of statutory requirements as to weighing, etc.

The requirements of section 109 of this title relative to the weighing of coal and wood and the separate certificate as to the weight, measurement, or quantity of coal and wood purchased shall not apply to purchases by the Procurement Division at free-on-board destination outside of the District of Columbia. (May 31, 1941, ch. 156, title I, § 1, 55 Stat. 226; Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat. 161; June 30, 1943, ch. 179, title I, 57 Stat. 262.)

Chapter 2.—CAPITOL BUILDING AND GROUNDS

Sec
166a Same; travel expenses (New).
174c. Same; employment of services, estimate of expenses generally (New).
174d Same, assignment of space (New).
174e. Same; certification of vouchers (New).
174f. Senate Restaurants; management transferred to Architect of Capitol; reversion of management to Senate Committee on Rules (New).
174g Same; authority of Architect; termination upon cessation of jurisdiction (New).
174h. Same; special deposit account; receipts and disbursements; appropriations (New).
174i. Same; persons authorized to make deposits and disbursements; audit of account; payments as conclusive upon government officers (New).
174j. Same; persons required to furnish surety bond (New).

§ 164a. Same; Assistant Architect of Capitol to act in case of absence, disability, or vacancy.

REPEATED.—Act July 1, 1941, ch 268, § 1, 55 Stat. 457; act June 8, 1942, ch. 396, § 1, 56 Stat 341; act June 28, 1943, ch 173, title I, § 101, 57 Stat. 232, act June 26, 1944, ch 277, title I, § 1, 58 Stat. 346; act June 13, 1945, ch. 189, § 1, 59 Stat. 251.

§ 166a. Same; travel expenses.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $750. (June 13, 1945, ch. 189, § 1, 59 Stat. 251.)

SIMILAR PROVISIONS

Similar provisions appear in prior appropriation acts as follows:

1945—June 26, 1944, ch 277, title I, 58 Stat. 346.
1944—June 26, 1943, ch. 173, title I, 57 Stat. 239.
1943—June 8, 1942, ch 396, 56 Stat 341.
1942—July 1, 1941, ch. 268, 55 Stat. 457.
1941—June 18, 1940, ch. 396, 54 Stat. 472.

§ 174a. Senate Office Building; control, supervision, and care.

SIMILAR PROVISIONS

Subject matter of this section is covered by section 174c of this title Section as enacted originally read: "The care and operation of the Senate Office Building shall be under the direction of the Senate Committee on Rules, acting through the Architect of the Capitol who shall be its executive agent," and was based on act May 17, 1938, ch 236, § 1, 52 Stat 391. Similar provisions were contained in the following Legislative Appropriation Acts:

1937—May 18, 1937, ch 223, § 1, 50 Stat. 180.
1935—July 8, 1935, ch. 374, § 1, 49 Stat. 470.
1934—May 30, 1934, ch. 372, § 1, 48 Stat. 827.
1933—Feb. 28, 1933, ch 134, 47 Stat. 1361.
1932—June 30, 1932, ch. 314, 47 Stat. 392
1931—Feb 20, 1931, ch 234, 46 Stat 1184.
1930—June 6, 1930, ch. 407, 46 Stat 514.

§ 174b. Same; approval of structural changes by Architect of Capitol.

REPEATED—Act July 1, 1941, ch. 268, § 1, 55 Stat 458

§ 174c. Same; employment of services; estimate of expenses generally.

Hereafter the Senate Office Building, and the employment of all services (other than for officers and privates of the Capitol Police) necessary for its protection, care, and occupancy, together with all other items that may be appropriated for by the Congress for such purposes, shall be under the control and supervision of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules as to matters of general policy; and the Architect of the Capitol shall submit annually to the Congress estimates in detail for all services (other than for officers and privates of the Capitol Police) and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy. (June 8, 1942. ch. 396. § 1, 56 Stat. 343.)

§ 174d. Same; assignment of space.

Hereafter the assignment of rooms and other space in the Senate Office Building shall be under the direction and control of the Senate Committee on Rules and shall not be a part of the duties of the Architect of the Capitol. (June 8, 1942, ch. 396, § 1, 56 Stat. 343.)

§ 174e. Same; certification of vouchers.

Hereafter it shall not be a duty of the Architect of the Capitol to certify any pay roll or other voucher covering any expenditure from any appropriation for the Senate Office Building, or for any other building or activity, unless the obligation involved was incurred by him or under his direction. (June 8, 1942, ch. 396, § 1, 56 Stat. 343.)

§ 174f. Senate Restaurants; management transferred to Architect of Capitol; reversion of management to Senate Committee on Rules.

Effective September 15, 1942, the management of the Senate Restaurants and all matters connected therewith, heretofore under the direction of the Senate Committee on Rules, shall be under the direction of the Architect of the Capitol under such rules and regulations as the Architect may prescribe for the operation and the employment of necessary assistance for the conduct of said restaurants by such business methods as may produce the best results consistent with economical and modern management, subject to the approval of the Senate Committee on Rules as to matters of general policy: *Provided*, That the management of the Senate Restaurants by the Architect of the Capitol shall cease and the restaurants revert from the jurisdiction of the Architect of the Capitol to the jurisdiction of the Senate Committee on Rules upon adoption by that committee of a resolution ordering such transfer of jurisdiction at any time hereafter. (Sept. 9, 1942, ch. 558, § 1, 56 Stat. 750.)

TRANSFER OF ACCOUNTS, RECORDS, ETC.

Section 2 of res Sept 9, 1942, which resolution affects sections 174f–174j of this title, provided as follows: "The Committee on Rules after the close of business September 15, 1942, is hereby authorized and directed to transfer to the jurisdiction of the Architect of the Capitol all accounts, records, supplies, equipment, and assets of the Senate Restaurants that may be in the possession or under the control of the said committee in order that all such items may be available to the Architect of the Capitol toward the maintenance and operation of the Senate Restaurants."

EFFECT OF SECTIONS 174f–174j ON CONFLICTING LAWS

Section 7 of res. Sept. 9, 1942, which resolution affected sections 174f–174j of this title, provided as follows: "This Act shall supersede any other Acts or resolutions heretofore approved for the maintenance and operation of the Senate Restaurants: *Provided, however*, That any Acts or resolutions now in effect shall again become effective,

should the restaurants at any future time revert to the jurisdiction of the Senate Committee on Rules."

§ 174g. Same; authority of Architect; termination upon cessation of jurisdiction.

The Architect of the Capitol is hereby authorized and directed to carry into effect for the United States Senate the provisions of sections 174f–174j of this title and to exercise the authorities contained therein, and any resolution of the Senate amendatory thereof or supplementary thereto hereafter adopted. Such authority and direction shall continue until the United States Senate shall by resolution otherwise order, or until the Senate Committee on Rules shall by resolution order the restaurants to be returned to the committee's jurisdiction. (Sept. 9, 1942, ch. 558, § 3, 56 Stat. 751.)

§ 174h. Same; special deposit account; receipts and disbursements; appropriations.

There is hereby established with the Treasurer of the United States a special deposit account in the name of the Architect of the Capitol for the United States Senate Restaurants, into which shall be deposited all sums received pursuant to sections 174f–174j of this title or any amendatory or supplementary resolutions hereafter adopted and from the operations thereunder and from which shall be disbursed the sums necessary in connection with the exercise of the duties required under sections 174f–174j of this title or any amendatory or supplementary resolutions and the operations thereunder. Any amounts hereafter appropriated from the Treasury of the United States for such restaurants shall be a part of the appropriation "Contingent Expenses of the Senate", for the particular fiscal year involved and each such part shall be paid to the Architect of the Capitol by the Secretary of the Senate in such sum as such appropriation or appropriations shall hereafter specify and shall be deposited by such Architect in full under such special deposit account. (Sept. 9, 1942, ch. 558, § 4, 56 Stat. 751.)

§ 174i. Same; persons authorized to make deposits and disbursements; audit of account; payments as conclusive upon government officers.

Deposits and disbursements under such special deposit account (1) shall be made by the Architect, or, when directed by him, by such employees of the Architect as he may designate, and (2) shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may direct: *Provided*, That payments made by or under the direction of the Architect of the Capitol from such special deposit account shall be conclusive upon all officers of the Government. (Sept. 9, 1942, ch. 558, § 5, 56 Stat. 751.)

§ 174j. Same; persons required to furnish surety bond.

The Architect, Assistant Architect, and any employees of the Architect designated by the Architect under section 174i of this title shall each give bond in the sum of $5,000 with such surety as the Secretary of the Treasury may approve for the handling of the financial transactions under such special deposit account. (Sept. 9, 1942, ch. 558, § 6, 56 Stat. 751.)

§§ 194–204.

CODIFICATION

These sections are also set out in D. C. Code §§ 9–106—9–116, respectively (1940 ed.).

§ 206. Capitol police; appointment.

REPEATED —Act July 1, 1941, ch 268, § 1, 55 Stat 456, act June 8, 1942, ch. 396, § 1, 56 Stat. 340; act June 28, 1943, ch. 173, title I, § 101, 57 Stat. 230.

§ 213a. Same; Capitol Police Board to detail police for grounds.

The Capitol Police Board is hereby authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds. (As amended July 1, 1941, ch. 268, § 1, 55 Stat. 456; June 8, 1942, ch. 396, § 1, 56 Stat. 340; June 28, 1943, ch. 173, title I, § 101, 57 Stat. 230; June 26, 1944, ch. 277, title I, § 105, 58 Stat. 354; June 13, 1945, ch. 189, § 106, 59 Stat. 259.)

AMENDMENTS

1944—Act June 26, 1944, cited to text, amended section by inserting "Office" following "House", deleting "Buildings" following "Senate Office", and inserting "and Capitol Buildings" following "Senate Office".

Chapter 3.—PUBLIC BUILDINGS AND WORKS GENERALLY

Sec
258f. Same; exclusion of certain property by stipulation of Attorney General (New)
265a Availability of funds for payment of salaries, etc., in connection with construction projects (New).
269a Payment of fixed fee on construction contracts for military posts (New)
270e Same; waiver of sections 270a 270d with respect to Army or Navy contracts (New)
276a–7 Application of sections 276a to 276a 6 to contracts entered into without regard to section 5 of Title 41 (New)
277a Compensation for per diem employees; confirmation by Federal Works Administration (New)
278b Same; exception of certain vital leases during war or emergency (New)
291. Admission of guide dogs accompanied by blind masters (New)
292. Appropriations available for communication services serving governmental activities and services to motor vehicles; reimbursement (New).
293. Working capital fund for blueprinting, photostating and duplicating services in Public Buildings Administration, reimbursement (New.)

§ 255. Title to land to be purchased by United States; acquisition by United States of jurisdiction over lands.

CROSS REFERENCES

Acquisition of land and interests therein without compliance with this section, see sections 767 and 771 of Appendix to Title 50, War.

Exception in case of strategic network of highways, see section 114 of Title 23, Highways

§ 258f. Same; exclusion of certain property by stipulation of Attorney General.

In any condemnation proceeding instituted by or on behalf of the United States, the Attorney General is authorized to stipulate or agree in behalf of the United States to exclude any property or any part thereof, or any interest therein, that may have been, or may be, taken by or on behalf of the United States by declaration of taking or otherwise. (Oct. 21, 1942, ch. 618, 56 Stat. 797.)

§ 265a. Availability of funds for payment of salaries, etc., in connection with construction projects.

In the prosecution of construction projects or planning programs assigned to the Public Buildings Administration for which funds are provided by direct appropriation or transferred under authority contained in section 35 of the Act of June 15, 1938 (40 U. S. C. 265), an amount administratively determined as necessary for the payment of salaries and expenses of personnel engaged upon the preparation of plans and specifications, field supervision, and general office expense, may be transferred and consolidated on the books of the Treasury Department into a special account for direct expenditure in the prosecution of said work, such expenditures to be subsequently allocated and reported upon by projects in accordance with procedures prescribed by the General Accounting Office. (June 26, 1945, ch. 145, title I, § 1, 57 Stat. 178; June 27, 1944, ch. 286, title I, § 1, 58 Stat. 369; May 3, 1945, ch. 106, title I, § 1, 59 Stat. 115.)

§ 269a. Payment of fixed fee on construction contracts for military posts.

The fixed fee to be paid the contractor as a result of any contract for public works entered into on or after September 9, 1940, for the construction and installation of buildings, utilities, and appurtenances at military posts shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of War. (June 30, 1941, 6:20 p. m. E. S. T., ch. 262, § 1, 55 Stat. 375.)

CODIFICATION

Provisions of this section, which were from the Military Appropriation Act of 1942, were not repeated in the Military Appropriation Act of 1943, act July 2, 1942, ch. 477, 56 Stat. 612

§§ 270a–270d.

WAIVER OF SECTIONS 270a–270d BY SECRETARY OF THE TREASURY

Act July 11, 1941, ch 290, § 3 (b), 55 Stat. 585 provided sections 270a–270d might, "in the discretion of the Secretary of the Treasury, be waived with respect to contracts for the purposes enumerated in paragraph (a) of this section." Said paragraph (a) authorized the Secretary of the Treasury to enter into certain contracts for the Coast Guard during the national emergency It is set out as note preceding section 1 of Title 41, Public Contracts

§ 270e. Same; waiver of sections 270a–270d with respect to Army or Navy contracts.

Sections 270a–270d of this title may, in the discretion of the Secretary of War or the Secretary of the Navy, be waived with respect to contracts for the manufacturing, producing, furnishing, construction, alteration, repair, processing, or assembling of vessels, aircraft, munitions, matériel, or supplies of any kind or nature for the Army or the Navy, regardless of the terms of such contracts as to payment or title: *Provided*, That as to contracts of a nature which, on April 29, 1941, would have been subject to the provisions of sections 270a–270d of this title, the Secretary of War or the Secretary of the Navy may require performance and payment bonds as provided by said sections. (Apr. 29, 1941, ch. 81, 55 Stat. 147.)

§ 276a–5. Suspension of sections 276a to 276a–6 during emergency.

STABILIZATION OF WAGES AND SALARIES

Executive order stabilizing wages and salaries as inapplicable to this section, see title VI, par. 1 of Ex. Ord. No 9250 set out in note under section 901 of Appendix to Title 50, War.

§ 276a–7. Application of sections 276a to 276a–6 to contracts entered into without regard to section 5 of Title 41.

The fact that any contract authorized by any Act is entered into without regard to section 5 of Title 41, or upon a cost-plus-a-fixed-fee basis or otherwise without advertising for proposals, shall not be construed to render inapplicable the provisions of sections 276a to 276a–6 of this title, if such Act would otherwise be applicable to such contract. (Mar. 23, 1941, 12 noon, ch. 26, 55 Stat. 49; Aug. 21, 1941, ch. 395, 55 Stat. 658.)

§ 277a. Compensation for per diem employees; confirmation by Federal Works Administrator.

Under the appropriations for salaries and expenses, public buildings and grounds in and outside the District of Columbia, per diem employees may be paid at rates approved by the Commissioner of Public Buildings, not exceeding current rates for similar services in the place where such services are employed, and such employees in emergencies may be entered on duty subject to confirmation by the Federal Works Administrator. (June 27, 1942, ch. 450, title I, § 1, 56 Stat. 407; June 26, 1943, ch. 145, title I, § 1, 57 Stat. 178; June 27, 1944, ch. 286, title I, § 1, 58 Stat. 368; May 3, 1945, ch. 106, title I, § 1, 59 Stat. 114.)

§ 278b. Same; exception of certain vital leases during war or emergency.

The provisions of section 278a of this title shall not apply during war or a national emergency declared by Congress or by the President to such leases or renewals of existing leases of privately or publicly owned property as are certified by the Secretary of War or the Secretary of the Navy, or by such person or persons as he may designate, as covering premises for military, naval, or civilian purposes necessary for the prosecution of the war or vital in the national emergency. (Apr. 28, 1942, ch. 249, 56 Stat. 247.)

§ 284. Old furniture to be used.

REPEALED—Act May 31, 1941, ch 156, title II, § 1, 55 Stat. 234; act Mar. 10, 1942, ch. 178, title II, § 1, 56 Stat. 168; act June 27, 1942, ch 450, § 1, 56 Stat. 407; act June 26, 1943, ch 145, title I, § 1, 57 Stat. 178, act June 30, 1943, ch 179, title II, § 201, 57 Stat. 269; act Apr. 22, 1944, ch. 175, title II, § 1, 58 Stat. 214; act June 27, 1944, ch. 286, title I, § 1, 58 Stat. 368; act Apr. 24, 1945, ch. 92, title II, 59 Stat. 74; act May 3, 1945, ch. 106, title I, § 1, 59 Stat. 114.

§ 291. Admission of guide dogs accompanied by blind masters.

Seeing-eye dogs or other guide dogs, specially trained and educated for that purpose, accompanied by their blind masters, shall be admitted to any building or other property owned or controlled by the United States, upon the same terms and conditions, and subject to the same regulations as gen-

erally govern the admission of the public to such property: *Provided,* That such dogs shall not be permitted to run free or roam in or on such property, and shall be in guiding harness or on leash and under the control of their blind masters at all times while in or on such property. The head of each department or other agency of the United States may make such rules and regulations as he deems necessary in the public interest to carry out the provisions of this section in its application to any such building or other property subject to his jurisdiction. (Dec. 10, 1941, ch. 563, 55 Stat. 796.)

§ 292. Appropriations available for communication services serving governmental activities and services to motor vehicles; reimbursement.

The appropriations for salaries and expenses, public buildings and grounds in and outside the District of Columbia, shall be available for communication services serving one or more governmental activities, and for services to motor vehicles, and where such services, together with quarters, maintenance or other services are furnished on a reimbursable basis to any governmental activity, such activity shall make payment therefor promptly by check upon the request of the Public Buildings Administration, either in advance or after the service has been furnished, for deposit to the credit of the applicable appropriation, of all or part of the estimated or actual cost thereof, as the case may be, proper adjustment upon the basis of actual cost to be made for services paid for in advance. (May 3, 1945, ch. 106, title I, § 1, 59 Stat. 114.)

§ 293. Working capital fund for blueprinting, photostating, and duplicating services in Public Buildings Administration; reimbursement.

For the establishment of a working capital fund there is appropriated $50,000, without fiscal year limitation, for the payment of salaries and other expenses necessary to the operation of a central blueprinting, photostating, and duplicating service; said fund to be reimbursed in order to insure continuous operation, from available funds of constituents of the Federal Works Agency, or of any other Federal agency for which services are performed, at rates to be determined by the Public Buildings Administration on the basis of estimated or actual charges for personal services, materials, equipment (including maintenance, repair, and depreciation on existing as well as new equipment) and other expenses: *Provided,* That at the close of each fiscal year any excess of funds resulting from such operation, after making adequate provision for the replacement of mechanical and other equipment and for accrued annual leave of employees engaged in this work by the establishment of reserves therefor, shall be covered into the Treasury of the United States as miscellaneous receipts. (May 3, 1945, ch. 106, title I, § 1, 59 Stat. 115.)

Chapter 4.—THE PUBLIC PROPERTY

Sec.

317. Control of electric fans, water-cooling units and air-conditioning equipment in certain buildings operated by Public Buildings Administration. (New).

§ 302. Renting or selling unproductive lands or property.

CROSS REFERENCES

Three months limitation of this section not applicable to disposition of bonds, notes, and other securities acquired by judicial process, etc., see section 741a of Title 31, Money and Finance.

§ 304a. Disposition of surplus real property; assignment to governmental agency; lease; sale.

CROSS REFERENCES

Lands of certain recreational demonstration projects as subject to sections 304a, 304b–304e of this title, see sections 459r–459t of Title 16, Conservation.

§§ 311a, 312.

CROSS REFERENCES

War hazards, protection, exceptions in case of, see section 741 of Appendix to Title 50, War.

§ 313. Repairs to typewriting machines in District of Columbia.

Repairs to typewriting machines (except bookkeeping and billing machines) in the Government service in the District of Columbia and areas adjacent thereto may be made at cost by the Procurement Division, payment therefor to be effected by charging the proper appropriation and crediting the general supply fund. (As amended May 31, 1941, ch. 156, title I, § 1, 55 Stat. 226; Feb. 21, 1942, ch. 108, title I, 56 Stat. 109; Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat. 161; June 30, 1943, ch. 179, title I, 57 Stat. 262; Apr. 22, 1944, ch. 175, title I, § 1, 58 Stat. 206; Apr. 24, 1945, ch. 92, title I, 59 Stat. 67.)

AMENDMENTS

1944—Act Apr 22, 1944, cited to text, amended section by "crediting the appropriation general supply fund" instead of "crediting the appropriation 'Salaries and expenses, Procurement Division'".

§ 313a. Repair and reissue of surplus property.

The reconditioning and repair of surplus property and equipment for disposition or reissue to Government service, may be made at cost by the Procurement Division, payment therefor to be effected by charging the proper appropriation and crediting the general supply fund. (As amended May 31, 1941, ch. 156, title I, § 1, 55 Stat. 226; Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat. 161; June 30, 1943, ch. 179, title I, 57 Stat. 262; Apr 22, 1944, ch 175, title I, § 1, 58 Stat. 206; Apr. 24, 1945, ch. 92, title I, 59 Stat. 67.)

AMENDMENTS

1944—Act Apr. 22, 1944, cited to text, amended section by "crediting the appropriation general supply fund" instead of "crediting the appropriation 'Salaries and expenses, Procurement Division'".

§ 316. Disposition of securities.

CROSS REFERENCES

This section not affected by subd. (a) section 741a of Title 31, see subd. (b) of section 741 of Title 31, Money and Finance.

§ 317. Control of electric fans, water-cooling units and air-conditioning equipment in certain buildings operated by Public Buildings Administration.

Effective October 26, 1942, all electric fans, water-cooling units and air-conditioning equipment procured by a Federal activity, except Government-

owned corporations, and which are now, or may hereafter be, installed in Government-owned or leased buildings in the District of Columbia and area adjacent thereto, operated by the Public Buildings Administration, shall be and remain in the custody and under the control of said Administration without exchange of funds and irrespective of the appropriations from which such items were procured or the source from which they were obtained, and existing appropriations or, unless specifically so provided, future appropriations, other than appropriations to the Public Buildings Administration, shall not be available for the purchase or installation of the equipment enumerated herein in such buildings. (Oct. 26, 1942, ch. 629, title II, 56 Stat. 999.)

Chapter 5.—HOURS OF LABOR ON PUBLIC WORKS

§ 321. Eight-hour day on public works; river and harbor dredging; longer hours unlawful.

EX ORD NO 8623 SUSPENSION OF 8-HOUR LAW ON WORK ON BASES LEASED FROM BRITISH

Ex. Ord. No. 8623, Dec. 31, 1940, 6 F R 13, suspended the 8-hour provisions of this section as to all work authorized and performed at Army and Navy bases in British possessions in the Atlantic Ocean acquired by lease from Great Britain.

EX. ORD. NO. 9231. SUSPENSION OF 8-HOUR LAW ON CONSTRUCTION OF ALASKA DEFENSE HIGHWAYS

Ex. Ord. No. 9231, Aug 20, 1942, 7 F R. 6667, suspended the 8-hour provisions of this section as to laborers and mechanics employed by Dept of Interior and Federal Works Agency in the construction of the Glenn and Richardson Highways and the Alaska-Canada Highway in Territory of Alaska.

EX. ORD. NO. 9251. SUSPENSION OF 8-HOUR LAW ON WORK BY CIVIL AERONAUTICS ADMINISTRATION

Ex. Ord No. 9251, Oct 3, 1942, 7 F.R 7933, suspended for the duration of present war, the 8-hour provisions of this section as to the construction of landing areas, air navigation facilities and other public works undertaken by Civil Aeronautics Administration

EX. ORD. NO. 9290. SUSPENSION OF 8-HOUR LAW ON WORK BY WAR DEPARTMENT

Ex. Ord. No. 9290, Dec. 28, 1942, 7 F R 11051, suspended for duration of present emergency the 8-hour provisions of this section as to laborers and mechanics employed by the War Department on public works within the United States

EX. ORD. NO. 9313. SUSPENSION OF 8-HOUR LAW ON CONSTRUCTION OF RED MOUNTAIN CHROMITE ROAD IN ALASKA

Ex Ord No 9313, Mar 12, 1943, 8 F. R. 3133, extended the provisions of Ex. Ord. No. 9231, set out under this section, to work on the construction of Red Mountain Chromite Road in Alaska Forty-eight hour wartime workweek, see Ex. Ord. No. 9301, set out in note under section 207 of Title 29, Labor.

EX. ORD. NO. 9360. SUSPENSION OF 8-HOUR LAW ON WORK DONE BY DEPARTMENT OF THE INTERIOR

Ex Ord No. 9360, July 7, 1943, 8 F. R. 9437, suspended for the duration of the present war, the provisions of this section as to laborers and mechanics employed by the Department of the Interior on public works within the United States.

EX. ORD. NO. 9368. SUSPENSION OF 8-HOUR LAW AS TO LABORERS AND MECHANICS EMPLOYED BY DEPARTMENT OF THE INTERIOR ON PUBLIC WORKS WITHIN THE TERRITORY OF ALASKA

Ex. Ord. No. 9368, Aug. 9, 1943, 8 F. R. 11119, provided: By virtue of the authority vested in me by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (U. S. C., title 40, sec. 321) (this section), and as President of the United States, I hereby extend the provisions of Executive Order 9360 of July 7, 1943, entitled "Suspension of Eight-Hour Law as to Laborers and Mechanics Employed by the Department of the Interior on Public Works Within the United States" (note under this section), to all work performed by laborers and mechanics employed by the Department of the Interior on any public work within the Territory of Alaska which is designated by the Secretary of the Interior as essential to the prosecution of the war, subject to the conditions and limitations contained in the said Executive order

EX ORD NO 9401. SUSPENSION OF SECTION ON WORK BY DEPARTMENT OF AGRICULTURE INCLUDING WAR FOOD ADMINISTRATION

Ex. Ord. No. 9401, Dec. 7, 1943, 8 F. R. 16773, suspended for the duration of the war the 8-hour provisions of this section with respect to laborers and mechanics employed by the Department of Agriculture, including the War Food Administration

EX. ORD. NO. 9441. SUSPENSION OF EIGHT-HOUR LAW AS TO LABORERS AND MECHANICS EMPLOYED BY THE VETERANS' ADMINISTRATION ON PUBLIC WORK WITHIN THE UNITED STATES

Ex. Ord. No. 9441, May 11, 1944, 9 F. R. 5101, suspended for the duration of the war the 8-hour provisions of this section with respect to laborers and mechanics employed by the Veterans' Administration.

§ 325. Same; contracts excepted; work included; waiver in time of war; when penalty not to be imposed; eight-hour law not affected.

Nothing in section 324 of this title shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States: *Provided,* That all classes of work which have been, or may be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section 324 of this title. The President, by Executive Order, may waive the provisions and stipulations in this section and section 324 of this title as to any specific contract or contracts during time of war or a time when war is imminent. No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable. Nothing in this section or section 324 of this title shall be construed to repel or modify sections 321–323 of this title, or apply to contracts entered into under the provisions of appropriation Acts approved prior to June 19. 1912. (June 19, 1912, ch. 174, § 2, 37 Stat. 138.)

CODIFICATION

Words ", and until January first, nineteen hundred and fifteen, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal" were omitted from the second sentence of the proviso following "war is imminent" as executed.

§ 326. Suspension of eight-hour law in case of emergency; overtime pay.

WORK ON MARITIME COMMISSION CONTRACTS

Res. June 16, 1942, ch. 416, 56 Stat 370, extended provisions of act Oct. 10, 1940, ch. 838, 54 Stat. 1092, until six months after the end of the present war shall have been proclaimed, or such earlier time as Congress by concurrent resolution or the President may designate.

EX. ORD. NO 9240. REGULATIONS RELATING TO OVERTIME WAGE COMPENSATION

Ex Ord. No. 9240, Sept. 9, 1942, 7 F. R. 7159, as amended Ex. Ord No. 9248, Sept. 17, 1942, 7 F. R. 7419; Ex. Ord. No. 9600, Aug. 20, 1945, 10 F. R. 10158, revoked by Ex. Ord. No. 9601, Aug. 21, 1945, 10 F. R. 10275.

CROSS REFERENCES

Forty-eight hour wartime workweek, see Ex. Ord. No. 9301, set out in note under section 207 of Title 29, Labor.

Chapter 8.—EMERGENCY PUBLIC WORKS AND CONSTRUCTION PROJECTS

RESETTLEMENT OR RURAL-REHABILITATION PROJECTS

Sec.
435 Reports to Congress on liquidation of rural rehabilitation projects (New)

FEDERAL EMERGENCY ADMINISTRATION

§ 410. Issue of securities; sinking fund.

* * * * *

(b) For each fiscal year beginning with the fiscal year 1934 there is hereby appropriated, in addition to and as part of, the cumulative sinking fund provided by section 767 of Title 31, out of any money in the Treasury not otherwise appropriated, for the purpose of such fund, an amount equal to 2½ per centum of the aggregate amount of the expenditures made out of appropriations made or authorized under sections 401–414 of this title as determined by the Secretary of the Treasury. (June 16, 1933, ch. 90, title II, § 210, 48 Stat. 206.)

RESETTLEMENT OR RURAL-REHABILITATION PROJECTS

§§ 431–432.

TRANSFER OF FUNCTIONS

Farm Security Administration consolidated with other agencies into the National Housing Agency during present war, see Ex. Ord No. 9070, set out in note under section 601 of Appendix to Title 50, War.

§ 433. Payment in lieu of taxes from appropriations for and receipts from projects.

TRANSFER OF FUNCTIONS

Farm Security Administration consolidated with other agencies into the National Housing Agency during present war, see Ex. Ord. No. 9070, set out in note under section 601 of Appendix to Title 50, War.

EXCEPTION TO SECTION

Receipts derived from use of agricultural labor supply centers as excepted from this section, see section 1355 (d) of Appendix to Title 50, War.

§ 434. Dedication and grants in connection with projects.

TRANSFER OF FUNCTIONS

Farm Security Administration consolidated with other agencies into the National Housing Agency during present war, see Ex. Ord No. 9070, set out in note under section 601 of Appendix to Title 50, War.

The powers and functions vested in the President by this section were transferred to and vested in the Secretary of Agriculture by Ex. Ord No. 9315, March 15, 1943, set out under section 601 of Appendix to Title 50, War.

§ 435. Reports to Congress on liquidation of rural rehabilitation projects.

The War Food Administrator shall transmit to the Congress semiannually a progress report with respect to the liquidation of Federal rural rehabilitation projects, under his supervision, showing by name and by States all dispositions of such projects, or parts thereof, together with the amounts of Federal funds expended in the process of liquidation, and any losses incurred in the use of such funds. (July 12, 1943, ch. 215, § 1, 57 Stat. 425; June 28, 1944, ch 296, § 1, 58 Stat. 456; May 5, 1945, ch 109, § 1, 59 Stat. 160.)

TITLE 40.—APPENDIX

Rules and Regulations

Implementing

TITLE 40, PUBLIC BUILDINGS, PROPERTY, AND WORKS

With Amendments to January 3, 1945

AFFIDAVITS AND PAYMENT OF WAGES BY CONTRACTORS

GENERAL REVISION OF REGULATIONS

Sec.

2.1 Purpose and scope.
2.2 Definitions.
2.3 Weekly affidavit with respect to payment of wages.
2.4 Submission of weekly affidavits and sub-contract summaries.
2.5 Pay roll deductions.
2.6 Regulations part of contract.
2.7 Opinions relating to the regulations.
2.8 Existing regulations superseded: Effective date.

These regulations, promulgated Feb. 3, 1942, 7 F R 687, by the Secretary of Labor pursuant to 40 U. S C § 276c, repealed prior regulations §§ 2.1-2.4, and substituted the following regulations

§ 2.1 Purpose and scope.

(a) The regulations in this part are promulgated to aid in the enforcement of the Copeland Act (48 Stat. 948), 40 U. S. C. §§ 276b, 276c, and to effectuate the purpose of the Davis-Bacon Act (49 Stat. 1011, as amended), 40 U. S. C. §§ 276a to 276a–5 and certain other statutes concerning rates of pay for labor;

(b) The regulations in this part shall be applicable within the geographical limits of the States of the Union, the District of Columbia, the Territory of Alaska, and the Territory of Hawaii. (As added Feb. 3, 1942, 7 F R 687.)

§ 2.2 Definitions.

As used in the regulations in this part:

(a) The terms "building" or "work" generally include construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work. The terms include, without limitation, buildings, structures, and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, railways, ships, vessels, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals; dredging, shoring, scaffolding, drilling, blasting, excavating, clearing, and landscaping. Unless conducted in connection with and at the site of such a building or work as is described in the foregoing sentence, the manufacture or furnishing of materials, articles, supplies, or equipment (whether or not a Federal or State agency acquires title to such materials, articles, supplies, or equipment during the course of the manufacture or furnishing, or owns the materials from which they are manufactured or furnished) is not a "building" or "work" within the meaning of the regulations in this part.

(b) The terms "construction", "prosecution", "completion", or "repair" mean all types of work done on a particular building or work at the site thereof, including, without limitation, altering, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of the building or work, by persons employed at the site by the contractor or subcontractor

(c) The terms "public building" or "public work" include building or work for whose construction, prosecution, completion, or repair, as defined above, a Federal agency is a contracting party, regardless of whether title thereof is in a Federal agency.

(d) The term "building or work financed in whole or in part by loans or grants from the United States" includes building or work for whose construction, prosecution, completion, or repair, as defined above, payment or part payment is made from funds of any Federal agency and for which a Federal or State agency is a contracting party or for which minimum wages are predetermined by Federal, State or local agencies.

(e) Every person paid by a contractor or subcontractor in any manner for his labor in the construction, prosecution, completion, or repair of a public building or public work or building or work financed whole or in part by loans or grants from the United States, is "employed" and receiving "wages," regardless of any contractual relationship alleged to exist between him and the real employer.

(f) The term "any affiliated person" includes a spouse, child, parent, or other close relative of the contractor or subcontractor; a partner or officer of the contractor or subcontractor; a corporation closely connected with the contractor or subcontractor as parent, subsidiary, or otherwise, and an officer or agent of such corporation.

(g) The term "Federal agency" means the United States, the District of Columbia, and all executive departments, independent establishments, administrative agencies, and instrumentalities of the United States and of the District of Columbia, including corporations, all or substantially all of the stock of which is beneficially owned by the United States, by the District of Columbia, or any of the foregoing departments, establishments, agencies, and instrumentalities. (As added Feb. 3, 1942, 7 F. R 687; amended Feb. 11, 1942, 7 F. R. 925; Apr. 4, 1942, 7 F. R. 2591; May 6, 1942, 7 F. R. 3358.)

AMENDMENTS

1942—Regulation of the Secretary of Labor, Feb. 11, 1942, 7 F. R. 925, amended paragraph (e) of this section by inserting after "public work" the words "or building or work financed in whole or in part by loans or grants from the United States"

Regulation of the Secretary of Labor, Apr 4, 1942, 7 F. R 2591, amended paragraph (d) of this section by adding at the end "or for which minimum wages are predetermined by Federal, State or local agencies"

Regulation of the Secretary of Labor, May 6, 1942, 7 F. R 3358, amended paragraph (b) of this section by striking out "except as herein provided" after "without limitation"; and by striking out the last sentence which, as originally promulgated, read: "By way of limitation, the terms herein defined shall not include the installation of machinery, machine tools, or other apparatus, when such installation does not involve a substantial amount of construction, alteration, or remodeling of the building or work, nor shall they include the retooling or fabrication of machinery in the regular plants of concerns not ordinarily engaged in construction activities."

§ 2.3 Weekly affidavit with respect to payment of wages.

(a) As used in this section, the term "employee" shall not apply to persons in classifications higher than that of laborer or mechanic and those who are the immediate supervisors of such employees.

(b) Each contractor or subcontractor engaged in the construction, prosecution, completion, or repair of any public building or public work, or building or work financed in whole or in part by loans or grants from a Federal agency, shall furnish each week a sworn affidavit with respect to the wages paid each of its employees engaged on work covered by these regulations during the preceding weekly pay roll period. The affidavit shall be executed and sworn to by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages, and shall be in the following form:

State of _____

County of _____, ss:

I, _____ (name of party signing affidavit), _____ (title), being duly sworn, do depose and say: That I pay or supervise the payment of the persons employed by _____ (contractor or subcontractor) on the _____ (building or work); that the attached pay roll sets out accurately and completely the name, occupation, and hourly wage rate of each person so employed for the weekly pay roll period from the _____ day of _____, 194___, to the _____ day of _____, 194___, the total number of hours worked by him during such period, the full weekly wages earned by him and any deductions made from such weekly wages, and the actual weekly wages paid to him; that no rebates have been or will be made either directly or indirectly to or on behalf of said _____ (contractor or subcontractor) from the full weekly wages earned as set out on the attached pay roll; and that no deductions, other than the permissible deductions (as defined in the Regulations under the "Kickback" Act (48 Stat. 948)) described in the following paragraph of this affidavit, have been made or will be made, either directly or indirectly, from the full weekly wages earned as set out on the attached pay roll.

(Paragraph describing deductions, if any)

_____

(Signature and title)

Sworn to before me this _____ day of _____, 194___.

(c) Upon a written finding by the head of a Federal agency, the Secretary of Labor may provide reasonable limitations, variations, tolerances, and exemptions from the requirements of this section subject to such conditions as the Secretary of Labor may specify. (As added Feb. 3, 1942, 7 F R 687.)

§ 2.4 Submission of weekly affidavits and subcontract summaries.

(a) Each weekly affidavit shall be delivered by the contractor or subcontractor, within seven days after the regular payment date of the pay roll period, to a representative of a Federal or State agency in charge at the site of the building or work, or, if there is no representative of a Federal or State agency at the site of the building or work, the affidavit shall be mailed by the contractor or subcontractor, within such time, to a Federal or State agency contracting for or financing the building or work. After such examination and check as may be made, such affidavit, or a copy thereof, together with a report of any violation, shall be transmitted to the United States Department of Labor at Washington, D. C., unless otherwise arranged with the Department of Labor.

(b) Each contractor or subcontractor shall, within seven days after the making of any subcontract with another person concerning the construction, prosecution, completion, or repair of any public building or public work or work or building financed in whole or in part by loans or grants from the United States, deliver to the local or national Government representative in charge at the site of the building or work, or, if there is no Government representative, shall mail within such time to the Federal agency contracting for or financing the building or work, an affidavit setting forth the name and address of his subcontractor and a summary description of the precise work subcontracted. (As added Feb. 3, 1942, 7 F R. 687.)

§ 2.5 Pay roll deductions.

(a) Deductions for the following purposes are permissible:

(1) Where required by Federal, State, or local statutes or ordinances to be made by the employer from the wages earned by the employee;

(2) Bona fide prepayment of wages without discount or interest;

(3) Deductions required by court process provided that the contractor or subcontractor will not be permitted to make such a deduction in favor of the contractor, subcontractor, or any affiliated person or where collusion or collaboration exists.

(b) Any deduction is also permissible which in fact meets the following standards and with respect to which the contractor or subcontractor shall have made written application by registered mail to the Secretary of Labor, a copy of which application shall be sent to the contracting agency by the contractor or subcontractor, setting forth all the pertinent facts indicating that such deductions will meet the following standards:

(1) That such deduction is not prohibited by other law; and

(2) That such deduction is (i) voluntarily consented to by the employee in writing and in advance of the period in which the work was done, and that consent to the deduction is not a condition either for the obtaining of or for the continuance of employment; or (ii) that such deduction is for the benefit of the employees or their labor organization through which they are represented and is provided for in a bona fide collective bargaining agreement; and

(3) That from such deduction no payment is made to, nor profit or benefit is obtained directly or indirectly by the contractor or subcontractor or any affiliated person, and that no portion of the funds, whether in the form of a commission or otherwise, will be returned to the contractor or subcontractor or to any affiliated person; and

(4) That the convenience and interest of the employees are served thereby, and that such or similar deductions have been customary in this or comparable situations.

(c) After application in good faith, the deduction may be made in accordance with the foregoing standards: *Provided, however,* That if the Secretary of Labor, on his own motion, or on the application of any person or agency affected by the granting of the application, shall conclude at any time, after written notice to the applicant and an opportunity for him to present his views in support of the deduction, that the deduction has not met the foregoing standards, such deduction shall cease to be "permissible" seven days after the applicant and the Federal agency concerned have been notified of the Secretary's decision.

(d) Upon application to and prior written permission from the Secretary of Labor, and subject to the standards set forth in paragraph (b) (1), (2) and (4) hereof, deductions may be made by a contractor or subcontractor or any affiliated person, for membership fees in group benefit or retirement associations; for board and lodging; or for other purposes where the Secretary of Labor concludes the deduction is required by compelling circumstances: *Provided, however,* the contractor, subcontractor, or any affiliated person does not make a profit or benefit directly or indirectly from the deduction. A copy of the Secretary's decision shall be sent to the applicant and the Federal agency concerned.

(e) In accordance with and subject to the standards set forth in subparagraphs (1) through (4) of paragraph (b) of this section, general permission is hereby granted to make pay roll deductions for:

(1) The payment of the purchase price of United States Defense Stamps and Bonds and United States Tax Savings Notes;

(2) The repayment of loans to or the purchase of shares in credit unions organized and operated in accordance with District of Columbia, Federal, or State credit union statutes.

(3) Contributions to a federal governmental or quasi-governmental agency.

(f) In any case in which the employee does not have full and actual freedom of disposition of his wage payment, whether made in cash or by check, any restricted payment made to the employee is considered a deduction under the regulations in this part.

(g) Nothing herein shall be construed to permit any deduction which the contractor or subcontractor knew, or in the exercise of good faith should have known, did not meet the foregoing standards. In order to insure compliance with this section, the Secretary of Labor may notify the contractor or subcontractor that the deduction will be permitted only if certain conditions with respect thereto are observed. The contractor or subcontractor or any affiliated person shall also comply with such general rules and regulations concerning the deductions as the Secretary of Labor shall make from time to time, notice of which shall have been given to the contractor or subcontractor or any affiliated person making the deduction and to the Federal agency concerned either directly or through publication in the FEDERAL REGISTER. (As added Feb. 3, 1942, 7 F. R. 688.)

§ 2.6 Regulations part of contract.

All contracts made with respect to the construction, prosecution, completion, or repair of any public building or public work or building or work financed in whole or in part by loans or grants from the United States covered by the regulations in this part shall expressly bind the contractor or subcontractor to comply with such of the regulations in this part as may be applicable. (As added Feb. 3, 1942, 7 F. R. 688; amended Feb. 11, 1942, 7 F. R. 925; Apr. 4, 1942, 7 F. R. 2591.)

AMENDMENTS

1942—Regulation of the Secretary of Labor, Feb. 11, 1942, 7 F. R. 925, inserted after "work" the words "or building or work financed in whole or in part by loans or grants from the United States."

§ 2.7 Opinions relating to the regulations.

The Secretary of Labor will furnish an opinion regarding the coverage of any specific project or with respect to the application of any provision of the regulations in this part at the request of any Federal or State agency. (As added Feb. 3, 1942, 7 F. R. 688.)

§ 2.8 Existing regulations superseded: Effective date.

The regulations in this part shall supersede all existing regulations issued under the Copeland Act, 40 U.S.C. §§ 276b, 276c, on April 30, 1942, and thereafter shall govern all new contracts and all uncompleted portions of contracts and subcontracts which were awarded subsequent to June 13, 1934: *Provided, however,* That parties to such contracts or subcontracts may comply with the regulations in this part before April 30, 1942. (As added Feb. 3, 1942, 7 F. R. 688; amended Apr. 4, 1942, 7 F. R. 2591.)

AMENDMENTS

1942—Regulation of the Secretary of Labor, Apr. 4, 1942, 7 F. R 2591, amended this section by deleting the words "sixty (60) days after their publication in the Federal Register" after "Copeland Act" and inserting in lieu thereof the words "on April 30, 1942,"; and by deleting the words "before the expiration of the sixty (60) day period," in the proviso and by inserting in lieu thereof the words "before April 30, 1942."

TITLE 41.—PUBLIC CONTRACTS

Chap. Sec.
2. Termination of War Contracts (New)..... 101

Chapter 1.—GENERAL PROVISIONS

Sec.
20b. Same; exemption of leases, contracts, etc., concerning use of lands or waters under jurisdiction of Department of Interior (New).
49. Defense employment; honorable discharge from land and naval forces as equivalent to birth certificate (New).
50. Same; "defense contractor" defined New).

WAR AND DEFENSE CONTRACTS

Acts June 28, 1940, July 2, 1940, July 11, 1941, April 28, 1942, as amended, formerly set out preceding section 1 of this title, have become sections 1151-1191 of Appendix to Title 50, War

§§ 1-4a. Repealed. Oct. 21, 1941, ch. 452, 55 Stat. 743.

§ 5. Advertisements for proposals for purchases and contracts for supplies or services for departments of Government.

SMALLER WAR PLANTS CORPORATION

Procurement of supplies, equipment, and services are not within section 5 of this title where amount does not exceed $300 under acts June 28, 1944, ch. 301, 58 Stat. 534, July 17, 1945, ch. 319, § 1, 59 Stat. 480.

CROSS REFERENCES

Authority of Secretary of War to appoint civilian employees and to transfer such employees in Federa Service to foreign service, see section 763 of Appendix to Title 50, War.

District of Columbia public works projects excepted, see section 1563 of Title 42, The Public Health and Welfare

Employment of necessary personnel, etc, by War Department for national defense without compliance with this section, see section 772 of Appendix to Title 50, War.

Exception in case of strategic network of highways, see section 114 of Title 23, Highways

§ 6. Same; exceptions to section 5 limited only as to amounts involved.

* * * * *

(b) Amount not exceeding $50.

* * * * *

(1) The Administrative Office of the United States Courts.

* * * * *

(19) The Weather Bureau.

(c) Amount not exceeding $100.

* * * * *

(1) Office of Administrator of Civil Aeronautics.

* * * * *

(4a) The Immigration and Naturalization Service in the field.

(4b) The Librarian of Congress.

* * * * *

(June 28, 1941, ch. 258, titles II, III, IV, 55 Stat. 281, 289, 292 302; June 8, 1942, ch. 396, § 1, 56 Stat. 347; July 2, 1942, ch. 472, titles II, III, 56 Stat. 483; June 28, 1943, ch. 173, titles I, II, 57 Stat. 236, 243; June 26, 1944, ch. 277, title I, § 1, title II, § 201, 58 Stat. 351, 358; June 13, 1945, ch. 189, § 1, 59 Stat. 256.)

AMENDMENTS

1944—Subsecs. (b) (1) and (c) (4b) were reaffirmed by act June 26, 1944, cited to text.

1943—Subsec. (b). Provisions respecting "The Administrative Office of the United States Courts" were reaffirmed by act June 28, 1943, cited to text.

1942—Subsec (b) Provisions respecting "The Administrative Office of the United States Courts" were reaffirmed by act July 2, 1942, cited to text.

Provisions relating to the Immigration Service in the field, formerly codified as subsec. (b) (8a), now constitute a portion of subsec (c).

Provisions relating to Weather Bureau were reaffirmed by act July 2, 1942, cited to text.

Subsec. (c). The Librarian of Congress was added upon authority of act June 8, 1942, cited to text, and his authority renewed in act June 28, 1943, cited to text.

"The Immigration and Naturalization Service in the field" was inserted upon authority of act July 2, 1942, cited to text, which increased the amount of exception from section 5 of this title from $50, as formerly authorized by act June 28, 1941, title III, cited to text, to $100

1941—Subsec (b) "The Immigration and Naturalization Service in the field" was inserted upon authority of act June 28, 1941, cited to text.

The Weather Bureau was added upon authority of act June 28, 1941, cited to text

Provisions respecting "The Administrative Office of the United States" were reaffirmed by act June 28, 1941, cited to text

Subsec (c). "The Civil Aeronautics Board" was changed to "Office of Administrator of Civil Aeronautics" upon authority of act June 28, 1941, ch 258, title II, 55 Stat 281

OFFICE OF DEFENSE HEALTH AND WELFARE SERVICES

Purchases made by, or services rendered for, are not within section 5 of this title when amount involved does not exceed $100, under act July 25, 1942, ch 524, title I, 56 Stat 708

WAR MANPOWER COMMISSION

Purchases made by, or services rendered for, are not within section 5 of this title when amount involved does not exceed $100, under act July 25, 1942, ch. 524, title I, 56 Stat 709.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Provisions respecting "The Administrative office of the United States Courts" were repeated by the following acts, cited to text: June 28, 1941; July 2, 1942, June 28, 1943

§ 6a. Same; exceptions to section 5 limited to particular agencies under specified circumstances.

* * * * *

(m) Bureau of Mines—to any purchase or service rendered in the investigation of domestic sources of mineral supply, when the amount involved does not exceed $500. (As amended June 28, 1941, ch 259, § 1, 55 Stat. 344.)

* * * * *

AMENDMENTS

1941—Subsec. (m). Provision respecting "Bureau of Mines" was reaffirmed by act June 28, 1941, cited to text.

LEASES FOR FOREIGN SERVICE OFFICES

Secretary of State authorized to enter into leases for Foreign Service offices and grounds for periods not ex-

ceeding ten years without regard to section 5 of this title by acts June 29, 1939, ch 248, title I, 53 Stat. 888, May 14, 1940, ch 189, title I, 54 Stat 184, June 28, 1941, ch 258, title I, 55 Stat. 268, July 2, 1942, ch 472 title I, 56 Stat 471; July 1, 1943, ch. 182, title I, § 1, 57 Stat 274; June 28, 1944, ch. 294, title I, § 1, 58 Stat. 398, 401; May 21, 1945, ch. 129, title I, 59 Stat. 172. For earlier provisions touching same matter consult prior appropriation acts.

OFFICE OF CENSORSHIP

Purchases made by, or services rendered for, are not within section 5 of this title when amount involved does not exceed $500 outside continental limits of the United States, under acts July 25, 1942, ch 524, title I, 56 Stat. 707; July 12, 1943, 3 p m., E. W. T., ch 228, § 1, 57 Stat. 524; June 28, 1944, ch. 301, title I, § 1, 58 Stat. 534.

EMPLOYEES' COMPENSATION COMMISSION

Purchases made by, or services rendered for, are not within section 5 of this title when amount involved does not exceed $500 outside continental United States, under acts July 2, 1942, ch. 475, title III, 56 Stat 589, July 12, 1943, ch. 221, title III, 57 Stat. 514, June 28, 1944, ch 302, title III, 58 Stat 567; July 3, 1945, ch. 263, title III, 59 Stat. 374.

FURNISHINGS FOR DIPLOMATIC ESTABLISHMENTS

Expenditures for furnishings made from appropriations granted pursuant to sections 292-294, 295, 296, 297 of Title 22 and subsequent provisions providing funds for buildings for the use of diplomatic and consular establishments of the United States, were authorized without regard to section 5 of this title by acts June 26, 1943, ch. 182, title I, § 1, 57 Stat. 277; June 28, 1944, ch 294, title I, § 1, 58 Stat. 398

NAVAL PLANTATIONS OUTSIDE CONTINENTAL UNITED STATES

Purchases may be made of equipment, material, and supplies without regard to section 5 of this title under act June 28, 1944, ch 306, 58 Stat 624

OFFICE OF VOCATIONAL REHABILITATION

Purchases made by or services rendered for, are not within section 5 of this title when the aggregate amount does not exceed $400, under acts June 28, 1944, ch. 302, title II, 58 Stat. 663, July 3, 1945, ch 263, title II, 59 Stat. 374.

PETROLEUM ADMINISTRATOR FOR WAR

Purchases made by, or services rendered for, are not within section 5 of Title 41, when aggregate amount involved does not exceed $300 under act June 28, 1944, ch 301, title I, 58 Stat. 534

SOLID FUELS ADMINISTRATOR FOR WAR

Purchases made by, or services rendered for, are not within section 5 of Title 41, when aggregate amount involved does not exceed $300 under acts June 28, 1944, ch. 298, § 1, 58 Stat. 467, July 17, 1945, ch. 319, § 1, 59 Stat. 483

§ 6b. Same; miscellaneous exceptions to section 5.

* * * * *

(e) Employment of technical personnel or firms by Governor of Panama Canal.

The Governor of the Panama Canal is hereby authorized to employ by contract or otherwise without regard to section 5 of this title, and at such rates (not to exceed $50 per day for individuals exclusive of necessary travel expenses) as he may determine, the services of architects, engineers, and other technical and professional personnel, or firms or corporations thereof, as may be necessary. (As amended Apr. 28, 1942, ch. 246, § 5, 56 Stat. 225; June 2, 1943, ch. 115, § 4, 57 Stat. 99; June 26, 1944, ch. 275, § 4, 58 Stat. 333; Mar. 31, 1945, ch. 45, § 4, 59 Stat. 45.)

AMENDMENTS

1943—Act June 2, 1943, cited to text, amended subsec. (e).

1942—Act April 28, 1942, cited to text, added subsec. (e).

§ 7. Miscellaneous supplies.

ARCHITECT OF THE CAPITOL

The Legislative Branch Appropriation Act, 1946, act June 13, 1945, ch 189, § 1, 59 Stat. 252, provided in part that the appropriations under the control of the Architect could be expended without reference to this section. Similar provisions have been carried in prior Legislative Branch Appropriation Acts.

§ 7c. General supply fund; expenditures; reimbursements; report and audit; payments for supplies procured for field service.

INCREASE OF GENERAL SUPPLY FUND

Act Apr. 1, 1944, ch. 152, title I, § 1, 58 Stat. 162, provided in part: "To increase the general supply fund established by the Act approved February 27, 1929, as amended (41 U.S.C. 7c) $1,000,000: *Provided*, That the loan of $2,000,000 made by the War Department to the Procurement Division for financing the typewriter procurement program need not be repaid by such Division and shall be retained as a permanent increase in the general supply fund."

§ 16. Repealed. Oct. 21, 1941, ch. 452, 55 Stat. 743.

§§ 16a–16d. Written contracts, exceptions to former section 16.

CODIFICATION

Section 16a, authorizing purchases by Department of Interior without compliance with former section 16 of this title, was based on acts June 25, 1910, ch. 431, § 23, 36 Stat 861, May 18, 1916, ch. 125, § 1, 39 Stat. 126, Jan 12, 1927, ch 27, 44 Stat 936 Similar provisions are included in section 6a (g) of this title, making purchases not subject to section 5.

Section 16b, authorizing purchases by Botanic Garden without compliance with former section 16 of this title, was based on acts Apr 17, 1936, ch 233, § 1, 49 Stat 1226, May 18, 1937, ch 223, 50 Stat. 181; May 17, 1938, ch 236, § 1, 52 Stat 393; June 16, 1939, ch 208, § 1, 53 Stat. 834; June 18, 1940, ch 396, § 1, 54 Stat. 474. Similar provisions are included in section 6a (b) of this title, making purchases not subject to section 5

Section 16c, authorizing purchases by Architect of Capitol without compliance with former section 16 of this title was based on act May 13, 1926, ch 294, § 1, 44 Stat 547. Similar provisions are included in section 6a (o) of this title, making purchases not subject to section 5.

Section 16d, authorizing purchases by Bureau of Reclamation without compliance with former section 16 of this title, was based on act Aug. 4, 1939, ch. 418, § 13, 53 Stat 1197 Similar provisions are included in section 6a (n) of this title, making purchases not subject to section 5.

See also notes to section 380a of Title 43, Public Lands

§§ 17–19. Repealed. Oct. 21, 1941, ch. 452, 55 Stat. 743.

§ 20b. Same; exemption of leases, contracts, etc., concerning use of lands or waters under jurisdiction of Department of Interior.

Leases, permits, licenses, contracts, agreements, and other instruments providing for payments to the United States on account of the use of lands or waters under the jurisdiction of the Department of the Interior, or on account of the sale of products of such lands or waters, or on account of other transactions incident to the administration of such lands or waters, including contributions by cooperators, but excluding sales of used equipment, shall be exempt from the provisions of section 20 of this title, when the lease or other instruments do not require payment to the Government in excess of $300 in any one fiscal year: *Provided, however*, That the Secretary of the Interior may prescribe from time to time regulations requiring that originals or copies of any class or group of documents within

the foregoing exemption, in the circumstances and upon the conditions designated by him in such regulations, shall be deposited in the General Accounting Office for audit purposes. (Nov. 28, 1943, ch. 328, 57 Stat. 592.)

§ 23. Orders or contracts for material placed with Government-owned establishments deemed obligations.

All orders or contracts for work or material or for the manufacture of material pertaining to approved projects heretofore or hereafter placed with Government-owned establishments shall be considered as obligations in the same manner as provided for similar orders or contracts placed with commercial manufacturers or private contractors, and the appropriations shall remain available for the payment of the obligations so created as in the case of contracts or orders with commercial manufacturers or private contractors. (June 5, 1920, ch. 240, 41 Stat. 975; July 1, 1922, ch. 259, 42 Stat. 812; June 2, 1937, ch. 293, 50 Stat. 245.)

§ 35. Contracts for materials, etc., exceeding $10,000; representations and stipulations.

* * * * *

(c) That no person employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract shall be permitted to work in excess of eight hours in any one day or in excess of forty hours in any one week: *Provided*, That the provisions of this subsection shall not apply to any employer who shall have entered into an agreement with his employees pursuant to the provisions of paragraphs 1 or 2 of subsection (b) of section 207 of Title 29. (As amended May 13, 1942, ch. 306, 56 Stat. 277.)

* * * * *

AMENDMENTS

1942—Act May 13, 1942, cited to text, added proviso in subsec. (c).

§ 40. Same; exceptions; modification of contracts; variations; overtime; suspension of representations and stipulations.

STABILIZATION OF WAGES AND SALARIES

Executive order stabilizing wages and salaries as inapplicable to sections 35–45 of this title, see title VI, par 1, of Ex Ord No. 9250 set out in note under section 901 of Appendix to Title 50, War.

§ 49. Defense employment; honorable discharge from land and naval forces as equivalent to birth certificate.

No defense contractor shall deny employment, on account of failure to produce a birth certificate, to any person who submits, in lieu of a birth certificate, an honorable discharge certificate or certificate issued in lieu thereof from the Army, Navy, Marine Corps, or Coast Guard of the United States, unless such honorable discharge certificate shows on its face that such person may have been an alien at the time of its issuance. (June 22, 1942, ch. 432, § 1, 56 Stat. 375.)

CROSS REFERENCES

War and defense contracts generally, see sections 1151 et seq. of Appendix to Title 50, War.

§ 50. Same; "defense contractor" defined.

As used in sections 49 and 50 of this title the term "defense contractor" means an employer engaged in—

(1) the production, maintenance, or storage of arms, armament, ammunition, implements of war, munitions, machinery, tools, clothing, food, fuel, or any articles or supplies, or parts or ingredients of any articles or supplies; or

(2) the construction, reconstruction, repair, or installation of a building, plant, structure, or facility;

under a contract with the United States or under any contract which the President, the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission certifies to such employer to be necessary to the national defense. (June 22, 1942, ch. 432, § 2, 56 Stat. 376.)

CROSS REFERENCES

War and defense contracts generally, see sections 1151 et seq. of Appendix to Title 50, War.

Chapter 2.—TERMINATION OF WAR CONTRACTS (New)

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§ 101. Declaration of policy.

The Congress declares that the objectives of this chapter are—

(a) to facilitate maximum war production during the war, and to expedite reconversion from war production to civilian production as war conditions permit;

(b) to assure to prime contractors and subcontractors, small and large, speedy and equitable final settlement of claims under terminated war contracts, and adequate interim financing until such final settlement;

(c) to assure uniformity among Government agencies in basic policies and administration with respect to such termination settlements and interim financing;

(d) to facilitate the efficient use of materials, manpower, and facilities for war and civilian purposes by providing prime contractors and subcontractors with notice of termination of their war contracts as far in advance of the cessation of work thereunder as is feasible and consistent with the national security;

(e) to assure the expeditious removal from the plants of prime contractors and subcontractors of termination inventory not to be retained or sold by the contractor;

(f) to use all practicable methods compatible with the foregoing objectives to prevent improper payments and to detect and prosecute fraud. (July 1, 1944, ch. 358, § 1, 58 Stat 649.)

SHORT TITLE

Section 27 of act July 1, 1944, cited to text, provided: "This Act [sections 101-125 of this title] may be cited as the 'Contract Settlement Act of 1944'."

SEPARABILITY PROVISIONS

Section 26 of act July 1, 1944, cited to text, provided: "If any provision of this Act [sections 101-125 of this title], or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act [sections 101-125 of this title] or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

CROSS REFERENCES

Renegotiation of war contracts, see section 1191 of Appendix to Title 50, War.

Repricing of war contracts, see section 1192 of Appendix to Title 50, War

Surplus Property Act of 1944, see sections 1611-1646 of Appendix to Title 50, War.

War Mobilization and Reconversion Act of 1944, see sections 1651-1678 of Appendix to Title 50, War

§ 102. Surveillance by Congress; reports to Congress.

(a) To assist the Congress in appraising the administration of this chapter and in developing such amendments or related legislation as may further be necessary to accomplish the objectives of this chapter, the appropriate committees of the Senate and the House of Representatives shall study each report submitted to the Congress under this chapter and shall otherwise maintain continuous surveillance of the operations of the Government agencies under this chapter.

(b) In January, April, July, and October of each year, the Director shall submit to the Senate and House of Representatives a quarterly progress report on the exercise of his duties and authority under this chapter, the status of contract terminations, termination settlements, and interim financing and such other pertinent information on the administration of this chapter as will enable the Congress to evaluate its administration and the need for amendments and related legislation. (July 1, 1944, ch. 358, § 2, 58 Stat. 649.)

CROSS REFERENCES

Separability provisions and short title, see note under section 101 of this title.

§ 103. Definitions.

As used in this chapter—

(a) The term "prime contract" means any contract, agreement, or purchase order heretofore or hereafter entered into by a contracting agency and connected with or related to the prosecution of the war; and the term "prime contractor" means any holder of one or more prime contracts.

(b) The term "subcontract" means any contract, agreement, or purchase order heretofore or here-

after entered into to perform any work, or to make or furnish any material to the extent that such work or material is required for the performance of any one or more prime contracts or of any one or more other subcontracts; and the term "subcontractor" means any holder of one or more subcontracts.

(c) The term "war contract" means a prime contract or a subcontract; and the term "war contractor" means any holder of one or more war contracts.

(d) The terms "termination", "terminate", and "terminated" refer to the termination or cancelation,[1] in whole or in part, of work under a prime contract for the convenience or at the option of the Government (except for default of the prime contractor) or of work under a subcontract for any reason except the default of the subcontractor.

(e) The term "material" includes any article, commodity, machinery, equipment, accessory, part, component, assembly, work in process, maintenance, repair, and operating supplies, and any product of any kind.

(f) The term "Government agency" means any executive department of the Government, or any administrative unit or subdivision thereof, any independent agency or any corporation owned or controlled by the United States in the executive branch of the Government, and includes any contracting agency.

(g) The term "contracting agency" means any Government agency which has been or hereafter may be authorized to make contracts pursuant to section 611 of Appendix to Title 50, and includes the Reconstruction Finance Corporation and any corporation organized pursuant to sections 601–617 of Title 15, the Smaller War Plants Corporation, and the War Production Board

(h) The term "termination claim" means any claim or demand by a war contractor for fair compensation for the termination of any war contract and any other claim under a terminated war contract, which regulations prescribed under this chapter authorize to be asserted and settled in connection with any termination settlement.

(i) The term "interim financing" includes advance payments, partial payments, loans, discounts, advances, and commitments in connection therewith, and guaranties of loans, discounts, advances, and commitments in connection therewith and any other type of financing made in contemplation of or related to termination of war contracts.

(j) The term "Director" means the Director of Contract Settlement.

(k) The term "person" means any individual, corporation, partnership, firm, association, trust, estate, or other entity

(l) The term "termination inventory" means any materials (including a proper part of any common materials), properly allocable to the terminated portion of a war contract, except any machinery or equipment subject to a separate contract specifically governing the use or disposition thereof.

(m) The term "final and conclusive", as applied to any settlement, finding, or decision, means that such settlement, finding, or decision shall not be reopened, annulled, modified, set aside, or disregarded by any officer, employee, or agent of the United States or in any suit, action, or proceeding except as provided in this chapter. (July 1, 1944, ch. 358, § 3, 58 Stat. 650.)

[1] So in the original. Probably should read "cancellation".

§ 104. Office of Contract Settlement; director, appointment, compensation, tenure, powers and duties; deputy director; employment of personnel; publication of orders and regulations.

(a) There is hereby established the Office of Contract Settlement which shall be headed by the Director of Contract Settlement. The Director shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of $12,000 per year, and shall serve for a term of two years.

(b) In order to insure uniform and efficient administration of the provisions of this chapter, the Director, subject to such provisions, by general orders or general regulations—

(1) shall prescribe policies, principles, methods, procedures, and standards to govern the exercise of the authority and discretion and the performance of the duties and functions of all Government agencies under this chapter; and

(2) may require or restrict the exercise of any such authority and discretion, or the performance of any such duty or function, to such extent as he deems necessary to carry out the provisions of this chapter.

(c) The exercise of any authority or discretion and the performance of any duty or function, conferred or imposed on any Government agency by this chapter, shall be subject to such orders and regulations prescribed by the Director pursuant to subsection (b) of this section. Each Government agency shall carry out such orders and regulations of the Director expeditiously, and shall issue such regulations with respect to its operations and procedures as may be necessary to carry out the policies, principles, methods, procedures, and standards prescribed by the Director. Any Government agency may issue such further regulations not inconsistent with the general orders or regulations of the Director as it deems necessary or desirable to carry out the provisions of this chapter.

(d) The Director may, within the limits of funds which may be made available, employ and fix the compensation of necessary personnel in accordance with the provisions of the civil-service laws and sections 661–663, 664–673, and 674 of Title 5 and make expenditures for supplies, facilities, and services necessary for the performance of his functions under this chapter. Without regard to the provisions of the civil-service laws and sections 661–663, 664–673, and 674 of Title 5, he may appoint a Deputy Director and may employ certified public accountants, qualified cost accountants, industrial engineers, appraisers, and other experts, and fix their compensation, and contract with certified public accounting firms and qualified firms of engineers in the discharge of the duties imposed upon him and in furtherance

of the objectives and policies of this chapter. The Director shall perform the duties imposed upon him through the personnel and facilities of the contracting agencies and other established Government agencies, to the extent that this does not interfere with the function of the Director to insure uniform and efficient administration of the provisions of this chapter.

(e) All orders and regulations prescribed by the Director or any Government agency under this chapter shall be published in the Federal Register. (July 1, 1944, ch. 358, § 4, 58 Stat. 651.)

DIRECTOR

On August 1, 1944, President Roosevelt sent to the Senate the nomination of Robert H Hinckley, of Utah, to be Director of Contract Settlement, for a term of two years, and he was confirmed by the Senate on August 8, 1944

CROSS REFERENCES

Additional duties of Director and delegation of authority by him, see sections 121 and 123 of this title.

§ 105. Contract Settlement Advisory Board; composition; duties.

There is hereby created a Contract Settlement Advisory Board, with which the Director shall advise and consult. The Board, shall be composed of the Director, who shall act as its Chairman, and of the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Chairman of the Maritime Commission, the Administrator of the Foreign Economic Administration, the chairman of the board of directors of the Reconstruction Finance Corporation, the Chairman of the War Production Board, the chairman of the board of directors of the Smaller War Plants Corporation, and the Attorney General or any alternate or representative designated by any of them. The Director shall request other Government agencies to participate in the deliberations of the Board whenever matters specially affecting them are under consideration. (July 1, 1944, ch. 358, § 5, 58 Stat. 651.)

§ 106. Basis for settlement of termination claims—(a) Priority to private contractors.

It is the policy of the Government, and it shall be the responsibility of the contracting agencies and the Director, to provide war contractors with speedy and fair compensation for the termination of any war contract, in accordance with and subject to the provisions of this chapter, giving priority to contractors whose facilities are privately owned or privately operated. Such fair compensation for the termination of subcontracts shall be based on the same principles as compensation for the termination of prime contracts.

(b) Establishment of methods and standards.

Each contracting agency shall establish methods and standards, suitable to the conditions of various war contractors, for determining fair compensation for the termination of war contracts on the basis of actual, standard, average, or estimated costs, or of a percentage of the contract price based on the estimated percentage of completion of work under the terminated contract, or on any other equitable basis, as it deems appropriate. To the extent that such methods and standards require accounting, they shall be adapted, so far as practicable, to the accounting systems used by war contractors, if consistent with recognized commercial accounting practice.

(c) Conclusiveness of settlement.

Any contracting agency may settle all or any part of any termination claim under any war contract by agreement with the war contractor, or by determination of the amount due on the claim or part thereof without such agreement, or by any combination of these methods. Where any such settlement is made by agreement, the settlement shall be final and conclusive, except (1) to the extent otherwise agreed in the settlement; (2) for fraud; (3) upon renegotiation to eliminate excessive profits under section 1191 of Appendix to Title 50, unless exempt or exempted under such section; or (4) by mutual agreement before or after payment. Where any such settlement is made by determination without agreement, it shall likewise be final and conclusive, subject to the same exceptions as if made by agreement, unless the war contractor appeals or brings suit in accordance with section 113 of this title: *Provided*, That no settlement agreement hereunder involving payment to a war contractor of an amount in excess of $50,000 (or such lesser amount as the Director may from time to time determine) shall become binding upon the Government until the agreement has been reviewed and approved by a settlement review board of three or more members established by the contracting agency in the bureau, division, regional or district office, or other unit of the contracting agency authorized to make such settlement, or in the event of disapproval by the settlement review board, unless approved by the head of such bureau, division, regional or district office, or other unit. Failure of the settlement review board to act upon any settlement within thirty days after its submission to the board shall operate as approval by the board. The sole function of settlement review boards shall be to determine the over-all reasonableness of proposed settlement agreements from the point of view of protecting the interests of the Government. In determining, for purposes of this subsection, whether review of any settlement agreement is required because of the amounts involved, no deduction shall be made on account of credits for property chargeable to the Government or for advance or partial payments, but amounts payable under such settlement agreement for completed articles or work at the contract price and for the discharge of the termination claims of subcontractors shall be deducted.

(d) Allowable costs.

Except as hereinafter provided, the methods and standards established under subsection (b) of this section for determining fair compensation for termination claims which are not settled by agreement shall be designed to compensate the war contractor fairly for the termination of the war contract, taking into account—

(1) the direct and indirect manufacturing, selling and distribution, administrative and other costs and expenses incurred by the war contractor which are reasonably necessary for the performance of the war contract and properly allocable to the terminated portion thereof under recognized commercial accounting practices; and

(2) reasonable costs and expenses of settling termination claims of subcontractors related to the terminated portion of the war contract; and

(3) reasonable accounting, legal, clerical, and other costs and expenses incident to termination and settlement of the terminated war contract; and

(4) reasonable costs and expenses of removing, preserving, storing and disposing of termination inventories; and

(5) such allowance for profit on the preparations made and work done for the terminated portion of the war contract as is reasonable under the circumstances; and

(6) interest on the termination claim in accordance with subsection (f) of this section; and

(7) the contract price and all amounts otherwise paid or payable under the contract.

The following shall not be included as elements of cost:

(i) Losses on other contracts, or from sales or exchanges of capital assets, fees and other expenses in connection with reorganization or recapitalization, antitrust or Federal income-tax litigation, or prosecution of Federal income-tax claims or other claims against the Government (except as provided in paragraph (3) above); losses on investments; provisions for contingencies; and premiums on life insurance where the contractor is the beneficiary.

(ii) The expense of conversion of the contractor's facilities to uses other than the performance of the contract.

(iii) Expenses due to the negligence or willful failure of the contractor to discontinue with reasonable promptness the incurring of expenses after the effective date of the termination notice.

(iv) Costs incurred in respect to facilities, materials, or services purchased or work done in excess of the reasonable quantitative requirements of the entire contract.

The failure specifically to mention in this subsection any item of cost is not intended to imply that it should be allowed or disallowed. The Director may interpret the provisions of this subsection (d) and may provide for the inclusion or exclusion of other costs in accordance with recognized commercial accounting practice.

Where the small size of claims or the nature of production or performance or other factors make it impracticable to apply the principles stated in this subsection (d) to any class of settlements which are subject to this subsection (d), the contracting agencies may establish alternative methods and standards for determining fair compensation for that class of termination claims. The aggregate amount of compensation allowed in accordance with this subsection (excluding amounts allowed under paragraphs (3) and (4) above) shall not exceed the total contract price reduced by the amount of payments otherwise made or to be made under the contract.

(e) Settlement by agreement.

In order to carry out the objectives of this chapter, termination claims shall be settled by agreement to the maximum extent feasible and the methods and standards established under subsection (b) of this section shall be designed to facilitate such settlements. To the extent that he deems it practicable to do so without impeding expeditious settlements, the Director shall require the contracting agencies to take into account the factors enumerated in subsection (d) above in establishing methods and standards for determining fair compensation in the settlement of termination claims by agreement.

(f) Interest.

Each contracting agency shall allow and pay interest on the amount due and unpaid from time to time on any termination claim under a prime contract at the rate of 2½ per centum per annum for the period beginning thirty days after the date fixed for termination and ending with the date of final payment, except that (1) if the prime contractor unreasonably delays the settlement of his claim, interest shall not accrue for the period of such delay, (2) if interest for the period after termination on any advance payment or loan, made or guaranteed by the Government, has been waived for the benefit of the contractor, the amount of the interest so waived allocable to the terminated contract or the terminated part of the contract shall be deducted from the interest otherwise payable hereunder, and (3) if after delivery of findings by a contracting agency, the contractor appeals or sues as provided in section 113 of this title, interest shall not accrue after the thirtieth day following the delivery of the findings on any amount allowed by such findings, unless such amount is increased upon such appeal or suit. In approving, ratifying, authorizing, or making termination settlements with subcontractors, each contracting agency shall allow interest on the termination claim of the subcontractor on the same basis and subject to the same conditions as are applicable to a prime contractor.

(g) Amendment of contracts.

Where any war contract does not provide for or provides against such fair compensation for its termination, the contracting agency, either before or after its termination, shall amend such war contract by agreement with the war contractor, or shall authorize, approve, or ratify an amendment of such war contract by the parties thereto, to provide for such fair compensation. (July 1, 1944, ch. 358, § 6, 58 Stat. 652.)

EFFECTIVE DATE

Retroactive effect of this section, see section 124 (a) of this title

§ 107. Settlement of subcontractors' claims—(a) Conclusiveness of settlement.

Where, in connection with the settlement of any termination claim by a contracting agency, any war contractor makes settlements of the termination claims of his subcontractors, the contracting agency

shall limit or omit its review of such settlements with subcontractors to the maximum extent compatible with the public interest. Any contracting agency (1) may approve, ratify, or authorize such settlements with subcontractors upon such evidence, terms, and conditions as it deems proper; (2) shall vary the scope and intensity of its review of such settlements according to the reliability of the war contractor, the size, number, and complexity of such claims, and other relevant factors; and (3) shall authorize war contractors to make such settlements with subcontractors without review by the contracting agency, whenever the reliability of the war contractor, the amount or nature of the claims, or other reasons appear to the contracting agency to justify such action Any such settlement of a subcontract approved, ratified, or authorized by a contracting agency shall be final and conclusive as to the amount due to the same extent as a settlement under subsection (c) of section 106 of this title, and no war contractor shall be liable to the United States on account of any amounts paid thereon except for his own fraud.

(b) Supervision of payments to war contractors.

Whenever any contracting agency is satisfied of the inability of a war contractor to meet his obligations it shall exercise supervision or control over payments to the war contractor on account of termination claims of subcontractors of such war contractor to such extent and in such manner as it deems necessary or desirable for the purpose of assuring the receipt of the benefit of such payments by the subcontractors.

(c) Group settlements.

The Director shall prescribe policies and methods for the settlement as a group, or otherwise, by any contracting agency of some or all of the termination claims of a war contractor under war contracts with one or more (1) bureaus or divisions within a contracting agency, (2) contracting agencies, or (3) prime contractors and subcontractors, to the extent he deems such action necessary or desirable for expeditious and equitable settlement of such claims. After consulting with the contracting agencies concerned, the Director may provide for assigning any war contractor to a contracting agency for such settlement, and such agency shall have authority to settle, on behalf of any other contracting agency, some or all of the termination claims of such war contractor.

(d) Direct settlement by contracting agency.

Any contracting agency may settle directly termination claims of subcontractors to the extent that it deems such action necessary or desirable for the expeditious and equitable settlement of such claims. In making such termination settlements any contracting agency may discharge the claim of the subcontractor by payment or may purchase such claim, and may agree to assume, or indemnify the subcontractor against, any claims by any person in connection with such claim or the termination settlement. Any contracting agency undertaking to settle the termination claim of any subcontractor shall deliver to the subcontractor and the war contractor liable to him written notice stating its acceptance of responsibility for settling his claim and the conditions applicable thereto, which may include the release, or assignment to the contracting agency, of his claim against the war contractor liable to him; upon consent thereto by the subcontractor, the Government shall become liable for the settlement of his claims upon the conditions specified in the notice.

(e) Amount of settlement.

Any contracting agency may make settlements with subcontractors in accordance with any of the provisions of this chapter without regard to any limitation on the amount payable by the Government to the prime contractor.

(f) Equitable payments.

If any contracting agency determines that in the circumstances of a particular case equity and good conscience require fair compensation for the termination of a war contract to be paid to a subcontractor who has been deprived of and cannot otherwise reasonably secure such fair compensation, the contracting agency concerned may pay such compensation to him although such compensation already has been included and paid as part of a settlement with another war contractor. (July 1, 1944, ch. 358, § 7, 58 Stat. 654.)

§ 108. Interim financing—(a) Prime contractors.

It is the policy of the Government, and it shall be the responsibility of the contracting agencies and the Director, in accordance with and subject to the provisions of this chapter, to provide war contractors having any termination claim or claims, pending their settlement, with adequate interim financing, within thirty days after proper application therefor.

(b) Method of financing; amounts payable.

Each contracting agency shall, to the greatest extent it deems practicable, make available interim financing through loans and discounts, and commitments and guaranties in connection therewith, in contemplation of or related to termination of war contracts. Where interim financing is made by advance payments or partial payments, it shall, insofar as practicable, consist of the following:

(1) An amount equal to 100 per centum of the amount payable, at the contract price, on account of acceptable items completed prior to the termination date under the terms of the contract, or completed thereafter with the approval of the contracting agency; plus

(2) An amount equal to 90 per centum of the cost of raw materials, purchased parts, supplies, direct labor, and manufacturing overhead allocable to the terminated portion of the war contract; plus

(3) A reasonable percentage of other allowable costs, including administrative overhead, allocable to the terminated portion of the war contract not included in the foregoing; plus

(4) Such additional amounts, if any, as the contracting agency deems necessary to provide the war contractor with adequate interim financing.

(5) In lieu of the costs referred to in clauses (2) and (3) of this subsection, where a detailed ascertainment of such costs is not suitable to the conditions of any war contractor and is apt to cause delay in the obtaining of interim financing by him, that portion of such interim financing shall be equal to an amount not greater than 90 per centum of the estimated costs which are allocable to the terminated part or parts of the war contract or group of war contracts, and are ascertained in accordance with such methods and standards as the Director shall prescribe.

(6) There shall be deducted from the amount of such interim financing any unliquidated balances of advance and partial payments theretofore made to such war contractor, which are allocable to the terminated war contract or the terminated part of the war contract.

(c) Evidence to support financing.

The Director shall prescribe (1) the types of estimates, certificates, or other evidence to be required to support such interim financing; (2) the terms and conditions upon which such interim financing shall be made including the use of standard forms for agreements with respect to such interim financing to the extent practicable; (3) the classes of cases in which such interim financing shall be refused; and (4) such methods of supervision and control over such interim financing as he deems necessary or desirable to assure adequate and speedy interim financing to subcontractors of the war contractor.

(d) Penalty for overstatement of claims.

In case of an overstatement by any war contractor of the amount due on his termination claim or claims in connection with any interim financing under this chapter, such contractor shall pay to the United States, as a penalty, an amount equal to 6 per centum of the amount of the overstatement, but the Director may suspend or modify any such penalty if in his opinion the imposition thereof would be inequitable. Any penalty may be deducted from any amounts due the war contractor upon such termination claim or claims, or otherwise, or may be collected from the war contractor by suit. The obligation to pay any penalty imposed and to repay any interim financing made or assumed by the United States under this chapter shall constitute a debt due to the United States within the meaning of section 191 of Title 31.

(e) Advance payments as part of termination settlement.

Any contracting agency may allow any advance payments, previously made or authorized by it in connection with the performance of a war contract, to be used for payments and expenses related to the termination settlement of such contract, upon such terms and conditions as it deems necessary or appropriate to protect the interest of the Government.

(f) Liquidation of loans, etc., prior to final settlement.

No interim financing shall be made by any contracting agency under this chapter unless the terms of such financing provide for the liquidation by the war contractor of all loans, discounts, advance payments, or partial payments thereunder not later than the time of final payment of the amount due on the settlement of the termination claim or claims of the war contractor involved or such time thereafter as the contracting agency deems necessary for the liquidation of such interim financing in an orderly manner.

(g) Settlement of claims; validation of prior financing.

Any contracting agency may settle, upon such terms and conditions as it deems proper, any claim or obligation due by or to the Government arising from or related to any interim financing made, acquired, or authorized by it. Any interim financing made, acquired, or authorized by any contracting agency before the effective date of this chapter shall be valid to the extent it would be authorized under the provisions of this chapter if made after its effective date. (July 1, 1944, ch. 358, § 8, 58 Stat. 655.)

§ 109. Advance or partial payments to subcontractors; excessive payments, interest, liability of war contractor.

(a) Any contracting agency may make advance or partial payments to any war contractor on account of any termination claim or claims, and may authorize, approve, or ratify any such advance or partial payments by any war contractor to his subcontractors, upon such conditions as it deems necessary to insure compliance with the provisions of subsection (b) of this section. Each contracting agency shall make final payments from time to time on partial settlements or on settlements fixing a minimum amount due before complete settlement, or as tentative payments before any settlement of the claim or claims.

(b) Where any such advance or partial payment is made to any war contractor by any contracting agency or by another war contractor under this section, except a final payment on a partial settlement, any amount in excess of the amount finally determined to be due on the termination claim shall be treated as a loan from the Government to the war contractor receiving it, and shall be payable upon demand together with a penalty computed at the rate of 6 per centum per annum, for the period from the date such excess advance or partial payment is received to the date on which such excess is repaid or extinguished. Where the advance or partial payment was made by a war contractor and authorized, approved, or ratified by any contracting agency, the war contractor making it shall not be liable for any such excess payment in the absence of fraud on his part and shall receive payment or credit from the Government for the amount of such excess payment. (July 1, 1944, ch. 358, § 9, 58 Stat. 657.)

§ 110. Guarantee of loans, advances, etc., for financing termination of contracts.

(a) Any contracting agency is authorized—

(1) to enter into contracts with any Federal Reserve bank, or other public or private financing institution, guaranteeing such financing institution against loss of principal or interest on loans, dis-

counts, or advances or on commitments in connection therewith, which such financing institution may make to any war contractor or to any person who is or has been engaged in performing any operation deemed by such contracting agency to be connected with or related to war production, for the purpose of financing such war contractor or other person in connection with or in contemplation of the termination of one or more such war contracts or operations; and

(2) to make, enter into contracts to make, or to participate with any Government agency, any Federal Reserve bank or public or private financing institution in making loans, discounts, or advances, or commitments in connection therewith, for the purpose of financing any such war contractor or other person in connection with or in contemplation of the termination of such war contracts or operations.

(b) Any such loan, discount, advance, guaranty, or commitment in connection therewith may be secured by assignment of, or covenants to assign, some or all of the rights of such war contractor or other person in connection with the termination of such war contracts or operations, or in such other manner as the contracting agency may prescribe.

(c) Subject to such regulations as the Board of Governors of the Federal Reserve System may prescribe with the approval of the Director, any Federal Reserve bank is authorized to act, on behalf of the contracting agencies, as fiscal agent of the United States in carrying out the purposes of this chapter.

(d) This section shall not limit or affect any authority of any contracting agency, under any other statute, to make loans, discounts, or advances, or commitments in connection therewith or guaranties thereof. (July 1, 1944, ch. 358, § 10, 58 Stat. 657.)

EFFECTIVE DATE

Retroactive effect of this section, see section 124 (a) of this title.

§ 111. Advance notice of termination.

(a) In order to facilitate the efficient use of materials, manpower, and facilities for war and civilian purposes, each contracting agency—

(1) shall provide its prime contractors with notice of termination of their prime contracts as far in advance of the cessation of work thereunder as is feasible and consistent with the national security without permitting unneeded production or performance;

(2) shall establish procedures whereby prime contractors shall provide affected subcontractors with immediate notice of termination; and

(3) shall permit the continuation of some or all of the work under a terminated prime contract whenever the agency deems that such continuation will benefit the Government or is necessary to avoid substantial injury to the plant or property.

(b) Whenever a contracting agency hereafter directs a prime contractor to cease or suspend all or a substantial part of the work under a prime contract, without terminating the contract, then, unless the contract provides otherwise, (1) the contracting agency shall compensate the contractor for reasonable costs and expenses resulting from such cessation or suspension, and (2) if the cessation or suspension extends for thirty days or more, the contractor may elect to treat it as a termination by delivering written notice of his election so to do to the contracting agency, at any time before the contracting agency directs the prime contractor to resume work under the contract.

(c) The Director shall have no authority under this chapter to regulate or control the classes of contracts to be terminated by the contracting agencies. (July 1, 1944, ch. 358, § 11, 58 Stat. 658.)

§ 112. Removal and storage of materials—(a) Termination inventory.

It is the policy of the Government, upon the termination of any war contract, to assure the expeditious removal from the plant of the war contractor of the termination inventory not to be retained or sold by the war contractor.

(b) Statement on material of inventory.

Any war contractor may submit to the contracting agency concerned or to any other Government agency designated by the Director, one or more statements showing the materials which such war contractor claims to be termination inventory under one or more war contracts and desires to have removed by the Government. Such statements shall be prepared in such form and detail, shall be submitted in such manner, through the prime contractor or otherwise, and shall be supported by such certificates or other data, as may be prescribed under this chapter.

(c) Removal and storage by government agency.

Within sixty days after the submission of any such statement by a war contractor, or such shorter period as may be prescribed under this chapter, or within such longer period as the war contractor may agree, the Government agency concerned (1) shall arrange, upon such terms and conditions as may be agreed, for the storage by the war contractor on his own premises or elsewhere of all such claimed termination inventory which the war contractor does not retain or dispose of, except any part which may be determined not to be allocable to the terminated war contract or contracts, or (2) shall remove from the plant or plants of the war contractor all of such claimed termination inventory not retained, disposed of, or stored by the war contractor or determined not to be allocable to the terminated war contract or contracts.

(d) Removal and storage by war contractor.

Upon the failure of the Government so to arrange for storage by the war contractor or to remove any termination inventory within the period specified under subsection (c) of this section, the war contractor, subject to regulations prescribed under this chapter, may remove some or all of such termination inventory from his plant or plants and may store it on his own premises or elsewhere for the account and at the risk and expense of the Government, using reasonable care for its transportation and preservation. If any war contractor intends so to remove any claimed termination inventory, he shall deliver to the Government agency concerned writ-

ten notice of the date fixed for removal and a statement showing the quantities and condition of the materials so to be removed, certified on behalf of the war contractor to have been prepared in accordance with a concurrent physical inventory of such materials. Such notice and statement shall be delivered at least twenty days in advance of the date fixed for removal and may be delivered before or after the expiration of the period specified under subsection (c) of this section. If the Government agency fails to check such materials, at or before the time of their removal by the war contractor, a certificate of the war contractor specifying the materials shown on such statement which were so removed, and filed with the Government agency concerned within thirty days after the date fixed for removal, shall constitute prima facie evidence against the United States as to the quantities and condition of the materials so removed, and the fact of their removal.

(e) Acquisition by Government agency of inventory material; liability.

Notwithstanding any other provisions of law, but subject to subsection (h) of this section, the contracting agency concerned or the Director, or any Government agency designated by him, on behalf of the United States, may, by the exercise of any contract rights or otherwise, acquire and take possession of any termination inventory of any war contractor, and any materials removed by the Government or stored for its account under subsections (c) and (d) of this section, whether or not such materials are finally determined not to constitute termination inventory. With respect to any such materials, the Government shall be liable to any war contractor concerned only for their return to such war contractor or for their disposal value at the time of their removal or for the proceeds realized by the Government from their disposal, at the election of the Government agency concerned, unless the Government agency and the war contractor agree or have agreed on a different basis. Any amount so paid or payable to a war contractor for materials allocable to a terminated war contract shall be credited against the termination claim under such contract but shall not otherwise affect the amount due on the claim, unless the Government agency concerned and the war contractor agree or have agreed otherwise. Any materials to which the Director takes title under this section shall be delivered for disposal to any appropriate Government agency authorized to make such disposal.

(f) Postponement or delay of termination settlement.

No contracting agency shall postpone or delay any termination settlement beyond the period specified in subsection (c) of this section for the purpose of awaiting disposal by the war contractor or the Government of any termination inventory reported in accordance with subsection (b) of this section.

(g) Government-owned machinery.

Whenever any war contractor no longer requires, for the performance of any war contract, any Government-owned machinery, tools, or equipment installed in his plant for the performance of one or more war contracts, the Government agency concerned, upon written demand by the war contractor, and within sixty days after such demand or such other period as may be prescribed under this chapter, and upon such conditions as may be so prescribed, shall remove or provide for the removal of such machinery, tools, or equipment from such plant, unless the Government agency concerned and the war contractor, by facilities contract or otherwise, have made or make other provisions for the retention, storage, maintenance, or disposition of such machinery, tools or equipment. The Government agency concerned may waive or release on behalf of the United States any obligation of the war contractor with respect to such machinery, tools, or equipment upon such terms and conditions as the agency deems appropriate. Upon the failure of the Government so to remove or provide for removal of any such machinery, tools, or equipment, the war contractor, subject to regulations prescribed under this chapter, may remove all or part of such machinery, tools, or equipment from his plant and may store it on his own premises or elsewhere, for the account and at the risk and expense of the Government, using reasonable care for its transportation and preservation.

(h) Limitation on Government acquisition of inventories.

Nothing in this chapter shall limit or affect the authority of the War Department, Navy Department, or Maritime Commission, respectively, to take over any termination inventories and to retain them for their use for any purpose or to dispose of such termination inventories for the purpose of war production, or to authorize any war contractor to retain or dispose of such termination inventories for the purpose of war production.

(i) Removal and storage by war contractor at own risk.

Nothing in this section shall be construed to prevent the removal and storage of any termination inventory by any war contractor, at his own risk, at any time after termination of any war contract to which it is allocable. (July 1, 1944, ch. 358, § 12, 58 Stat. 658.)

EFFECTIVE DATE

Retroactive effect of pars. (b)–(e), see section 124 (a) of this title

§ 113. Appeals—(a) Failure to settle claims by agreement; preparation of findings; notice to war contractor.

Whenever the contracting agency responsible for settling any termination claim has not settled the claim by agreement or has so settled only a part of the claim, (1) the contracting agency at any time may determine the amount due on such claim or such unsettled part, and prepare written findings indicating the basis of the determination, and deliver a copy of such findings to the war contractor, or (2) if the termination claim has been submitted in the manner and substantially the form prescribed under this chapter, the contracting agency, upon written demand by the war contractor for such findings, shall determine the amount due on the claim or unsettled part and prepare and deliver such find-

ings to the war contractor within ninety days after the receipt by the agency of such demand. In preparing such findings, the contracting agency may require the war contractor to furnish such information and to submit to such audits as may be reasonably necessary for that purpose. Within thirty days after the delivery of any such findings, the contracting agency shall pay to the war contractor at least 90 per centum of the amount thereby determined to be due, after deducting the amount of any outstanding interim financing applicable thereto.

(b) Rights of war contractor.

Whenever any war contractor is aggrieved by the findings of a contracting agency on his claim or part thereof or by its failure to make such findings in accordance with subsection (a) of this section, he may, at his election—

(1) appeal to the Appeal Board in accordance with subsection (d) of this section, or

(2) bring suit against the United States for such claim or such part thereof, in the Court of Claims or in a United States district court, in accordance with subsection (20) of section 41 of Title 28, except that, if the contracting agency is the Reconstruction Finance Corporation, or any corporation organized pursuant to sections 601–617 of Title 15, or any corporation owned or controlled by the United States, the suit shall be brought against such corporation in any court of competent jurisdiction in accordance with existing law.

(c) Procedure.

Any proceeding under subsection (b) of this section shall be governed by the following conditions:

(1) When any contracting agency provides a procedure within the agency for protest against such findings or for other appeal therefrom by the war contractor, the war contractor, before proceeding under subsection (b) of this section, (i) in his discretion may resort to such procedure within the time specified in his contract or, if no time is specified, within thirty days after the delivery to him of the findings; and (ii) shall resort to such procedure for protest or other appeal to the extent required by the Director, but failure of the contracting agency to act on any such required protest or appeal within thirty days shall operate as a refusal by the agency to modify its findings. Any revision of the findings by the contracting agency, upon protest or appeal within the agency, shall be treated as the findings of the agency for the purpose of appeal or suit under subsection (b) of this section. Notwithstanding any contrary provision in any war contract, no war contractor shall be required to protest or appeal from such findings within the contracting agency except in accordance with this paragraph.

(2) A war contractor may initiate proceedings in accordance with subsection (b) of this section (i) within ninety days after delivery to him of the findings by the contracting agency, or (ii) in case of protests or appeal within the agency, within ninety days after the determination of such protest or appeal, or (iii) in case of failure to deliver such findings, within one year after his demand therefor. If he does not initiate such proceedings within the time specified, he shall be precluded thereafter from initiating any proceedings in accordance with subsection (b) of this section, and the findings of the contracting agency shall be final and conclusive, or if no findings were made, he shall be deemed to have waived such termination claim.

(3) Notwithstanding any contrary provision in any war contract, the Appeal Board or court shall not be bound by the findings of the contracting agency, but shall treat such findings as prima facie correct, and the burden shall be on the war contractor to establish that the amount due on his claim or part thereof exceeds the amount allowed by the findings of the contracting agency. Whenever the Appeal Board or court finds that the war contractor failed to negotiate in good faith with the contracting agency for the settlement of his claim or part thereof before appeal or suit thereon, or failed to furnish to the agency any information reasonably requested by it regarding his termination claim or part thereof, or failed to prosecute diligently any protest or appeal required to be taken under subsection (c) (1) (ii) of this section, the Appeal Board or court (i) may refuse to receive in evidence any information not submitted to the contracting agency; (ii) may deny interest on the claim or part thereof for such period as it deems proper, or (iii) may remand the case to the contracting agency for further proceedings upon such terms as the Appeal Board or court may prescribe. Unless the case is remanded, the Appeal Board or court shall enter the appropriate award or judgment on the basis of the law and facts, and may increase or decrease the amount allowed by the findings of the contracting agency.

(4) Any such proceedings shall not affect the authority of the contracting agency concerned to make a settlement of the termination claim, or any part thereof, by agreement with the war contractor at any time before such proceedings are concluded.

(d) Appeal board.

(1) The Director shall appoint an Appeal Board, composed of such number of members as he deems necessary from time to time to hear appeals under this section. The members of the Appeal Board shall be qualified and experienced attorneys, engineers, accountants, or persons possessing sufficient business experience or professional skill. He shall, without regard to the provisions of the civil-service laws and sections 661–663, 664–673 and 674 of Title 5, appoint and fix the compensation and term of office of the members of the Appeal Board: *Provided,* That no member shall receive compensation at a rate in excess of $10,000 per annum nor be appointed for a term longer than two years.

(2) Panels of one or more members may act for the Appeal Board and shall sit from time to time in localities throughout the country, reasonably convenient for war contractors having proceedings before them. A panel of one member of the Appeal Board may hear any appeal whenever (i) the amount in controversy in the appeal is $25,000 or less; or (ii) the amount in controversy exceeds $25,000, but the

war contractor taking the appeal fails to demand a panel of three members at the time of filing his appeal. If the war contractor is aggrieved by the decision of the Appeal Board or panel (other than an order remanding the case to the contracting agency under subsection (c) (3) (iii) of this section), then within ninety days after such decision he may bring suit on the claim or unsettled part thereof in accordance with subsection (b) (2) of this section. Such suit shall proceed as if no appeal had been taken under subsection (b) of this section. All costs of such suit shall be borne by the war contractor unless the court awards such contractor an amount in excess of that allowed by the Appeal Board or panel. Upon failure of the war contractor so to sue within such period, the decision of the Appeal Board or panel shall be final and conclusive.

(3) The Director or, if authorized by him, the Appeal Board shall prescribe the practice and procedure to govern proceedings for the Appeal Board. The Appeal Board or any panel thereof shall have power to administer oaths to witnesses and to compel by subpena the attendance of witnesses, and the production of books, papers, documents, and other records All provisions of law (including penalties and provisions relating to self-incrimination) applicable with respect to subpenas issued under sections 41–46 and 47–58 of Title 5 shall be applicable with respect to subpenas issued by the Appeal Board insofar as such provisions are not inconsistent with the provisions of this chapter.

(e) Arbitration.

The contracting agency responsible for settling any claim and the war contractor asserting the claim, by agreement, may submit all or any part of the termination claim to arbitration, without regard to the amount in dispute. Such arbitration proceedings shall be governed by the provisions of sections 1–15 of Title 9 to the same extent as if authorized by an effective agreement in writing between the Government and the war contractor. Any such arbitration award shall be final and conclusive upon the United States to the same extent as a settlement under subsection (c) of section 106 of this title, but shall not be subject to approval by any settlement review board.

(f) Conclusiveness of decisions.

Whenever any dispute exists between any war contractor and a subcontractor regarding any termination claim, either of them, by agreement with the other, may submit the dispute—

(1) to the Appeal Board in accordance with subsection (d) of this section;

(2) to a contracting agency for mediation or arbitration whenever authorized by the agency or required by the Director.

Any award or decision in such proceedings shall be final and conclusive as to the parties so submitting any such dispute and shall not be questioned by the United States in settling any related claim, in the absence of fraud or collusion. (July 1, 1944, ch. 358, § 13, 58 Stat. 660.)

EFFECTIVE DATE

Retroactive effect of this section, see section 124 (a) of this title.

§ 114. Court of claims—(a) Appointment of auditors and commissioners.

For the purpose of expediting the adjudication of termination claims, the Court of Claims is authorized to appoint not more than ten auditors and not more than twenty commissioners in addition to those provided for by sections 269 and 270 of Title 28, and the provisions of such sections shall apply to such additional commissioners in all respects as if they had been appointed thereunder without limitation as to nature of duties which they may be called upon to perform.

(b) Procedure.

The Court of Claims, on motion of either of the parties, or on its own motion, may summon any and all persons with legal capacity to be sued to appear as a party or parties in any suit or proceeding of any nature whatsoever pending in said court to assert and defend their interests, if any, in such suits or proceedings, within such period of time prior to judgment as the Court of Claims shall prescribe. If the name and address of any such person is known or can be ascertained by reasonable diligence, and if he resides within the jurisdiction of the United States, he shall be summoned to appear by personal service; but if any such person resides outside of the jurisdiction of the United States, or is unknown, or if for any other good and sufficient reason appearing to the court personal service cannot be had, he may be summoned by publication, under such rules as the court may adopt, together with a copy of the summons mailed by registered mail to such person's last known address. The Court of Claims may, upon motion of the Attorney General, in any suit or proceeding where there may be any number of persons having possible interests therein, notify such persons to appear to assert and defend such interests. Upon failure so to appear, any and all claims or interests in claims of any such person against the United States, in respect of the subject matter of such suit or proceeding, shall forever be barred and the court shall have jurisdiction to enter judgment pro confesso upon any claim or contingent claim asserted on behalf of the United States against any person who, having been duly served with summons, fails to respond thereto, to the same extent and with like effect as if such person had appeared and had admitted the truth of all allegations made on behalf of the United States. Upon appearance by any person pursuant to any such summons or notice, the case as to such person shall, for all purposes, be treated as if an independent proceeding had been instituted by such person pursuant to section 250 of Title 28, and as if such independent proceeding had then been consolidated, for purposes of trial and determination, with the case in respect of which the summons or notice was issued, except that the United States shall not be heard upon any counterclaims, claims for damages or other demands whatsoever against such person, other than claims and contingent claims for the recovery of money hereafter

paid by the United States in respect of the transaction or matter which constitutes the subject matter of such case, unless and until such person shall assert therein a claim, or an interest in a claim, against the United States, and the Court of Claims shall have jurisdiction to adjudicate, as between any and all adverse claimants, their respective several interests in any matter in suit and to award several judgments in accordance therewith.

(c) Jurisdiction.

The jurisdiction of the Court of Claims shall not be affected by this chapter except to the extent necessary to give effect to this chapter, and no person shall recover judgment on any claim, or on any interest in any claim, in said court which such person would not have had a right to assert in said court if this section had not been enacted. (July 1, 1944, ch. 358, § 14, 58 Stat. 663.)

§ 115. Personal financial liability of contracting officers.

(a) Whenever any payment is made from Government funds to any war contractor or other person as an advance, partial or final payment on any termination claim, or pursuant to any loan, guaranty, or agreement for the purchase of any loan, or any commitment in connection therewith, entered into by the Government, no officer or other Government agent authorizing or approving such payment or settlement, or certifying the voucher for such payment, or making the payment in accordance with a duly certified voucher, shall be personally liable for such payment, in the absence of fraud on his part. In settling the accounts of any disbursing officer the General Accounting Office shall allow any such disbursements made by him notwithstanding any other provisions of law.

(b) For the purpose of making termination settlements or interim financing any Government agency is authorized to rely upon such certificates of war contractors as it deems proper and to permit war contractors and other persons to rely upon such certificates without financial liability in the absence of fraud on their part. (July 1, 1944, ch. 358, § 15, 58 Stat. 664.)

§ 116. Functions of General Accounting Office; certification of fraudulent settlements to Department of Justice; reports to Congress.

(a) Any other provision of law notwithstanding, the function of the General Accounting Office with respect to any termination settlement made, authorized, ratified, or approved by a contracting agency shall be confined to determining, after final settlement, (1) whether the settlement payments to the war contractor were made in accordance with the settlement, and (2) whether the records transmitted to it, or other information, warrant a reasonable belief that the settlement was induced by fraud. For this purpose the General Accounting Office shall have the authority to examine any records maintained by any contracting agency or by any war contractor relating to any termination settlement.

(b) Whenever the Comptroller General is convinced that any settlement was induced by fraud, he shall so certify, together with all the facts relating thereto, to the Department of Justice, to the Director, and to the contracting agency concerned. Upon receipt of such certificate (1) the Department of Justice shall make an investigation to determine whether such settlement was induced by fraud, and (2) until the Department of Justice notifies the contracting agency that in its opinion the facts do not support the belief that the settlement was induced by fraud, the contracting agency, by set-off or otherwise, may withhold, from amounts owing to the war contractor by the United States under such settlement or otherwise, the amount of the settlement, or the portion thereof, which, in the opinion of the Comptroller General as stated in his certificate, was affected by the fraud. In any such case the Department of Justice shall take such action as it deems appropriate to recover payments made to such war contractor. The General Accounting Office shall not suspend credit to any disbursing officer on any disbursements made by him under such settlement in the absence of fraud on his part.

(c) The Comptroller General may investigate the settlements completed by each contracting agency for the purpose of reporting to the Congress from time to time on—

(1) whether the settlement methods and procedures employed by such agency are of a kind and type designed to result in expeditious and fair settlements in accordance with and subject to the provisions of this chapter and the orders and regulations of the Director;

(2) whether such methods and procedures are followed by such agency with care and efficiency; and

(3) whether such methods and procedures adequately protect the interest of the Government.

If in any such report the Comptroller General shall find that the settlement methods and procedures fail to meet the foregoing standards, he shall make suggestions and recommendations to such agency for the improvement of such methods and procedures and to the Congress for any additional legislation needed to carry out the policies of this chapter. At least thirty days before filing any such report with the Congress, the Comptroller General shall deliver a copy thereof to the agency concerned and the Director, and shall forward to the Congress together with such report any comments of such agency with respect thereto.

(d) The jurisdiction of the Comptroller General of the United States shall not be affected by this chapter except to the extent necessary to give effect to the specific provisions thereof. (July 1, 1944, ch. 358, § 16, 58 Stat. 664.)

§ 117. Defective, informal, and quasi contracts.

(a) Where any person has arranged to furnish or furnished to a contracting agency or to a war contractor any materials, services, or facilities related to the prosecution of the war, without a formal contract, relying in good faith upon the apparent authority of an officer or agent of a contracting agency, written or oral instructions, or any other request to proceed from a contracting agency, the

contracting agency shall pay such person fair compensation therefor.

(b) Whenever any formal or technical defect or omission in any prime contract, or in any grant of authority to an officer or agent of a contracting agency who ordered any materials, services, and facilities might invalidate the contract or commitment, the contracting agency (1) shall not take advantage of such defect or omission; (2) shall amend, confirm, or ratify such contract or commitment without consideration in order to cure such defect or omission; and (3) shall make a fair settlement of any obligation thereby created or incurred by such agency, whether expressed or implied, in fact or in law, or in the nature of an implied or quasi contract.

(c) Where a contracting agency fails to settle by agreement any claim asserted under this section, the dispute shall be subject to the provisions of section 113 of this title.

(d) The Director shall require each contracting agency to formalize all such obligations and commitments within such period as the Director deems appropriate. (July 1, 1944, ch. 358, § 17, 58 Stat. 665.)

§ 118. Administration—(a) Records, forms, reports.

The Director shall establish policies for such supervision and review within the contracting agencies of termination settlements and interim financing as he deems necessary and appropriate to prevent and detect fraud and to assure uniformity in administration and to provide for expeditious settlements. For this purpose he shall prescribe (1) such records to be prepared by the contracting agencies and by war contractors as he deems necessary in connection with such settlements and interim financing; and (2) the records in connection therewith to be transmitted to the General Accounting Office. He shall seek to reduce the amount of record keeping, reporting, and accounting in connection with the settlement of termination claims and interim financing to the minimum compatible with the reasonable protection of the public interest. Each contracting agency shall prescribe forms for use by war contractors in connection with termination settlements and interim financing to the extent it deems necessary and feasible.

(b) Preparation of information and reports.

The Director shall require the Government agencies performing functions under this chapter to prepare such information and reports regarding terminations of war contracts, settlements of termination claims, and interim financing, as he deems necessary to assist him in appraising their operations or to assist him or other Government agencies in performing their functions under this chapter, and may prescribe the terms and conditions upon which such information and reports shall be made available to other Government agencies. The Director may require any Government agency to furnish such information under its control as he deems necessary for the performance of his functions under this chapter, but any such agency, in its discretion, may furnish any such information deemed by it to affect the national security only to the Director himself.

(c) Advance notice on cut-backs.

The Director, by regulation, shall provide for making available to any interested Government agency such advance notice and other information on cutbacks in war production resulting from terminations or failures to renew or extend war contracts, as he deems necessary and appropriate.

(d) Investigations.

The Director shall make such investigations as he deems necessary or desirable in connection with termination settlements and interim financing. For this purpose he may utilize the facilities of any existing agencies and if he determines that the facilities of existing agencies are inadequate, he may establish a unit in the Office of Contract Settlement to supplement and facilitate the work of existing agencies. He shall report to the Department of Justice any information received by him indicating any fraudulent practices, for appropriate action.

(e) Certification of fraudulent settlements to Department of Justice.

Whenever any contracting agency or the Director believes that any settlement was induced by fraud, the agency or Director shall report the facts to the Department of Justice. Thereupon, (1) the Department of Justice shall make an investigation to determine whether such settlement was induced by fraud, and (2) until the Department of Justice notifies the contracting agency that in its opinion the facts do not support the belief that the settlement was induced by fraud, the contracting agency, by set-off or otherwise, may withhold, from amounts owing to the war contractor by the United States under such settlement or otherwise, the amount of the settlement, or the portion thereof, which, in its opinion, was affected by the fraud. In any such case the Department of Justice shall take such action as it deems appropriate to recover payments made to such war contractor. (July 1, 1944, ch. 358, § 18, 58 Stat. 666.)

§ 119. Preservation of records; frauds; jurisdiction; prosecution of claims by Government agents; penalties.

It shall be unlawful for any person willfully to secrete, mutilate, obliterate, or destroy, or cause to be secreted, mutilated, obliterated, or destroyed—

(i) any records of a war contractor relating to the negotiation, award, performance, payment, interim financing, cancelation or other termination, or settlement of a war contract of $25,000 or more; or

(ii) any records of a war contractor and any purchaser relating to any disposition of termination inventory in which the consideration received by any war contractor or any Government agency is $5,000 or more.

until (1) five years after such disposition of termination inventory by such war contractor or Government agency, or (2) five years after the final settlement of such war contract, or (3) five years after the termination of hostilities in the present war as

proclaimed by the President or by a concurrent resolution of the two Houses of Congress, whichever applicable period is longer.

As used in this subsection, the term "records" includes, but is not limited to, books, ledgers, checks and check stubs, pay-roll data, vouchers, memoranda, correspondence, inspection reports and certificates. Any corporation violating any provision of this subsection shall be fined not more than $50,000 and any natural person violating any provision of this subsection shall be fined not more than $10,000, or imprisoned for not more than five years, or both: *Provided, however,* That the Director, by regulation, may authorize the destruction of such records upon such terms and conditions as he deems appropriate, which may include the making and retaining of photographs or microphotographs. Photographs or microphotographs of any records made in compliance with such regulations of the Director shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of admissibility in evidence.

Every person who makes or causes to be made, or presents or causes to be presented to any officer, agent, or employee of any Government agency any claim, bill, receipt, voucher, statement, account, certificate, affidavit, or deposition, knowing the same to be false, fraudulent, or fictitious or knowing the same to contain or to be based on any false, fraudulent, or fictitious statement or entry or who shall cover up or conceal any material fact, or who shall use or engage in any other fraudulent trick, scheme, or device, for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any benefit, payment, compensation, allowance, loan, advance, or emolument from the United States or any Government agency in connection with the termination, cancelation, settlement, payment, negotiation, renegotiation, performance, procurement, or award of a contract with the United States or with any other person, and every person who enters into an agreement, combination, or conspiracy so to do, (1) shall pay to the United States an amount equal to 25 per centum of any amount thereby sought to be wrongfully secured or obtained but not actually received, and (2) shall forfeit and refund any such benefit, payment, compensation, allowance, loan, advance, and emolument received as a result thereof and (3) shall in addition pay to the United States the sum of $2,000 for each such act, and double the amount of any damage which the United States may have sustained by reason thereof, together with the costs of suit.

The several district courts of the United States, the District of Columbia, the several district courts of the Territories of the United States, within whose jurisdictional limits the person, or persons, doing or committing such act, or any one of them, resides or shall be found, shall, wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit, and such person or persons as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct.

The provisions of section 80 of Title 18 shall apply to any statement, representation, bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition made or used or caused to be made or used for any purpose under this chapter or under any regulations pursuant to this chapter.

It shall be unlawful for any person employed in any Government agency, including commissioned officers assigned to duty in such agency, during the period such person is engaged in such employment or service, to prosecute, or to act as counsel, attorney, or agent for prosecuting, any claim against the United States, or for any such person within two years after the time when such employment or service has ceased, to prosecute, or to act as counsel, attorney, or agent for prosecuting, any claim against the United States involving any subject matter directly connected with which such person was so employed or performed duty. Any person violating any provision of this subsection shall be fined not more than $10,000 or imprisoned for not more than one year, or both. (July 1, 1944, ch. 358, § 19 (a), (c–e), 58 Stat. 667.)

§ 120. Powers and duties of contracting agencies—(a) Limitation.

Each contracting agency shall have authority, notwithstanding any provisions of law other than contained in this chapter, (1) to make any contract necessary and appropriate to carry out the provisions of this chapter; (2) to amend by agreement any existing contract, either before or after notice of its termination, on such terms and to such extent as it deems necessary and appropriate to carry out the provisions of this chapter; and (3) in settling any termination claim, to agree to assume, or indemnify the war contractor against, any claims by any person in connection with such termination claims or settlement. This subsection shall not limit or affect in any way any authority of any contracting agency under sections 601–622 of Appendix to Title 50, or under any other statute.

(b) Evidence required; conclusiveness of determinations.

Any contracting agency may prescribe the amount and kind of evidence required to identify any person as a war contractor, or any contract, agreement, or purchase order as a war contract for any of the purposes of this chapter. Any determination so made that any person is a war contractor, or that any contract, agreement, or purchase order is a war contract, shall be final and conclusive for any of the purposes of this chapter.

(c) Appropriations.

There are hereby authorized to be appropriated such sums as may be necessary for administering the provisions of this chapter.

(d) Validation of prior settlements.

All policies and procedures relating to termination of war contracts, termination settlements, and interim financing, prescribed by the Director of War

Mobilization or any contracting agency, in effect upon the effective date of this chapter, and not inconsistent with this chapter, shall remain in full force and effect unless and until superseded by the Director in accordance with this chapter, or by regulations of the contracting agency not inconsistent with this chapter or the policies prescribed by the Director.

(e) Impairment of contract.

Nothing in this chapter shall be deemed to impair or modify any war contract or any term or provision of any war contract or any assignment of any claim under a war contract, without the consent of the parties thereto, if the war contract, or the term, provision, or assignment thereof, is otherwise valid.

(f) Aid to war contractors.

Any contracting agency may authorize or direct its officers and employees, as a part of their official duties, to advise, aid, and assist war contractors in preparing and presenting termination claims, in obtaining interim financing, and in related matters, to such extent as it deems desirable. Such advice, aid, or assistance shall not constitute a violation of section 198 of Title 18 or of any other law, provided the officer or employee does not receive therefor benefit or compensation of any kind, directly or indirectly, from any war contractor.

(g) Duties of Smaller War Plants Corporation.

The Smaller War Plants Corporation is hereby directed—

(1) to disseminate information among small business concerns with respect to interim financing, termination settlements, removal and storage of termination inventories pursuant to the provisions of this Act and the regulations of the Director; and

(2) to assist small business concerns in connection with the securing of interim financing and the preparation of applications for such interim financing, the effecting of termination settlements, and the removal and storage of termination inventories, and to make interim loans and guaranties, in order to assure that small business concerns receive fair and equitable treatment from prime contractors and intermediate subcontractors in connection with the termination of war contracts. (July 1, 1944, ch. 358, § 20, 58 Stat. 668.)

§ 121. Director; additional duties.

In addition to his other functions under this chapter, the Director shall—

(a) promote the training of personnel for termination settlement and interim financing by contracting agencies, war contractors, and financing institutions;

(b) collaborate with the Smaller War Plants Corporation in protecting the interests of smaller war contractors in obtaining fair and expeditious termination settlements and interim financing;

(c) promote decentralization of the administration of termination settlements and interim financing by fostering delegation of authority within contracting agencies and to war contractors, to the extent he deems necessary and feasible; and

(d) consult with war contractors through advisory committees or such other methods as he deems appropriate. (July 1, 1944, ch. 358, § 21, 58 Stat. 669.)

§ 122. Use of appropriated funds.

Any contracting agency is authorized—

(a) to use for interim financing, the payment of claims, and for any other purposes authorized in this chapter any funds which have heretofore been appropriated or allocated or which may hereafter be appropriated or allocated to it, or which are or may become available to it, for such purposes or for the purposes of war production or war procurement;

(b) to use any such funds appropriated, allocated, or available to it for expenditures for or in behalf of any other contracting agency for the purposes authorized in this chapter; and

(c) to determine by agreement, joint estimate, or any other method authorized by the Director, the part of any expenditure made pursuant to subsection (b) hereof to be paid by each contracting agency concerned and to make transfers of funds between such contracting agencies accordingly. Transfers of funds between appropriations carried upon the books of the Treasury shall be made by the Secretary of the Treasury in accordance with joint requests of the contracting agencies involved. (July 1, 1944, ch. 358, § 22, 58 Stat. 670.)

§ 123. Delegation of authority by Director.

(a) The Director may delegate any authority and discretion conferred upon him by this chapter to any Deputy Director, and may delegate such authority and discretion, upon such terms and conditions as he may prescribe, to the head of any Government agency to the extent necessary to the handling and solution of problems peculiar to that agency.

(b) The head of any Government agency may delegate any authority and discretion conferred upon him or his agency by or pursuant to this chapter to any officer, agent, or employee of such agency or to any other Government agency, and may authorize successive redelegations of such authority and discretion.

(c) Any two or more Government agencies may exercise jointly any authority and discretion conferred upon each of them individually by or pursuant to this chapter.

(d) Nothing in this chapter shall prevent the Director from exercising any authority conferred upon him by any other statute. (July 1, 1944, ch. 358, § 23, 58 Stat. 670.)

§ 124. Effective date; applicability to lend-lease contracts.

(a) This chapter shall become effective twenty days after the date of its enactment. With the exception of the provisions of paragraphs (b), (c), (d), and (e) of section 112 of this title, and of sections 106–110, and 113 of this title, this chapter shall be applicable in the case of any terminated war contract which has been finally settled at or before the effective date of this chapter.

(b) Nothing in this chapter shall limit or affect any authority conferred by sections 411–419 of Title 22, or Acts supplemental thereto. (July 1, 1944, ch. 358, § 24, 58 Stat. 670.)

§ 125. Exemption of certain contracts outside continental United States or in Alaska.

Subject to policies prescribed by the Director, any contracting agency may exempt from some or all of the provisions of this chapter (a) any war contract made or to be performed outside the continental limits of the United States or in Alaska, or (b) any termination inventory situated outside of the continental limits of the United States or in Alaska, or (c) any modification of a war contract pursuant to its terms for the purpose of changing plans or specifications applicable to the work without substantially reducing its extent. (July 1, 1944, ch. 358, § 25, 58 Stat. 670.)

CROSS REFERENCES

Separability provisions and short title, see note under section 101 of this title.

TITLE 42.—THE PUBLIC HEALTH AND WELFARE

Chap | Sec

6A. The Public Health Service 201
10. Federal Security Agency (New) 1601
11. Compensation for Disability or Death to Persons Employed at Military, Air, and Naval Bases Outside the United States (New) 1651
12. Compensation for Injury, Death, or Detention of Employees of Contractors with the United States Outside the United States (New) 1701

Chapter 1.—THE PUBLIC HEALTH SERVICE

GENERAL

Sec

1a–1j Repealed.
18b. Same, distribution of officers among the several grades (New).
46. Relocation of private physicians and dentists; relocation allowance; travel and transportation costs (New).

PAY

70 Per diem allowance of officers detailed to Coast Guard (New).
70a. (New; Repealed.)

GENERAL

§§ 1–1j. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 1, which provided that the Public Health and Marine Hospital Service should be known as the Public Health Service, is now covered by section 202 of this title.

Section 1a, act Nov. 11, 1943, ch. 298, § 1, 57 Stat 587, which provided for the organization and function of the Public Health Service, is now covered by section 203 of this title

Section 1b, act Nov. 11, 1943, ch. 298, § 2, 57 Stat. 587, which provided for the appointment of Assistant Surgeons General, their grade, pay, and allowances, is now covered by sections 206, 207, and 210 of this title.

Section 1c, act Nov. 11, 1943, ch. 298, § 3, 57 Stat. 587, which provided for the chiefs of divisions, their grade, pay and allowances, and the creation of a Dental Division and a Sanitary Engineering Division, is now covered by sections 206, 207, and 210 of this title.

Section 1d, act Nov. 11, 1943, ch 298, § 4, 57 Stat 587, which provided for temporary promotions in regular corps in time of war, is now covered by sections 208 and 211 of this title.

Section 1e, act Nov. 11, 1943, ch 298, § 5, 58 Stat. 588, which provided for the review of record of officers above the grade of assistant surgeon and their separation from service, is now covered by section 211 of this title.

Section 1f, act Nov. 11, 1943, ch. 298, § 6, 58 Stat. 588, which provided for an acting Surgeon General during absence of Surgeon General and Assistant to the Surgeon General, is now covered by section 206 of this title.

Section 1g, act Nov. 11, 1943, ch. 298, § 7, 57 Stat. 588, which provided for death and disability benefits of commissioned officers during war and for the transfer of Service to the Military forces, is now covered by sections 213 and 217 of this title.

Section 1h, act Nov. 11, 1943, ch. 298, § 8, 57 Stat. 589, which provided for commissioned officers' benefits as civil officers and employees of United States and election of benefits, is now covered by sections 751–791 and 793 of Title 5, Executive Departments and Government Officers and Employees.

Section 1i, act Nov. 11, 1943, ch. 298, § 9, 57 Stat. 589, which provided for beneficiaries' benefits where commissioned officer lost his life on active duty between Dec. 7, 1941, and Nov 11, 1943, is now covered by section 800 of Title 5, Executive Departments and Government Officers and Employees.

Section 1j, act Nov. 11, 1943, ch. 298, § 11, 57 Stat. 589, which provided for the transfer of appropriations to continue transferred functions is now covered by note to section 201 of this title.

§ 2. Jurisdiction of Federal Security Agency over service.

PRESENT PROVISIONS

Subject matter of section is now covered by section 202 of this title.

REPEALS

Act Aug. 14, 1912, cited to text, which changed name of Public Health and Marine Hospital Service of the United States was repealed by act July 1, 1944, cited to text. Said act July 1, 1944, cited to text, retained name as Public Health Service.

§§ 3, 4. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 3, which provided for rules and regulations of service by the President, is now covered by section 216 of this title.

Section 4, which provided for an annual report by the Surgeon General to the Federal Security Administration, is now covered by section 229 of this title.

§§ 6–15a. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 6, which provided for the care of sick and disabled seamen, is now covered by section 249 of this title.

Section 6a, which provided for the care of seamen on Government vessels not in the Military or Naval Establishments and of cadets on State school ships, is now covered by section 249 of this title.

Section 7, which provided for investigations by Service into diseases, etc., and publications relating thereto, is now covered by section 241 of this title

Section 8, which provided for the use of the Service in time of war, is now covered by section 217 of this title.

Section 8a, which provided for the extension of the facilities of the Service to health officials and scientists, is now covered by section 241 of this title.

Section 9, which provided for the suppression of Spanish influenza and other communicable diseases, is now covered by section 264 of this title.

Section 9a, which provided that the administrative office and bureau divisions in the District of Columbia be a part of the departmental organization and the scientific offices and research laboratories as part of the field services, is now covered by section 203 of this title.

Section 10, which provided for the appointment of the Surgeon General, is now covered by section 205 of this title.

Section 11, which provided for the supervisory powers of the Surgeon General, is now covered by section 203 of this title.

Section 11a, which provided for the pay and allowances of the Surgeon General and for reversion in grade on expiration of term, is now covered by sections 205 and 207 of this title.

Section 11b, which provided for the rank and pay of the Assistant to the Surgeon General, is now covered by sections 206 and 207 of this title.

Section 12, which provided for appointment of medical officers after examination, is now covered by section 209 of this title.

Section 13, which provided for original appointments as assistant surgeons and promotion of passed assistant surgeon, is now covered by sections 209 and 211 of this title.

Section 14, provided for help as provided by Congress, is now covered by section 209 of this title

Section 15, which provided for details for duty in the bureau, is now covered by section 215 of this title.

Section 15a, which provided for the detail of two hospital attendants for duty in the laboratory, is now provided for in section 215 of this title.

§ 16. Same; for work with Bureau of Mines.

REPEALS

Act July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714, repealed portions of Appropriation Acts June 12, 1917, ch. 27, § 1, 40 Stat. 146; May 24, 1922, ch 199, 42 Stat. 588, June 5, 1924, ch. 264, 43 Stat. 422; Mar 3, 1925, ch 462, 43 Stat. 1175, which contained similar provisions to those of this section, but later Appropriation Acts containing such provisions were not repealed.

§§ 17–25e. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 17, which provided for a detail for duty with the Department of Agriculture, is now covered by section 215 of this title.

Section 17a, which provided for a detail for duty with executive and independent departments carrying on public health activities, is now covered by section 215 of this title.

Section 17b, which provided for a detail for duty with educational and research institutions, is now covered by section 215 of this title.

Section 17c, which provided for a detail for duty on vessels of Coast and Geodetic Survey, is now covered by section 215 of this title.

Section 18, which provided for a Reserve of the Public Health Service, is now covered by sections 204, 207, 209, and 210 of this title

Section 18a, which provided for the assignment of Reserve officers to active duty and for such service counting for promotion credits, is now covered by section 204 of this title.

Section 18b, which provided for the distribution of Reserve officers among the several grades, is now covered by section 209 of this title.

Section 19, which provided for leaves of absence for medical officers, is now covered by section 210 of this title.

Section 20, which provided for pensions to officers detailed for service with Coast Guard, Army, or Navy, is now covered by section 213 of this title.

Section 21, which provided for the establishment of the National Advisory Health Council as an advisory board for the National Institute of Health, is now covered by section 218 of this title.

Section 21a, which provided for the compensation of the National Advisory Health Council, is now covered by section 210 of this title.

Section 22, which provided for the appointment of chiefs of divisions and the director of the Institute, and their pay and allowances, is now covered by sections 206 and 210 of this title.

Section 23, which provided for the pay of the director of the Hygienic Laboratory which is now known as the National Institute of Health, is covered by section 210 of this title.

Section 23a provided that the Hygienic Laboratory should be succeeded by the National Institute of Health and that all laws, authorizations, and appropriations of the Hygienic Laboratory should become applicable to its successor.

Section 23b, which provided for the acceptance of gifts by the Federal Security Administrator, is now covered by section 219 of this title.

Section 23c, which provided for detailing to duty of scientists receiving fellowships, is now covered by section 218 of this title.

Section 23d, which provided for appointment and compensation of personnel of the National Institute of Health, is now covered by section 209 of this title.

Section 23e, which provided that the facilities of the National Institute of Health be available to States, counties, and municipalities, is now covered by section 241 of this title.

Section 23f, which provided for the rank, pay, and allowances of the Director of the Institute, is now covered by sections 206, 207, and 210 of this title.

Section 23g, which provided for additional divisions in the Institute as authorized by the Administrator, is now covered by section 203 of this title

Section 24 provided for the establishment of a Division of Venereal Diseases.

Section 25 provided for the duties of said Division.

Section 25a, which provided for appropriations to assist political subdivisions in venereal disease work, is now covered by sections 241 and 246 of this title.

Section 25b, which provided for allotments to political subdivisions for venereal disease work, is now covered by section 216 of this title.

Section 25c, which provided for payments from allotments to political subdivisions, is now covered by section 246 of this title.

Section 25d, which provided for rules and regulations governing the Division of Venereal Diseases, is now covered by section 216 of this title

Section 25e provided for the construction of sections 25a–25e.

§§ 28–42. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 28, which provided divisions under Assistant Surgeons General and the rank, pay, and allowances of said Assistants, is now covered by sections 206, 207, and 210 of this title

Section 28a, which provided for a chief of the narcotics division, is now covered by section 206 of this title.

Section 29, which provided for conferences with State and Territorial boards of health, is now covered by section 244 of this title

Section 30, which provided for the compilation of mortality, morbidity, and vital statistics, is now covered by section 245 of this title.

Section 31, which provided that officers of the Service could make allotments of their pay, is now covered by section 210 of this title.

Section 32, which provided for the purchase of quartermaster supplies by officers of the Service, is now covered by section 210 of this title.

Section 33, which provided for limitations on the expenditure of appropriations, is now covered by section 227 of this title.

Section 33a, which provided for the covering into the Treasury moneys collected for treatment of foreign seamen and other pay patients, is now covered by section 221 of this title.

Section 34, which provided for titles for officers of the Service, is now covered by section 207 of this title.

Section 35, which provided titles for officers other than commissioned officers of the Service, is now covered by section 207 of this title.

Section 36, which provided titles for officers in the grade of Assistant Surgeons General, is now covered by section 206 of this title.

Section 37, as amended by act Nov. 11, 1943, ch. 298, § 7, 57 Stat. 588, which provided for promotions, pay and

allowances, and severance from Service of commissioned officers, is now covered by sections 209–211 of this title.

Section 38, which provided for the appointment and grades of medical, dental, sanitary engineer, and pharmacist officers, is now covered by section 38 of this title.

Section 39, which provided for the number, pay and allowances, and service credits for pay purposes of medical, dental, sanitary engineer, and pharmacist officers, is now covered by sections 209 and 210 of this title.

Section 40, which provided for the appointment and qualifications of employees other than commissioned officers, is now covered by section 209 of this title.

Section 41, which provided for the appointment of persons other than commissioned officers for scientific research, is now covered by section 209 of this title.

Section 42, which provided for medical and hospital services to officers disabled by sickness or injury, is now covered by sections 213 and 248 of this title.

§ 43. Transfer of property and equipment for use of Public Health Service.

REPEALS

Act Mar. 3, 1919, ch 98, § 3, 40 Stat. 1303, which provided among other things for the transfer to the Treasury Department the use of lands, buildings, fixtures, appliances, furnishings, or furniture from any other department not using same, was repealed by act July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 711.

§ 46. Relocation of private physicians and dentists; relocation allowance; travel and transportation costs.

The Surgeon General is authorized, on application of a municipality, county, or other local subdivision of government duly approved by the State health department having jurisdiction over said municipality, county, or other local subdivision of government to enter into agreements with private practicing physicians and dentists under which, in consideration of the payment to them of a relocation allowance of not to exceed $250 per month for three months and the actual cost of travel and transportation of the physician or dentist and his family and household effects to the new location, such physician or dentist will agree to move to and engage in the practice of his profession in such area for a period of not less than one year: *Provided, however,* That no such contract shall be made with any physician or dentist unless such physician or dentist shall be admitted to practice by the State authority having jurisdiction of such new location: *Provided further,* That each such applicant subdivision shall contribute 25 per centum to the total cost of such relocation allowance, travel, and transportation costs of each such physician or dentist and his family obtained by said applicant. (Dec. 23, 1943, ch. 380, title I, 57 Stat. 617.)

PAY

CROSS REFERENCES

Pay and allowances generally, see Title 37, Pay and Allowances

§ 62. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 62, which formerly provided for longevity pay, is now covered by section 101 of Title 37, Pay and Allowances

§§ 64, 64b.

CODIFICATION

Sections have been eliminated from the Code Present provisions on this subject are contained in section 112 of Title 37, Pay and Allowances.

§ 64c. Transportation of school children stationed at certain hospitals.

REPEATED.—Act July 1, 1941, ch. 269, title II, 55 Stat. 483; act July 2, 1942, ch. 475, title II, 56 Stat. 532; act July 12, 1943, ch 221, title II, 57 Stat. 507, act June 28, 1944, ch. 302, title II, § 1, 58 Stat. 559.

§§ 66–69. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 66, which provided for disability pay for commissioned officers, is now covered by section 212 of this title.

Section 67, which provided for compensation of field employees rendering part-time and call services, is now covered by section 210 of this title.

Section 68, as repeated by act July 1, 1941, ch. 269, title II, 55 Stat. 480, which provided transportation funds for shipment of deceased officers, is now covered by section 224 of this title.

Section 69, as amended by act Oct. 28, 1943, ch. 289, 57 Stat. 583, which provided for the settlement of accounts of deceased officers and men, is now covered by section 225 of this title.

§ 70. Per diem allowance of officers detailed to Coast Guard.

The Secretary of the Navy is hereby authorized to prescribe per diem rates of allowance for Public Health Service officers detailed to the Coast Guard as authorized for Coast Guard officers. (Mar. 31, 1943, ch. 30, § 1, 57 Stat. 55.)

§ 70a. Repealed. Dec. 28, 1945, ch. 597, § 4, 59 Stat. 662.

Section, act Oct. 27, 1943, ch. 287, § 6, 57 Stat. 583, provided for reimbursement for property lost or destroyed in service while serving with the Navy.

CODIFICATION

Section is also set out as section 871 of Title 33, Navigation and Navigable Waters

Chapter 1A.—THE PUBLIC HEALTH SERVICE; SUPPLEMENTAL PROVISIONS

§§ 71–71r. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

Chapter 2.—SANITATION AND QUARANTINE

§§ 81–87. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 81, which provided penalties for the entry of vessels in violation of quarantine laws, is now covered by section 271 of this title.

Section 82, which provided for bills of health, is now covered by section 269 of this title.

Section 82a, which provided for duplicate bills of health, is now covered by section 269 of this title.

Section 83 provided that vessels from foreign ports without bill of health not entering the United States were subject to quarantine regulations.

Section 84 provided for the disposition of infected vessels.

Section 85, which provided penalties for infractions of quarantine, is now covered by section 271 of this title.

Section 86, which provided for the prohibition of vessels from infected ports, is now covered by section 265 of this title.

Section 87 provided for the payment of cost of fumigation and disinfection of foreign vessels.

§§ 92–96. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 92, which provided for the enforcement of quarantine regulations, is now covered by section 269 of this title.

Section 92a, which provided for a national quarantine system, is now covered by section 267 of this title.

Section 93, which provided for the duties of the Surgeon General relating to quarantine, is now covered by section 269 of this title.

Section 94, which provided for regulations to secure sanitary conditions of vessels, is now covered by section 269 of this title.

Section 94a, which provided for hours of inspection at quarantine stations, is now covered by section 267 of this title.

Section 94b, which provided for the schedule of charges and payment of them, is now covered by section 269 of this title.

Section 94c, which provided for the procurement of health certificates, is now covered by section 269 of this title.

Section 94d, which provided medical and hospital benefits to officers and employees of the national quarantine service, is now covered by section 253 of this title

Section 94e, which provided for extended quarantine service, is now covered by section 267.

Section 95, which provided regulations to prevent spread of communicable diseases, is now covered by section 264 of this title.

Section 96 provided that jurisdiction over established station acquired by the United States to be ceded before payment of compensation.

§ 98. Vessels for quarantine officers.

REPEALS

Act July 1, 1944, ch 373, title VI, § 611, 58 Stat. 714, repealed act Feb 15, 1893, cited to text, which act repealed act Mar. 3, 1879, ch. 202, 20 Stat. 484.

§§ 99–108. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 99, which provided medical officers performing duties as quarantine officers with authority to administer oaths, is now covered by section 272 of this title.

Section 100 provided compensation for use of State buildings for quarantine purposes.

Section 101, which provided for the acquisition of quarantine stations, is now covered by section 267 of this title.

Section 102, which provided for the establishment of quarantine grounds, is now covered by section 267 of this title

Section 103, which provided for the control and management of quarantine grounds, is now covered by section 267 of this title

Section 104 provided for the transferral of title of land and water from other departments to the Service for its use.

Section 105 provided for notice of selection of places for quarantine stations and anchorages.

Section 106, which provided penalties for trespass on quarantine stations, is now covered by section 271 of this title.

Section 107, which provided penalties for the violation of quarantine laws by officers of Service, is now covered by section 271 of this title

Section 108, which provided penalties for the violation of quarantine laws by common carriers, is now covered by section 271 of this title.

§§ 110, 111. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 110, which provided for a schedule of charges for vessels at New York quarantine station, is now covered by section 269 of this title.

Section 111, which provided for the suspension of immigration, is now covered by section 265 of this title.

Chapter 3.—LEPROSY

STATION AND LABORATORY AT MOLOKAI, HAWAII

§§ 121–125. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 121, provided for the establishment in perpetuity of a hospital station and laboratory at Molokai, Hawaii.

Section 122, which provided for the admission and treatment of leper patients, is now covered by section 255 of this title.

Section 123, which provides for the detail of officers and employees for leprosy work, is now covered by section 215 of this title.

Section 124, which provided regulations for administration of hospital station and laboratory, is now covered by section 256 of this title.

Section 125, which provided for additional pay and allowances to officers detailed on leprosy duty, is now covered by section 210 of this title.

LEPROSY HOME IN THE UNITED STATES

§§ 131–135. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 131 provided for the establishment of a leprosy home in the United States.

Section 132 provided for the erection of buildings for the home.

Section 133, which provided for receipt of lepers into said home, is now covered by section 255 of this title.

Section 134, which provided for regulations governing said home, is now covered by section 256 of this title.

Section 135, which provided for additional pay of officers detailed to duty at said home, is now covered by section 210 of this title.

Chapter 3A.—CANCER

§§ 137–137g. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 137, which provided for the establishment of the National Cancer Institute, is now covered by section 281 of this title.

Section 137a, which provided for the powers and duties of the Surgeon General, is now covered by section 282 of this title.

Section 137b, which provided for the establishment of the National Advisory Cancer Council, is now covered by section 218 of this title.

Section 137c, providing for the powers and functions of the Council, is now covered by section 284 of this title.

Section 137d, which provided for the administration of powers by Surgeon General, is now covered by section 283 of this title.

Section 137e, which provided for the acceptance of gifts, is now covered by section 283 of this title.

Section 137f, which provided for appropriations, is now covered by section 285 of this title

Section 137g, which provided for the appointment of commissioned officers, is now covered by section 209 of this title.

Chapter 4.—VIRUSES, SERUMS, TOXINS, ANTITOXINS, ETC.

§§ 141–148. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 141, which provided for the regulation of sale of and interstate traffic of viruses, serums, toxins, antitoxins, etc., is now covered by section 262 of this title.

Section 142, which provided against falsely labeling or marking container or package, is now covered by section 262 of this title

Section 143, which provided for the inspection of manufacturing establishments, is now covered by section 262 of this title.

Section 144, which provided for the inspection of foreign manufacturing establishments, is now covered by section 262 of this title.

Section 145, which provided for issuing of licenses to manufacturing establishments, is now covered by section 262 of this title.

Section 146, provided for the enforcement of regulations, is now covered by section 262 of this title.

Section 147, which provided against interfering with officers, is now covered by section 262 of this title.

Section 148, which provided for penalties for offenses, is now covered by section 262 of this title.

Chapter 6A.—THE PUBLIC HEALTH SERVICE

SUBCHAPTER I—ADMINISTRATION

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SUBCHAPTER I.—ADMINISTRATION

§ 201. Definitions.

When used in this chapter—

(a) The term "Service" means the Public Health Service;

(b) The term "Surgeon General" means the Surgeon General of the Public Health Service;

(c) The term "Administrator" means the Federal Security Administrator;

(d) The term "regulations", except when otherwise specified, means rules and regulations made by the Surgeon General with the approval of the Administrator;

(e) The term "executive department" means any executive department, agency, or independent establishment of the United States or any corporation wholly owned by the United States;

(f) The term "State" means a State or the District of Columbia, Hawaii, Alaska, Puerto Rico, or the Virgin Islands, except that as used in section 264 (d) of this title such term means a State, the District of Columbia, or Alaska;

(g) The term "possession" includes, among other possessions, Puerto Rico and the Virgin Islands;

(h) The term "seamen" includes any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation;

(i) The term "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, exclusive of aircraft and amphibious contrivances;

(j) The term "habit-forming narcotic drug" or "narcotic" means opium and coca leaves and the several alkaloids derived therefrom, the best known of these alkaloids being morphia, heroin, and codeine, obtained from opium, and cocaine derived from the coca plant; all compounds, salts, preparations, or other derivatives obtained either from the raw material or from the various alkaloids; Indian hemp and its various derivatives, compounds, and preparations, and peyote in its various forms; and

(k) The term "addict" means any person who habitually uses any habit-forming narcotic drugs so as to endanger the public morals, health, safety, or welfare, or who is or has been so far addicted to the use of such habit-forming narcotic drugs as to have lost the power of self-control with reference to his addiction. (July 1, 1944, ch. 373, title I, § 2, 58 Stat. 682.)

SHORT TITLE

Section 1 of act July 1, 1944, cited to text, provided: "Titles I to V, inclusive, of this Act [this chapter] may be cited as the 'Public Health Service Act'."

EXISTING POSITIONS, PROCEDURES, REGULATION, FUNDS, APPROPRIATION, AND PROPERTY

Sections 601–603 of act July 1, 1944, cited to text, provided:

"SEC. 601. (a) The provisions of this Act [this chapter], shall not affect the term or tenure of office or employment of the Surgeon General, or of any officer or employee of the Service, or of any member of the National Advisory Health Council or the National Advisory Cancer Council, in office or employed at the time of its enactment.

"(b) Notwithstanding the provisions of this Act, existing positions, divisions, committees, and procedures in the Service shall continue unless and until abolished, changed, or transferred pursuant to authority granted in this Act [this chapter].

"SEC. 602. Notwithstanding the provisions of this Act [this chapter], existing rules, regulations of or applicable to the Service, and Executive orders, shall remain in effect until repealed, or until modified or superseded by regulations made in accordance with the provisions of this Act [this chapter].

"SEC. 603. All appropriations, allocations, and other funds, and all properties available for use by the Public Health Service or any division or unit thereof shall continue to be available to the Service."

APPROPRIATIONS FOR EMERGENCY HEALTH AND SANITATION ACTIVITIES

Section 604 of act July 1, 1944, cited to text, provided: "For each fiscal year during the continuance of the present war and during any period of demobilization after the war, there is hereby authorized to be appropriated such sum as may be necessary to enable the Surgeon General, either directly or through State health authorities, to conduct health and sanitation activities in areas adjoining military or naval reservations within or without the United States, in areas where there are concentrations of military or naval forces, in Government and private industrial plants engaged in defense work, and in areas adjoining such industrial plants."

SAVINGS CLAUSE

Section 612 of act July 1, 1944, cited to text, provided: "The repeal of the several statutes or parts of statutes accomplished by section 611 [act July 1, 1944, ch. 373, title VI, 58 Stat 714], shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause, before such repeal, but all rights and liabilities under the statutes or parts thereof so repealed shall continue, and may be enforced in the same manner, as if such repeal had not been made."

REPEALS

Section 611 of act July 1, 1944, cited to text, repealed outright sections in this title and Titles 8, 14, 21, 24, 31, 33, 44, 48, and amended sections by repealing parts of said sections in Titles 8, 14, 24, 31, 34, 46, 48, 49.

§ 202. Administration and supervision of Service.

The Public Health Service in the Federal Security Agency shall be administered by the Surgeon General under the supervision and direction of the Administrator. (July 1, 1944, ch. 373, title II, § 201, 58 Stat. 683.)

§ 203. Organization of service.

The Service shall consist of (1) the Office of the Surgeon General, (2) the National Institute of Health, (3) the Bureau of Medical Services, and (4) the Bureau of State Services. The Surgeon General is authorized and directed to assign to the Office of the Surgeon General, to the National Institute of Health, to the Bureau of Medical Services, and to the Bureau of State Services, respectively, the several functions of the Service, and to establish within them such divisions, sections, and other units as he may find necessary; and from time to time abolish, transfer, and consolidate divisions, sections, and other units and assign their functions and personnel in such manner as he may find necessary for efficient operation of the Service. No division shall be established, abolished, or transferred, and no divisions shall be consolidated, except with the approval of the Administrator. The National Institute of Health shall be administered as a part of the field service. The Surgeon General may delegate to any officer or employee of the Service such of his powers and duties under this chapter, except the making of regulations, as he may deem necessary or expedient. (July 1, 1944, ch. 373, title II, § 202, 58 Stat. 683.)

§ 204. Composition of commissioned corps; appointment of commissioned officers of Regular and Reserve Corps.

There shall be in the Service a commissioned Regular Corps and, for the purpose of securing a reserve for duty in the Service in time of national emergency, a Reserve Corps. All commissioned officers shall be citizens and shall be appointed without regard to the civil-service laws and compensated without regard to sections 661–663, 664–673 and 674 of Title 5. Commissioned officers of the Reserve Corps shall be appointed by the President and commissioned officers of the Regular Corps shall be appointed by him by and with the advice and consent of the Senate. Commissioned officers of the Reserve Corps shall at all times be subject to call to active duty by the Surgeon General, including active duty for the purpose of training and active duty for the purpose of determining their fitness for appointment in the Regular Corps. All active service in the Reserve Corps, as well as service in the Regular Corps, shall be credited for the purpose of promotion in the Regular Corps. (July 1, 1944, ch. 373, title II, § 203, 58 Stat. 683.)

OSTEOPATHS APPOINTED AS RESERVE OFFICERS

Section 609 of act July 1, 1944, cited to text, provided: "For the duration of the present war and for six months thereafter graduates of reputable osteopathic colleges shall be eligible for appointment as reserve officers in the Service."

§ 205. Appointment and tenure of office of Surgeon General; reversion in rank.

The Surgeon General shall be appointed from the Regular Corps for a four-year term by the President by and with the advice and consent of the Senate. Upon the expiration of such term the Surgeon General, unless reappointed, shall revert to the grade and number in the Regular Corps that he would have occupied had he not served as Surgeon General. (July 1, 1944, ch. 373, title II, § 204, 58 Stat. 684.)

§ 206. Assignment of officers as Deputy Surgeon General and Assistant Surgeons General.

(a) The Surgeon General shall assign one commissioned officer from the Regular Corps to administer the Office of the Surgeon General, to act as Surgeon General during the absence or disability of the Surgeon General or in the event of a vacancy in that office, and to perform such other duties as the Surgeon General may prescribe, and while so assigned he shall have the title of Deputy Surgeon General.

(b) The Surgeon General shall assign six commissioned officers from the Regular Corps to be, respectively, the Director of the National Institute of Health, the Chief of the Bureau of State Services, the Chief of the Bureau of Medical Services,

the Chief Medical Officer of the United States Coast Guard, the Chief Dental Officer of the Service, and the Chief Sanitary Engineering Officer of the Service, and while so serving they shall each have the title of Assistant Surgeon General.

(c) The Surgeon General shall designate the Assistant Surgeon General who shall serve as Surgeon General in case of absence or disability, or vacancy in the offices, of both the Surgeon General and the Deputy Surgeon General. (July 1, 1944, ch. 373, title II, § 205, 58 Stat. 684.)

§ 207. Grades, ranks, and titles of the commissioned corps.

(a) The Surgeon General, during the period of his appointment as such, shall be of the same grade, with the same pay and allowances, as the Surgeon General of the Army; and the Deputy Surgeon General and Assistant Surgeons General, while assigned as such, shall have the grade corresponding with the grade of Brigadier General, with the same pay and allowances. The grades of commissioned officers of the Service shall correspond with grades of officers of the Army as follows:

(1) Officers of the director grade—colonel;

(2) Officers of the senior grade—lieutenant colonel;

(3) Officers of the full grade—major;

(4) Officers of the senior assistant grade—captain;

(5) Officers of the assistant grade—first lieutenant; and

(6) Officers of the junior assistant grade—second lieutenant.

(b) The titles of medical officers of the foregoing grades shall be respectively (1) medical director, (2) senior surgeon, (3) surgeon, (4) senior assistant surgeon, (5) assistant surgeon, and (6) junior assistant surgeon. The President is authorized to prescribe titles, appropriate to the several grades, for commissioned officers of the Service other than medical officers. All titles of the officers of the Reserve Corps shall have the suffix "Reserve." (July 1, 1944, ch. 373, title II, § 206, 58 Stat. 684.)

RANK OF MAJOR GENERAL

The Federal Security Agency Appropriation Act of 1945, act June 28, 1944, ch. 302, title II, 58 Stat 560, provided in part "The Assistant to the Surgeon General may, for the duration of his present detail to the War Department, be promoted to the grade of major general and receive the pay and allowances of comparable grade in the Army"

§ 208. Establishment of special temporary positions; assignment to positions.

(a) When necessary for the accomplishment of important temporary work in time of war, or of emergency proclaimed by him, the President may establish special temporary positions in the Service and prescribe grades which shall be applicable to officers during periods they are assigned to such positions. While assigned to any such position an officer shall receive the pay and allowances applicable to the grade so prescribed. Not more than three such positions existing at any one time shall have the grade of Assistant Surgeon General. The Surgeon General shall assign commissioned officers to such positions.

(b) Commissioned officers and qualified technical or professional noncommissioned personnel may be assigned by the Surgeon General to be chiefs of administrative units. Such assignments shall not affect the pay of commissioned officers so assigned, except that when any commissioned officer below the grade of director is assigned to serve as chief of a division such officer during the period so assigned shall have the temporary grade and receive the pay and allowances applicable to the director grade. (July 1, 1944, ch. 373, title II, § 207, 58 Stat. 685.)

§ 209. Appointment of personnel—(a) Original appointments to Regular and Reserve Corps.

(1) Except as provided in subsection (b) of this section, original appointments to the Regular Corps may be made only in the junior assistant, assistant, and senior assistant grades and original appointments to a grade above junior assistant shall be made only after passage of an examination, given in accordance with regulations of the President, in one or more of the several branches of medicine, surgery, dentistry, hygiene, sanitary engineering, pharmacy, nursing, or related scientific specialties in the field of public health.

(2) Original appointments to the Reserve Corps may be made to any grade up to and including the director grade but only after passage of an examination given in accordance with regulations of the President. Reserve commissions shall be for a period of not more than five years and any such commission may be terminated by the President at any time, in his discretion.

(b) Persons with specialized training and experience.

Whenever commissioned officers of the Service are not available for the performance of permanent duties requiring highly specialized training and experience in special fields related to public health, the Administrator on recommendation of the Surgeon General shall report that fact to the President and the President is authorized to appoint, by and with the advice and consent of the Senate, not to exceed three persons in any one fiscal year to grades in the Regular Corps of the Service above that of senior assistant, but not to a grade above that of director; and for purposes of pay and pay period any person appointed under the provisions of this section shall be considered as having had on the date of appointment service equal to that of the junior officer of the grade to which appointed.

(c) Special consultants.

In accordance with regulations, special consultants may be employed to assist and advise in the operations of the Service. Such consultants may be appointed without regard to the civil-service laws and their compensation may be fixed without regard to sections 661–663, 664–673 and 674 of Title 5.

(d) Designation for fellowships; duties; pay.

In accordance with regulations, individual scientists, other than commissioned officers of the Service, may be designated by the Surgeon General to receive fellowships, appointed for duty with the Service

without regard to the civil-service laws and compensated without regard to sections 661–663, 664–673 and 674 of title 5, may hold their fellowships under conditions prescribed therein, and may be assigned for studies or investigations either in this country or abroad during the terms of their fellowships.

(e) Aliens.

Persons who are not citizens may be employed as consultants pursuant to subsection (c) and may be appointed to fellowships pursuant to subsection (d). Unless otherwise specifically provided, any prohibition in any other Act against the employment of aliens, or against the payment of compensation to them, shall not be applicable in the case of persons employed or appointed pursuant to such subsections.

(f) Civil service appointments by Administrator.

The appointment of any officer or employee of the Service made in accordance with the civil-service laws shall be made by the Administrator, and may be made effective as of the date on which such officer or employee enters upon duty. (July 1, 1944, ch. 373, title II, § 208, 58 Stat. 685.)

§ 209a. Appointment of regular commissioned nurses; grades; length of service for pay periods.

The number of regular commissioned nurses appointed shall be in addition to the number of regular active commissioned officers otherwise authorized, and not to exceed fifty regular commissioned nurses may be appointed in grades above that of senior assistant and for purposes of pay and pay period shall be considered as having had on the date of appointment service equal to that of the junior officer of the grade to which appointed. (Dec. 22, 1944, ch. 660, title I, § 101, 58 Stat. 856.)

CODIFICATION

This section is from the Federal Security Appropriation Act of 1944, act Dec. 22, 1944, cited to text, and is not a part of the Public Health Service Act of 1944.

§ 209b. Appointment of additional commissioned officers; grades.

There shall be employed fifty additional regular commissioned officers, of which number twenty-four are authorized to be commissioned in the grades above that of senior assistant. (Dec. 22, 1944, ch. 660, title I, § 101, 58 Stat. 857.)

CODIFICATION

This section is from the Federal Security Appropriation Act of 1944, act Dec. 22, 1944, cited to text, and is not a part of the Public Health Service Act of 1944.

§ 209c. Same; length of service for pay purposes.

For the purposes of pay and pay period the officers appointed to grades above that of senior assistant pursuant to section 209b of this title shall be considered as having had on the date of appointment service equal to that of the junior officer of the grade to which appointed. (July 3, 1945, ch. 263, title II, 59 Stat. 370.)

CODIFICATION

This section is from the Federal Security Appropriation Act of 1945, act July 3, 1945, cited to text, and is not a part of the Public Health Service Act of 1944.

§ 210. Pay and allowances—(a) Commissioned officers of Regular Corps.

Commissioned officers of the Regular Corps shall receive such pay and allowances as are or may hereafter be provided by law.

(b) Reserve officers.

Reserve officers shall receive the same pay and allowances when on active duty as commissioned officers of the Regular Corps, including allowances for travel and transportation of household goods and effects.

(c) Allotments; purchase of quartermaster supplies.

In accordance with regulations of the President, commissioned officers of the Regular Corps and officers of the Reserve on active duty may make allotments from their pay and may be granted leaves of absence without any deduction from their pay. Such officers shall also be permitted to purchase quartermaster supplies from the Army, Navy, and Marine Corps at the same price as is charged officers of the Army, Navy, and Marine Corps.

(d) Female commissioned officers; definition of "dependent".

Female commissioned officers of the Service shall receive the same pay and allowances as male officers of corresponding grades, including allowances for dependents, except that no allowance shall be paid to any female commissioned officer on account of any dependent who is not in fact dependent upon such officer for his or her chief support. For the purposes of this subsection the term "dependent" shall include a husband, father, mother, and unmarried children (including stepchildren and adopted children) under twenty-one years of age.

(e) Members of National Advisory Health and Cancer Councils.

Members of the National Advisory Health Council and members of the National Advisory Cancer Council, other than ex officio members, while attending conferences or meetings of their respective Councils or while otherwise serving at the request of the Surgeon General, shall be entitled to receive compensation at a rate to be fixed by the Administrator, but not exceeding $25 per diem, and shall also be entitled to receive an allowance for actual and necessary traveling and subsistence expenses while so serving away from their places of residence.

(f) Field employees.

Field employees of the Service, except those employed on a per diem or fee basis, who render part-time duty and are also subject to call at any time for services not contemplated in their regular part-time employment, may be paid annual compensation for such part-time duty and, in addition, such fees for such other services as the Surgeon General may determine; but in no case shall the total paid to any such employee for any fiscal year exceed the amount of the minimum annual salary rate of the classification grade of the employee.

(g) Additional pay for leprosy detail.

Whenever any commissioned or other officer or employee of the Service is assigned for duty which

the Surgeon General finds requires intimate contact with persons afflicted with leprosy, he may receive, as provided by regulations of the President, in addition to the pay and any allowances of his grade, not more than one-half the pay of such grade, and such allowances or increased allowances as may be provided for by such regulations.

(h) Allowances included in fellowships.

Individuals appointed under section 209 (d) of this title shall have included in their fellowships such stipends or allowances, including travel and subsistence expenses, as the Surgeon General may deem necessary to procure qualified fellows. (July 1, 1944, ch. 373, title II, § 209, 58 Stat. 686.)

§ 211. Promotion of commissioned officers; examination; temporary promotions in wartime; service credits; regulations; separation from service; pay and allowances.

(a) Promotions of commissioned officers of the Regular Corps to any grade up to and including the director grade shall be made only after examination given in accordance with regulations of the President and shall be made according to the same length of service as is now or may hereafter be prescribed for promotion of officers of corresponding grades of the Medical Corps of the Army, except that—

(1) In time of war, or of national emergency proclaimed by the President, any commissioned officer of the Regular Corps may be appointed to a higher temporary grade with the pay and allowances thereof without examination and without vacating his permanent appointment, and, if his service shall have been continuous, without renewing his oath of office;

(2) For purposes of promotion, an officer whose original appointment to the Regular Corps was above the assistant grade shall be considered as having had on the date of such original appointment service equal to that of the junior officer of the grade to which he was appointed, except that if his active commissioned service in the Service exceeds that of the junior officer of the grade, such service (not exceeding ten years for an officer appointed in the senior assistant grade and fourteen years for an officer appointed in the full grade) shall be credited for purposes of promotion;

(3) Officers commissioned in the grade of junior assistant shall be examined for promotion in accordance with regulations of the President and if qualified shall be promoted to the next higher grade; and

(4) Commissioned officers other than medical, dental, sanitary engineering, and pharmacist officers shall be promoted in accordance with regulations of the President.

(b) At the end of his first three years of service, the record of each commissioned officer in the Regular Corps originally appointed in or above the grade of senior assistant shall be reviewed in accordance with regulations of the President and if found not fully qualified for further service he shall be separated from the Service and paid six months' pay and allowances.

(c) When a commissioned officer in the Regular Corps is found, after examination, to be not qualified for promotion for reasons other than physical disability incurred in line of duty—

(1) If below the full grade he shall be separated from the Service, and if in the assistant grade he shall be separated and paid six months' pay and allowances, and if in the senior assistant grade he shall be separated and paid one year's pay and allowances; and

(2) If in the full or senior grade he shall be reported as not in line of promotion, or shall be retired and paid at the rate of 2½ per centum for each complete year of active commissioned service in the Service, but in no case to exceed 60 per centum of his active pay at the time he is retired. (July 1, 1944, ch. 373, title II, § 210, 58 Stat. 687.)

§ 212. Retirement of commissioned officers—(a) Disability or disease.

A commissioned officer of the Regular Corps retired for disability from disease or injury incurred in line of duty, or a commissioned officer of the Reserve Corps retired for disability from disease or injury incurred in line of duty in time of war, shall be entitled, except as provided in subsection (c), to receive retired pay at the rate of 75 per centum of his active pay at the time of retirement.

(b) Age.

A commissioned officer shall be retired on the first day of the month following his sixty-fourth birthday. If he is an officer in the Regular Corps, he shall, except as provided in subsection (c), be entitled to receive retired pay at the rate of 75 per centum of his active pay at the time of retirement.

(c) Certain commissioned officers; Surgeon General and Deputy Surgeon General.

(1) Any commissioned officer of the Regular Corps who at the time of his original appointment was more than forty-five years of age shall upon retirement, unless retired for disability from disease or injury incurred in time of war, be entitled to retired pay only at the rate of 4 per centum of his active pay at the time of retirement for each twelve months of active commissioned service, including any such service in the Army, Navy, or Coast Guard, but in no case more than 75 per centum of such active pay.

(2) The retired pay of any commissioned officer who has served four years or more as Surgeon General or Deputy Surgeon General shall be based on the pay of the highest grade held by him as such Surgeon General or Deputy Surgeon General.

(3) The retired pay of an officer of the Regular Corps who has failed, by reason of disability incurred in line of duty, to receive a promotion to which he would otherwise have been entitled, shall be based on the pay of the grade to which, but for such disability, he would have been promoted.

(d) Recall to active duty.

An officer retired for disability who is found to have recovered from his disability, and in time of war an officer who has been retired for age, may in

accordance with regulations of the President be recalled to active duty.

(e) Voluntary retirement of Surgeon General.

With the approval of the President a commissioned officer who has served four years or more as Surgeon General, and who has had not less than twenty-five years of active commissioned service in the Service may retire voluntarily, either at the termination of his term as Surgeon General or at any time thereafter; and his retired pay shall be at the rate of 75 per centum of the pay of the highest grade held by him as such Surgeon General.

(f) Reserve officers as officers of executive branch of Government.

Commissioned officers of the Reserve Corps, while on active duty, shall be deemed to be officers of the executive branch of the Government within the meaning of section 693 of Title 5. (July 1, 1944, ch. 373, title II, § 211, 58 Stat. 688.)

§ 213. Military benefits; definitions; officers entitled to benefits; authority of Surgeon General; award of decorations.

(a) For the purposes of this section—

(1) the term "full military benefits" means all rights, privileges, immunities, and benefits provided under any law of the United States in the case of commissioned officers of the Army (including their surviving beneficiaries) on account of active military service, including, but not limited to, burial payments in the event of death, six months' pay in case of death, veterans' compensation and pensions and other veterans' benefits, the rights provided under sections 501–590 of Appendix to Title 50, and under sections 801–818 of Title 38 travel allowances, including per diem allowances for travel without regard to repeated travel between two or more places in the same vicinity, exemption from payment of postage on mail, exemption of certain pay from Federal income taxation, and other benefits, privileges and exceptions under the Internal Revenue laws; excluding, however, retired pay, uniform allowances, the right to be awarded military ribbons, medals, and decorations, and the benefits of sections 691–691g of Title 38, and excluding reemployment rights with respect to any commissioned officer of the Service except officers of the Reserve Corps called to active duty after November 11, 1943; and

(2) the term "limited military benefits" means full military benefits, except veterans' compensation and pensions and other veterans' benefits, and eligibility under sections 801–818 of Title 38.

(b) Commissioned officers of the Service (including their surviving beneficiaries)—

(1) shall be entitled to limited military benefits with respect to all active service in time of war;

(2) shall be entitled to full military benefits with respect to active service performed while detailed for duty with the Army, Navy, or Coast Guard;

(3) shall be entitled to full military benefits with respect to active service outside the continental limits of the United States, or in Alaska, in time of war;

(4) shall be entitled to full military benefits with respect to active service performed while the Service is part of the military forces of the United States pursuant to executive order of the President.

(c) The authority vested by law in the War Department, the Secretary of War, or other officers of the War Department with respect to rights, privileges, immunities, and benefits referred to in subsection (a) shall be exercised, with respect to commissioned officers of the Service, by the Surgeon General under the supervision and direction of the Administrator.

(d) The President may prescribe the conditions under which commissioned officers of the Service may be awarded military ribbons, medals, and decorations. (July 1, 1944, ch. 373, title II, § 212, 58 Stat. 689.)

§ 214. Allowances for uniforms.

An allowance of $250 for uniforms and equipment is authorized to be paid to each commissioned officer of the Service who is hereafter, in time of war, appointed to the Regular Corps or called to active duty in the Reserve Corps, or who is hereafter on active duty in either corps at the commencement of any war, if at such time the officer is in the grade of junior assistant, assistant, or senior assistant, and is receiving the pay of the first, second, or third pay period; except that no officer who has received such an allowance from the Service shall at any time thereafter be entitled to any further allowance. (July 1, 1944, ch. 373, title II, § 213, 58 Stat. 689.)

UNIFORM ALLOWANCES TO CERTAIN COMMISSIONED OFFICERS

Section 607 of act July 1, 1944, cited to text, provided: "Each commissioned officer of the Service who was appointed to the Regular Corps or called to active duty in the Reserve Corps since December 7, 1941, and prior to the enactment of this Act [July 1, 1944], and who on or after November 11, 1943, was on active duty in the grade of junior assistant, assistant, or passed assistant and was receiving the pay of the first, second, or third pay period, shall be entitled to receive an allowance of $250 for uniforms and equipment."

§ 215. Detail of personnel to governmental departments, States and subdivisions, and certain institutions; payment of salaries and allowances.

(a) The Administrator is authorized, upon the request of the head of an executive department, to detail officers or employees of the Service to such department for duty as agreed upon by the Administrator and the head of such department in order to cooperate in, or conduct work related to, the functions of such department or of the Service. When officers or employees are so detailed their salaries and allowances may be paid from working funds established as provided by law or may be paid by the Service from applicable appropriations and reimbursement may be made as agreed upon by the Administrator and the head of the executive department concerned. Officers detailed for duty with the Army, Navy, or Coast Guard shall be subject to the laws for the government of the service to which detailed.

(b) Upon the request of any State health authority, personnel of the Service may be detailed by the Surgeon General for the purpose of assisting

such State or a political subdivision thereof in work related to the functions of the Service.

(c) The Surgeon General may detail personnel of the Service to nonprofit educational, research, or other institutions engaged in health activities for special studies of scientific problems and for the dissemination of information relating to public health.

(d) Personnel detailed under subsections (b) and (c) shall be paid from applicable appropriations of the Service, except that, in accordance with regulations such personnel may be placed on leave without pay and paid by the State, subdivision, or institution to which they are detailed. The services of personnel while detailed pursuant to this section shall be considered as having been performed in the Service for purposes of longevity pay, promotion, retirement, compensation for injury or death, and the benefits provided by section 213 of this title. (July 1, 1944, ch. 373, title II, § 214, 58 Stat. 690.)

§ 216. Regulations for Service by President and Surgeon General.

(a) The President shall from time to time prescribe regulations with respect to the appointment, promotion, retirement, termination of commission, titles, pay, uniforms, allowances (including increased allowances for foreign service), and discipline of the commissioned corps of the Service.

(b) The Surgeon General, with the approval of the Administrator, unless specifically otherwise provided, shall promulgate all other regulations necessary to the administration of the Service, including regulations with respect to travel, transportation of household goods and effects, and uniforms for employees, and regulations with respect to the custody, use, and preservation of the records, papers, and property of the Service.

(c) No regulation relating to qualifications for appointment of medical officers or employees shall give preference to any school of medicine. (July 1, 1944, ch. 373, title II, § 215, 58 Stat. 690.)

EX. ORD. NO. 9575. PUBLIC HEALTH SERVICE COMMISSIONED CORPS A MILITARY SERVICE

Ex Ord. No 9575, June 28, 1945, 10 F. R. 7895, provided: By virtue of the authority vested in me by section 216 of the Public Health Service Act, approved July 1, 1944, 58 Stat. 691 [this section]; Title I of the First War Powers Act, approved December 1, 1941, 55 Stat 838 [sections 601–605 of Appendix to Title 50], and as President of the United States and Commander in Chief, I hereby declare the commissioned corps of the Public Health Service to be a military service and a branch of the land and naval forces of the United States during the period of the present war. The commissioned corps of the Public Health Service during such period shall be subject to the Articles for the Government of the Navy to the extent prescribed in the following regulations:

1. The Articles for the Government of the Navy are hereby adapted to apply to officers of the commissioned corps of the Public Health Service in the same manner and to the same extent as they apply to commissioned officers of the Navy under like circumstances.

2. Any member of the commissioned corps of the Public Health Service who violates any provision of the Articles for the Government of the Navy shall be subject to trial and punishment as prescribed therein. The authority conferred by the Articles for the Government of the Navy upon the Secretary of the Navy with respect to the convening of general courts-martial and courts of inquiry, the review of their proceedings and the confirmation, remission, mitigation, and execution of sentences of general courts-martial shall be vested in the Federal Security Administrator, and the authority conferred by law for such purposes upon the commander in chief of a fleet or squadron and other officers of the Navy shall be vested in the Surgeon General of the Public Health Service. The authority to convene a general court-martial or court of inquiry may not be delegated to any other officer of the Public Health Service.

3. The general courts-martial and courts of inquiry convened pursuant to this authority shall have the same powers and authority as other general courts-martial and courts of inquiry under the Articles for the Government of the Navy [following section 1200 of Title 34]. The provision of Article 7 thereof shall apply in carrying out sentences of imprisonment and hard labor.

4. Commissioned officers of the Public Health Service now or hereafter detailed for duty with the Army, Navy, or Coast Guard shall be subject to the laws for the government of the service to which detailed as now prescribed by law. In the initiation, prosecution, and completion of disciplinary action, including remission or mitigation of punishments for any offense which has been or may be committed by any commissioned officer of the Public Health Service while detailed for duty with the Army, Navy, or Coast Guard, the jurisdiction shall depend upon and be in accordance with the laws and regulations applicable to the Army, Navy, Coast Guard, or Public Health Service, as the case may be, whichever has jurisdiction of the person of the offender at the various stages of such action: *Provided*, That any punishment imposed and executed in accordance with the provisions of this paragraph shall not exceed that to which the offender was liable at the time of the commission of the offense.

5. Naval Courts and Boards, 1937 and modifications or revisions thereof, shall govern the conduct of general courts-martial and courts of inquiry in the Public Health Service.

6. This order shall be published in the FEDERAL REGISTER and shall be effective on and after the thirtieth day following the date of such publication.

§ 217. Use of Service in emergency.

In time of war, or of emergency proclaimed by the President, he may utilize the Service to such extent and in such manner as shall in his judgment promote the public interest, and in time of war he may by Executive order declare the commissioned corps of the Service to be a military service. Upon such declaration, and during the period of such war or such part thereof as the President shall prescribe, the commissioned corps (1) shall constitute a branch of the land and naval forces of the United States, and (2) to the extent prescribed by regulations of the President, shall be subject to the Articles of War and to the Articles for the Government of the Navy: *Provided*, That during such period or part thereof the commissioned corps shall continue to operate as part of the Service except to the extent that the President may direct as Commander in Chief. (July 1, 1944, ch. 373, title II, § 216, 58 Stat. 690.)

REFERENCES IN TEXT

Articles of War and Articles for the Government of the Navy referred to in the text have been classified to sections 1471–1593 of Title 10, and following section 1200 of Title 34, respectively.

§ 218. National Advisory Health and Cancer Councils; composition; qualifications, appointment, and tenure of office.

(a) The National Advisory Health Council shall consist of fourteen members. The Director of the National Institute of Health, and three experts, one

each from the Army, the Navy, and the Bureau of Animal Industry, to be detailed by the Secretary of War, the Secretary of the Navy, and the Secretary of Agriculture, respectively, shall be ex officio members of the Council. The Surgeon General, with the approval of the Administrator, shall appoint, without regard to the civil-service laws, ten members of the Council who shall be persons, not otherwise in the employ of the United States, skilled in the sciences related to health. Each appointed member shall hold office for a term of five years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. An appointed member shall not be eligible to serve continuously for more than five years but shall be eligible for reappointment if he has not served immediately preceding his reappointment.

(b) The National Advisory Health Council shall advise, consult with, and make recommendations to, the Surgeon General on matters relating to health activities and functions of the Service. The Surgeon General is authorized to utilize the services of any member or members of the Council, and where appropriate, any member or members of the National Advisory Cancer Council in connection with matters related to the work of the Service, for such periods, in addition to conference periods, as he may determine.

(c) The National Advisory Cancer Council shall consist of the Surgeon General ex officio, who shall be Chairman, and of six members to be appointed without regard to the civil-service laws by the Surgeon General with the approval of the Administrator. The six appointed members shall be selected from leading medical or scientific authorities who are outstanding in the study, diagnosis, or treatment of cancer. Each appointed member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. An appointed member shall not be eligible to serve continuously for more than three years but shall be eligible for reappointment if he has not served immediately preceding his reappointment. (July 1, 1944, ch. 373, title II, § 217, 58 Stat. 691.)

§ 219. Acceptance and disposition of gifts; establishment of memorials.

(a) The Administrator is authorized to accept on behalf of the United States gifts made unconditionally by will or otherwise for the benefit of the Service or for the carrying out of any of its functions. Conditional gifts may be so accepted if recommended by the Surgeon General, and the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with its conditions, but no gift shall be accepted which is conditioned upon any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress.

(b) Any unconditional gift of money accepted pursuant to the authority granted in subsection (a) of this section, the net proceeds from the liquidation (pursuant to subsection (c) or subsection (d) of this section) of any other property so accepted, and the proceeds of insurance on any such gift property not used for its restoration, shall be deposited in the Treasury of the United States and are hereby appropriated and shall be held in trust by the Secretary of the Treasury for the benefit of the Service, and he may invest and reinvest such funds in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such gifts and the income from such investments shall be available for expenditure in the operation of the Service and the performance of its functions, subject to the same examination and audit as is provided for appropriations made for the Service by Congress.

(c) The evidences of any unconditional gift of intangible personal property, other than money, accepted pursuant to the authority granted in subsection (a) of this section shall be deposited with the Secretary of the Treasury and he, in his discretion, may hold them, or liquidate them except that they shall be liquidated upon the request of the Administrator, whenever necessary to meet payments required in the operation of the Service or the performance of its functions. The proceeds and income from any such property held by the Secretary of the Treasury shall be available for expenditure as is provided in subsection (b) of this section.

(d) The Administrator shall hold any real property or any tangible personal property accepted unconditionally pursuant to the authority granted in subsection (a) of this section and he shall permit such property to be used for the operation of the Service and the performance of its functions or he may lease or hire such property, and may insure such property, and deposit the income thereof with the Secretary of the Treasury to be available for expenditure as provided in subsection (b) of this section: *Provided*, That the income from any such real property or tangible personal property shall be available for expenditure in the discretion of the Administrator for the maintenance, preservation, or repair and insurance of such property and that any proceeds from insurance may be used to restore the property insured. Any such property when not required for the operation of the Service or the performance of its functions may be liquidated by the Administrator, and the proceeds thereof deposited with the Secretary of the Treasury, whenever in his judgment the purposes of the gifts will be served thereby.

(e) Donations of $50,000 or over in aid of research may be acknowledged by the establishment within the National Institute of Health of suitable memorials to the donors. (July 1, 1944, ch. 373, title V, § 501, 58 Stat. 709.)

§ 220. Use of immigration station hospitals.

The Immigration and Naturalization Service may, by agreement of the heads of the departments concerned, permit the Public Health Service to use hospitals at immigration stations for the care of

Public Health Service patients. The Surgeon General shall reimburse the Immigration and Naturalization Service for the actual cost of furnishing fuel, light, water, telephone, and similar supplies and services, which reimbursement shall be covered into the proper Immigration and Naturalization Service appropriation, or such costs may be paid from working funds established as provided by law, but no charge shall be made for the expense of physical upkeep of the hospitals. The Immigration and Naturalization Service shall reimburse the Surgeon General for the care and treatment of persons detained in hospitals of the Public Health Service at the request of the Immigration and Naturalization Service unless such persons are entitled to care and treatment under section 249 (a) of this title. (July 1, 1944, ch. 373, title V, § 502, 58 Stat. 710.)

§ 221. Disposition of money collected for care of patients.

Money collected as provided by law for expenses incurred in the care and treatment of foreign seamen, and money received for the care and treatment of pay patients, including any amounts received from any executive department on account of care and treatment of pay patients, shall be covered into the appropriation from which the expenses of such care and treatment were paid. (July 1, 1944, ch. 373, title V, § 503, 58 Stat. 710.)

§ 222. Care of Service patients at Saint Elizabeths Hospital.

Insane patients entitled to treatment by the Service shall be admitted, upon order of the Administrator, into Saint Elizabeths Hospital or, upon order of the Surgeon General, into any hospital, institution, or station of the Service especially equipped for the accommodation of such patients and shall be cared for and treated therein until cured or until ordered removed by the officer authorizing such admittance. (July 1, 1944, ch. 373, title V, § 504, 58 Stat. 710.)

SAINT ELIZABETHS HOSPITAL PATIENTS IN SERVICE HOSPITALS

Section 608 of act July 1, 1944, cited to text, provided: "Insane patients entitled to treatment in Saint Elizabeths Hospital who may heretofore or hereafter, during the continuance of the present war, or during the period of six months thereafter, have been admitted to hospitals of the Service, may continue to be cared for and treated in such hospitals notwithstanding the termination of such period."

§ 223. Settlement of claims.

The Administrator may consider, ascertain, adjust, and determine any claim which shall accrue, on account of damages occasioned by collisions or incident to the operation of vessels of the Service, and for which damages such vessels are found by him to be responsible. To be considered for settlement under this section, claims must be presented to the Administrator within one year of their accrual. The amount ascertained and determined to be due any claimant, not exceeding $3,000 in any one case, shall be certified to Congress as a legal claim for payment out of appropriations that may be made therefor by Congress, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed. Acceptance by any claimant of the amount determined to be due under this section shall be deemed to be in full and final settlement of such claim against the Government of the United States. (July 1, 1944, ch. 373, title V, § 505, 58 Stat. 710.)

§ 224. Transportation of remains of officers.

Appropriations available for traveling expenses of the Service shall be available for meeting the cost of preparation for burial and of transportation to the place of burial of remains of commissioned officers, and of personnel specified in regulations, who die in line of duty. (July 1, 1944, ch. 373, title V, § 506, 58 Stat. 710.)

§ 225. Settlement of accounts of deceased officers.

(a) In the settlement of the accounts of deceased commissioned officers where the amount due the decedent's estate is less than $1,000 and no demand is presented by a duly appointed representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if the decedent left no widow, or the widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or children or their issue, then to the father and mother in equal parts, provided the father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes.

(b) Subsection (a) shall not be construed so as to prevent payment of funeral expenses from the amount due the decedent's estate if a claim therefor is presented, before settlement by the accounting officers, by the person or persons who actually paid such expenses. (July 1, 1944, ch. 373, title V, § 507, 58 Stat. 711.)

§ 226. Transfer of funds.

For the purpose of any reorganization under section 203 of this title, the Administrator, with the approval of the Director of the Bureau of the Budget, is authorized to make such transfers of funds between appropriations as may be necessary for the continuance of transferred functions. (July 1, 1944, ch. 373, title V, § 508, 58 Stat. 711.)

§ 227. Availability of appropriations.

Appropriations for carrying out the provisions of section 241 of this title shall be available for expenditure for personal services and rent at the seat of Government, for books of reference, periodicals, and exhibits, and for printing and binding. (July 1, 1944, ch. 373, title V, § 509, 58 Stat. 711.)

§ 228. Unauthorized wearing of uniforms.

Except as may be authorized by regulations of the President, the insignia and uniform of commissioned officers of the Service, or any distinctive part of such insignia or uniform, or any insignia or uniform any

part of which is similar to a distinctive part thereof, shall not be worn, after the promulgation of such regulations, by any person other than a commissioned officer of the Service, and any person violating this section shall be subject to the penalties provided by section 1393 of Title 10, in the case of unlawful wearing of the uniform of commissioned officers of the Army. (July 1, 1944, ch. 373, title V, § 510, 58 Stat. 711.)

§ 229. Annual report of Surgeon General.

The Surgeon General shall transmit to the Administrator, for submission to the Congress at the beginning of each regular session, a full report of the administration of the functions of the Service under this chapter, including a detailed statement of receipts and disbursements. (July 1, 1944, ch. 373, title V, § 511, 58 Stat. 711.)

§ 230. Computation of retired pay in certain cases.

In the case of commissioned officers of the Service appointed prior to the enactment of this chapter, there shall be included, in determining retired pay pursuant to section 212 (c) (1) of this title, noncommissioned service in the Public Health Service, as well as all commissioned service. (July 1, 1944, ch. 373, title VI, § 606, 58 Stat. 713)

CODIFICATION

Section was not enacted as a part of the Public Health Service Act which constitutes this chapter.

§ 231. Service and supply fund; uses; reimbursement.

A service and supply fund of $250,000 is established, without fiscal year limitation, for the payment of salaries, travel, and other expenses necessary to the maintenance and operation of (1) a supply service for the purchase, storage, handling, issuance, packing, or shipping of stationery, supplies, materials, equipment, and blank forms, for which stocks may be maintained to meet, in whole or in part, requirements of the Public Health Service and requisitions of other Government Offices, and (2) such other services as the Surgeon General, with the approval of the Administrator of the Federal Security Agency, determines may be performed more advantageously as central services; said fund to be reimbursed from applicable appropriations or funds available when services are performed or stock furnished on a basis of rates which shall include estimated or actual charges for personal services, materials, equipment (including maintenance, repairs, and depreciation), and other expenses. (July 3, 1945, ch. 263, title II, 59 Stat. 370.)

CODIFICATION

Section is from the Federal Security Appropriation Act, 1946, act July 3, 1945, cited to text, and was not enacted as part of the Public Health Service Act of 1944.

SUBCHAPTER II.—GENERAL POWERS AND DUTIES

§ 241. Research and investigations generally.

The Surgeon General shall conduct in the Service, and encourage, cooperate with, and render assistance to other appropriate public authorities, scientific institutions, and scientists in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairments of man, including water purification, sewage treatment, and pollution of lakes and streams. In carrying out the foregoing the Surgeon General is authorized to—

(a) Collect and make available through publications and other appropriate means, information as to, and the practical application of, such research and other activities;

(b) Make available research facilities of the Service to appropriate public authorities, and to health officials and scientists engaged in special study;

(c) Establish and maintain research fellowships in the Service with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most brilliant and promising research fellows from the United States and abroad;

(d) Make grants in aid to universities, hospitals, laboratories, and other public or private institutions, and to individuals for such research projects as are recommended by the National Advisory Health Council, or, with respect to cancer, recommended by the National Advisory Cancer Council;

(e) Secure from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants from the United States or abroad;

(f) For purposes of study, admit and treat at institutions, hospitals, and stations of the Service, persons not otherwise eligible for such treatment; and

(g) Adopt, upon recommendation of the National Advisory Health Council, or, with respect to cancer, upon recommendation of the National Advisory Cancer Council, such additional means as he deems necessary or appropriate to carry out the purposes of this section. (July 1, 1944, ch. 373, title III, § 301, 58 Stat. 691.)

§ 242. Studies and investigations of use of narcotic drugs; cooperation with States.

(a) In carrying out the purposes of section 241 of this title with respect to narcotics, the studies and investigations shall include the use and misuse of narcotic drugs, the quantities of crude opium, coca leaves, and their salts, derivatives, and preparations, together with reserves thereof, necessary to supply the normal and emergency medicinal and scientific requirements of the United States. The results of studies and investigations of the quantities of crude opium, coca leaves, or other narcotic drugs, together with such reserves thereof, as are necessary to supply the normal and emergency medicinal and scientific requirements of the United States, shall be reported not later than the 1st day of September each year to the Secretary of the Treasury, to be used at his discretion in determining the amounts of crude opium and coca leaves to be imported under sections 171–173, 174–184 and 185 of Title 21.

(b) The Surgeon General shall cooperate with States for the purpose of aiding them to solve their narcotic drug problems and shall give authorized

representatives of the States the benefit of his experience in the care, treatment, and rehabilitation of narcotic addicts to the end that each State may be encouraged to provide adequate facilities and methods for the care and treatment of its narcotic addicts. (July 1, 1944, ch. 373, title III, § 302, 58 Stat. 692.)

§ 243. Federal and State cooperation generally.

The Surgeon General is authorized to accept from State and local authorities any assistance in the enforcement of quarantine regulations made pursuant to this chapter which such authorities may be able and willing to provide. The Surgeon General shall also assist States and their political subdivisions in the prevention and suppression of communicable diseases, shall cooperate with and aid State and local authorities in the enforcement of their quarantine and other health regulations and in carrying out the purposes specified in section 246 of this title, and shall advise the several States on matters relating to the preservation and improvement of the public health. (July 1, 1944, ch. 373, title III, § 311, 58 Stat. 693.)

§ 244. Health conferences.

A conference of the health authorities of the several States shall be called annually by the Surgeon General. Whenever in his opinion the interests of the public health would be promoted by a conference, the Surgeon General may invite as many of such health authorities to confer as he deems necessary or proper. Upon the application of health authorities of five or more States it shall be the duty of the Surgeon General to call a conference of all State and Territorial health authorities joining in the request. Each State represented at any conference shall be entitled to a single vote. (July 1, 1944, ch. 373, title III, § 312, 58 Stat. 693.)

§ 245. Collection of vital statistics.

To secure uniformity in the registration of mortality, morbidity, and vital statistics the Surgeon General shall prepare and distribute suitable and necessary forms for the collection and compilation of such statistics which shall be published as a part of the health reports published by the Surgeon General. (July 1, 1944, ch. 373, title III, § 313, 58 Stat. 693.)

§ 246. Grants and services to States—(a) Prevention, control, and treatment of venereal diseases.

To enable the Surgeon General to carry out the purposes of section 241 of this title with respect to developing more effective measures for the prevention, treatment, and control of venereal diseases, and to assist, through grants and as otherwise provided in this section, States, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate measures for the prevention, treatment, and control of such diseases, including the training of personnel for State and local health work, and to enable him to prevent and control the spread of the venereal diseases in interstate traffic, and to meet the cost of pay, allowances, and traveling expenses of commissioned officers and other personnel of the Service detailed to assist in carrying out the purposes of this section with respect to the venereal diseases, and to administer this section with respect to such diseases, there is hereby authorized to be appropriated for each fiscal year a sum sufficient to carry out the purposes of this subsection.

(b) Prevention, control, and treatment of tuberculosis.

To enable the Surgeon General to carry out the purposes of section 241 of this title with respect to developing more effective measures for the prevention, treatment, and control of tuberculosis, and to assist, through grants and as otherwise provided in this section, States, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate measures for the prevention, treatment, and control of such disease, including the provision of appropriate facilities for care and treatment and including the training of personnel for State and local health work, and to enable him to prevent and control the spread of tuberculosis in interstate traffic, and to meet the cost of pay, allowances, and traveling expenses of commissioned officers and other personnel of the Service detailed to assist in carrying out the purposes of this section with respect to tuberculosis, and to administer this section with respect to such disease, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1945, the sum of $10,000,000, and for each fiscal year thereafter a sum sufficient to carry out the purposes of this subsection.

(c) Establishment and maintenance of public health services; appropriations.

To enable the Surgeon General to assist, through grants and as otherwise provided in this section, States, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate public health services, including grants for demonstrations and for the training of personnel for State and local health work, there is hereby authorized to be appropriated for each fiscal year a sum not to exceed $20,000,000. Of the sum appropriated for each fiscal year pursuant to this subsection there shall be available an amount, not to exceed $2,000,000, to enable the Surgeon General to provide demonstrations and to train personnel for State and local health work and to meet the cost of pay, allowances, and traveling expenses of commissioned officers and other personnel of the Service detailed to assist States in carrying out the purposes of this subsection.

(d) Allotments to States.

For each fiscal year, the Surgeon General, with the approval of the Administrator, shall determine the total sum from the appropriation under subsection (a), the total sum from the appropriation under subsection (b), and, within the limits specified in subsection (c), the total sum from the appropriation under that subsection which shall be available for allotment among the several States. He shall, in accordance with regulations, from time

to time make allotments from such sums to the several States on the basis of (1) the population, (2) the size of the venereal-disease problem, the size of the tuberculosis problem, and the size of other special health problems, respectively, and (3) the financial need of the respective States. Upon making such allotments the Surgeon General shall notify the Secretary of the Treasury of the amounts thereof.

(e) Determination of amounts paid each State.

The Surgeon General, with the approval of the Administrator, shall from time to time determine the amounts to be paid to each State from the allotments to such State, and shall certify to the Secretary of the Treasury, the amounts so determined, reduced or increased, as the case may be, by the amounts by which he finds that estimates of required expenditures with respect to any prior period were greater or less than the actual expenditures for such period. Upon receipt of such certification, the Secretary of the Treasury shall, through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office, pay in accordance with such certification.

(f) Conditions on use of allotments.

The moneys so paid to any State shall be expended solely in carrying out the purposes specified in subsection (a), or subsection (b), or subsection (c) of this section, as the case may be, and in accordance with plans presented by the health authority of such State and approved by the Surgeon General.

(g) State funds to be provided.

Money so paid shall be paid upon the condition that there shall be spent in such State for the same general purpose from funds of such State and its political subdivisions an amount determined in accordance with regulations.

(h) Cessation of Federal aid; notice and hearing.

Whenever the Surgeon General, after reasonable notice and opportunity for hearing to the health authority of the State, finds that, with respect to money paid to the State out of appropriations under subsection (a), or subsection (b), or subsection (c), as the case may be, there is a failure to comply substantially with either—

(1) the provisions of this section;

(2) the plan submitted under subsection (f); or

(3) the regulations;

the Surgeon General shall notify such State health authority either that further payments will not be made to the State from appropriations under such subsection (or in his discretion that further payments will not be made to the State from such appropriations for activities in which there is such failure), until he is satisfied that there will no longer be any such failure. Until he is so satisfied the Surgeon General shall make no further certification for payment to such State from appropriations under such subsection, or shall limit payment to activities in which there is no such failure.

(i) Regulations.

All regulations and amendments thereto with respect to grants to States under this section shall be made after consultation with a conference of the State health authorities. Insofar as practicable, the Surgeon General shall obtain the agreement of the State health authorities prior to the issuance of any such regulations or amendments.

(j) Availability of funds.

Funds appropriated under subsection (a) and funds appropriated under subsection (b), in addition to being available for payments to States, shall also be available for expenditure by the Surgeon General in otherwise carrying out the respective subsections, including expenditures for printing and binding of the findings of investigations, and for pay and allowances and traveling expenses of personnel of the Service engaged in activities authorized by the respective subsections. (July 1, 1944, ch. 373, title III, § 314, 58 Stat. 693.)

§ 247. Publication of health educational information.

From time to time the Surgeon General shall issue information related to public health, in the form of publications or otherwise, for the use of the public, and shall publish weekly reports of health conditions in the United States and other countries and other pertinent health information for the use of persons and institutions engaged in work related to the functions of the Service. (July 1, 1944, ch. 373, title III, § 315, 58 Stat. 695.)

§ 248. Control and management of hospitals; furnishing prosthetic and orthopedic devices; transfer of patients; disposal of articles produced by patients; disposal of money and effects of deceased patients.

The Surgeon General, pursuant to regulations, shall—

(a) Control, manage, and operate all institutions, hospitals, and stations of the Service, and provide for the care, treatment and hospitalization of patients, including the furnishing of prosthetic and orthopedic devices; and from time to time, with the approval of the President, select suitable sites for and establish such additional institutions, hospitals, and stations in the States and possessions of the United States as in his judgment are necessary to enable the Service to discharge its functions and duties;

(b) Provide for the transfer of Public Health Service patients, in the care of attendants where necessary, between hospitals and stations operated by the Service or between such hospitals and stations and other hospitals and stations in which Public Health Service patients may be received, and the payment of expenses of such transfer;

(c) Provide for the disposal of articles produced by patients in the course of their curative treatment, either by allowing the patient to retain such articles or by selling them and depositing the money received therefor to the credit of the appropriation from which the materials for making the articles were purchased; and

(d) Provide for the disposal of money and effects, in the custody of the hospitals or stations, of de-

ceased patients. (July 1, 1944, ch. 373, title III, § 321, 58 Stat. 695.)

§ 249. Medical care and treatment of seamen and certain other persons; foreign seamen; certain quarantined persons; temporary treatment in emergency cases; authorization for outside treatment.

(a) The following persons shall be entitled, in accordance with regulations, to medical, surgical, and dental treatment and hospitalization without charge at hospitals and other stations of the Service:

(1) Seamen employed on vessels of the United States registered, enrolled, and licensed under the maritime laws thereof, other than canal boats engaged in the coasting trade;

(2) Seamen employed on United States or foreign flag vessels as employees of the United States through the War Shipping Administration;

(3) Seamen, not enlisted or commissioned in the military or naval establishments, who are employed on State school ships or on vessels of the United States Government of more than five tons' burden;

(4) Cadets at State maritime academies or on State training ships;

(5) Seamen on vessels of the Mississippi River Commission and, upon application of their commanding officers, officers and crews of vessels of the Fish and Wildlife Service;

(6) Enrollees in the United States Maritime Service on active duty and members of the Merchant Marine Cadet Corps; and

(7) Employees and noncommissioned officers in the field service of the Public Health Service when injured or taken sick in line of duty.

(b) When suitable accommodations are available, seamen on foreign-flag vessels may be given medical, surgical, and dental treatment and hospitalization on application of the master, owner, or agent of the vessel at hospitals and other stations of the Service at rates fixed by regulations. All expenses connected with such treatment, including burial in the event of death, shall be paid by such master, owner, or agent. No such vessel shall be granted clearance until such expenses are paid or their payment appropriately guaranteed to the Collector of Customs.

(c) Any person when detained in accordance with quarantine laws, or, at the request of the Immigration and Naturalization Service, any person detained by that Service, may be treated and cared for by the Public Health Service.

(d) Persons not entitled to treatment and care at institutions, hospitals, and stations of the Service may, in accordance with regulations of the Surgeon General, be admitted thereto for temporary treatment and care in case of emergency.

(e) Persons entitled to care and treatment under subsection (a) of this section may, in accordance with regulations, receive such care and treatment at the expense of the Service from public or private medical or hospital facilities other than those of the Service, when authorized by the officer in charge of the station at which the application is made. (July 1, 1944, ch. 373, title III, § 322, 58 Stat. 696.)

FOREIGN SEAMEN

Section 610 (c) of act July 1, 1944, cited to text, provided. "For the duration of the present war and for six months thereafter, seamen employed on foreign-flag vessels which are owned or operated by citizens of the United States or by corporations incorporated under the law of the United States or of any State shall be entitled to the same benefits as are provided by section 322 (a) (1) [249 (a) (1) of this title] for seamen employed on vessels of the United States."

§ 250. Medical care and treatment of Federal prisoners.

The Service shall supervise and furnish medical treatment and other necessary medical, psychiatric, and related technical and scientific services, authorized by sections 751 and 752 of Title 18, in penal and correctional institutions of the United States. (July 1, 1944, ch. 373, title III, § 323, 58 Stat. 697.)

§ 251. Medical examination and treatment of Federal employees.

The Surgeon General is authorized to provide at institutions, hospitals, and stations of the Service medical, surgical, and hospital services and supplies for persons entitled to treatment under sections 751–791 and 793 of Title 5 and extensions thereof. The Surgeon General may also provide for making medical examinations of—

(a) employees of the Alaska Railroad and employees of the Federal Government for retirement purposes;

(b) employees in the Federal classified service, and applicants for appointment, as requested by the Civil Service Commission for the purpose of promoting health and efficiency;

(c) seamen for purposes of qualifying for certificates of service; and

(d) employees eligible for benefits under sections 901–950 of Title 33, as requested by any deputy commissioner thereunder. (July 1, 1944, ch. 373, title III, § 324, 58 Stat. 697.)

§ 252. Medical examination of aliens.

The Surgeon General shall provide for making, at places within the United States or in other countries, such physical and mental examinations of aliens as are required by the immigration laws, subject to administrative regulations prescribed by the Attorney General and medical regulations prescribed by the Surgeon General with the approval of the Administrator. (July 1, 1944, ch. 373, title III, § 325, 58 Stat. 697.)

§ 253. Medical services to Coast Guard, Coast and Geodetic Survey, and Public Health Service; treatment of dependents of personnel; examination of personnel of Service assigned to Coast Guard.

(a) Subject to regulations of the President—

(1) commissioned officers, chief warrant officers, warrant officers, cadets, and enlisted personnel of the Regular Coast Guard, including those on shore duty and those on detached duty, whether on active duty or retired; and Regular and temporary members of the United States Coast Guard Reserve when on active duty or when retired for disability;

(2) commissioned officers, ships' officers, and members of the crews of vessels of the United

States Coast and Geodetic Survey, including those on shore duty and those on detached duty, whether on active duty or retired; and

(3) commissioned officers of the Regular Corps of the Public Health Service, whether on active duty or retired, and commissioned officers of the Reserve Corps when on active duty or when retired for disability;

shall be entitled to medical, surgical, and dental treatment and hospitalization by the Service. The Surgeon General may detail commissioned officers for duty aboard vessels of the Coast Guard or the Coast and Geodetic Survey.

(b) Subject to regulations of the President, the dependent members of families (as defined in such regulations) of persons specified in subsection (a), other than temporary members of the United States Coast Guard Reserve, shall be furnished medical advice and out-patient treatment by the Service at its hospitals and relief stations, and they shall also be furnished hospitalization at hospitals of the Service, if suitable accommodations are available, at a per diem cost to the officer, enlisted person, or member of a crew concerned. Such cost shall be at such uniform rate as may be prescribed from time to time by the President for the hospitalization of dependents of naval and Marine Corps personnel at any naval hospital, pursuant to section 32 of Title 24.

(c) The Service shall provide all services referred to in subsection (a) required by the Coast Guard and shall perform all duties prescribed by statute in connection with the examinations to determine physical or mental condition for purposes of appointment, enlistment, and reenlistment, promotion and retirement, and officers of the Service assigned to duty on Coast Guard vessels may extend aid to the crews of American vessels engaged in deep-sea fishing. (July 1, 1944, ch. 373, title III, § 326, 58 Stat. 697.)

§ 254. Interdepartmental work.

Nothing contained in sections 321–327 of this title shall affect the authority of the Service to furnish any materials, supplies, or equipment, or perform any work or services, requested in accordance with section 686 of Title 31, or the authority of any other executive department to furnish any materials, supplies, or equipment, or perform any work or services, requested by the Federal Security Agency for the Service in accordance with that section. (July 1, 1944, ch. 373, title III, § 327, 58 Stat. 697.)

§ 255. Lepers; received in any hospital.

The Service shall, in accordance with regulations, receive into any hospital of the Service suitable for his accommodation any person afflicted with leprosy who presents himself for care, detention, or treatment, or who may be apprehended under section 256 or 264 of this title, and any person afflicted with leprosy duly consigned to the care of the Service by the proper health authority of any State, Territory, or the District of Columbia. The Surgeon General is authorized, upon the request of any health authority, to send for any person within the jurisdiction of such authority who is afflicted with leprosy and to convey such person to the appropriate hospital for detention and treatment. When the transportation of any such person is undertaken for the protection of the public health the expense of such removal shall be met from funds available for the maintenance of hospitals of the Service. (July 1, 1944, ch. 373, title III, § 331, 58 Stat. 698.)

§ 256. Apprehension, detention, treatment, and release of lepers.

The Surgeon General may provide by regulation for the apprehension, detention, treatment, and release of persons being treated by the Service for leprosy. (July 1, 1944, ch. 373, title III, § 332, 58 Stat. 698.)

§ 257. Narcotic addicts; care and treatment.

The Surgeon General is authorized to provide for the confinement, care, protection, treatment, and discipline of persons addicted to the use of habit-forming narcotic drugs who voluntarily submit themselves for treatment and addicts who have been or are hereafter convicted of offenses against the United States, including persons convicted by general courts martial and consular courts. Such care and treatment shall be provided at hospitals of the Service especially equipped for the accommodation of such patients and shall be designed to rehabilitate such persons, to restore them to health, and, where necessary, to train them to be self-supporting and self-reliant. (July 1, 1944, ch. 373, title III, § 341, 58 Stat. 698.)

§ 258. Same; employment; establishment of industries, plants, etc.; sale of commodities; disposition of proceeds.

Narcotic addicts in hospitals of the Service designated for their care shall be employed in such manner and under such conditions as the Surgeon General may direct. In such hospitals the Surgeon General may, in his discretion, establish industries, plants, factories, or shops for the production and manufacture of articles, commodities, and supplies for the United States Government. The Secretary of the Treasury may require any Government department, establishment, or other institution, for whom appropriations are made directly or indirectly by the Congress of the United States, to purchase at current market prices, as determined by him or his authorized representative, such of the articles, commodities, or supplies so produced or manufactured as meet their specifications; and the Surgeon General shall provide for payment to the inmates or their dependents of such pecuniary earnings as he may deem proper. The Administrator shall establish a working-capital fund for such industries, plants, factories, and shops out of any funds appropriated for Public Health Service hospitals at which addicts are treated and cared for; and such fund shall be available for the purchase, repair, or replacement of machinery or equipment, for the purchase of raw materials and supplies, for the purchase of uniforms and other distinctive wearing apparel of employees in the performance of their official duties, and for the employment of necessary civilian officers and employees. The Surgeon Gen-

eral may provide for the disposal of products of the industrial activities conducted pursuant to this section, and the proceeds of any sales thereof shall be covered into the Treasury of the United States to the credit of the working-capital fund. (July 1, 1944, ch. 373, title III, § 342, 58 Stat. 699.)

§ 259. Convict addicts—(a) Transfers to and from hospitals; duty of prosecuting officers to report convicted persons believed to be addicts.

The authority vested with the power to designate the place of confinement of a prisoner shall transfer to hospitals of the Service especially equipped for the accommodation of addicts, if accommodations are available, all addicts who have been or are hereafter sentenced to confinement, or who are now or shall hereafter be confined, in any penal, correctional, disciplinary, or reformatory institution of the United States, including those addicts convicted of offenses against the United States who are confined in State and Territorial prisons, penitentiaries, and reformatories, except that no addict shall be transferred to a hospital of the Service who, in the opinion of the officer authorized to direct the transfer, is not a proper subject for confinement in such an institution either because of the nature of the crime he has committed or because of his apparent incorrigibility. The authority vested with the power to designate the place of confinement of a prisoner shall transfer from a hospital of the Service to the institution from which he was received, or to such other institution as may be designated by the proper authority, any addict whose presence at a hospital of the Service is detrimental to the well-being of the hospital or who does not continue to be a narcotic addict. All transfers of such prisoners to or from a hospital of the Service shall be accompanied by necessary attendants as directed by the officer in charge of such hospital and the actual and necessary expenses incident to such transfers shall be paid from the appropriation for the maintenance of such Service hospital except to the extent that other Federal agencies are authorized or required by law to pay expenses incident to such transfers. When sentence is pronounced against any person whom the prosecuting officer believes to be an addict, such officer shall report to the authority vested with the power to designate the place of confinement, the name of such person, the reasons for his belief, all pertinent facts bearing on such addiction, and the nature of the offense committed. Whenever an alien addict transferred to a Service hospital pursuant to this subsection is entitled to his discharge but is subject to deportation, in lieu of being returned to the penal institution from which he came he shall be deported by the authority vested by law with power over deportation.

(b) Parole of inmates; commutation allowance for good conduct.

The provisions of sections 710–712a of Title 18, regulating commutation of sentence for good conduct of United States prisoners, section 744h of Title 18, regulating commutation of sentence for employment in industry, and sections 714–723c of Title 18, relating to parole, shall be applicable to any narcotic addict confined in any institution in execution of a judgment or sentence upon conviction of an offense against the United States; except that no narcotic addict confined in any institution, whether or not an institution of the Public Health Service, shall be released by reason of commutation of sentence or parole until the Surgeon General shall have certified that such individual is no longer an addict.

(c) Discharge of addicts; further treatment.

Not later than one month prior to the expiration of the sentence of any addict confined in a Service hospital, he shall be examined by the Surgeon General or his authorized representative. If the Surgean General believes the person to be discharged is still an addict and that he may by further treatment in a Service hospital be cured of his addiction, the addict shall be informed, in accordance with regulations, of the advisability of his submitting himself to further treatment. The addict may then apply in writing to the Surgeon General for further treatment in a Service hospital for a period not exceeding the maximum length of time considered necessary by the Surgeon General. Upon approval of the application by the Surgeon General or his authorized agent, the addict may be given such further treatment as is necessary to cure him of his addiction.

(d) Gratuities and transportation furnished discharged addicts.

Every person convicted of an offense against the United States, upon discharge, or upon release on parole, from a hospital of the Service, shall be furnished with the gratuities and transportation authorized by law to be furnished to prisoners upon release from a penal, correctional, disciplinary, or reformatory institution.

(e) Admission of probationers to hospitals for treatment.

Any court of the United States having the power to suspend the imposition or execution of sentence and to place a defendant on probation under any existing laws may impose as one of the conditions of such probation that the defendant, if an addict, shall submit himself for treatment at a hospital of the Service especially equipped for the accommodation of addicts until discharged therefrom as cured and that he shall be admitted thereto for such purpose. Upon the discharge of any such probationer from a hospital of the Service, he shall be furnished with the gratuities and transportation authorized by law to be furnished to prisoners upon release from a penal, correctional, disciplinary, or reformatory institution. The actual and necessary expense incident to transporting such probationer to such hospital and to furnishing such transportation and gratuities shall be paid from the appropriation for the maintenance of such hospital except to the extent that other Federal agencies are authorized or required by law to pay the cost of such transportation: *Provided*, That where existing law vests a discretion in any officer as to the place to which transportation shall be furnished or as to the amount of clothing and gratuities to be furnished, such discretion shall be exercised by the Surgeon General with respect to

addicts discharged from hospitals of the Service. (July 1, 1944, ch. 373, title III, § 343, 58 Stat. 699.)

§ 260. Addicts admitted to hospitals as voluntary patients; examination; payment of charges; length of confinement; forfeiture of civil rights.

(a) Any addict, whether or not he shall have been convicted of an offense against the United States, may apply to the Surgeon General for admission to a hospital of the Service especially equipped for the accommodation of addicts.

(b) Any applicant shall be examined by the Surgeon General who shall determine whether the applicant is an addict, whether by treatment in a hospital of the Service he may probably be cured of his addiction, and the estimated length of time necessary to effect his cure. The Surgeon General may, in his discretion, admit the applicant to a Service hospital. No such addict shall be admitted unless he agrees to submit to treatment for the maximum amount of time estimated by the Surgeon General to be necessary to effect a cure, and unless suitable accommodations are available after all eligible addicts convicted of offenses against the United States have been admitted. Any such addict may be required to pay for his subsistence, care, and treatment at rates fixed by the Surgeon General and amounts so paid shall be covered into the Treasury of the United States to the credit of the appropriation from which the expenditure for his subsistence, care, and treatment was made.

(c) Any addict admitted for treatment under this section, including any addict, not convicted of an offense, who voluntarily submits himself for treatment, may be confined in a hospital of the Service for a period not exceeding the maximum amount of time estimated by the Surgeon General as necessary to effect a cure of the addiction or until such time as he ceases to be an addict.

(d) Any addict admitted for treatment under this section shall not thereby forfeit or abridge any of his rights as a citizen of the United States; nor shall such admission or treatment be used against him in any proceeding in any court; and the record of his voluntary commitment shall be confidential and shall not be divulged. (July 1, 1944, ch. 373, title III, § 344, 58 Stat. 701.)

§ 261. Penalties for introduction of narcotics into hospitals; escaping from, or aiding and abetting escape from hospitals.

(a) Any person not authorized by law or by the Surgeon General who introduces or attempts to introduce into or upon the grounds of any hospital of the Service at which addicts are treated and cared for, any habit-forming narcotic drug, weapon, or any other contraband article or thing, or any contraband letter or message intended to be received by an inmate thereof, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not more than ten years.

(b) It shall be unlawful for any person properly committed thereto to escape or attempt to escape from a hospital of the Service at which addicts are treated and cared for, and any such person upon apprehension and conviction in a United States court shall be punished by imprisonment for not more than five years, such sentence to begin upon the expiration of the sentence for which such person was originally confined.

(c) Any person who procures the escape of any person admitted to a hospital of the Service at which addicts are treated and cared for, or who advises, connives at, aids, or assists in such escape, or who conceals any such inmate after such escape, shall be punished upon conviction in a United States court by imprisonment in the penitentiary for not more than three years. (July 1, 1944, ch. 373, title III, § 345, 58 Stat. 701.)

§ 262. Regulation of biological products—(a) Intrastate and interstate traffic; suspension or revocation of license as affecting prior sales.

No person shall sell, barter, or exchange, or offer for sale, barter, or exchange in the District of Columbia, or send, carry, or bring for sale, barter, or exchange from any State or possession into any other State or possession or into any foreign country, or from any foreign country into any State or possession, any virus, therapeutic serum, toxin, antitoxin, or analogous product, or arsphenamine or its derivatives (or any other trivalent organic arsenic compound), applicable to the prevention, treatment, or cure of diseases or injuries of man, unless (1) such virus, serum, toxin, antitoxin, or other product has been propagated or manufactured and prepared at an establishment holding an unsuspended and unrevoked license, issued by the Administrator as hereinafter authorized, to propagate or manufacture, and prepare such virus, serum, toxin, antitoxin, or other product for sale in the District of Columbia, or for sending, bringing, or carrying from place to place aforesaid; and (2) each package of such virus, serum, toxin, antitoxin, or other product is plainly marked with the proper name of the article contained therein, the name, address, and license number of the manufacturer, and the date beyond which the contents cannot be expected beyond reasonable doubt to yield their specific results. The suspension or revocation of any license shall not prevent the sale, barter, or exchange of any virus, serum, toxin, antitoxin, or other product aforesaid which has been sold and delivered by the licensee prior to such suspension or revocation, unless the owner or custodian of such virus, serum, toxin, antitoxin, or other product aforesaid has been notified by the Administrator not to sell, barter, or exchange the same.

(b) Falsely labeling or marking package or container; altering label or mark.

No person shall falsely label or mark any package or container of any virus, serum, toxin, antitoxin, or other product aforesaid; nor alter any label or mark on any package or container of any virus, serum, toxin, antitoxin, or other product aforesaid so as to falsify such label or mark.

(c) Inspection of establishment for propagation and preparation.

Any officer, agent, or employee of the Federal Security Agency, authorized by the Administrator for the purpose, may during all reasonable hours enter and inspect any establishment for the propagation

or manufacture and preparation of any virus, serum, toxin, antitoxin, or other product aforesaid for sale, barter, or exchange in the District of Columbia, or to be sent, carried, or brought from any State or possession into any other State or possession or into any foreign country, or from any foreign country into any State or possession.

(d) Regulations governing licenses.

Licenses for the maintenance of establishments for the propagation or manufacture and preparation of products described in subsection (a) of this section may be issued only upon a showing that the establishment and the products for which a license is desired meet standards, designed to insure the continued safety, purity, and potency of such products, prescribed in regulations made jointly by the Surgeon General, the Surgeon General of the Army, and the Surgeon General of the Navy, and approved by the Administrator, and licenses for new products may be issued only upon a showing that they meet such standards. All such licenses shall be issued, suspended, and revoked as prescribed by regulations and all licenses issued for the maintenance of establishments for the propagation or manufacture and preparation, in any foreign country, of any such products for sale, barter, or exchange in any State or possession shall be issued upon condition that the licensees will permit the inspection of their establishments in accordance with subsection (c) of this section.

(e) Interference with officers.

No person shall interfere with any officer, agent, or employee of the Service in the performance of any duty imposed upon him by this section or by regulations made by authority thereof.

(f) Penalties for offenses.

Any person who shall violate, or aid or abet in violating, any of the provisions of this section shall be punished upon conviction by a fine not exceeding $500 or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

(g) Construction with other laws.

Nothing contained in this chapter shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of sections 301, 321, 331–337, 341–346, 351–356, 361–364, 371–376, 381, 391, 392 of Title 21. (July 1, 1944, ch. 373, title III, § 351, 58 Stat. 702.)

§ 263. Preparation of biological products by Service.

(a) The Service may prepare for its own use any product described in section 262 of this title and any product necessary to carrying out any of the purposes of section 241 of this title.

(b) The Service may prepare any product described in section 262 of this title for the use of other Federal departments or agencies, and public or private agencies and individuals engaged in work in the field of medicine when such product is not available from establishments licensed under such section. (July 1, 1944, ch. 373, title III, § 352, 58 Stat. 703.)

§ 264. Regulations to control communicable diseases; apprehension, detention, and release of certain persons from particular places.

(a) The Surgeon General, with the approval of the Administrator, is authorized to make and enforce such regulations as in his judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the States or possessions, or from one State or possession into any other State or possession. For purposes of carrying out and enforcing such regulations, the Surgeon General may provide for such inspection, fumigation, disinfection, sanitation, pest extermination, destruction of animals or articles found to be so infected or contaminated as to be sources of dangerous infection to human beings, and other measures, as in his judgment may be necessary.

(b) Regulations prescribed under this section shall not provide for the apprehension, detention, or conditional release of individuals except for the purpose of preventing the introduction, transmission, or spread of such communicable diseases as may be specified from time to time in Executive orders of the President upon the recommendation of the National Advisory Health Council and the Surgeon General.

(c) Except as provided in subsection (d), regulations prescribed under this section, insofar as they provide for the apprehension, detention, examination, or conditional release of individuals, shall be applicable only to individuals coming into a State or possession from a foreign country, the Territory of Hawaii, or a possession.

(d) On recommendation of the National Advisory Health Council, regulations prescribed under this section may provide for the apprehension and examination of any individual reasonably believed to be infected with a communicable disease in a communicable stage and (1) to be moving or about to move from a State to another State; or (2) to be a probable source of infection to individuals who, while infected with such disease in a communicable stage, will be moving from a State to another State. Such regulations may provide that if upon examination any such individual is found to be infected, he may be detained for such time and in such manner as may be reasonably necessary. (July 1, 1944, ch. 373, title III, § 361, 58 Stat. 703.)

§ 265. Suspension of entries and imports from designated places to prevent spread of communicable diseases.

Whenever the Surgeon General determines that by reason of the existence of any communicable disease in a foreign country there is serious danger of the introduction of such disease into the United States, and that this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce such persons and property is required in the interest of the public health, the Surgeon General, in accordance with regulations approved by the President, shall have the power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate in order to avert such

danger, and for such period of time as he may deem necessary for such purpose. (July 1, 1944, ch. 373, title III, § 362, 58 Stat. 704.)

§ 266. Special quarantine powers in time of war.

To protect the military and naval forces and war workers of the United States, in time of war, against any communicable disease specified in Executive orders as provided in subsection (b) of section 264 of this title, the Surgeon General, on recommendation of the National Advisory Health Council, is authorized to provide by regulations for the apprehension and examination, in time of war, of any individual reasonably believed (1) to be infected with such disease in a communicable stage and (2) to be a probable source of infection to members of the armed forces of the United States or to individuals engaged in the production or transportation of arms, munitions, ships, food, clothing, or other supplies for the armed forces. Such regulations may provide that if upon examination any such individual is found to be so infected, he may be detained for such time and in such manner as may be reasonably necessary. (July 1, 1944, ch. 373, title III, § 363, 58 Stat. 704.)

§ 267. Control and management of quarantine stations; hours of inspection.

(a) Except as provided in sections 191–194 of Title 50, the Surgeon General shall control, direct, and manage all United States quarantine stations, grounds, and anchorages, designate their boundaries, and designate the quarantine officers to be in charge thereof. With the approval of the President he shall from time to time select suitable sites for and establish such additional stations, grounds, and anchorages in the States and possessions of the United States as in his judgment are necessary to prevent the introduction of communicable diseases into the States and possessions of the United States.

(b) The Surgeon General shall establish the hours during which quarantine service shall be performed at each quarantine station, and, upon application by any interested party, may establish quarantine inspection during the twenty-four hours of the day, or any fraction thereof, at such quarantine stations as, in his opinion, require such extended service. He may restrict the performance of quarantine inspection to hours of daylight for such arriving vessels as cannot, in his opinion, be satisfactorily inspected during hours of darkness. No vessel shall be required to undergo quarantine inspection during the hours of darkness, unless the quarantine officer at such quarantine station shall deem an immediate inspection necessary to protect the public health. Uniformity shall not be required in the hours during which quarantine inspection may be obtained at the various ports of the United States. (July 1, 1944, ch. 373, title III, § 364, 58 Stat. 704.)

§ 268. Quarantine duties of consular and other officers.

(a) Any consular or medical officer of the United States, designated for such purpose by the Administrator, shall make reports to the Surgeon General, on such forms and at such intervals as the Surgeon General may prescribe, of the health conditions at the port or place at which such officer is stationed.

(b) It shall be the duty of the customs officers and of Coast Guard officers to aid in the enforcement of quarantine rules and regulations; but no additional compensation, except actual and necessary traveling expenses, shall be allowed any such officer by reason of such services. (July 1, 1944, ch. 373, title III, § 365, 58 Stat. 705.)

§ 269. Bills of health—(a) Detail of medical officer; conditions precedent to issuance; consular officer to receive fees.

Except as otherwise prescribed in regulations, any vessel at any foreign port or place clearing or departing for any port or place in a State or possession shall be required to obtain from the consular officer of the United States or from the Public Health Service officer, or other medical officer of the United States designated by the Surgeon General, at the port or place of departure, a bill of health in duplicate, in the form prescribed by the Surgeon General. The President, from time to time, shall specify the ports at which a medical officer shall be stationed for this purpose. Such bill of health shall set forth the sanitary history and condition of said vessel, and shall state that it has in all respects complied with the regulations prescribed pursuant to subsection (c). Before granting such duplicate bill of health, such consular or medical officer shall be satisfied that the matters and things therein stated are true. The consular officer shall be entitled to demand and receive the fees for bills of health and such fees shall be established by regulation.

(b) Collectors of customs to receive originals; duplicate copies as part of ship's papers.

Original bills of health shall be delivered to the collectors of customs at the port of entry. Duplicate copies of such bills of health shall be delivered at the time of inspection to quarantine officers at such port. The bills of health herein prescribed shall be considered as part of the ship's papers, and when duly certified to by the proper consular or other officer of the United States, over his official signature and seal, shall be accepted as evidence of the statements therein contained in any court of the United States.

(c) Regulations to secure sanitary conditions of vessels.

The Surgeon General shall from time to time prescribe regulations, applicable to vessels referred to in subsection (a) of this section for the purpose of preventing the introduction into the States or possessions of the United States of any communicable disease by securing the best sanitary condition of such vessels, their cargoes, passengers, and crews. Such regulations shall be observed by such vessels prior to departure, during the course of the voyage, and also during inspection, disinfection, or other quarantine procedure upon arrival at any United States quarantine station.

(d) Vessels from ports near frontier.

The provisions of subsections (a) and (b) of this section shall not apply to vessels plying between such foreign ports on or near the frontiers of the United States and ports of the United States as are designated by treaty.

(e) Compliance with regulations.

It shall be unlawful for any vessel to enter any port in any State or possession of the United States to discharge its cargo, or land its passengers, except upon a certificate of the quarantine officer that regulations prescribed under subsection (c) have in all respects been complied with by such officer, the vessel, and its master. The master of every such vessel shall deliver such certificate to the collector of customs at the port of entry, together with the original bill of health and other papers of the vessel. The certificate required by this subsection shall be procurable from the quarantine officer, upon arrival of the vessel at the quarantine station and satisfactory inspection thereof, at any time within which quarantine services are performed at such station. (July 1, 1944, ch. 373, title III, § 366, 58 Stat. 705.)

§ 270. Quarantine regulations governing civil air navigation and civil aircraft.

The Surgeon General is authorized to provide by regulations for the application to air navigation and aircraft of any of the provisions of sections 267–269 of this title and regulations prescribed thereunder (including penalties and forfeitures for violations of such sections and regulations), to such extent and upon such conditions as he deems necessary for the safeguarding of the public health. (July 1, 1944, ch. 373, title III, § 367, 58 Stat. 706.)

§ 271. Penalties for violation of quarantine laws; remission or mitigation of forfeitures.

(a) Any person who violates any regulation prescribed under sections 264–266 of this title, or any provision of section 269 of this title or any regulation prescribed thereunder, or who enters or departs from the limits of any quarantine station, ground, or anchorage in disregard of quarantine rules and regulations or without permission of the quarantine officer in charge, shall be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or both.

(b) Any vessel which violates section 269 of this title, or any regulations thereunder or under section 267 of this title, or which enters within or departs from the limits of any quarantine station, ground, or anchorage in disregard of the quarantine rules and regulations or without permission of the officer in charge, shall forfeit to the United States not more than $5,000, the amount to be determined by the court, which shall be a lien on such vessel, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

(c) With the approval of the Administrator, the Surgeon General may, upon application therefor, remit or mitigate any forfeiture provided for under subsection (b) of this section, and he shall have authority to ascertain the facts upon all such applications. (July 1, 1944, ch. 373, title III, § 368, 58 Stat. 706.)

§ 272. Administration of oaths by quarantine officers.

Medical officers of the United States, when performing duties as quarantine officers at any port or place within the United States, are authorized to take declarations and administer oaths in matters pertaining to the administration of the quarantine laws and regulations of the United States. (July 1, 1944, ch. 373, title III, § 369, 58 Stat. 706.)

SUBCHAPTER III.—NATIONAL CANCER INSTITUTE

§ 281. Division in National Institute of Health.

The National Cancer Institute shall be a division in the National Institute of Health. (July 1, 1944, ch. 373, title IV, § 401, 58 Stat. 707.)

§ 282. Powers and duties of Surgeon General.

In carrying out the purposes of section 241 of this title with respect to cancer the Surgeon General, through the National Cancer Institute and in cooperation with the National Cancer Advisory Council, shall—

(a) Fosterage of research.

Conduct, assist, and foster researches, investigations, experiments, and studies relating to the cause, prevention, and methods of diagnosis and treatment of cancer;

(b) Coordination of researches.

Promote the coordination of researches conducted by the Institute and similar researches conducted by other agencies, organizations, and individuals;

(c) Technical training and instruction.

Provide training and instruction in technical matters relating to the diagnosis and treatment of cancer;

(d) Establishment of fellowships.

Provide fellowships in the Institute from funds appropriated or donated for such purpose;

(e) Securement of expert advice.

Secure for the Institute consultation services and advice of cancer experts from the United States and abroad;

(f) Cooperation with State agencies.

Cooperate with State health agencies in the prevention, control, and eradication of cancer;

(g) Acquisition, use, and loan of radium.

Procure, use, and lend radium as provided in section 283 of this title. (July 1, 1944, ch. 373, title IV, § 402, 58 Stat. 707.)

§ 283. Administration of powers by Surgeon General; radium; technical instruction and training; acceptance of gifts; memorials; grants-in-aid.

(a) In carrying out the provisions of section 282 of this title all appropriate provisions of section 225 of this title shall be applicable to the authority of the Surgeon General, and he is authorized—

(1) to purchase radium, from time to time, without regard to section 5 of Title 41 to make such radium available for the purposes of this sub-

chapter, both to the Service and by loan to other agencies and institutions for such consideration and subject to such conditions as he may prescribe;

(2) to provide the necessary facilities where training and instruction may be given in all technical matters relating to diagnosis and treatment of cancer to persons found by the Surgeon General to have proper technical qualifications, and designated by him for such training or instruction, and to fix and pay them a per diem allowance during such training or instruction of not to exceed $10.

(b) The Surgeon General shall recommend acceptance of conditional gifts pursuant to section 219 of this title, for study, investigation, or research into the cause, prevention, and methods of diagnosis and treatment of cancer, or for the acquisition of grounds or for the erection, equipment, or maintenance of premises, buildings, or equipment of the Institute, only after consultation with the National Cancer Advisory Council. Donations of $50,000 or over in aid of research under this subchapter may be acknowledged by the establishment within the Institute of suitable memorials to the donors.

(c) In carrying out the purposes of section 282 of this title grants-in-aid for cancer projects shall be made only after review and recommendation of the National Cancer Advisory Council made pursuant to section 284 of this title. (July 1, 1944, ch. 373, title IV, § 403, 58 Stat. 707.)

§ 284. **Functions of council.**

The council is authorized—

(a) Review of research problems.

To review research projects or programs submitted to or initiated by it relating to the study of the cause, prevention, or methods of diagnosis and treatment of cancer, and certify approval to the Surgeon General, for prosecution under section 282 of this title, of any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of cancer;

(b) Collection and dissemination of information.

To collect information as to studies which are being carried on in the United States or any other country as to the cause, prevention, and methods of diagnosis and treatment of cancer, by correspondence or by personal investigation of such studies, and with the approval of the Surgeon General make available such information through the appropriate publications for the benefit of health agencies and organizations (public or private), physicians, or any other scientists, and for the information of the general public;

(c) Review of applications by research institutions for grants-in-aid.

To review applications from any university, hospital, laboratory, or other institution whether public or private, or from individuals, for grants-in-aid for research projects relating to cancer, and certify to the Surgeon General its approval of grants-in-aid in the cases of such projects which show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis or treatment of cancer;

(d) Recommendations for acceptance of conditional gifts.

To recommend to the Surgeon General for acceptance conditional gifts pursuant to section 219 of this title; and

(e) Recommendations for administration of laws.

To make recommendations to the Surgeon General with respect to carrying out the provisions of this subchapter. (July 1, 1944, ch. 373, title IV, § 404, 58 Stat. 708.)

§ 285. **Use of appropriations.**

Appropriations to carry out the purposes of this subchapter shall be available for the acquisition of land or the erection of buildings only if so specified, but in the absence of express limitation therein may be expended in the District of Columbia for personal services, stenographic recording and translating services, by contract if deemed necessary, without regard to section 5 of Title 41; traveling expenses (including the expenses of attendance at meetings when specifically authorized by the Surgeon General); rental, supplies and equipment, purchase and exchange of medical books, books of reference, directories, periodicals, newspapers, and press clippings; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; printing and binding (in addition to that otherwise provided by law); and for all other necessary expenses in carrying out the provisions of this subchapter. (July 1, 1944, ch. 373, title IV, § 405, 58 Stat 708.)

§ 286. **Other work with respect to cancer.**

This subchapter shall not be construed as limiting (a) the functions or authority of the Surgeon General or the Public Health Service under any other subchapter of this chapter, or of any other officer or agency of the United States, relating to the study of the prevention, diagnosis, and treatment of cancer; or (b) the expenditure of money therefor. (July 1, 1944, ch. 373, title IV, § 406, 58 Stat. 708.)

Chapter 7.—SOCIAL SECURITY ACT

SUBCHAPTER V.—GRANTS TO STATES FOR MATERNAL AND CHILD WELFARE

MATERNAL AND CHILD HEALTH SERVICES

Sec.

703a. Same; obstetrical services; approval by Chief of The Children's Bureau (New).

SUBCHAPTER XII—ADVANCES TO STATE UNEMPLOYMENT FUNDS (New)

1321 Conditions precedent to transfer of funds, findings and certification by Board, reimbursement of Federal unemployment account (New).

SUBCHAPTER I.—GRANTS TO STATES FOR OLD-AGE ASSISTANCE

PAYMENTS FOR FARM LABOR

Effect of failure to take into consideration payments for agricultural labor, see section 1355 (f) of Appendix to Title 50, War.

SUBCHAPTER II.—FEDERAL OLD-AGE AND SURVIVORS INSURANCE BENEFITS

§ 401. Federal old-age and survivors insurance trust fund.

(a) There is hereby created on the books of the Treasury of the United States a trust fund to be known as the "Federal Old-Age and Survivors Insurance Trust Fund" (hereinafter in sections 401–409 of this title called the "Trust Fund"). The Trust Fund shall consist of the securities held by the Secretary of the Treasury for the Old Age Reserve Account and the amount standing to the credit of the Old Age Reserve Account on the books of the Treasury on January 1, 1940, which securities and amount the Secretary of the Treasury is authorized and directed to transfer to the Trust Fund, and, in addition, such amounts as may be appropriated to the Trust Fund as hereinafter provided. There is hereby appropriated to the Trust Fund for the fiscal year ending June 30, 1941, and for each fiscal year thereafter, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to 100 per centum of the taxes (including interest, penalties, and additions to the taxes) received under sections 1400–1403, 1410, 1411, 1420–1432 of Title 26 and covered into the Treasury. There is also authorized to be appropriated to the Trust Fund such additional sums as may be required to finance the benefits and payments provided under this title.

* * * * *

(f) The Managing Trustee is directed to pay from the Trust Fund into the Treasury the amount estimated by him and the Chairman of the Social Security Board which will be expended during a three month period by the Social Security Board and the Treasury Department for the administration of sections 401–409 and sections 1001–1011 of this title, and sections 1400–1403, 1410, 1411, 1420–1432 of Title 26. Such payments shall be covered into the Treasury as repayments to the account for reimbursement of expenses incurred in connection with the administration of sections 401–409 and sections 1001–1011 of this title and sections 1400–1403, 1410, 1411, 1420–1432 of Title 26. Such repayments shall not be available for expenditures but shall be carried to the surplus fund of the Treasury. If it subsequently appear that the estimates in any particular three month period were too high or too low, appropriate adjustments shall be made by the Managing Trustee in future payments. (As amended Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title IX, § 902, 58 Stat. 93.)

* * * * *

AMENDMENTS

1944—Subsec. (a) amended by act Feb. 25, 1944, cited to text, which added last sentence.

TAXES ON SERVICES RENDERED BY EMPLOYEES OF INTERNATIONAL ORGANIZATIONS PRIOR TO JAN. 1, 1946

Section 5 (b) of act Dec. 29, 1945, ch. 652, title I, 59 Stat. 671, provided: "No tax shall be collected under title VIII or IX of the Social Security Act [sections 1001–1011 or 1101–1110 of Title 42] or under the Federal Insurance Contributions Act [sections 1400–1403, 1410, 1411, 1420–1432 of Title 26] or the Federal Unemployment Tax Act [sections 1600–1610 of Title 26] with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of sections 1426 (b) and 1607 (c) of the Internal Revenue Code [sections 1426 (b) and 1607 (c) of Title 26], as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any) shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. No payment shall be made under title II of the Social Security Act [sections 401–409 of Title 42] with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of section 209 (b) of such Act, as amended [section 409 (b) (16) of Title 42]."

§ 409. Definitions.

* * * * *

(b) * * *

* * * * *

(14) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating, or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds, or other aquatic forms of animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except (A) service performed in connection with the catching or taking of salmon or halibut, for commercial purposes, and (B) service performed on or in connection with a vessel of more than ten net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States);

(15) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; or

(16) Service performed in the employ of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under sections 203 and 215 of Title 8, sections 288–288f of Title 22, sections 116, 1426, 1607, 1621, 3466, 3469, 3475, and 3797 of Title 26, and this section.

* * * * *

(o) (1) The term "employment" shall include such service as is determined by the Administrator, War Shipping Administration, to be performed after September 30, 1941, and prior to the termination of title I of the First War Powers Act, 1941,[1] on or in connection with any vessel by an officer or member of the crew as an employee of the United States employed through the War Shipping Administration or, in respect of such service performed before February 11, 1942, the United States Maritime Commission, but shall not include any such service performed (1) under a contract entered into without the United States and during the performance of which the vessel does not touch at a port in the United States, or (2) on a vessel documented under the laws of any foreign country and bareboat chartered to the War Shipping Administration.

(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of

this subsection, or the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid, but shall accept the determinations with respect thereto of the Administrator, War Shipping Administration, and such agents as he may designate, as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (i) of the Internal Revenue Code and certifications made pursuant to this subsection. Such determinations shall be final and conclusive.

(3) The Administrator, War Shipping Administration, is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the War Shipping Administrator under this subsection, which the Board finds necessary in administering this subchapter.

(4) This subsection shall be effective as of September 30, 1941.

* * * * *

(p) (1) The term "employment" shall include such service as is determined by the Bonneville Power Administrator (hereinafter called the Administrator) to be performed after December 31, 1945, by a laborer, mechanic, or workman, in connection with construction work or the operation and maintenance of electrical facilities, as an employee performing service for the Administrator, but shall not include any service performed by such a laborer, mechanic, or workman, to whom sections 691, 693, 698, 707, 709, 710–715, 716–725, 727–731, 733, 736b, and 736c of Title 5, applies.

(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of this subsection, the periods of such services, the amounts of remuneration for such services which constitutes "wages" under the provisions of this section, or the periods in which or for which such wages were paid, but shall accept the determinations with respect thereto of the Administrator, and such agents as he may designate, as evidenced by returns filed by the Administrator as an employer pursuant to section 1426 (j) of Title 26 and certifications made pursuant to this subsection. Such determinations shall be final and conclusive.

(3) The Administrator is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the Administrator under this subsection, which the Board finds necessary in administering this title. (As amended Mar. 24, 1943, ch. 26, § 1 (b) (2), 57 Stat. 47; Apr. 4, 1944, ch. 161, § 2, 58 Stat. 188; Oct. 23, 1945, ch. 433, § 7 (b), 59 Stat. —; Dec. 29, 1945, ch. 652, title I, § 5 (a), 59 Stat. 671.)

[1] Termination of war and six months thereafter, see section 621 of Appendix to Title 50, War

AMENDMENTS

1945—Subsec (b) amended by act Dec. 29, 1945, cited to text, which struck out "or" following semicolon in subdiv. (14), struck out period and inserted in lieu thereof "; or" in subdiv. (15), and added subdiv. (16).

Subsec. (p) added by act Oct. 23, 1945, cited to text.

1944—Subsec. (o) (1) amended by act Apr. 4, 1944, § 2, cited to text, which inserted a comma and "but shall not * * * War Shipping Administration" preceding period at end of sudb (1).

1943—Act March 24, 1943, cited to text, added subsec (o).

CODIFICATION

Text of subsec. (o) is also set out under section 1291 of Appendix to Title 50, War.

EFFECTIVE DATE

Amendment of subsec. (b) by act Dec. 29, 1945, § 5 (a), cited to text, was made effective as of Jan. 1, 1946, by section 5 (a) thereof.

CROSS REFERENCES

Taxes on services rendered by employees of international organizations prior to Jan. 1, 1945, see note set out under section 401 of this title.

SUBCHAPTER V.—GRANTS TO STATES FOR MATERNAL AND CHILD WELFARE

MATERNAL AND CHILD HEALTH SERVICES

§ 703a. Same; obstetrical services; approval by Chief of The Children's Bureau.

Any State plan which provides standards for professional obstetrical services in accordance with the laws of the State shall be approved by the Chief of the Children's Bureau. (July 3, 1945, ch. 263, title I, 59 Stat. 363.)

§ 704a. Allotments excluded from computation.

REPEALED—Act July 1, 1941, ch 269, title I, 55 Stat. 469; act July 2, 1942, ch. 475, title I, 56 Stat. 565; act July 12, 1943, ch. 221, title I, § 1, 57 Stat 497; act June 28, 1944, ch. 302, title I, 58 Stat. 550; act July 3, 1945, ch. 263, title I, 59 Stat. 364.

SUBCHAPTER VI.—PUBLIC HEALTH WORK

§§ 801–803. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 801, which provided appropriations for the purpose of assisting States and subdivisions in maintaining adequate public health services, is now covered by section 246 of this title.

Section 802, which provides for allotments to States by Surgeon General, is now covered by section 246 of this title.

Section 803, which provided appropriations for investigation of diseases by Service, is now covered by section 246 of this title.

SUBCHAPTER VIII.—TAXES WITH RESPECT TO EMPLOYMENT

§ 1001. Income tax on employees.

TAXES ON SERVICES RENDERED BY EMPLOYEES OF INTERNATIONAL ORGANIZATIONS PRIOR TO JAN. 1, 1946

Section 5 (b) of act Dec. 29, 1945, ch. 652, title I, 59 Stat. 671, provided: "No tax shall be collected under title VIII or IX of the Social Security Act [sections 1001–1011 or 1101–1110 of Title 42] or under the Federal Insurance Contributions Act [sections 1400–1403, 1410, 1411, 1420–1432 of Title 26] or the Federal Unemployment Tax Act [sections 1600–1610 of Title 26], with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of sections 1426 (b) and 1607 (c) of the Internal Revenue Code [sections 1426 (b) and 1607 (c) of Title 26], as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any) shall be refunded in accordance with the provisions of law applicable in the case of erroneous or

illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. No payment shall be made under title II of the Social Security Act [sections 401–409 of Title 42] with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of section 209 (b) of such Act, as amended [section 409 (b) (16) of Title 42]."

SUBCHAPTER IX.—TAX ON EMPLOYERS OF EIGHT OR MORE

§ 1101. Imposition of tax.

CREDITS AGAINST SOCIAL SECURITY TAX

Act May 28, 1938, ch. 289, § 810, 52 Stat 576, was affected by act Sept 20, 1941, 12 15 p m, E S. T., ch. 412, title VII, § 701 (c), 55 Stat. 728, relating to credit against Federal unemployment taxes, set out in note under this section.

CREDIT AGAINST FEDERAL UNEMPLOYMENT TAXES

Act Oct 8, 1940, 11 p m., E S. T., ch. 757, title VII, § 701, 54 Stat. 1017, was affected by act Sept. 20, 1941, 12:15 p. m, E. S. T., ch. 412, title VII, § 701 (c), 55 Stat. 728, set out below

Act Sept 20, 1941, 12·15 p. m., E. S. T., ch. 412, title VII, § 701, 55 Stat. 727, provided as follows:

"(a) *Allowance of Credit Against Tax for 1936, 1937, and 1938*—Against the tax imposed by section 901 of the Social Security Act (Title 42, § 1101) for the calendar year 1936, 1937, or 1938, any taxpayer shall be allowed credit (if credit is not allowable under section 902 of such Act (Title 42, § 1102)) for the amount of contributions paid by him into an unemployment fund under a State law—

"(1) Before the sixtieth day after the date of the enactment of this Act, if such credit is claimed before the expiration of six months after such date of enactment;

"(2) Without regard to the date of payment, with respect to wages paid after September 19, 1939;

"(3) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, or were at any time during the period August 11, 1939, to October 8, 1939, inclusive, or the period October 9, 1940, to December 6, 1940, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

The provisions of the Social Security Act (Title 42, § 301 et seq.) in force prior to February 11, 1939 (except the provision limiting the credit to amounts paid before the date of filing returns), shall apply to allowance of credit under this subsection; except that the amount of credit against the tax for the calendar year 1936, 1937, or 1938, for contributions paid after December 6, 1940, shall not (unless the credit is allowable on account of paragraph (2) or (3) exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid before the last day upon which the taxpayer was required under section 905 of such Act (Title 42, § 1105) to file a return for such year. The terms used in this subsection shall have the same meaning as when used in title IX of such Act (Title 42, § 1101 et seq.) prior to February 11, 1939 The total credit allowable against the tax imposed by section 901 of such Act (Title 42, § 1101) for the calendar year 1936, 1937, or 1938 shall not exceed 90 per centum of such tax.

"(b) *Allowance of Credit Against Tax for 1939 and 1940*—Against the tax imposed by the Federal Unemployment Tax Act (Title 26, § 1600 et seq.) for the calendar year 1939 or 1940, any taxpayer shall be allowed credit (if credit is not allowable under section 1601 of such act) (Title 26, § 1601) for the amount of contributions paid by him into an unemployment fund under a State law—

"(1) Before the sixtieth day after the date of the enactment of this Act, if such credit is claimed before the expiration of six months after such date of enactment;

"(2) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, or were at any time during the period from the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act (Title 26, § 1604) to file a return of the tax against which credit is claimed to June 30 next following such last day, inclusive, or (in the case of credit against the tax for the calendar year 1939) the period October 9, 1940, to December 6, 1940, inclusive, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

The provisions of the Federal Unemployment Tax Act (Title 26, § 1600 et seq.) (except section 1601 (a) (3)) (Title 26, § 1601 (a) (3)) including such provisions as modified by section 902 (e) of the Social Security Act Amendments of 1939 (Title 26, § 1601 note), shall apply to allowance of credit under this subsection The amount of such credit against the tax for the calendar year 1939 or 1940, in the case of contributions paid after the last day upon which the taxpayer was required under section 1604 of the Federal Unemployment Tax Act (Title 26, § 1604) to file a return for such year, shall not (unless the credit is allowable on account of paragraph (2)) exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid on or before such last day The terms used in this subsection shall have the same meaning as when used in the Federal Unemployment Tax Act (Title 26, § 1600 et seq). The total credit allowable against the tax imposed by such Act (Title 26, § 1600 et seq.) for the calendar year 1939 or 1940 shall not exceed 90 per centum of such tax.

"(c) *Refund*—Refund, credit, or abatement of the tax (including penalty and interest assessed or collected with respect thereto, if any), based on any credit allowable under subsection (a) or (b), may be made in accordance with the provisions of law applicable in the case of erroneous or illegal assessment or collection of the tax (including statutes of limitations). No interest shall be allowed or paid on the amount of any such credit or refund On and after the date of the enactment of this Act no refund, credit, or abatement shall be allowed based on any credit allowable under section 810 of the Revenue Act of 1938 (Title 42, § 1101 note), section 902 (a) of the Social Security Act Amendments of 1939 (Title 42, § 1102 note), or section 701 of the Second Revenue Act of 1940 (Title 26, § 1600 note; Title 42, § 1101 note)."

TAXES ON SERVICES RENDERED BY EMPLOYEES OF INTERNATIONAL ORGANIZATIONS PRIOR TO JAN. 1, 1946

Section 5 (b) of act Dec. 29, 1945, ch. 652, title I, 59 Stat. 671, provided: "No tax shall be collected under title VIII or IX of the Social Security Act [sections 1001–1011 or 1101–1110 of Title 42] or under the Federal Insurance Contributions Act [sections 1400–1403, 1410, 1411, 1420–1432 of Title 26] or the Federal Unemployment Tax Act [sections 1600–1610 of Title 26], with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of sections 1426 (b) and 1607 (c) of the Internal Revenue Code [sections 1426 (b) and 1607 (c) of Title 26], as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any) shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. No payment shall be made under title II of the Social Security Act [sections 401–409 of Title 42] with respect to services rendered prior to January 1, 1946, which are described in paragraph (16) of section 209 (b) of such Act, as amended [section 409 (b) (16) of Title 42]."

§ 1102. Credit against tax.

CREDITS AND SOCIAL SECURITY TAX

Act Aug 10, 1939, ch. 666, title IX, § 902 (a), 53 Stat. 1399, was affected by act Sept. 20, 1941, 12:15 p. m., E. S. T., ch 412, title VII, § 701 (c), 55 Stat. 728, relating to credit

against Federal unemployment taxes, set out in note under section 1101 of this title.

§ 1104. Unemployment Trust Fund; establishment; investment; payments to States.

(a) There is hereby established in the Treasury of the United States a trust fund to be known as the "unemployment trust fund", hereinafter in this chapter called the "fund". The Secretary of the Treasury is authorized and directed to receive and hold in the fund all moneys deposited therein by a State agency from a State unemployment fund, or by the Railroad Retirement Board to the credit of the railroad unemployment insurance account, or deposited pursuant to appropriations to the Federal unemployment account. Such deposit may be made directly with the Secretary of the Treasury or with any Federal Reserve bank or member bank of the Federal Reserve System designated by him for such purpose.

* * * * *

(e) The fund shall be invested as a single fund, but the Secretary of the Treasury shall maintain a separate book account for each State agency, the Federal unemployment account, and the railroad unemployment insurance account and shall credit quarterly on March 31, June 30, September 30, and December 31, of each year, to each account, on the basis of the average daily balance of such account, a proportionate part of the earnings of the fund for the quarter ending on such date.

* * * * *

(g) The Secretary of the Treasury is authorized and directed, prior to audit or settlement by the General Accounting Office, to make transfers from the Federal unemployment account to the account of any State in the Unemployment Trust Fund in accordance with certification made by the Board pursuant to section 1321 of this title, not exceeding the amount on deposit in the Federal unemployment account at the time of such transfer.

(h) There is hereby established in the Unemployment Trust Fund a Federal unemployment account. There is hereby authorized to be appropriated to such Federal unemployment account a sum equal to the excess of taxes collected prior to July 1, 1943, under sections 1101–1110 of this title and under sections 1600–1611 of Title 26, over the total unemployment administrative expenditures made prior to July 1, 1943; and there is hereby authorized to be appropriated to such account for the fiscal year 1945 and for each fiscal year thereafter (1) a sum equal to any excess of taxes collected in the preceding fiscal year under sections 1600–1611 of Title 26 over the unemployment administrative expenditures made in such year, and (2) such further sums, if any, as may be necessary to carry out the purposes of section 1321 of this title Any amounts in the Federal unemployment account on October 1, 1947, and any amounts repaid to such account after such date, shall be covered into the general fund of the Treasury. As used in this subsection, the term "unemployment administrative expenditures" means expenditures for grants under sections 501–503 of this title, for the administration of such sections by the Board, and for the administration of sections 1101–1110 of this title and of sections 1600–1611 of Title 26 by the Department of the Treasury and the Board. For the purposes of this subsection there shall be deducted from the total amount of taxes collected prior to July 1, 1943, under sections 1101–1110 of this title, the sum of $40,561,886.43 which was authorized to be appropriated by the Act of August 24, 1937 (50 Stat. 754). (As amended Oct. 3, 1944, ch. 480, title IV, § 401, 58 Stat. 789.)

REFERENCES IN TEXT

Act of Aug 24, 1937 (50 Stat 754), which is referred to in subsec. (h) is act Aug. 24, 1937, ch. 755, 50 Stat. 754, and is set out as a note under section 1103 of this title.

AMENDMENTS

1944—Subsec. (a) amended by act Oct. 3, 1944, cited to text, which inserted a comma and "or deposited pursuant to appropriations to the Federal unemployment account" immediately following "unemployment insurance account" in the second sentence.

Subsec (e) amended by act Oct. 3, 1944, cited to text, which inserted a comma and "the Federal unemployment account" immediately following "a separate book account for each State agency".

Subsecs (g) and (h) added by act Oct. 3, 1944, cited to text

CODIFICATION

Section 401 of act Oct. 3, 1944, cited to text, which amended this section, was enacted as a part of the War Mobilization and Reconversion Act of 1944, set out as sections 1651–1678 of Appendix to Title 50, War.

TERMINATION DATE

Section 607 of act Oct 3, 1944, cited to text, provided that the provisions of this act [section 401 of said act amended this section] shall terminate on June 30, 1947.

§ 1109. Additional credit against tax.

CROSS REFERENCES

Allowance of credit against Federal Unemployment Taxes for 1936, 1937, and 1938, see note under section 1101 of this title

SUBCHAPTER XII.—ADVANCES TO STATE UNEMPLOYMENT FUNDS (New)

§ 1321. Conditions precedent to transfer of funds; findings and certification by Board; reimbursement of Federal unemployment account.

(a) In the event that the balance in a State's account in the Unemployment Trust Fund on June 30, 1945, or on the last day in any ensuing calendar quarter which ends prior to July 1, 1947, does not exceed a sum equal to the total contributions deposited in the Unemployment Trust Fund under the unemployment compensation law of the State during that one of the two calendar years next preceding such day in which such deposits were higher, the State shall be entitled, subject to the provisions of subsections (b) and (c) of this section, to have transferred from the Federal unemployment account to its account in the Unemployment Trust Fund an amount equal to the amount by which the unemployment compensation paid out by it in the calendar quarter ending on such day exceeded 2.7 per centum of the total remuneration which was paid during such quarter and was subject to the State unemployment compensation law.

(b) The Social Security Board is authorized and directed, on application of a State unemployment

compensation agency, to make findings as to whether the conditions for the transfer of moneys provided for in subsection (a) of this section have been met; and if such conditions exist, the Board is directed to certify, to the Secretary of the Treasury, from time to time, the amounts for transfer in order to carry out the purposes of this subchapter, reduced or increased, as the case may be, by any sum by which the Board finds that the amounts transferred for any prior quarter were greater or less than the amounts to which the State was entitled for such quarter. The application of a State agency shall be made on such forms, and contain such information and data, fiscal and otherwise, concerning the operation and administration of the State law, as the Board deems necessary or relevant to the performance of its duties hereunder.

(c) Any amount transferred to the account of any State under this section shall be treated as an advance, without interest, to the unemployment fund of such State and shall be repaid to the Federal unemployment account from the unemployment fund of that State to the extent that the balance in the State's account in the Unemployment Trust Fund, at the end of any calendar quarter, exceeds a sum equal to the total contributions deposited in the Unemployment Trust Fund under the unemployment compensation law of the State during that one of the two calendar years next preceding such day in which such deposits were higher. The Secretary of the Treasury shall, after the end of each calendar quarter, transfer from the unemployment account of each State in the Unemployment Trust Fund to the Federal unemployment account the amount required to be repaid from the unemployment fund of such State at the end of such quarter under this subsection. (Aug. 14, 1935, ch. 531, title XII, § 1201, as added Oct. 3, 1944, ch. 480, title IV, § 402, 58 Stat. 790.)

CODIFICATION

Section 402 of act Oct. 3, 1944, cited to text, which added subchapter XII and this section, was enacted as a part of the War Mobilization and Reconversion Act of 1944, set out as sections 1651–1678 of Appendix to Title 50, War.

TERMINATION DATE

Section 603 of act Oct. 3, 1944, cited to text, provided that the provisions of this act [section 402 of said act added this subchapter and section], shall terminate on June 30 1947.

Chapter 8.—LOW-RENT HOUSING

Sec.

1431. Federal Public Housing Authority representation at non-Federal project sites; reimbursement of expenses (New).

§ 1402. Definitions.

TRANSFER OF FUNCTIONS

Consolidation of United States Housing Authority and other agencies into the National Housing Agency during present war, see note under section 1403 of this title.

§§ 1403, 1404.

TRANSFER OF FUNCTIONS

Financial control of Federal Public Housing Authority and United States Housing Authority, see chapter 14 of Title 31, Money and Finance.

United States Housing Authority consolidated with other agencies into the National Housing Agency during present war, see Ex Ord No 9070, set out in note under section 601 of Appendix to Title 50, War.

§ 1405. Same; miscellaneous provisions.

TRANSFER OF FUNCTIONS

Consolidation of United States Housing Authority and other agencies into the National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance

§§ 1406–1406b.

TRANSFER OF FUNCTIONS

Consolidation of United States Housing Authority and other agencies into the National Housing Agency during present war, see note under section 1403 of this title.

§ 1406c. Same; expense of construction advisers on non-Federal projects.

All necessary expenses of providing construction advisers and their staffs at the sites of non-Federal projects, and of paying the accrued annual leave of such construction advisers and their staffs (including annual leave accrued prior to June 27, 1942), in connection with the construction of such non-Federal projects by public housing agencies with the aid of the United States Housing Authority, shall be reimbursed or paid by such agencies, and expenditures by the Authority from such receipts shall be considered nonadministrative expenses. (As amended Apr. 5, 1941, ch. 40, § 1, 55 Stat. 111; June 27, 1942, ch. 450, § 1, 56 Stat. 410.)

TRANSFER OF FUNCTIONS

Consolidation of United States Housing Authority and other agencies into the National Housing Agency, during present war, see note under section 1403 of this title.

§§ 1407–1419.

TRANSFER OF FUNCTIONS

Consolidation of United States Housing Authority and other agencies into the National Housing Agency during present war, see note under section 1403 of this title.

§ 1420. Issuance of obligations by Authority—(a) Authorization; form; amount.

The Authority is authorized to issue obligations in the form of notes, bonds, or otherwise, which it may sell to obtain funds for the purposes of this chapter. The Authority may issue such obligations in an amount not to exceed $800,000,000, exclusive of any obligations which may be issued for refunding purposes. Such obligations shall be in such forms and denominations, mature within such periods not exceeding sixty years from date of issue, bear such rates of interest not exceeding 4 per centum per annum, be subject to such terms and conditions, and be issued in such manner and sold at such prices as may be prescribed by the Authority with the approval of the Secretary of the Treasury. (As amended Oct. 30, 1941, ch. 467, 55 Stat. 759.)

* * * * *

AMENDMENTS

1941—Subsec. (a) was amended by act Oct 30, 1941, cited to text.

TRANSFER OF FUNCTIONS

Consolidation of United States Housing Authority and other agencies into the National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

CROSS REFERENCES

United States obligations and evidences of ownership issued after March 27, 1942, as subject to Federal taxation, see section 742a of Title 31, Money and Finance.

§§ 1421–1427.

TRANSFER OF FUNCTIONS

Consolidation of United States Housing Authority and other agencies into the National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

§ 1431. Federal Public Housing Authority representation at non-Federal project sites; reimbursement of expenses.

All necessary expenses of providing representatives of the Authority at the sites of non-Federal projects in connection with the construction of such non-Federal projects by public housing agencies with the aid of the Authority, shall be reimbursed or paid by such agencies, and expenditures by the Authority for such purpose shall be considered nonadministrative expenses, and funds received from such payments or reimbursements may be used only for the payment of all necessary expenses of providing representatives of the Authority at the sites of non-Federal projects or for administrative expenses of the Authority not in excess of the amount authorized by the Congress. (May 3, 1945, ch. 106, title I, § 1, 59 Stat. 124.)

CODIFICATION

Section is part of the Independent Offices Appropriation Act, 1946, and was not enacted as a part of the United States Housing Act of 1937.

Chapter 9.—HOUSING OF PERSONS ENGAGED IN NATIONAL DEFENSE

SUBCHAPTER II.—DEFENSE HOUSING (New)

Sec
1521 Federal Works Administrator's powers respecting defense housing.
1522. Definitions; actions to recover developed property
1523 Appropriations
1524 Declaration of policy; disposal of housing (New)

SUBCHAPTER III.—DEFENSE PUBLIC WORKS (New)

1531. Declaration of policy; definition of "public work."
1532 Federal Works Administrator's powers respecting defense public works; definition of "private agency."
1533 Terms to be observed in application of subchapter; restrictions against governmental supervision over schools and hospitals
1534 Appropriations

SUBCHAPTER IV.—GENERAL PROVISIONS AFFECTING SUBCHAPTERS II AND III (New)

1541. Termination of Subchapters II–IV; saving clause
1542 Transfer of funds from other Federal agencies to Administrator
1543 Disposition of moneys received from rental, etc.
1544 Power of Administrator to manage, convey, etc., housing properties
1545. Utilization of Federal and local agencies and private services, conformity of projects to local planning
1546 Payment of annual sums to local authorities in lieu of taxes
1547 Preservation of local civil and criminal jurisdiction and civil rights
1548 Rules and regulations, standards of safety, convenience, and health
1549 Laborers and mechanics; wages; preference in employment
1550. Separability clause.
Sec.
1551 Annual report to Congress.
1552 Powers of certain agencies designated to provide temporary shelter (New)
1553 Removal by Administrator of certain housing of temporary character; exceptions for local communities; report to Congress (New).

SUBCHAPTER V.—DEFENSE HOUSNG AND PUBLIC WORKS FOR DISTRICT OF COLUMBIA (New)

1561 Appropriation for housing of United States employees, administration; disposition of housing.
1562 Appropriations for public works projects; administration.
1563 Advancements to District of Columbia Commissioners for public works; availability; reports to Congress
1564 Definitions

SUBCHAPTER VI.—HOUSING FOR DISTRESSED FAMILIES OF SERVICEMEN AND VETERANS (New)

1571. Construction of temporary housing facilities; rentals
1572. Availability of funds.
(a) Appropriation; limitation on use; repayment of certain expenses.
(b) Transfer of surplus housing or facilities for use by educational institutions.
(c) Transfer of temporary housing to educational institutions, States and public agencies, and nonprofit organizations.
1573. Definitions.

SUBCHAPTER I.—PROJECTS GENERALLY

§ 1501. Cooperation between departments; definitions; limitation of projects.

In connection with the national defense program, the Navy and War Departments and the United States Housing Authority are hereby authorized to cooperate in making necessary housing available for persons engaged in national defense activities, as provided in sections 1501–1505 of this title. "Persons engaged in national defense activities" (as that term is used in sections 1501–1505 of this title) shall include (i) enlisted men with families, who are in the naval and military service and officers of the Army and Marine Corps not above the grade of captain, and officers of the Navy and Coast Guard, not above the grade of lieutenant and employees of the Navy and War Departments who are assigned to duty at naval or military reservations, posts, or bases, and (ii) workers with families, who are engaged or to be engaged in industries connected with and essential to the national defense program. No project shall be developed or assisted for the purposes of sections 1501–1505 of this title except with the approval of the President and upon a determination by him that there is an acute shortage of housing in the locality involved which impedes the national defense program. (As amended Oct. 26, 1942, ch. 626, § 1, 56 Stat. 988.)

AMENDMENTS

1942—Act Oct. 26, 1942, cited to text, amended section by striking out parenthesis and the words "excluding officers" and inserting in lieu thereof the words "and officers of the Army and Marine Corps not above the grade of captain, and officers of the Navy and Coast Guard, not above the grade of lieutenant".

TRANSFER OF FUNCTIONS

Consolidation of United States Housing Authority and other agencies into the National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

§ 1502. Initiation and development of projects; jurisdiction; acquisition of property; fees of architects, engineers, etc.

(a) Projects may be initiated under sections 1501–1505 of this title by the Navy or War Department to provide dwellings on or near naval or military reservations, posts or bases for rental to the officers, enlisted men and employees of the Navy and War Departments described in section 1501. Such projects shall be developed by the Navy or War Department or by the Authority, whichever the President determines is better suited to the fulfillment of the purposes of sections 1501–1505 of this title with respect to any particular project. If the development of such project is to be undertaken by the Navy or War Department, the Authority is authorized to aid the development of the project by furnishing technical assistance and by transferring to such Department the funds necessary for the development of the project. Any project developed for the purpose of this section shall be leased to the Navy or War Department by the Authority (which shall have title to such project until repayment of the cost thereof to the Authority as prescribed in such lease) upon such terms as shall be prescribed in the lease, which may be the same terms as are authorized by sections 1401–1430 of this title, with respect to leases to public housing agencies. All the provisions of said sections 1401–1430 of this title which apply to the development of projects by the Authority shall (insofar as applicable and not inconsistent herewith) apply to the development of projects by the Navy or War Department. Notwithstanding other provisions of this or any other law, the Department leasing a project shall have the same jurisdiction over such project as it has over the reservation, post or base in connection with which the project is developed. (As amended Oct. 26, 1942, ch. 626, § 1, 56 Stat. 988.)

* * * * *

AMENDMENTS

1942—Act Oct. 26, 1942, cited to text, amended this section by inserting the word "officers," between the words "rental to the" and "enlisted men," in the first sentence.

TRANSFER OF FUNCTIONS

Consolidation of United States Housing Authority and other agencies into the National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

§§ 1503, 1504.

TRANSFER OF FUNCTIONS

Consolidation of United States Housing Authority and other agencies into the National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

§ 1505. Funds of Authority.

CODIFICATION

As originally enacted this section contained a sentence at the end thereof which read, "The provisions of title I of this Act (note preceding section 1 of Title 41, Public Contracts, section 40 of Title 41, section 1262a of Title 10, Army, and section 546e of Title 34, Navy) shall not apply to this title (subchapter)."

TRANSFER OF FUNCTIONS

Consolidation of United States Housing Authority and other agencies into the National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

SUBCHAPTER II.—DEFENSE HOUSING (New)

Sections 1-3 of act Oct 14, 1940, cited to sections 1521–1523 of this title, were designated "Title I" of that act by act June 28, 1941, ch. 260, § 1, 55 Stat. 361.

§ 1521. Federal Works Administrator's powers respecting defense housing.

In order to provide housing for persons engaged in national-defense activities, and their families, and living quarters for single persons so engaged, in those areas or localities in which the President shall find that an acute shortage of housing exists or impends which would impede national-defense activities and that such housing would not be provided by private capital when needed, the Federal Works Administrator (hereinafter referred to as the "Administrator") is authorized:

(a) To acquire prior to the approval of title by the Attorney General (without regard to section 1339 of Title 10 and section 5 of Title 41), improved or unimproved lands or interests in lands by purchase, donation, exchange, lease (without regard to sections 40a and 34 of Title 40, or any time limit on the availability of funds for the payment of rent), or condemnation (including proceedings under sections 257, 258, 361–368, and 258a–258e of Title 40.)

(b) By contract or otherwise (without regard to section 1339 of Title 10, section 5 of Title 41, and section 40a of Title 40, or any Federal, State, or municipal laws, ordinances, rules, or regulations relating to plans and specifications or forms of contract, the approval thereof or the submission of estimates therefor) prior to the approval of title by the Attorney General to make surveys and investigations, plan, design, construct, remodel, extend, repair, or demolish structures, buildings, improvements, and community facilities, on lands or interests in lands acquired under the provisions of subsection (a) hereof or on other lands of the United States which may be available (transfers of which for this purpose by the Federal agency having jurisdiction thereof are hereby authorized notwithstanding any other provisions of law), provide proper approaches thereto, utilities, and transportation facilities, and procure necessary materials, supplies, articles, equipment, machinery, and do all things necessary in connection therewith to carry out the purposes of this subchapter: *Provided*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used, but this proviso shall not be construed to prevent the use of the cost-plus-a-fixed-fee form of contract and so far as is consistent with emergency needs, contracts shall be subject to section 5 of Title 41: *Provided*, That the cost per permanent family-dwelling unit shall not exceed an average of $3,750 for all types of construction for those units located within the continental United States nor an average of $4,250 for those located elsewhere (exclusive of Alaska), and the cost of no family-dwelling unit shall exceed $4,500 within the continental United States or $4,750 elsewhere, except in the Territory of Alaska, where the cost shall not exceed $7,500, exclusive of expenses of administration, land acquisition, public utilities, and community facilities, and the aggregate cost of community facilities shall not

exceed 3 per centum of the total cost of all projects: *Provided further,* That where the Administrator shall consider that there is no reasonable prospect of disposing of such housing to meet a need extending beyond the emergency he shall construct temporary units: *Provided further,* That all items of cost with respect to each such family dwelling unit shall be separately estimated with a view toward economy, and no movable equipment shall be installed in such units, unless the Administrator shall, in any particular case, deem such installation to be in the public interest. (Oct. 14, 1940, ch. 862, title I, § 1, 54 Stat. 1125, as amended Apr. 29, 1941, ch. 80, § 1, 55 Stat. 147; June 28, 1941, ch. 260, § 2, 55 Stat. 361; Jan. 21, 1942, ch. 14, §§ 1, 11, 56 Stat. 11, 13.)

AMENDMENTS

1942—Opening paragraph was amended by act Jan. 21, 1942, § 1 (a), cited to text.

Subsec (b) was amended by act Jan. 21, 1942, §§ 1 (b), 11, cited to text.

1941—Act June 28, 1941, cited to text, substituted "this title" for "this Act", translated herein as "this subchapter"

Act April 29, 1941, cited to text, substituted "$3,500" for "$3,000" and added last proviso in subsec (b).

TRANSFER OF FUNCTIONS

Functions of Federal Works Administrator relating to defense housing were consolidated with other agencies into the National Housing Agency during present war by Ex. Ord. No. 9070, set out in note under section 601 of Appendix to Title 50, War.

CROSS REFERENCES

District of Columbia defense housing projects, applicability of section, see section 1561 of this title.

§ 1522. Definitions; actions to recover developed property.

As used in subchapters 2–4, (a) the term "persons engaged in national-defense activities" shall include (1) enlisted men in the naval or military services of the United States; (2) employees of the United States in the Navy and War Departments assigned to duty at naval or military reservations, posts, or bases; (3) workers engaged or to be engaged in industries connected with and essential to the national defense; (4) officers of the Army and Marine Corps not above the grade of captain, and officers of the Navy and Coast Guard, not above the grade of lieutenant, senior grade, assigned to duty at naval or military reservations, posts, or bases, or to duty at defense industries: *Provided,* That any proceedings for the recovery of possession of any property or project developed or constructed under this subchapter shall be brought by the Administrator in the courts of the States having jurisdiction of such causes and the laws of the States shall be applicable thereto; (b) the term "Federal agency" means any executive department or office (including the President), independent establishment, commission, board, bureau, division, or office in the executive branch of the United States Government, or other agency of the United States, including corporations in which the United States owns all or a majority of the stock, directly or indirectly (Oct. 14, 1940, ch. 862, title I, § 2, 54 Stat. 1126, as amended Jan. 21, 1942, ch. 14, § 2, 56 Stat. 11.)

AMENDMENTS

1942—Act Jan. 21, 1942, cited to text, inserted clause (a) (4) and proviso.

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

CROSS REFERENCES

Public work defined, see section 1531 of this title.

§ 1523. Appropriations.

There is hereby authorized to be appropriated to carry out the purpose of this subchapter, in accordance with the authority therein contained and for administrative expenses in connection therewith, including transfer of household goods and effects as provided by section 73c–1 of Title 5, and regulations promulgated thereunder, not to exceed the sum of $1,500,000,000, to remain available until expended: *Provided, however,* That the Administrator is authorized to reimburse, from funds which may be appropriated pursuant to the authority of this subchapter the sum of $3,300,000 to the emergency funds made available to the President under the Act of June 11, 1940, ch. 313, 54 Stat. 265 entitled "An Act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1941, and for other purposes" (Public, Numbered 588), and the sum of $6,700,000 to the emergency funds made available to the President under the Military Appropriation Act, 1941, approved June 13, 1940 (Public Numbered 611) 54 Stat. 350: *Provided further,* That the term "administrative expenses" as used herein shall be deemed to include administrative expenses of the National Housing Agency in connection with any functions performed by it, as a claimant agency under the controlled materials plan established pursuant to subsection (a) of section 1152 of Appendix to Title 50, with respect to priorities or allocations of materials relating to public or private housing. (Oct. 14, 1940, ch. 862, title I, § 3, 54 Stat. 1126, as amended Apr. 29, 1941, ch. 80, § 2, 55 Stat. 147; June 28, 1941, ch. 260, § 2, 55 Stat. 361; Jan. 21, 1942, ch. 14, § 3, 56 Stat. 12; Oct. 1, 1942, ch. 572, 56 Stat. 763; July 7, 1943, ch. 196, §§ 1, 2, 57 Stat. 387; July 1, 1944, ch. 374, 58 Stat. 720.)

AMENDMENTS

1944—Act July 1, 1944, cited to text, amended section by inserting in last proviso immediately following "performed by it" words ", as a claimant agency * * * to Title 50,", and by deleting "for persons engaged in national defense activities" following "public or private housing.".

1943—Act July 7, 1943, cited to text, substituted "$1,500,000,000" for "$1,200,000,000," and added proviso relating to administrative expenses.

1942—Act Oct. 1, 1942, cited to text, substituted "$1,200,000,000" for "$600,000,000".

Act Jan. 21, 1942, cited to text, amended portion of section preceding proviso.

1941—Act June 28, 1941, cited to text, substituted "this title" for "this Act", translated herein as "this subchapter"

Act Apr. 29, 1941, cited to text, substituted "$300,000,000" for "$150,000,000".

ADDITIONAL APPROPRIATIONS

Act Apr. 25, 1945, ch. 95, title I, 59 Stat. 82, as amended July 5, 1945, ch. 271, title I, 59 Stat. 420, provided in part: "For an additional amount to carry out the purposes of

title I of the Act of October 14, 1940, as amended (42 U. S. C., ch. 9) [sections 1521–1524 of this title], and subject to the applicable provisions of the joint resolution approved October 14, 1940 (54 Stat. 1115) [set out as a note under this section], $84,373,000, of which amount not to exceed $1,000,000 shall be available for administrative expenses, to remain available during the continuance of the unlimited national emergency declared by the President on May 27, 1941, but not to be available for obligation for new projects after December 31, 1945 *Provided*, That all obligations of this additional appropriation for projects in which (1) the War Department has a paramount interest, shall first be jointly authorized in writing by the Secretary of War and the Director of the Bureau of the Budget, (2) the Navy Department has a paramount interest, shall first be jointly authorized in writing by the Secretary of the Navy and the Director of the Bureau of the Budget: *Provided further*, That $18,373,000 of such sum of $84,373,000 shall not be obligated unless subsequently authorized by other law "

PRIOR ADDITIONAL APPROPRIATIONS

Res. Oct. 14, 1940, ch. 857, 54 Stat. 1115, $75,000,000.
Acts Mar. 1, 1941, ch. 9, § 1, 55 Stat. 14, $5,000,000.
May 24, 1941, ch. 132, § 1, 55 Stat 199, $150,000,000.
Dec. 17, 1941, ch. 591, title III, 55 Stat 818, $300,000,000.
Dec. 23, 1941, ch. 621, 55 Stat. 855, $300,000,000.
July 12, 1943, 4 p. m., E. W. T., ch 229, title I, 57 Stat. 540, $50,000,000
Dec 23, 1943, ch 380, title I, 57 Stat 618, $50,000,000.
April 1, 1944, ch. 152, title I, § 1, 58 Stat. 153, $115,000,000.
June 28, 1944, ch. 304, title I, 58 Stat. 604.

DETERMINATION OF ESSENTIALITY OF PROJECTS

Act July 5, 1945, ch. 271, title I, 59 Stat 420, provided in part: "Any project in which the War Department or the Navy Department does not have a paramount interest, no obligation shall be incurred unless and until the Director of the Bureau of the Budget shall have determined its essentiality to the prosecution of the war."

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

§ 1524. Declaration of policy; disposal of housing.

It is hereby declared to be the policy of this subchapter to further the national defense by providing housing in those areas where it cannot otherwise be provided by private enterprise when needed, and that such housing may be sold and disposed of as expeditiously as possible: *Provided*, That in disposing of said housing consideration shall be given to its full market value and said housing or any part thereof shall not, unless specifically authorized by Congress, be conveyed to any public or private agency organized for slum clearance or to provide subsidized housing for persons of low income: *Provided further*, That the Administrator may, in his discretion, upon the request of the Secretaries of War or Navy transfer to the jurisdiction of the War or Navy Departments such housing constructed under the provisions of subchapters II–IV of this chapter as may be considered to be permanently useful to the Army or Navy. (Oct. 14, 1940, ch. 862, title I, § 4, as added Jan. 21, 1942, ch. 14, § 4, 56 Stat. 12.)

SUBCHAPTER III.—DEFENSE PUBLIC WORKS
(New)

§ 1531. Declaration of policy; definition of "public work."

It is hereby declared to be the policy of this subchapter to provide means by which public works may be acquired, maintained, and operated in the areas described in section 1532 of this title. As used in this subchapter, the term "public work" means any facility necessary for carrying on community life substantially expanded by the national-defense program, but the activities authorized under this subchapter shall be devoted primarily to schools, waterworks, sewers, sewage, garbage and refuse disposal facilities, public sanitary facilities, works for the treatment and purification of water, hospitals and other places for the care of the sick, recreational facilities, and streets and access roads. (Oct. 14, 1940, ch. 862, title II, § 201, as added June 28, 1941, ch. 260, § 3, 55 Stat 361.)

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

CROSS REFERENCES

Federal agency defined, see section 1522 of this title
Persons engaged in national defense activities, who are, see section 1522 of this title

§ 1532. Federal Works Administrator's powers respecting defense public works; definition of "private agency."

Whenever the President finds that in any area or locality an acute shortage of public works or equipment for public works necessary to the health, safety, or welfare of persons engaged in national-defense activities exists or impends which would impede national-defense activities, and that such public works or equipment cannot otherwise be provided when needed, or could not be provided without the imposition of an increased excessive tax burden or an unusual or excessive increase in the debt limit of the taxing or borrowing authority in which such shortage exists, the Federal Works Administrator is authorized, with the approval of the President, in order to relieve such shortage—

(a) To acquire, prior to the approval of title by the Attorney General if necessary (without regard to section 1339 of Title 10, and section 5 of Title 41), improved or unimproved lands or interests in lands by purchase, donation, exchange, lease (without regard to section 40a of Title 40, as amended, section 34 of Title 40, or any time limit on the availability of funds for the payment of rent), or condemnation (including proceedings under sections 257, 258, 361–368, 258a–258e of Title 40), for such public works.

(b) By contract or otherwise (without regard to section 1339 of Title 10, section 5 of Title 41, section 40a of Title 40, or any Federal, State, or municipal laws, ordinances, rules, or regulations relating to plans and specifications or forms of contract, the approval thereof or the submission of estimates therefor), prior to the approval of title by the Attorney General if necessary, to plan, design, construct, remodel, extend, repair, or lease public works, and to demolish structures, buildings, and improvements, on lands or interests in lands acquired under the provisions of subsection (a) hereof or on other lands of the United States which may be available (transfers of which for this purpose by the Federal agency having jurisdiction thereof are hereby au-

thorized notwithstanding any other provisions of law), provide proper approaches thereto, utilities, and transportation facilities, and procure necessary materials, supplies, articles, equipment, and machinery, and do all things in connection therewith to carry out the purposes of this subchapter.

(c) To make loans or grants, or both, to public and private agencies for public works and equipment therefor, and to make contributions to public or private agencies for the maintenance and operation of public works, upon such terms and in such amounts as the Administrator may consider to be in the public interest. As used in this paragraph, the term "private agency" means any private agency no part of the net earnings of which inures to the benefit of any private shareholder or individual. (Oct. 14, 1940, ch. 862, title II, § 202, as added June 28, 1941, ch. 260, § 3, 55 Stat. 362.)

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War

CROSS REFERENCES

Termination of powers at end of emergency, saving clause, see section 1541 of this title.

§ 1533. Terms to be observed in application of subchapter; restrictions against governmental supervision over schools and hospitals.

(a) In carrying out this subchapter—

(1) no contract on a cost plus a percentage of cost basis shall be made, but contracts may be made on a cost plus a fixed fee basis: *Provided*, That the fixed fee does not exceed 6 per centum of the estimated cost;

(2) wherever practicable, utilization shall be made of existing private and public facilities or such facilities shall be extended, enlarged, or equipped in lieu of constructing new facilities;

(3) public works shall be maintained and operated by officers and employees of the United States only if and to the extent that local public and private agencies are, in the opinion of the Administrator, unable or unwilling to maintain or operate such public works adequately with their own personnel and under loans or grants authorized by this subchapter;

(4) public works shall be provided on the basis of need and in determining need no discrimination shall be made on account of race, creed, or color.

(b) No department or agency of the United States shall exercise any supervision or control over any school with respect to which any funds have been or may be expended pursuant to this subchapter, nor shall any term or condition of any agreement under this subchapter relating to, or any lease, grant, loan, or contribution made under this subchapter to or on behalf of, any such school, prescribe or affect its administration, personnel, curriculum, instruction, methods of instruction, or materials for instruction.

(c) No department or agency of the United States shall exercise any supervision or control over any hospital or other place for the care of the sick (which is not owned and operated by the United States) with respect to which any funds have been or may be expended under this subchapter, nor shall any term or condition of any agreement under this subchapter relating to, or any lease, grant, loan, or contribution made under this subchapter to, or on behalf of, any such hospital or place, prescribe or affect its administration, personnel, or operation. (Oct. 14, 1940, ch 862, title II, § 203, as added June 28, 1941, ch. 260, § 3, 55 Stat. 362.)

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War

CROSS REFERENCES

District of Columbia public works projects, applicability of section, see section 1562 of this title.

§ 1534. Appropriations.

The sum of $530,000,000, to remain available until expended, is hereby authorized to be appropriated to carry out the purposes of this subchapter and for administrative expenses in connection therewith, including personal services and rent in the District of Columbia and elsewhere, printing and binding, and purchase, repair, operation, and maintenance of motor-propelled passenger-carrying vehicles. (Oct. 14, 1940, ch. 862, title II, § 204, as added June 28, 1941, ch. 260, § 3, 55 Stat. 363, and amended Jan. 21, 1942, ch. 14, § 5, 56 Stat. 12; July 15, 1943, ch. 240, 57 Stat. 565; July 3, 1945, ch 264, § 1, 59 Stat. 383.)

AMENDMENTS

1945—Act July 3, 1945, cited to text, amended section by substituting "$530,000,000" for "$500,000,000"

1943—Act July 15, 1943, cited to text, substituted "$500,000,000" for "$300,000,000"

1942—Act Jan. 21, 1942, cited to text, substituted "$300,000,000" for "$150,000,000."

ADDITIONAL APPROPRIATIONS

For appropriations supplementing subchapters II-IV see notes under section 1523 of this title

LIMITATION ON USE OF FUNDS

Act July 15, 1943, amended by act July 3, 1945, both cited to text, provided in part: "That none of such funds shall be used for loans, grants, or contributions for the operation of day care or extended school services for children of mothers employed in war areas if and when the War-Area Child-Care Act of 1943 (S 1130, Seventy-eighth Congress, first session) becomes law: *Provided further*, That no grant, loan, or contribution for the maintenance or operation of public schools in any State shall be made without prior consultation with the State department of education and the United States Office of Education: *Provided further*, That (a) none of the funds authorized herein shall be used to acquire public works already operated by public or private agencies, except where funds are allotted for substantial additions or improvements to such public works and with the consent of the owners thereof, and (b) the total amount allocated for contributions to public and private agencies for the maintenance and operation of public works after July 1, 1943, shall not exceed $120,000,000.

ADDITIONAL APPROPRIATIONS

Acts April 25, 1945, ch 95, title I, 59 Stat. 80, July 3, 1945, ch. 264, §§ 2, 3, 59 Stat. 383, provided in part: "For an additional amount to enable the Federal Works Administrator to carry out the functions vested in him by titles II and III of the Act of October 14, 1940, as amended (42 U. S. C. 1531–1534 and 1541), $20,000,000, to remain

available during the continuance of the unlimited national emergency declared by the President on May 27, 1941, but not to be available for obligation for new projects after June 30, 1946, of which amount not to exceed $800,000 shall be available for administrative expenses, including the objects specified under the head 'Defense public works (community facilities)' in the Second Deficiency Appropriation Act, 1941 [act July 3, 1941, ch. 273, 55 Stat. 541] and the joint resolution approved December 23, 1941 (Public Law 371) [act Dec. 23, 1941, ch 621, 55 Stat. 855]: *Provided*, That the limitation of $80,000,000 under this head in the First Supplemental Appropriation Act, 1945 [act March 31, 1945, ch. 47, 59 Stat. 46], on the total amount that may be allocated for contributions to public and private agencies for the maintenance and operation of public works after July 1, 1943, is hereby increased to $85,000,000: *Provided further*, That in making allocations out of the funds appropriated in this paragraph for construction projects priority shall be given to emergency projects involving an estimated cost to the Federal Government of less than $250,000."

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

SUBCHAPTER IV.—GENERAL PROVISIONS AFFECTING SUBCHAPTERS II AND III (New)

Former sections 4–14 of act Oct. 14, 1940, cited to sections 1541–1551 of this title, were designated "Title III" of that act and renumbered to be sections 301–311 thereof, respectively, by act June 28, 1941, ch. 260, §§ 3, 4, 55 Stat 363.

§ 1541. Termination of Subchapters II–IV; saving clause.

When the President shall have declared that the emergency declared by him on September 8, 1939, has ceased to exist (a) the authority contained in sections 1521, 1532, 1561, and 1562 of this title shall terminate except with respect to contracts on projects previously entered into or undertaken and court proceedings then pending, and (b) property acquired or constructed under subchapters II–IV of this chapter (including schools and hospitals) shall be disposed of as promptly as may be advantageous under the circumstances and in the public interest. (Oct. 14, 1940, ch. 862, title III, § 4, 54 Stat. 1127; renumbered § 301 and amended June 28, 1941, ch. 260, § 4 (a), 55 Stat. 363; Apr. 10, 1942, ch. 239, § 1, 56 Stat. 212.)

AMENDMENTS

1942—Act Apr. 10, 1942, cited to text, amended section by striking out a reference to sections 1521 and 1532 of this title and inserting in lieu thereof the reference to sections 1521, 1532, 1561, and 1562 of this title.

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

§ 1542. Transfer of funds from other Federal agencies to Administrator.

Where any Federal agency has funds for the provision of housing in connection with national-defense activities it may, in its discretion, make transfers of those funds, in whole or in part, to the Administrator, and the funds so transferred shall be available for, but only for, any or all of the objects and purposes of and in accordance with all the authority and limitations contained in subchapters II–IV, and for administrative expenses in connection therewith. (Oct. 14, 1940, ch. 862, title III, § 5, 54 Stat. 1127, renumbered § 302, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363.)

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War

§ 1543. Disposition of moneys received from rental, etc.

Moneys derived from rental or operation of property acquired or constructed under the provisions of subchapters II–V of this chapter, of Public Laws Numbered 9 (Act March 1, 1941, ch. 9, 55 Stat. 14), 73 (Act May 24, 1941, ch. 132, 55 Stat. 197), and 353 (Act Dec. 17, 1941, ch 591, 55 Stat. 810), Seventy-seventh Congress, and of section 201 of the Second Supplemental National Defense Appropriation Act, 1941, as amended (Act Sept. 9, 1940, ch. 717, 54 Stat. 883), shall be available for expenses of operation and maintenance and expenses found necessary in the disposition of any such property or the removal of temporary housing by the Administrator, including the establishment of necessary reserves therefor and administrative expenses in connection therewith: *Provided*, That moneys derived by the Administrator from the rental or operation of any such property may be deposited in a common fund account or accounts in the Treasury: *And provided further*, That except for necessary reserves authorized by subchapters II–V of this chapter or by section 201 of the Second Supplemental National Defense Appropriation Act, 1941, as amended (Act Sept. 9, 1940, ch. 717, 54 Stat. 883), the unobligated balances of the moneys deposited into the Treasury from the rental or operation of such property shall be covered at the end of each fiscal year into miscellaneous receipts. (Oct. 14, 1940, ch. 862, title III, § 6, 54 Stat. 1127; renumbered § 303, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363; July 7, 1943, ch. 196, § 3, 57 Stat. 388.)

AMENDMENTS

1943—Act July 7, 1943, cited to text, expanded scope of section and added two provisos at end.

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

§ 1544. Power of Administrator to manage, convey, etc., housing properties.

Notwithstanding any other provisions of law, whether relating to the acquisition, handling, or disposal of real or other property by the United States or to other matters, the Administrator, with respect to any property acquired or constructed under the provisions of subchapters II–IV of this chapter, is authorized by means of Government personnel, selected qualified private agencies, or public agencies (a) to deal with, maintain, operate, administer, and insure; (b) to pursue to final collection by way of compromise or otherwise, all claims arising therefrom; (c) to rent, lease, exchange, sell for cash

or credit, and convey the whole or any part of such property and to convey without cost portions thereof to local municipalities for street or other public use: *Provided,* That any such transaction shall be upon such terms, including the period of any lease, as may be deemed by the Administrator to be in the public interest: *Provided further,* That the Administrator shall fix fair rentals, on projects developed pursuant to subchapters II–IV of this chapter, which shall be based on the value thereof as determined by him, with power during the emergency, in exceptional cases, to adjust the rent to the income of the persons to be housed, and that rentals to be charged for Army and Navy personnel shall be fixed by the War and Navy Departments: *Provided further,* That any lease authorized hereunder shall not be subject to the provisions of section 303b of Title 40. As used in this section the term "local municipalities" shall include the District of Columbia. (Oct. 14, 1940, ch. 862, title III, § 7, 54 Stat 1127; renumbered § 304, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363, amended Jan. 21, 1942, ch. 14, § 6, 56 Stat. 12; Apr. 10, 1942, ch. 239, § 2, 56 Stat. 212.)

AMENDMENTS

1942—Act Apr 10, 1942, cited to text, added last sentence

Act Jan. 21, 1942, cited to text, amended second proviso.

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War

CROSS REFERENCES

Occupancy of government housing facilities by members of Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, Public Health Service, and their dependents, see section 111a of Title 37, Pay and Allowances

§ 1545. Utilization of Federal and local agencies and private services; conformity of projects to local planning.

In carrying out the provisions of subchapters II–IV the Administrator is authorized to utilize and act through the Federal Works Agency and other Federal agencies and any local public agency, with the consent of such agency, and any funds appropriated pursuant to subchapters II–IV of this chapter shall be available for transfer to any such agency in reimbursement therefor. Nothing in said subchapters II–IV shall be construed to prevent the Administrator from employing or utilizing the professional services of private persons, firms, or corporations. Consultation shall be had with local public officials and local housing authorities to the end that projects constructed under the provisions of said subchapters II–IV shall, so far as may be practicable, conform in location and design to local planning and tradition. (Oct. 14, 1940, ch. 862, title III, § 8, 54 Stat. 1127; renumbered § 305, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363, and amended Jan. 21, 1942, ch. 14, § 7, 56 Stat. 12.)

AMENDMENTS

1942—Act Jan. 21, 1942, cited to text, added last sentence.

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

§ 1546. Payment of annual sums to local authorities in lieu of taxes.

The Administrator shall pay from rentals annual sums in lieu of taxes to any State and/or political subdivision thereof, with respect to any real property acquired and held by him under subchapters II–IV of this chapter, including improvements thereon. The amount so paid for any year upon such property shall approximate the taxes which would be paid to the State and/or subdivision, as the case may be, upon such property if it were not exempt from taxation, with such allowance as may be considered by him to be appropriate for expenditure by the Government for streets, utilities, or other public services to serve such property. As used in this section the term "State" shall include the District of Columbia. (Oct. 14, 1940, ch. 862, title III, § 9, 54 Stat. 1127; renumbered § 306 and amended June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363; Jan. 21, 1942, ch. 14, § 8, 56 Stat. 12; Apr. 10, 1942, ch. 239, § 3 (a), 56 Stat. 212.)

CODIFICATION

Words "including any Territory or possession of the United States" appearing in text prior to amendment by act Jan 21, 1942, cited to text, were inserted upon authority of section 4 (b) of act June 28, 1941, cited to text, which provided that when used in this section the term " 'State' includes any Territory or possession of the United States "

AMENDMENTS

1942—Act Apr. 10, 1942, cited to text, added last sentence

Act Jan. 21, 1942, cited to text, amended section generally.

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

§ 1547. Preservation of local civil and criminal jurisdiction and civil rights.

Notwithstanding any other provision of law, the acquisition by the Administrator of any real property pursuant to subchapters II–IV of this chapter shall not deprive any State or political subdivision thereof, including any Territory or possession of the United States, of its civil and criminal jurisdiction in and over such property, or impair the civil rights under the State or local law of the inhabitants on such property. As used in this section the term "State" shall include the District of Columbia. (Oct. 14, 1940, ch. 862, title III, § 10, 54 Stat. 1128, renumbered § 307 and amended June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363; Apr. 10, 1942, ch. 239, § 3 (b), 56 Stat. 212.)

CODIFICATION

Words "including any Territory or possession of the United States" were inserted upon authority of section 4 (b) of act June 28, 1941, cited to text, which provided that when used in this section the term " 'State' includes any Territory or possession of the United States "

AMENDMENTS

1942—Act Apr 10, 1942, cited to text, added last sentence

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National

Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

§ 1548. Rules and regulations; standards of safety, convenience, and health.

The Administrator is authorized to make such rules and regulations as may be necessary to carry out the provisions of subchapters II–IV of this chapter and shall establish reasonable standards of safety, convenience, and health. (Oct. 14, 1940, ch. 862, title III, § 11, 54 Stat. 1128; renumbered § 308, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363.)

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

§ 1549. Laborers and mechanics; wages; preference in employment.

Notwithstanding any other provision of law, the wages of every laborer and mechanic employed on any construction, repair or demolition work authorized by subchapters II–IV of this chapter shall be computed on a basic day rate of eight hours per day and work in excess of eight hours per day shall be permitted upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay. Not less than the prevailing wages shall be paid in the construction of defense housing authorized herein. Preference in such employment shall be given to qualified local residents. (Oct. 14, 1940, ch. 862, title III, § 12, 54 Stat. 1128; renumbered § 309, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363, and amended Jan. 21, 1942, ch. 14, § 9, 56 Stat. 12.)

AMENDMENTS

1942—Act Jan. 21, 1942, cited to text, added last sentence.

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War

§ 1550. Separability clause.

If any provision of subchapters II–IV of this chapter, or the application thereof to any persons or circumstances, is held invalid, the remainder of subchapters II–IV, or application of such provision to other persons or circumstances shall not be affected thereby. (Oct. 14, 1940, ch. 862, title III, § 13, 54 Stat. 1128; renumbered § 310, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363.)

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

§ 1551. Annual report to Congress.

At the beginning of each session of Congress, the Administrator shall make to Congress a full and detailed report covering all of the transactions authorized hereunder. (Oct. 14, 1940, ch. 862, title III, § 14, 54 Stat. 1128; renumbered § 311, June 28, 1941, ch. 260, § 4 (b), 55 Stat. 363.)

TRANSFER OF FUNCTIONS

Consolidation of defense housing functions of Federal Works Administrator with other agencies into National Housing Agency during present war, see note under section 601 of Appendix to Title 50, War.

§ 1552. Powers of certain agencies designated to provide temporary shelter.

Any agency designated by the President to provide temporary shelter under the provisions of Public Law Numbered 9, Seventy-seventh Congress, Public Law Numbered 73, Seventy-seventh Congress, or the Third Supplemental National Defense Appropriations Act, 1942, shall have the same powers with respect to the management, maintenance, operation, and administration of such temporary shelter as are granted to the Federal Works Administrator under section 1544 and section 1546 of this title with respect to projects constructed hereunder, and the provisions of section 1547 of this title shall apply to such temporary shelter projects and the occupants thereof. (Oct. 14, 1940, ch. 862, title III, § 312, as added Jan. 21, 1942, ch 14, § 10, 56 Stat. 13.)

REFERENCES IN TEXT

The three laws referred to near the beginning of this section constitute acts Mar 1, 1941, ch 9, 55 Stat 14; May 24 1941, ch 132, 55 Stat 197; and Dec 17, 1941, ch 591, 55 Stat 810, respectively. Much of those acts was not general and permanent, and was consequently not included in the Code The remaining portions of those acts are distributed in the Code as follows: Title 2, § 60a; Title 5, § 222; Title 15, §§ 721–728 note; Title 22, § 412 note; Title 24, § 41 note, Title 31, § 529h; Title 34, §§ 498c–4, 498c–5, and note, Title 42, § 1523 note

§ 1553. Removal by Administrator of certain housing of temporary character; exceptions for local communities; report to Congress.

The Administrator shall, as promptly as may be practicable and in the public interest, remove all housing under his jurisdiction which is of a temporary character, as determined by him, and constructed under the provisions of subchapters II–V of this chapter, Public Law 781, Seventy-sixth Congress (Act Dec. 2, 1942, ch. 657, 56 Stat. 1027), and Public Laws 9 (Act March 1, 1941, ch. 9, 55 Stat. 14), 73 (Act May 24, 1941, ch. 132, 55 Stat. 197), and 353 (Act Dec. 17, 1941, ch. 591, 55 Stat. 810), Seventy-seventh Congress Such removal shall, in any event, be accomplished not later than two years after the President declares that the emergency declared by him on September 8, 1939, has ceased to exist, with the exception only of such housing as the Administrator, after consultation with local communities finds is still needed in the interest of the orderly demobilization of the war effort: *Provided*, That all such exceptions shall be reexamined annually by the Administrator and that all such exceptions and reexaminations shall be reported to the Congress. (Oct. 14, 1940, ch. 862, title III, § 313, as added July 7, 1943, ch. 196, § 4, 57 Stat. 388.)

SUBCHAPTER V. — DEFENSE HOUSING AND PUBLIC WORKS FOR DISTRICT OF COLUMBIA (New)

§ 1561. Appropriation for housing of United States employees; administration; disposition of housing.

(a) The sum of $30,000,000, to remain available until expended, is hereby authorized to be appro-

priated for the purpose of enabling the National Housing Agency to provide housing in or near the District of Columbia (including living quarters for single persons and for families) for employees of the United States whose duties are determined by the National Housing Administrator to be essential to national defense and to require them to reside in or near the District of Columbia.

(b) In providing the housing for which an appropriation is authorized by subsection (a) of this section, the National Housing Administrator is authorized to exercise all of the powers specified in subsections (a) and (b) of section 1521 of this title, subject to the limitations, upon exercise of such powers specified in such subsections.

(c) The funds authorized to be appropriated by this section shall be available to pay administrative expenses in connection with providing the housing for which such funds are authorized to be appropriated

(d) The housing provided with funds authorized to be appropriated by this section may be sold and disposed of as expeditiously as possible: *Provided,* That in disposing of said housing consideration shall be given to its full market value and said housing or any part thereof shall not, unless specifically authorized by Congress, be conveyed to any public or private agency organized for slum clearance or to provide subsidized housing for persons of low income. (Oct. 14, 1940, ch. 862, title IV, § 401, as added Apr. 10, 1942, ch. 239, § 4, 56 Stat. 212.)

CROSS REFERENCES

Termination of powers at end of emergency, saving clause, see section 1541 of this title.

§ 1562. Appropriations for public works projects; administration.

(a) The sum of $20,000,000, to remain available until expended, is hereby authorized to be appropriated for the purpose of enabling the Federal Works Administrator to provide public works and equipment therefor in and near the District of Columbia. Such public works may include, but shall not be limited to, schools, waterworks, sewers, public sanitary facilities, works for the treatment and purification of water, hospitals and other places for the care of the sick, recreational facilities, streets, roads, facilities for the disposal of sewage, garbage, and refuse, and other types of necessary public works.

(b) In providing the public works and equipment therefor for which appropriations are authorized by subsection (a) of this section, the Federal Works Administrator is authorized to exercise all of the powers specified in subsections (a), (b), and (c) of section 1532 of this title. Such public works and equipment therefor shall be provided subject to the provisions of section 1533 of this title.

(c) The funds authorized to be appropriated by this section shall be available to pay administrative expenses in connection with providing the public works and equipment therefor for which such funds are authorized to be appropriated. (Oct. 14, 1940, ch. 862, title IV, § 402, as added Apr 10, 1942, ch. 239, § 4, 56 Stat. 213.)

CROSS REFERENCES

Termination of powers at end of emergency, saving clause, see section 1541 of this title.

§ 1563. Advancements to District of Columbia Commissioners for public works; availability; reports to Congress.

(a) The Commissioners of the District of Columbia are authorized to accept for the District of Columbia, and the Federal Works Administrator is authorized to make to the District of Columbia, advancements for the provision of public works and equipment therefor, such advancements to be deposited with the Secretary of the Treasury to the credit of the District of Columbia.

(b) Sums advanced to the Commissioners of the District of Columbia hereunder shall be available for the provision, without reference to section 5 of Title 41, of any or all public works and equipment therefor described in section 1562 of this title, and for administrative expenses in connection therewith, including employment of engineering and other professional services and other technical and administrative personnel without reference to the civil-service requirements or sections 661–663, 664–673, and 674 of Title 5. The repayment of any sums so advanced and the payment of interest thereon shall be in the same manner and subject to the same conditions as are set forth in sections 3 and 4 of the Act of December 20, 1941 (Public Law Numbered 362, Seventy-seventh Congress).

(c) The Commissioners shall submit with their annual estimates to the Congress a report of their activities and expenditures under this section. (Oct. 14, 1940, ch 862, title IV, § 403, as added Apr. 10, 1942, ch. 239, § 4, 56 Stat. 213.)

REFERENCES IN TEXT

Act Dec 20, 1941, ch. 604, §§ 3, 4, 55 Stat 848, referred to in subsec. (b), related to repayment, by Commissioners of the District of Columbia, of moneys advanced by Federal Works Administrator for certain defense public works and equipment.

§ 1564. Definitions.

As used in subchapters II–V of this chapter the term "Federal Works Administrator" or "Administrator", or "Federal Works Agency" shall, with respect to housing, be deemed to refer to the National Housing Administrator or the National Housing Agency, as the case may be. Such terms shall, with respect to public works and equipment therefor, be deemed to refer to the Federal Works Administrator or the Federal Works Agency, as the case may be. (Oct. 14, 1940, ch. 862, title IV, § 404, as added Apr. 10, 1942, ch. 239, § 4, 56 Stat. 213.)

SUBCHAPTER VI.—HOUSING FOR DISTRESSED FAMILIES OF SERVICEMEN AND VETERANS (New)

§ 1571. Construction of temporary housing facilities; rentals.

In those areas or localities where the Administrator shall find that an acute shortage of housing exists or impends and that, because of war restrictions, permanent housing cannot be provided in sufficient quantities when needed, the Administrator is authorized to exercise all of the powers specified in sub-

chapters II and IV of this chapter, subject to all of the limitations upon the exercise of such powers contained in such subchapters, to provide housing for distressed families of servicemen and for veterans and their families who are affected by evictions or other unusual hardships (where their needs cannot be met through utilization of the existing housing supply, including housing under the jurisdiction of the Administrator): *Provided,* That any housing constructed under the provisions of this subchapter shall be undertaken only where the need cannot be met by moving existing housing and shall be of a temporary character subject to the removal provisions contained in subchapter IV of this chapter: *And provided further,* That the Administrator shall fix fair rentals for housing constructed or made available pursuant to this subchapter which shall be within the financial reach of families of servicemen and veterans with families. (Oct. 14, 1940, ch. 862, title V, § 501, as added June 23, 1945, ch. 192, 59 Stat. 260.)

§ 1572. Availability of funds—(a) Appropriation; limitation on use; repayment of certain expenses.

To carry out the purposes of this subchapter, and for administrative expenses in connection therewith, any funds made available under subchapter II of this chapter are made available, and for such purposes there is also authorized to be appropriated the sum of $160,000,000: *Provided,* That none of the funds authorized in this section to be used for the purposes of this subchapter shall be used to construct any new temporary housing: *And provided further,* That any educational institution, State or political subdivision thereof, local public agency, or nonprofit organization which has incurred expenses in the relocation (including the costs of disassembling, transporting, site preparation, and re-erection but not including the costs of site acquisition or the installation of off-site utilities) of temporary housing or other facilities (but not including demountable houses) under the jurisdiction or control of the National Housing Administrator for re-use in providing temporary housing for distressed families of servicemen and for veterans and their families shall, upon application therefor, be reimbursed for such expenses by said Administrator out of the funds made available by the First Deficiency Appropriation Act, 1946 (H R 4805) to carry out the purpose of this subchapter.

(b) Transfer of surplus housing or facilities for use by educational institutions.

Upon request of the National Housing Administrator, any Federal agency having jurisdiction or control of structures or facilities (including lands, improvements, equipment, materials, or furnishings) which are no longer required by such agency and which, in the determination of said Administrator, can be utilized to provide temporary housing for distressed families of servicemen, for veterans and their families, or for single veterans attending educational institutions, in accordance with this subchapter, may, notwithstanding any other provisions of law, transfer such structures or facilities to said Administrator, without reimbursement, for such use.

(c) Transfer of temporary housing to educational institutions, States and public agencies, and nonprofit organizations.

Without regard to the provisions of any other law, but subject to the removal provisions of section 1553 of said title, said Administrator may transfer, for such consideration and subject to such terms and conditions as he deems feasible under the circumstances, any temporary housing (intact or in panels suitable for reuse) under his jurisdiction to any educational institution, State or political subdivision thereof, local public agency, or nonprofit organization, for use or reuse in producing temporary housing for families of servicemen, for veterans and their families, or, in the discretion of the Administrator, for single veterans attending educational institutions. (Oct. 14, 1940, ch. 862, title V, § 502, as added June 23, 1945, ch. 192, 59 Stat. 260, and amended Dec. 31, 1945, ch. 657, 59 Stat. 674.)

REFERENCES IN TEXT

Words "First Deficiency Appropriation Act, 1946 (H R 4805)," referred to in text, refer to act Dec 28, 1945, ch. 589, 59 Stat. 632.

AMENDMENTS

1945—Act Dec. 31, 1945, cited to text, amended section generally by adding all text following "are made available."

§ 1573. Definitions.

As used in this subchapter the term "families of servicemen" shall include the family of any person who is serving in the military or naval forces of the United States, and the term "veterans" shall include any person who has served in the military or naval forces of the United States during the present war and who has been discharged or released therefrom under conditions other than dishonorable. (Oct. 14, 1940, ch. 862, title V, § 503, as added June 23, 1945, ch. 192, 59 Stat. 260.)

Chapter 10.—FEDERAL SECURITY AGENCY (New)

Sec.
1601. Seal.
1602 Transfer of personnel and household goods; delegation of Administrator's authority.
1603. Authority of Secretary of the Treasury to transfer to constituent organizations of Federal Security Agency amounts from certain appropriations (New)

§ 1601. Seal.

The Administrator of the Federal Security Agency is authorized to adopt an official seal to be used as directed by the said Administrator on appropriate occasions in connection with the functions of such Agency or of any office, bureau, board, or establishment which is or shall hereafter become a part of such Agency, and such seal shall be judicially noticed. Copies of any books, records, papers, or other documents in the Federal Security Agency shall be admitted in evidence equally with the originals thereof when authenticated under such seal. (May 9, 1941, ch. 97, 55 Stat. 184.)

§ 1602. Transfer of personnel and household goods; delegation of Administrator's authority.

The Federal Security Administrator may hereafter delegate to such officers and employees as

he may designate for the purpose all his authority in connection with the transfer of personnel and household goods and effects from one official station to another. (Apr. 28, 1942, ch. 247, title III, 56 Stat. 235; July 2, 1942, ch. 475, title II, 56 Stat. 587; July 12, 1943, ch. 221, title II, § 1, 57 Stat. 513.)

AMENDMENTS

1943—Act July 12, 1943, cited to text, inserted "his" before "authority".

§ 1603. Authority of Secretary of the Treasury to transfer to constituent organizations of Federal Security Agency amounts from certain appropriations.

The Secretary of the Treasury is authorized to transfer to the constituent organizations of the Federal Security Agency from appropriations for traveling expenses and printing and binding, Federal Security Agency, such amounts as the Administrator may request; amounts so transferred shall be set up on the books of the Treasury under suitable titles and shall be available for the same purposes and subject to the same limitations as the appropriations from which transferred: *Provided*, That balances of any amounts so transferred, or any part of such balances shall, upon request of the Administrator, be retransferred to the appropriations for traveling expenses and printing and binding, Federal Security Agency. (July 12, 1943, ch. 221, title II, § 1, 57 Stat. 513; June 28, 1944, ch. 302, title II, 58 Stat. 566; July 3, 1945, ch. 263, title II, 59 Stat. 376.)

AMENDMENTS

1944—Act June 28, 1944, cited to text, repeated provisions of this section.

Chapter 11.—COMPENSATION FOR DISABILITY OR DEATH TO PERSONS EMPLOYED AT MILITARY, AIR, AND NAVAL BASES OUTSIDE THE UNITED STATES (New)

Sec.

1651. Compensation authorized.
1652 Computation of benefits; application to aliens and nonnationals.
1653 Compensation districts; judicial proceedings.
1654 Persons excluded from benefits

CROSS REFERENCES

Compensation for injury, death, or detention of employees of contractors with United States outside of the United States, see sections 1701–1706 and 1711–1717 of this title.

§ 1651. Compensation authorized—(a) Places of employment.

Except as herein modified, the provisions of sections 901–921 and 922–950 of Title 33, as amended, shall apply in respect to the injury or death of any employee engaged in any employment—

(1) at any military, air, or naval base acquired after January 1, 1940, by the United States from any foreign government; or

(2) upon any lands occupied or used by the United States for military or naval purposes in any Territory or possession outside the continental United States (including Alaska; the Philippine Islands; the United States Naval Operating Base, Guantanamo Bay, Cuba; and the Canal Zone); or

(3) upon any public work in any Territory or possession outside the continental United States (including Alaska; the Philippine Islands; the United States Naval Operating Base, Guantanamo Bay, Cuba; and the Canal Zone), if such employee is engaged in employment at such place under the contract of a contractor (or any subcontractor or subordinate subcontractor with respect to the contract of such contractor) with the United States; but nothing in this paragraph shall be construed to apply to any employee of such a contractor or subcontractor who is engaged exclusively in furnishing materials or supplies under his contract;

(4) under a contract entered into with the United States or any executive department, independent establishment, or agency thereof (including any corporate instrumentality of the United States), or any subcontract, or subordinate contract with respect to such contract, where such contract is to be performed outside the continental United States and at places not within the areas described in subparagraphs (1), (2), and (3) of this subdivision, for the purpose of engaging in public work, and every such contract shall contain provisions requiring that the contractor (and subcontractor or subordinate contractor with respect to such contract) (1) shall, before commencing performance of such contract, provide for securing to or on behalf of employees engaged in such public work under such contract the payment of compensation and other benefits under the provisions of sections 1651–1654 of this title, and (2) shall maintain in full force and effect during the term of such contract, subcontract, or subordinate contract, or while employees are engaged in work performed thereunder, the said security for the payment of such compensation and benefits, but nothing in this paragraph shall be construed to apply to any employee of such contractor or subcontractor who is engaged exclusively in furnishing materials or supplies under his contract; irrespective of the place where the injury or death occurs, and shall include any injury or death occurring to any such employee during transportation to or from his place of employment, where the employer or the United States provides the transportation or the cost thereof.

(b) Definition of public work.

As used in this section, the term "public work" means any fixed improvement or any project involving construction, alteration, removal, or repair for public use of the United States or its Allies, including but not limited to projects in connection with the war effort, dredging, harbor improvements, dams, roadways, and housing, as well as preparatory and ancillary work in connection therewith at the site or on the project.

(c) Liability as exclusive.

The liability of an employer, contractor (or any subcontractor or subordinate subcontractor with respect to the contract of such contractor) under sections 1651–1654 of this title shall be exclusive and in place of all other liability of such employer,

contractor, subcontractor, or subordinate contractor to his employees (and their dependents) coming within the purview of sections 1651–1654 of this title under the workmen's compensation law of any State, Territory, or other jurisdiction, irrespective of the place where the contract of hire of any such employee may have been made or entered into.

(d) Definition of contractor.

As used in this section, the term "contractor" means any individual, partnership, corporation, or association, and includes any trustee, receiver, assignee, successor, or personal representative thereof, and the rights, obligations, liability, and duties of the employer under sections 901–921 and 922–950 of Title 33 shall be applicable to such contractor.

(e) Contracts within section; waiver of certain provisions of section.

The liability under sections 1651–1654 of this title of a contractor, subcontractor, or subordinate contractor engaged in public work under subparagraphs (3) and (4), subdivision (a) of this section, and the conditions set forth therein, shall become applicable to contracts and subcontracts heretofore entered into but not completed at the time of the approval of sections 1651–1654 of this title, and contracting officers of the United States are authorized to make such modifications and amendments of existing contracts as may be necessary to bring such contracts into conformity with the provisions of sections 1651–1654 of this title. No right shall arise in any employee or his dependent under subparagraphs (3) and (4), subdivision (a) of this section, prior to two months after the approval of sections 1651–1654 of this title. Upon the recommendation of the head of any department, or other agency of the United States, the United States Employees' Compensation Commission, in the exercise of its discretion, may waive the application of the provisions of subparagraphs (3) or (4), subdivision (a) of this section, with respect to any contract, subcontract, or subordinate contract, work location under such contracts, or classification of employees. (Aug. 16, 1941, ch. 357, § 1, 55 Stat. 622, as amended Dec. 2, 1942, ch. 668, title III, § 301, 56 Stat. 1035.)

AMENDMENTS

1942—Act Dec. 2, 1942, cited to text, amended section generally. Said section formerly read as follows: "Except as herein modified, the provisions of sections 901-921, 922-950 of Title 33, as amended, and as the same may be amended hereafter, shall apply in respect to the injury or death of any employee engaged in any employment at any military, air, or naval base acquired after January 1, 1941, by the United States from any foreign government or any lands occupied or used by the United States for military or naval purposes in any Territory or possession outside the continental United States, including Alaska, Guantanamo, and the Philippine Islands, but excluding the Canal Zone, irrespective of the place where the injury or death occurs."

CROSS REFERENCES

Compensation for injury, death, or detention of employees of contractors with United States outside of the United States, see sections 1701–1706 and 1711–1717 of this title.

§ 1652. Computation of benefits; application to aliens and nonnationals.

(a) The minimum limit on weekly compensation for disability, established by section 906 (b) of Title 33, and the minimum limit on the average weekly wages on which death benefits are to be computed, established by section 909 (e) of Title 33, shall not apply in computing compensation and death benefits under sections 1651–1654 of this title.

(b) Compensation for permanent total or permanent partial disability under section 908 (c) (21) of Title 33, or for death under sections 1651–1654 of this title to aliens and nonnationals of the United States not residents of the United States or Canada shall be in the same amount as provided for residents, except that dependents in any foreign country shall be limited to surviving wife and child or children, or if there be no surviving wife or child or children, to surviving father or mother whom the employee has supported, either wholly or in part, for the period of one year immediately prior to the date of the injury, and except that the United States Employees' Compensation Commission may at its option or upon the application of the insurance carrier shall, commute all future installments of compensation to be paid to such aliens or nonnationals of the United States by paying or causing to be paid to them one-half of the commuted amount of such future installments of compensation as determined by the Commission (Aug. 16, 1941, ch. 357, § 2, 55 Stat. 623.)

§ 1653. Compensation districts; judicial proceedings.

(a) The United States Employees' Compensation Commission is authorized to extend compensation districts established under sections 901–921, 922–950 of Title 33, or to establish new compensation districts, to include any area to which sections 1651–1654 of this title apply; and to assign to each such district one or more deputy commissioners, as the Commission may deem necessary.

(b) Judicial proceedings provided under sections 918 and 921 of title 33 in respect to a compensation order made pursuant to sections 1651–1654 of this title shall be instituted in the United States district court of the judicial district wherein is located the office of the deputy commissioner whose compensation order is involved if his office is located in a judicial district, and if not so located, such judicial proceedings shall be instituted in the judicial district nearest the base at which the injury or death occurs. (Aug. 16, 1941, ch. 357, § 3, 55 Stat. 623.)

§ 1654. Persons excluded from benefits.

Sections 1651–1654 of this title shall not apply in respect to the injury or death of (1) an employee subject to the provisions of sections 751–791, 793 of Title 5, as amended; (2) an employee engaged in agriculture, domestic service, or any employment that is casual and not in the usual course of the trade, business, or profession of the employer; and (3) a master or member of a crew of any vessel. (Aug. 16, 1941, ch. 357, § 4, 55 Stat. 623.)

Chapter 12.—COMPENSATION FOR INJURY, DEATH, OR DETENTION OF EMPLOYEES OF CONTRACTORS WITH THE UNITED STATES OUTSIDE THE UNITED STATES (New)

SUBCHAPTER I—COMPENSATION, REIMBURSEMENT, ETC., BY UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

Sec.
1701. Injury or death; detention; limitation of benefits; exclusion
1702 Application of Longshoremen's and Harbor Workers' Compensation Act.
1703 Definition
1704. Reimbursement.
1705. Receipt of workmen's compensation benefits.
1706 Administration.

SUBCHAPTER II—MISCELLANEOUS PROVISIONS

1711. Definitions.
1712. Disqualification from benefits.
1713 Fraud; penalties.
1714. Legal services.
1715. Finality of Commission's decisions.
1716. Presumption of death or detention.
1717 Assignment of benefits; execution, levy, etc., against benefits.

SUBCHAPTER I.—COMPENSATION, REIMBURSEMENT, ETC., BY UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

§ 1701. Injury or death; detention; limitation of benefits; exclusion.

(a) In case of injury or death resulting from injury—

(1) to any person employed by a contractor with the United States, if such person is an employee specified in sections 1651–1654 of this title, as amended, and no compensation is payable with respect to such injury or death under sections 1651–1654 of this title; or

(2) to any person engaged by the United States under a contract for his personal services outside the United States or in Hawaii, Alaska, Puerto Rico, or the Virgin Islands; or

(3) to any person employed as a civilian employee of a post exchange or ship-service store outside the United States or in Hawaii, Alaska, Puerto Rico, or the Virgin Islands.

and such injury proximately results from a war-risk hazard, whether or not such person then actually was engaged in the course of his employment, the provisions of sections 751–791 and 793 of Title 5, as amended, and as modified by this chapter, shall apply with respect thereto in the same manner and to the same extent as if the person so employed were a civil employee of the United States and were injured while in the performance of his duty, and any compensation found to be due shall be paid from the compensation fund established pursuant to section 785 of Title 5, as amended. This subsection shall not be construed to include any person who would otherwise come within the purview of sections 751–791 and 793 of Title 5, as amended.

(b) (1) Any person specified in subsection (a) who—

(A) is found to be missing from his place of employment, whether or not such person then actually was engaged in the course of his employment, under circumstances supporting an inference that his absence is due to the belligerent action of an enemy, or

(B) is known to have been taken by an enemy as a prisoner, hostage, or otherwise, or

(C) is not returned to his home or to the place where he was employed by reason of the failure of the United States or its contractor to furnish transportation,

until such time as he is returned to his home, to the place of his employment, or is able to be returned to the jurisdiction of the United States, shall, under such regulations as the Commission may prescribe, be regarded solely for the purposes of this subsection as totally disabled, and the same benefits as are provided for such disability under this subchapter shall be credited to his account and be payable to him for the period of such absence or until his death is in fact established or can be legally presumed to have occurred: *Provided*, That if such person has dependents residing in the United States or its Territories or possessions (including the United States Naval Operating Base, Guantanamo Bay, Cuba, the Canal Zone, and the Philippine Islands), the Commission during the period of such absence may disburse a part of such compensation, accruing for such total disability, to such dependents, which shall be equal to the monthly benefits otherwise payable for death under this subchapter, and the balance of such compensation for total disability shall accrue and be payable to such person upon his return from such absence. Any payment made pursuant to this subsection shall not in any case be included in computing the maximum aggregate or total compensation payable for disability or death, as provided in section 1702 (a) of this title: *Provided further*, That no such payment to such person or his dependent, on account of such absence, shall be made during any period such person or dependent, respectively, has received, or may be entitled to receive, any other payment from the United States, either directly or indirectly, because of such absence, unless such person or dependent refunds or renounces such other benefit or payment for the period claimed.

Benefits found to be due under this subsection shall be paid from the compensation fund established pursuant to section 785 of Title 5, as amended: *Provided*, That the determination of dependents, dependency, and amounts of payments to dependents shall be made in the manner specified in sections 751–791 and 793 of Title 5: *Provided further*, That claim for such detention benefits shall be filed in accordance with and subject to the limitation provisions of sections 751–791 and 793 of Title 5, as modified by section 1706 (c) of this title: *And provided further*, That except in cases of fraud or willful misrepresentation, the Commission may waive recovery of money erroneously paid under this subdivision whenever it finds that such recovery would be impracticable or would cause hardship to the beneficiary affected: *And provided further*, That where such person is found to be missing from his place of employment, whether or not such person then actually

title in such case have been made, and in like cases where a recovery is made or allowed, the Commission shall have the right of intervention and a lien and right of recovery to the extent of any payments paid and payable under this subchapter in such case, provided the cost of such wages, payments in lieu of wages, or other such right, may be directly or indirectly paid by the United States; and any amounts recovered under this subsection shall be covered into the fund established under section 785 of Title 5.

(d) Where a national of a foreign government is entitled to benefits on account of injury or death resulting from a war-risk hazard, under the laws of his native country or any other foreign country, the benefits of this subchapter shall not apply.

(e) If at the time a person sustains an injury coming within the purview of this subchapter said person is receiving workmen's compensation benefits on account of a prior accident or disease, said person shall not be entitled to any benefits under this subchapter during the period covered by such workmen's compensation benefits unless the injury from a war-risk hazard increases his disability, and then only to the extent such disability has been so increased. (Dec. 2, 1942, ch. 668, title I, § 105, 56 Stat. 1032, as amended Dec. 23, 1943, ch. 380, title I, 57 Stat. 627.)

AMENDMENTS

Act Dec. 23, 1943, cited to text, amended subsec (c) by adding last paragraph.

EFFECTIVE DATE

Act Dec. 23, 1943, cited to text, provided as follows: "The amendment in paragraph (b) shall become effective as of the effective date of title I of such Act of December 2, 1942"

See note under section 1701 of this title.

§ 1706. Administration.

(a) The provisions of this subchapter shall be administered by the United States Employees' Compensation Commission, and the Commission is authorized to make rules and regulations for the administration thereof and to contract with insurance carriers for the use of the service facilities of such carriers for the purpose of facilitating administration.

(b) In administering the provisions of this subchapter the Commission may enter into agreements or cooperative working arrangements with other agencies of the United States or of any State (including the District of Columbia, Hawaii, Alaska, Puerto Rico, and the Virgin Islands) or political subdivision thereof, and with other public agencies and private persons, agencies, or institutions, within and outside the United States, to utilize their services and facilities and to compensate them for such use. The Commission may delegate to any officer or employee, or to any agency, of the United States or of any State, or of any political subdivision thereof, or Territory or possession of the United States, such of its powers and duties as it finds necessary for carrying out the purposes of this subchapter.

(c) The Commission, in its discretion, may waive the limitation provisions of sections 751–791 and 793 of Title 5, as amended, with respect to notice of injury and filing of claims under this subchapter, whenever the Commission shall find that, because of circumstances beyond the control of an injured person or his beneficiary, compliance with such provisions could not have been accomplished within the time therein specified. (Dec. 2, 1942, ch. 668, title I, § 106, 56 Stat. 1033.)

EFFECTIVE DATE

See note under section 1701 of this title.

SUBCHAPTER II. MISCELLANEOUS PROVISIONS

§ 1711. Definitions.

When used in this chapter (except when used in section 1651 of this title)—

(a) The term "Commission" means the United States Employees' Compensation Commission.

(b) The term "war-risk hazard" means any hazard arising after December 6, 1941, and prior to the end of the present war, from—

(1) the discharge of any missile (including liquids and gas) or the use of any weapon, explosive, or other noxious thing by an enemy or in combating an attack or an imagined attack by an enemy; or

(2) action of the enemy, including rebellion or insurrection against the United States or any of its Allies; or

(3) the discharge or explosion of munitions intended for use in connection with the national war effort (except with respect to any employee of a manufacturer or processor of munitions during the manufacture, or processing thereof, or while stored on the premises of the manufacturer or processor); or

(4) the collision of vessels in convoy or the operation of vessels or aircraft without running lights or without other customary peacetime aids to navigation; or

(5) the operation of vessels or aircraft in a zone of hostilities or engaged in war activities. (Dec. 2, 1942, ch. 668, title II, § 201, 56 Stat. 1033.)

§ 1712. Disqualification from benefits.

No person convicted in a court of competent jurisdiction of any subversive act against the United States or any of its Allies, committed after the declaration by the President on May 27, 1941, of the national emergency, shall be entitled to compensation or other benefits under sections 1701–1706 of this title, nor shall any compensation be payable with respect to his death or detention under sections 1701–1706 of this title, and upon indictment or the filing of an information charging the commission of any such subversive act, all such compensation or other benefits shall be suspended and remain suspended until acquittal or withdrawal of such charge, but upon conviction thereof or upon death occurring prior to a final disposition thereof, all such payments and all benefits under sections 1701–1706 of this title shall be forfeited and terminated. If the charge is withdrawn, or there is an acquittal, all such compensation withheld shall be paid to the

person or persons entitled thereto. (Dec. 2, 1942, ch. 668, title II, § 202, 56 Stat. 1034.)

§ 1713. Fraud; penalties.

Whoever, for the purpose of causing an increase in any payment authorized to be made under this chapter, or for the purpose of causing any payment to be made where no payment is authorized hereunder, shall knowingly make or cause to be made, or aid or abet in the making of any false statement or representation of a material fact in any application for any payment under sections 1701–1706 of this title, or knowingly make or cause to be made, or aid or abet in the making of any false statement, representation, affidavit, or document in connection with such an application, or claim, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both. (Dec. 2, 1942, ch. 668 title II, § 203, 56 Stat. 1034.)

§ 1714. Legal services.

No claim for legal services or for any other services rendered in respect of a claim or award for compensation under sections 1701–1706 of this title to or on account of any person shall be valid unless approved by the Commission; and any claim so approved shall, in the manner and to the extent fixed by the said Commission, be paid out of the compensation payable to the claimant; and any person who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is so approved, or who solicits employment for another person or for himself in respect of any claim or award for compensation under sections 1701–1706 of this title shall be guilty of a misdemeanor and upon conviction thereof shall, for each offense, be fined not more than $1,000 or imprisoned not more than one year, or both. (Dec. 2, 1942, ch. 668, title II, § 204, 56 Stat. 1034.)

§ 1715. Finality of Commission's decisions.

The action of the Commission in allowing or denying any payment under sections 1701–1706 of this title shall be final and conclusive on all questions of law and fact and not subject to review by any other official of the United States or by any court by mandamus or otherwise, and the Comptroller General is authorized and directed to allow credit in the accounts of any certifying or disbursing officer for payments in accordance with such action. (Dec. 2, 1942, ch. 668, title II, § 205, 56 Stat. 1034.)

§ 1716. Presumption of death or detention.

A determination that an individual is dead or a determination that he has been detained by the enemy may be made on the basis of evidence that he has disappeared under circumstances such as to make such death or detention appear probable. (Dec. 2, 1942, ch. 668, title II, § 206, 56 Stat. 1034.)

§ 1717. Assignment of benefits; execution, levy, etc., against benefits.

The right of any person to any benefit under sections 1701–1706 of this title shall not be transferable or assignable at law or in equity except to the United States, and none of the moneys paid or payable (except money paid hereunder as reimbursement for funeral expenses or as reimbursement with respect to payments of workmen's compensation or in the nature of workmen's compensation benefits), or rights existing under sections 1701–1706 of this title, shall be subject to execution, levy, attachment, garnishment, or other legal process or to the operation of any bankruptcy or insolvency law. (Dec. 2, 1942, ch. 668, title II, § 207, 56 Stat. 1035.)

TITLE 43.—PUBLIC LANDS

Chapter 1.—GENERAL LAND OFFICE

Sec
3a. Assistant or deputy commissioners; appointment by Secretary; powers and duties (New).

§ 3a. Assistant or deputy commissioners; appointment by Secretary; powers and duties.

Assistant or deputy commissioners of the General Land Office and Bureau of Indian Affairs, in the Department of the Interior, shall be appointed by the Secretary of the Interior, subject to the civil-service laws and sections 661–663, 664–673, 674 of Title 5. Appointments to these positions shall be considered as made under the authority of section 43 of Title 5. Assistant and deputy commissioners so appointed shall be authorized to sign such letters, papers, and documents and to perform such other duties as may be directed by the commissioner of their respective bureaus. The Secretary may designate for each of the aforementioned bureaus an assistant or deputy commissioner, who shall be authorized to perform the duties of the commissioner in case of the death, resignation, absence, or sickness of the commissioner. (June 5, 1942, ch. 336, § 1, 56 Stat. 312.)

SIMILAR PROVISIONS

Provisions similar to those contained in this section are set out as section 2a of Title 25, Indians.

REPEAL OF INCONSISTENT LAWS

Section 2 of act June 5, 1942, cited to text, provided as follows: "All provisions of law inconsistent with this Act (section 3a of this title) are hereby repealed to the extent of such inconsistency."

§ 8. Clerk to sign land patents.

REPEATED.—Act June 28, 1941, ch. 259, § 1, 55 Stat 309, act July 2, 1942, ch 473, § 1, 56 Stat. 511; act July 12, 1943, ch 219, § 1, 57 Stat 455, act June 28, 1944, ch. 298, § 1, 58 Stat 468; act July 3, 1945, ch. 262, § 1, 59 Stat 322

§ 6. Duties of employees to certify, record, etc., patents.

CODIFICATION

Section catchline has been revised.

Chapter 2.—GEOLOGICAL SURVEY

Sec
36b. Acquisition of lands or interests therein for use in gaging streams (New).

§ 36b. Acquisition of lands or interests therein for use in gaging streams.

The Secretary of the Interior may, on behalf of the United States and for use by the Geological Survey in gaging streams, acquire lands by donation or when funds have been appropriated by Congress by purchase or condemnation but not in excess of ten acres for any one stream-gaging station. For the same purpose the Secretary may obtain easements, licenses, rights-of-way, and leases limited to run for such a period of time or term of years as may be required for the effective performance of the function of gaging streams: *Provided*, That nothing in this section shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State or Territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and the Secretary of the Interior, in carrying out the provisions of this section, shall proceed in conformity with such laws, and nothing in this section shall in any way affect any right of any State or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof. (Dec. 24, 1942, ch. 822, 56 Stat. 1086.)

§ 46. Exchange of old freight-carrying vehicles as part payment for new.

REPEATED.—Act June 28, 1941, ch. 259, § 1, 55 Stat 339, act July 2, 1942, ch 473, § 1, 56 Stat. 537; act July 12, 1943, ch 219, § 1, 57 Stat 477; act June 28, 1944, ch 298, § 1, 58 Stat 491; act July 3, 1945, ch 262, § 1, 59 Stat. 343.

Chapter 4.—REGISTERS

Sec.
79a Compensation of registers (New).
79b Same, appropriation (New)
79c Payment of fees, commissions, etc.; deposit in Treasury (New).

§ 79a. Compensation of registers.

Commencing sixty days after the approval of sections 79a–79c of this title the positions of registers of the district land offices shall become subject to sections 661–663, 664–673, and 674 of Title 5: *Provided*, That nothing in sections 79a–79c of this title shall operate to reduce the basic annual compensation of any register below the amount paid to such officer, exclusive of overtime pay, during the fiscal year immediately preceding the enactment of such sections. (Apr 24, 1944, ch. 177, § 1, 58 Stat. 215.)

REPEALS

Section 4 of act Apr. 24, 1944, cited to text, provided "Sections 2237 and 2240 of the Revised Statutes and the act of May 21, 1928 (45 Stat. 684, 43 U S C, sec. 80), as amended, are hereby repealed, and all other provisions of law inconsistent with this Act [sections 79a–79c of this title] are repealed to the extent of such inconsistency."

ALASKA, EXTENSION TO

Section 5 of act Apr. 24, 1944, cited to text, provided "The provisions of this Act [sections 79a–79c of this title] shall not extend to the Territory of Alaska."

§ 79b. Same; appropriation.

Any moneys heretofore appropriated for the salaries and commissions of registers shall be available for the payment of the compensation of the registers under sections 661–663, 664–673, and 674 of Title 5, and there is hereby authorized to be appropriated such additional amounts as may be necessary for

that purpose. (Apr. 24, 1944, ch 177, § 2, 58 Stat. 215.)

REPEALS

Repeals, see note under section 79a of this title.

CROSS REFERENCES

Alaska excluded, see note under section 79a of this title.

§ 79c. Payment of fees, commissions, etc.; deposit in Treasury.

No provision of sections 79a–79c of this title shall relieve any public land applicant or claimant from the necessity of making payment of fees, commissions, or other moneys required by law or regulation. Commencing sixty days after the approval of such sections, the registers shall not receive any compensation based on fees, commissions, or other receipts and all amounts collected by them shall be covered into the Treasury of the United States. (Apr. 24, 1944, ch. 177, § 3, 58 Stat. 215.)

REPEALS

Repeals, see note under section 79a of this title.

CROSS REFERENCES

Alaska excluded, see note under section 79a of this title

§ 80. Repealed. Act Apr. 24, 1944, ch. 177, § 4, 58 Stat. 215.

PRESENT PROVISIONS

Section, as amended by act Oct. 9, 1942, ch. 584, § 7, 56 Stat 779, provided for salary, fees, and commission of registers, which is now covered by sections 79a–79c of this title

§§ 81–84.

REPEAL

Repeal of provisions inconsistent with sections 79a-79c of this title, see note set out under section 79a of this title.

§ 85. Excess of fees covered into Treasury.

All fees collected by registers from any source whatever, which would increase their salaries beyond $3,000 a year shall be covered into the Treasury, except only so much as may be necessary to pay the actual cost of clerical services employed exclusively in contested cases; and they shall make report quarterly, under oath, of all expenditures for such clerical services, with vouchers therefor. (Mar. 3, 1887, ch. 362, 24 Stat. 526; Oct. 28, 1921, ch. 114, § 1, 42 Stat. 208; Mar. 3, 1925, ch. 462, 43 Stat 1145)

CODIFICATION

Words "beyond $3000 a year" were enacted as such but were changed to read "beyond $3600 a year" because of the effect of act May 21, 1928, ch. 661, 45 Stat 684, which amended section 80 of this title The repeal of act May 21 1928, by act Apr 24, 1944, ch. 177, § 4, 58 Stat 215, canceled its effect on this section and original words "beyond $3000 a year" were restored to text.

§ 87. Plats of townships and lists of lands sold; compensation.

REPEAL

Repeal of provisions inconsistent with sections 79a–79c of this title, see note set out under section 79a of this title.

§ 90. Incurring expenses.

REPEATED —Act June 28, 1941, ch 259, § 1, 55 Stat 310, act July 2, 1942, ch 473, § 1, 56 Stat. 511; act July 12, 1943, ch 219, § 1, 57 Stat 455, act June 28, 1944, ch 298, § 1, 58 Stat 468; act July 3, 1945, ch. 262, § 1, 59 Stat 323

Chapter 6.—WITHDRAWAL FROM SETTLEMENT, LOCATION, SALE, OR ENTRY

§ 141. Withdrawal and reservation of lands for water-power sites or other purposes.

EX ORD. NO 9613. WITHDRAWAL AND RESERVATION FOR USE OF THE UNITED STATES LANDS CONTAINING RADIO-ACTIVE MINERAL SUBSTANCES

Ex Ord No 9613, Sept. 13, 1945, 10 F. R. 11789, provided: By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

1. Subject to valid existing rights, all public lands of the United States, including Alaska, which contain deposits of radio-active mineral substances, and all deposits of such substances, are hereby withdrawn from sale and all other forms of disposal under the public-land laws, including the mining laws, and reserved for the use of the United States.

2. So far as not in conflict with existing law, all lands in the United States, its territories or possessions, heretofore acquired by the United States which contain deposits of radio-active mineral substances owned by the United States are hereby reserved from sale, and all leases, licenses, or other authorizations of whatever kind hereafter granted to occupy or use such lands, shall reserve to the United States the right, at any and all times, to enter upon such lands, and mine and remove such mineral substances, and all such lands hereafter acquired by the United States shall become subject to the provisions of this paragraph upon their acquisition *Provided*, That no reservation under this paragraph shall interfere with the use of the lands established or indicated by any act of Congress.

Chapter 7.—HOMESTEADS

SOLDIERS' AND SAILORS' HOMESTEAD

Sec
279. Preference right of entry of World War II veterans (New).
280 Same, dependents' rights (New).
281. Same, death as affecting minor children's patent rights (New).
282. Same, rights on revocation of withdrawal order (New).
283. Same; rules and regulations (New).

RIGHT OF PARTICULAR PERSONS TO MAKE ENTRY

§ 186. Preference rights of entry of veterans; rules and regulations.

CROSS REFERENCES

Preference right of World War II veterans, see sections 279–283 of this title.

SOLDIERS' AND SAILORS' HOMESTEAD

§ 279. Preference right of entry of World War II veterans.

Any person who has served or may serve in the military or naval forces of the United States for a period of at least ninety days during World War II, and is honorably discharged, and who makes homestead entry subsequent to such discharge, shall have the period of his military or naval service, not exceeding two years, construed to be equivalent to residence and cultivation upon the land for the same length of time. Credit shall be allowed for two years' military or naval service (1) if such person is discharged on account of wounds received or disability incurred in the line of duty, or (2) if such person is regularly discharged and subsequently is furnished hospitalization or is awarded compensation by the Government on account of such wounds or disability. No patent shall issue to any such

person who has not resided upon his homestead and otherwise complied with the provisions of the homestead laws for a period of at least one year. (Sept. 27, 1944, ch. 421, § 1, 58 Stat. 747.)

CROSS REFERENCES

Preference right of World War I veterans, see section 186 of this title

§ 280. Same; dependents' rights.

In the case of any person who would be entitled to a homestead under the provisions of sections 279–283 of this title, his widow, if unmarried, or, in the case of her death or marriage, then his minor orphan children by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in section 279 of this title. An entry made by such widow or guardian shall be subject to the provisions contained in section 279 of this title, respecting compliance with the provisions of the homestead laws for a period of at least one year. (Sept. 27, 1944, ch. 421, § 2, 58 Stat. 748.)

§ 281. Same; death as affecting minor children's patent rights.

Where a person entitled to the benefits of section 279 or 280 of this title makes homestead entry and dies before completing title, leaving a minor orphan child, or minor orphan children, patent shall issue to such minor or minors upon proof showing such facts, without any proof as to compliance with the law in the matter of residence, cultivation, or improvements. (Sept. 27, 1944, ch. 421, § 3, 58 Stat. 748.)

§ 282. Same; rights on revocation of withdrawal order.

For the period of ten years following September 27, 1944, on the revocation of any order of withdrawal, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, in which persons of the classes entitled to credit for military or naval service, under the provisions of sections 279–283 of this title, shall have a preferred right of application under the homestead or desert land laws, or section 682a of this title, subject to the requirements of applicable law, except as against the prior existing valid settlement rights and preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation. (Sept. 27, 1944, ch. 421, § 4, 58 Stat. 748.)

§ 283. Same; rules and regulations.

The Secretary of the Interior is hereby authorized to make such rules and regulations as may be necessary to carry the provisions of sections 279–283 of this title into full force and effect. (Sept. 27, 1944, ch. 421, § 5, 58 Stat. 748.)

Chapter 8A.—GRAZING LANDS

Sec.

315o–2. Animals and equipment for field employees (New)
315q Withdrawal of lands for war purposes, payment for cancellation of permits or licenses (New).

§ 315o–2. Animals and equipment for field employees.

The Secretary of the Interior may require field employees of the Grazing Service to furnish horses and miscellaneous equipment necessary for the performance of their official work and may provide at Government expense forage, care, and housing for such animals and equipment. (Dec. 18, 1942, ch. 769, 56 Stat. 1067.)

CODIFICATION

This section is not part of Chapter 8A as originally enacted

§ 315q. Withdrawal of lands for war purposes; payment for cancellation of permits or licenses.

Whenever use for war purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be canceled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war purposes. Such payments shall be deemed payment in full for such losses. Nothing herein contained shall be construed to create any liability not now existing against the United States. (July 9, 1942, ch. 500, 56 Stat. 654.)

Chapter 12.—RECLAMATION AND IRRIGATION OF LANDS BY FEDERAL GOVERNMENT

GENERAL PROVISIONS

Sec

390. Utilization of dams and reservoir projects for irrigation purposes, additional construction; necessity of authorization; apportionment of cost; limitation (New)

LEGISLATION APPLICABLE TO PARTICULAR PROJECTS GENERALLY

593a Construction, operation, and maintenance of Hungry Horse Dam (New).
593b. Construction of additional works for irrigation purposes (New).

KLAMATH PROJECT; OREGON-CALIFORNIA

612. Lands subject to reclamation laws; application of net revenues, lands accredited to Tule Lake Division (New).

GENERAL PROVISIONS

§ 373. General authority of the Secretary of the Interior.

CROSS REFERENCES

Delegation of powers and duties of Secretary of Interior under reclamation laws, see section 590z–11 of Title 16, Conservation.

§ 377. General expenses of Bureau of Reclamation chargeable to general reclamation fund.

The cost and expense after June 30, 1945, of the office of the Commissioner in the District of Columbia, and, except for such cost and expense as are incurred on behalf of specific projects, of general investigations and of nonproject offices outside the District of Columbia, shall be charged to the reclamation fund and shall not be charged as a part of the reimbursable construction or operation and mainte-

nance costs. (As amended Apr. 19, 1945, ch. 80, 59 Stat. 54.)

AMENDMENTS

1945—Act Apr. 19, 1945, cited to text, amended section generally and made it applicable after June 30, 1945.

§ 390. Utilization of dams and reservoir projects for irrigation purposes; additional construction; necessity of authorization; apportionment of cost; limitation.

Whenever the Secretary of War determines, upon recommendation by the Secretary of the Interior that any dam and reservoir project operated under the direction of the Secretary of War may be utilized for irrigation purposes, the Secretary of the Interior is authorized to construct, operate, and maintain, under the provisions of sections 372, 373, 381, 383, 391, 392, 411, 416, 419, 421, 431, 432, 434, 439, 461, 491, and 498 of this title, and Acts supplementary thereto, such additional works in connection therewith as he may deem necessary for irrigation purposes. Such irrigation works may be undertaken only after a report and findings thereon have been made by the Secretary of the Interior as provided in said sections and after subsequent specific authorization of the Congress by an authorization Act; and, within the limits of the water users' repayment ability such report may be predicated on the allocation to irrigation of an appropriate portion of the cost of structures and facilities used for irrigation and other purposes. Dams and reservoirs operated under the direction of the Secretary of War may be utilized after December 22, 1944, for irrigation purposes only in conformity with the provisions of this section, but the foregoing requirement shall not prejudice lawful uses now existing: *Provided,* That this section shall not apply to any dam or reservoir heretofore constructed in whole or in part by the Army engineers, which provides conservation storage of water for irrigation purposes. (Dec. 22, 1944, ch. 665, § 8, 58 Stat. 891.)

INSTITUTION AND CONSTRUCTION OF PROJECTS

§ 411b. Employment of engineers, geologists, and economists for reclamation consultation work; compensation; retired Army and Navy officers as consulting engineers; retired Department of Interior personnel as consultants.

The Secretary of the Interior is authorized, in his judgment and discretion, to employ for consultation purposes on important reclamation work ten consulting engineers, geologists, appraisers, and economists, at rates of compensation to be fixed by him, but not to exceed $50 per day for any engineer, geologist, appraiser, or economist so employed: *Provided,* That the total compensation paid to any engineer, geologist, appraiser, or economist during any fiscal year shall not exceed $5,000: *Provided further,* That notwithstanding the provisions of any other Act, retired officers of the Army or Navy may be employed by the Secretary of the Interior as consulting engineers in accordance with the provisions of this section: *Provided further,* That, notwithstanding the provisions of any other Act, retired personnel of the Department of the Interior may be employed by the Secretary of the Interior as consultants in accordance with the provisions of this section, without deductions from compensation for retirement, without loss of or redetermination of retirement status, and without loss or reduction of retirement annuity or other benefits by reason of such employment, except that there shall be deducted from the compensation otherwise payable to any such retired employee sums equal to the retirement annuity or benefit allocable to the days of actual employment under this section. (As amended Dec. 23, 1944, ch. 708, 58 Stat. 915.)

AMENDMENTS

1944—Act Dec. 23, 1944, cited to text, amended section by adding third proviso.

WATER-RIGHT APPLICATIONS AND LAND ENTRIES

§ 433. Character and capital qualification of entrymen.

ADVANCES BY FARM SECURITY ADMINISTRATION AS CAPITAL

Act Aug 7, 1939, ch 509, 53 Stat. 1238, as amended June 17, 1940, ch 390, 54 Stat. 402; May 28, 1941, ch 136, 55 Stat. 206; Aug 1, 1942, ch. 540, 56 Stat 732, provided as follows: "During the fiscal year of 1943, in order to further cooperation between the Bureau of Reclamation and the Farm Security Administration in the development of farm units on public lands under Federal reclamation projects, the Secretary of the Interior is authorized, in pursuance of cooperative agreements between the Secretary of Agriculture and the Secretary of the Interior, (1) to consider the money or any part of the money made available to settlers or prospective settlers by the Farm Security Administration, as all or a portion of the capital required of such settlers under subsection C of section 4 of the Act of December 5, 1924 (43 Stat 702) (section 433 of this title); and (2) where such farm units have been or may be improved by means of funds made available by the Farm Security Administration, to require an entryman of any such unit to enter into a mortgage contract with the Farm Security Administration to repay the value of such improvements thereon before an entry is allowed."

PAYMENT OF CONSTRUCTION CHARGES

§ 485b. Amendment of existing repayment contracts.

TERMINATION DATE OF MODIFICATION OF REPAYMENT CONTRACTS; DEFERMENT OF INSTALLMENTS UNDER REPAYMENT CONTRACTS

Section 3 of act Apr 24, 1945, ch 94, 59 Stat. 76, provided: "(a) The authority granted in sections 3 and 4 of this Act [sections 485b and 485c of this title] for modification of existing repayment contracts or other forms of obligations to pay construction charges shall continue through December 31, 1950, or December 31 of the fifth full calendar year after the cessation of hostilities in the present war, as determined by proclamation of the President or concurrent resolution of the Congress, whichever period is the longer.

"(b) The Secretary is hereby authorized, subject to the provisions of this subsection, to defer the time for the payment of such part of any installments of construction charges under any repayment contract or other form of obligation (exclusive of contracts entered into under this Act [this subchapter, and sections 375a, 380a, 387–389 of this title]) that are due and unpaid as of the date of this amendment or which will become due prior to the expiration of the authority under subsection (a) of this section as he deems necessary to adjust such installments to amounts within the probable ability of the water users to pay. Any such deferment shall be effected only after findings by the Secretary that the installments under consideration probably cannot be paid on their due dates

without undue burden on the water users, considering the various factors which in the Secretary's judgment bear on the ability of the water users so to pay.

"The Secretary may effect the deferments hereunder subject to such conditions and provisions relating to the operation and maintenance of the project involved as he deems to be in the interest of the United States. If, however, any deferments would affect installments to accrue more than twelve months after the action of deferment, they shall be effected only by a formal supplemental contract. Such a contract shall provide by its terms that, it being only an interim solution of the repayment problems dealt with therein, its terms are not, in themselves, to be construed as a criterion of the terms of any amendatory contract that may be negotiated pursuant to sections 3, 4, or 7 of this Act [sections 485b, 485c, or 485f of this title]."

§ 485c. Repayment contracts with the United States.

* * * * *

(d) Variation of annual returns; variation of installment.

For each project contract unit where a repayment contract is entered into pursuant to this section, each year the percentage of the normal returns for said year by which the annual returns of said year exceed or are less than said normal returns shall be determined by the Secretary. For each unit or major fraction of a unit of said percentage of said increase or decrease there shall be an increase or decrease, respectively, of 2 per centum in the amount or amounts of the installment or installments for said year under the organization's obligation or obligations as determined under subsections (b) and (e) of this section. Said latter amount or amounts as thus increased or decreased shall be the payment or payments of construction charges due and payable for said year, except that in no event shall the amount of the said payment or payments due and payable for any year be less than 15 per centum nor, as determined by the Secretary, more than from 150 to 200 per centum, inclusive, of the amount or amounts of the installment or installments for said year under the organization's obligation or obligations as determined under subsections (b) and (e) of this section. The Secretary is authorized to amend any repayment contracts entered into prior to or after April 24, 1945, pursuant to the provisions of this section to conform to the provisions of this section. (As amended Apr. 24, 1945, ch. 94, § 1, 59 Stat. 75.)

* * * * *

AMENDMENTS

1945—Subsec. (d) amended by act Apr. 24, 1945, cited to text, which inserted "nor, as determined by the Secretary, more than from 150 to 200 per centum, inclusive" following 15 per centum in the third sentence, and added the last sentence.

§ 485f. Negotiation of equitable contracts by Secretary.

* * * * *

(c) Report of proposed contracts to Congress; approval; amendment after approval.

The Secretary from time to time shall report to the Congress on any proposed contracts negotiated pursuant to the authority of subsection (a) or (b) (1) of this section, and he may execute any such contract on behalf of the United States only after approval thereof has been given by Act of Congress. Contracts, so approved, however, may be amended from time to time by mutual agreement and without further approval by Congress if such amendments are within the scope of authority granted prior to or after April 24, 1945, to the Secretary under any Act, except that amendments providing for repayment of construction charges in a period of years longer than authorized by sections 375a, 380a, 387–389, and 485–485k of this title, shall be effective only when approved by Congress. (As amended Apr. 24, 1945, ch. 94, § 2, 59 Stat. 76.)

AMENDMENTS

1945—Subsec. (c) amended by act Apr. 24, 1945, cited to text, which added second sentence.

§ 485h. New projects; sale of water and electric power; lease of power privileges.

CROSS REFERENCES

Additional allocations for the Valley Gravity Canal and Storage Project, see section 277f of Title 22, Foreign Relations and Intercourse

MAINTENANCE AND OPERATION OF WORKS GENERALLY

§ 491. Authority of Secretary to operate works.

CROSS REFERENCES

Delegation of powers and duties of Secretary of Interior under reclamation laws, see section 590z–11 of Title 16, Conservation.

LEGISLATION APPLICABLE TO PARTICULAR PROJECTS GENERALLY

§ 593a. Construction, operation, and maintenance of Hungry Horse Dam.

For the purpose of irrigation and reclamation of arid lands, for controlling floods, improving navigation, regulating the flow of the South Fork of the Flathead River, for the generation of electric energy, and for other beneficial uses primarily in the State of Montana but also in downstream areas, the Secretary of the Interior is authorized and directed to proceed as soon as practicable with the construction, operation, and maintenance of the proposed Hungry Horse Dam (including facilities for generating electric energy) on the South Fork of the Flathead River, Flathead County, Montana, to such a height as may be necessary to impound not less than one million acre-feet of water.

The Secretary of the Interior is authorized to complete, as soon as the necessary additional material is available, the construction of the Hungry Horse Dam so as to provide a storage reservoir of the maximum usable and feasible capacity. (June 5, 1944, ch. 234, §§ 1, 2, 58 Stat. 270.)

APPROPRIATION

Section 4 of act June 5, 1944, cited to text, authorized appropriation of such sums as might be necessary to carry out the purpose of this section and section 593b of this title.

§ 593b. Construction of additional works for irrigation purposes.

The Secretary of the Interior is authorized to construct, operate, and maintain under the provisions of the Federal reclamation laws (sections 391, 411, 416, 432, and 434 of this title, and Acts amendatory thereof or supplementary thereto), such additional

works as he may deem necessary for irrigation purposes. Such irrigation works may be undertaken only after a report and findings thereon have been made by the Secretary of the Interior as provided in such Federal reclamation laws; and, within the limits of the water users' repayment ability, such report may be predicated on allocation to irrigation of an appropriate portion of the cost of constructing said dam and reservoir. Said dam and reservoir and said irrigation works may be utilized for irrigation purposes only pursuant to the provisions of said Federal reclamation laws. (June 5, 1944, ch. 234, § 3, 58 Stat. 271.)

APPROPRIATION

Section 4 of act June 5, 1944, cited to text, authorized appropriation of such sum as might be necessary to carry out the purpose of this section and section 593a of this title.

KLAMATH PROJECT, OREGON-CALIFORNIA

§§ 602–609. Repealed. June 17, 1944, ch. 261, § 2 (a), 58 Stat. 279.

§ 611. Availability of revenues from lease of Tule Lake marginal lands for refunds.

REPEATED.—Act June 28, 1941, ch. 259, § 1, 55 Stat 332, act July 2, 1942, ch 473, § 1, 56 Stat 533, act July 12, 1943, ch. 219, § 1, 57 Stat. 473; act June 28, 1944, ch 298, § 1, 58 Stat. 487; act July 3, 1945, ch. 262, § 1, 59 Stat. 340

§ 612. Lands subject to reclamation laws; application of net revenues; lands accredited to Tule Lake Division.

Lands owned by the United States, ceded by the States of California and Oregon pursuant to the Act of February 3, 1905 (Cal. Stat 1905, p. 4), and of January 20, 1905 (L. Oreg. 1905, ch. 5, p. 63), lying in Klamath County, Oregon, west of range 11 east, Willamette meridian, and in Siskiyou County, California, west of range 4 east, Mount Diablo meridian, shall be subject to all applicable provisions of the Federal reclamation laws concerning entry and patent, except that any part of these lands administered by the Fish and Wildlife Service pursuant to the existing agreement with the Bureau of Reclamation, as this may be amended from time to time with the approval of the Secretary, shall not be opened to entry.

Net revenues heretofore and hereafter received from lands owned by the United States within the district boundaries shall be covered into the reclamation fund and shall be applied: First, to offset the balance of $47,627.89 as to which the district's obligation is to be released under the proposed contract; second, to offset the balance of the charges heretofore apportioned to the Government-owned lands in Klamath County, Oregon, pursuant to the Act of May 27, 1920, amounting to $36,714.37; third, to offset the balance of charges allocated as of December 31, 1942, to the Lower Klamath Lake Division; and, fourth, as an increment to the reclamation fund without further application to project construction costs.

The lands in Siskiyou County, California, west of range 4 east, Mount Diablo meridian, and in the vicinity of Lower Klamath Lake, including the lands heretofore uncovered by the changing level of that lake, shall be deemed to be from and after December 31, 1942, part of the Modoc unit of the Tule Lake Division of the Klamath project. Net revenues which have accrued from Government-owned lands under the primary jurisdiction of the Bureau of Reclamation in that area prior to January 1, 1943, shall be applied to offset the balance of the charges allocated to the Lower Klamath Lake Division. Net revenues accruing from and after December 31, 1942, from such Government-owned lands shall be covered into the reclamation fund and applied: First, to offset the costs heretofore or hereafter incurred in connection with the completion of the Modoc unit; and, second, as an increment to the reclamation fund without further application to project construction costs. (June 17, 1944, ch. 261, § 2 (b), 58 Stat. 279.)

REFERENCE IN TEXT

Act of May 27, 1920, referred to in text, has reference to act May 27, 1920, ch 209, 41 Stat 627, which was formerly classified to sections 602–609 of this title and repealed by section 2 (a) of act June 17, 1944, cited to text

CONTRACT APPROVED

Section 1 of act June 17, 1944, cited to text, provided "That the contract dated April 28, 1943, negotiated by the Secretary of the Interior with the Klamath Drainage District and reported on as provided in subsections (a) and (c) of section 7 of the Reclamation Project Act of 1939 (53 Stat 1187) [section 485f of this title], is approved and the Secretary is hereby authorized to execute it on behalf of the United States."

RECLAMATION LAWS

Section 3 of act June 17, 1944, cited to text, provided: "This Act [section] is declared to be a part of the Federal reclamation laws as these are defined in the Reclamation Project Act of 1939 [sections 485–485k of this title]."

Chapter 16.—SALE AND DISPOSAL OF THE PUBLIC LANDS

§ 682a. Sale for home, health, business, etc., sites.

The Secretary of the Interior, in his discretion, is authorized to sell or lease, to any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such a citizen, as required by the naturalization laws, a tract of not exceeding five acres of any vacant, unreserved, surveyed public land, or surveyed public land withdrawn or reserved by the Secretary of the Interior for any other purposes, or surveyed lands withdrawn by Executive Orders Numbered 6910 of November 26, 1934, and 6964 of February 5, 1935, for classification, which the Secretary may classify as chiefly valuable as a home, cabin, camp, health, convalescent, recreational, or business site in reasonably compact form and under such rules and regulations as he may prescribe, at a price to be determined by him, for such use: *Provided*, That no tract shall be sold for less than the cost of making any survey necessary to properly describe the land sold; that no person shall be permitted to purchase more than one tract under the provisions of this section, except upon a showing of good faith and reasons satisfactory to the Secretary, and that patents

for all tracts purchased under the provisions of this section shall contain a reservation to the United States of the oil, gas, and other mineral deposits, together with the right to prospect for, mine, and remove the same under such regulations as the Secretary may prescribe: *Provided further*, That any employee of the Department of the Interior, stationed in Alaska, notwithstanding such employment, may, in the discretion of the Secretary, purchase or lease one such tract in the Territory of Alaska, except business sites, under this section. (June 1, 1938, ch. 317, 52 Stat. 609, as amended July 14, 1945, ch. 298, 59 Stat. 467.)

AMENDMENTS

1945—Act July 14, 1945, cited to text, amended section by striking out "prescribed: *Provided further*, That this section shall not apply to any lands in the territory of Alaska.", and inserting in lieu thereof "prescribe further * * * under this section."

CROSS REFERENCES

Preference right of World War II veterans, see sections 279-283 of this title.

Chapter 22.—RIGHTS-OF-WAY AND OTHER EASEMENTS IN PUBLIC LANDS

Sec

931a Authority of Attorney General to grant easements and rights-of-way to states, etc (New)

§ 931a. Authority of Attorney General to grant easements and rights-of-way to states, etc.

The Attorney General, whenever he deems it advantageous to the Government and upon such terms and conditions as he deems advisable, is hereby authorized on behalf of the United States to grant to any State, or any agency or political subdivision thereof, easements in and rights-of-way over lands belonging to the United States which are under his supervision and control. Such grant may include the use of such easements or rights-of-way by public utilities to the extent authorized and under the conditions imposed by the laws of such State relating to use of public highways. Such partial, concurrent, or exclusive jurisdiction over the areas covered by such easements or rights-of-way, as the Attorney General deems necessary or desirable, is hereby ceded to such State. The Attorney General is hereby authorized to accept or secure on behalf of the United States from the State in which is situated any land conveyed in exchange for any such easement or right-of-way, such jurisdiction as he may deem necessary or desirable over the land so acquired. (May 9, 1941, ch. 94, 55 Stat. 183.)

§ 959. Rights-of-way for electrical plants, etc.

The Secretary of the Interior is authorized and empowered, under general regulations to be fixed by him, to permit the use of rights of way through the public lands, forest, and other reservations of the United States, and the Yosemite, and Sequoia National Parks, and the General Grant grove section of the Kings Canyon National Park, California, for electrical plants, poles, and lines for the generation and distribution of electrical power, and for telephone and telegraph purposes, and for canals, ditches, pipes and pipe lines, flumes, tunnels, or other water conduits, and for water plants, dams, and reservoirs used to promote irrigation or mining or quarrying, or the manufacturing or cutting of timber or lumber, or the supplying of water for domestic, public, or any other beneficial uses to the extent of the ground occupied by such canals, ditches, flumes, tunnels, reservoirs, or other water conduits or water plants, or electrical or other works permitted hereunder, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such pipes and pipe lines, electrical, telegraph, and telephone lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted hereunder or any one or more of the purposes herein named: *Provided*, That such permits shall be allowed within or through any of said parks or any forest, military, Indian, or other reservation only upon the approval of the chief officer of the department under whose supervision such park or reservation falls and upon a finding by him that the same is not incompatible with the public interest: *Provided further*, That all permits given hereunder for telegraph and telephone purposes shall be subject to the provisions of sections 1–6, 8 and amendments thereto of Title 47, regulating rights of way for telegraph companies over the public domain: *And provided further*, That any permission given by the Secretary of the Interior under the provisions of this section may be revoked by him or his successor in his discretion, and shall not be held to confer any right, or easement, or interest in, to, or over any public land, reservation, or park (Feb. 15, 1901, ch. 372, 31 Stat. 790; Mar. 4, 1940, ch. 40, § 2, 54 Stat. 41.)

TITLE 44.—PUBLIC PRINTING AND DOCUMENTS

Chapter 2.—GOVERNMENT PRINTING OFFICE

§ 62. Inks, glues, etc., furnished other departments; payment.

Inks, glues, and other supplies manufactured by the Government Printing Office in connection with its work may be furnished to departments and other establishments of the Government upon requisition, and payment made from appropriations available therefor. (May 13, 1926, ch. 294, § 1, 44 Stat. 551.)

CODIFICATION

This section is based upon a proviso in the appropriation act for 1933 for the Government Printing Office. It was not included in the act for 1934 The Public Printer stated at that time that its inclusion was not requested because it was considered permanent law.

SIMILAR PROVISIONS

1932—June 30, 1932, ch 314, part I, § 1, 47 Stat 397.
1931—Feb 20, 1931, ch 234, § 1, 46 Stat. 1189.
1930—June 6, 1930, ch 407, § 1, 46 Stat 519
1929—Feb 28, 1929, ch 367, § 1, 45 Stat 1400.
1928—May 14, 1928, ch 551, § 1, 45 Stat. 530.
1927—Feb. 23, 1927, ch 168, § 1, 44 Stat. 1159.

Chapter 3.—SUPERINTENDENT OF DOCUMENTS; DISTRIBUTION OF DOCUMENTS IN GENERAL

§ 72a. Same; regulations; charges and fees.

CROSS REFERENCES

Charges for publications furnished by Department of Commerce, see section 606 of Title 5, Executive Departments and Government Officers and Employees

§ 77. Catalogue of Government publications.

CROSS REFERENCES

Charges for publications furnished by Department of Commerce, see section 606 of Title 5, Executive Departments and Government Officers and Employees.

Chapter 4.—PRINTING AND BINDING GENERALLY

§ 120. Disposition of receipts.

All sums paid to the Public Printer for work that he is authorized by law to do; all sums received from sales of wastepaper, other waste material, and condemned property; and for losses or damage to Government property; shall be deposited to the credit, on the books of the Treasury Department, of the appropriation made for the working capital of the Government Printing Office for the year in which the work is done, and be subject to requisition by the Public Printer. (July 1, 1941, ch. 268, § 1, 55 Stat. 463; June 8 1942, ch 396, § 1, 56 Stat. 348; June 28, 1943, ch. 173, title I, § 101, 57 Stat. 238; June 26, 1944, ch. 277, title I, § 1, 58 Stat. 353; June 13, 1945, ch. 189, § 1, 59 Stat. 257.)

AMENDMENTS

1945—Act June 13, 1945, cited to text, amended section by inserting "; all sums received * * * to Government property;" following "law to do".

Chapter 7.—EXECUTIVE AND DEPARTMENTAL PRINTING IN GENERAL

Sec
229 Orders for printing and binding for Department of Treasury (New).

§ 212. Reports of departments.

TEMPORARY DISCONTINUANCE OF PRINTING OF REPORTS

REPEATED—Act July 1, 1941, ch. 268, § 1, 55 Stat. 464; act June 8, 1942, ch 396, § 2, 56 Stat. 349; act June 28, 1943, ch 173, title I, § 102, 57 Stat. 239, act June 26, 1944, ch. 277, title I, § 102, 58 Stat 354, act June 13, 1945, ch. 189, § 103, 59 Stat. 258.

§ 229. Orders for printing and binding for Department of Treasury.

All orders for printing and binding for the Treasury Department, exclusive of work performed in the Bureau of Engraving and Printing and exclusive of such printing and binding as may under existing law be procured by field offices under authorization of the Joint Committee on Printing, shall be placed by the Director of Procurement in accord with the provisions of existing law. (Mar. 10, 1942, ch. 178, title I, § 1, 56 Stat. 161; June 30, 1943, ch. 179, title I, 57 Stat. 262; Apr. 22, 1944, ch. 175, title I, § 1, 58 Stat. 206; Apr. 24, 1945, ch. 92, title I, 59 Stat. 67.)

Chapter 8.—PARTICULAR REPORTS AND DOCUMENTS

§ 244. Animal Industry Bureau; report of.

TRANSFER OF FUNCTIONS

Bureau of Animal Industry consolidated with certain other agencies into Agricultural Research Administration for duration of war, see Ex Ord. No 9069, set out in note under section 601 of Appendix to Title 50, War.

§ 275b. National encampments of Grand Army of Republic, United Spanish War Veterans, Veterans of Foreign Wars, American Legion, and Disabled American Veterans; proceedings printed annually for Congress.

The proceedings of the national encampments of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, the Military Order of the Purple Heart, and the Disabled American Veterans of the World War, respectively, shall be printed annually, with accompanying illustrations, as separate House documents of the session of the Congress to which they may be submitted. (As amended Sept. 18, 1941, ch. 411, 55 Stat. 686.)

AMENDMENTS

1941—Act Sept 18, 1941, cited to text, added the words "the Military Order of the Purple Heart."

§§ 286, 287. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section 286, which provided for the printing of Public Health Service bulletins, is now covered by section 247 of Title 42, The Public Health and Welfare.

Section 287, which provided for the printing of the Surgeon General's annual report, is now covered by section 229 of Title 42. The Public Health and Welfare

Chapter 8A.—NATIONAL ARCHIVES

SUBCHAPTER II.—TRUST FUND BOARD (New)

Sec.
300aa Short title
300bb. Establishment of Board; membership
300cc Acceptance of gifts
300dd. Investment of funds.
300ee Trust fund account, disbursements
300ff. Powers and obligations of Board; liability of members.
300gg. Tax exemption for gifts
300hh. Authority of Board; adoptiton of seal; appointment of employees; adoption of bylaws, etc.
300ii. Compensation of members; expenses of Board
300jj Report to Congress

SUBCHAPTER I—ADMINISTRATIVE PROVISIONS

This subchapter heading has been inserted to precede section 300 of this title.

§ 300c. Archives and records of United States; supervision; inspection; cooperation of agencies; requisition; custody and use.

CROSS REFERENCES

Maps of certain recreational demonstration projects to be filed in National Archives, see section 459s of Title 16, Conservation

§ 300k. Repeal of inconsistent acts.

All acts or parts of acts relating to the charge and superintendency, custody, preservation, and disposition of official papers and documents of executive departments and other governmental agencies inconsistent with the provisions of this subchapter are repealed. (June 19, 1934, ch. 668, § 11, 48 Stat 1124.)

SUBCHAPTER II.—TRUST FUND BOARD (New)

§ 300aa. Short title.

This subchapter may be cited as the "National Archives Trust Fund Board Act". (July 9, 1941, ch. 284, § 1, 55 Stat. 581.)

§ 300bb. Establishment of Board; membership.

The board is hereby created and established, to be known as the National Archives Trust Fund Board (hereinafter referred to as the "Board"), which shall consist of the Archivist of the United States, as Chairman, and the chairman of the House Library Committee and the chairman of the Senate Library Committee. Membership on the Board shall not be deemed to be an office within the meaning of the statutes of the United States. (July 9, 1941, ch. 284, § 2, 55 Stat. 581.)

§ 300cc. Acceptance of gifts.

The Board is hereby authorized to accept, receive, hold, and administer such gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with The National Archives, its collections, or its services, as may be approved by the Board. (July 9, 1941, ch. 284, § 3, 55 Stat. 581.)

§ 300dd. Investment of funds.

Any moneys or securities composing trust funds given or bequeathed to the Board shall be receipted for by the Secretary of the Treasury, who shall invest, reinvest, and retain such moneys or securities as the Board may from time to time determine The Board shall not engage in any business or exercise any voting privilege which may be incidental to securities in such trust funds, nor shall the Secretary of the Treasury make any investments for the account of the Board which could not lawfully be made by a trust company in the District of Columbia, except that he may make any investment directly authorized by the instrument of gift or bequest under which the funds to be invested are derived, and may retain any investments accepted by the Board. (July 9, 1941, ch. 284, § 4, 55 Stat. 581.)

§ 300ee. Trust fund account; disbursements.

The income from any trust funds held by the Board, and the money received and proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement by the Division of Disbursement, Treasury Department, on the basis of certified vouchers of the Archivist or his duly authorized agent, except where otherwise restricted by the instrument of gift or bequest, for and in the interest of The National Archives, its collections, or its services, including but not restricted to the preparation and publication of special works and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may make sales of any such publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost and 10 per centum added, and all moneys received from such sales shall be paid into, administered, and expended as a part of the trust fund account herein provided for. (July 9, 1941, ch. 284, § 5, 55 Stat. 581.)

§ 300ff. Powers and obligations of Board; liability of members.

The Board shall have all the usual powers and obligations of a trustee with respect to all property and funds administered by it, but the members of the Board shall not be personally liable, except for malfeasance. (July 9, 1941, ch. 284, § 6, 55 Stat. 582.)

§ 300gg. Tax exemption for gifts.

Gifts and bequests received by the Board under the provisions of this subchapter, and the income therefrom, shall be exempt from all taxes. (July 9, 1941, ch. 284, § 7, 55 Stat. 582.)

§ 300hh. Authority of Board; adoption of seal; appointment of employees; adoption of bylaws, etc.

In carrying out the purposes of this subchapter, the Board shall have authority—

(a) To adopt an official seal, which shall be judicially noticed;

(b) To appoint, or to authorize the Archivist to appoint, without regard to the civil-service laws, all necessary employees, and to fix their duties; and

(c) To adopt bylaws, rules, and regulations necessary for the administration of its functions under this subchapter. (July 9, 1941, ch. 284, § 8, 55 Stat. 582.)

§ 300ii. Compensation of members; expenses of Board.

No compensation shall be paid to the members of the Board for their services as such members. All costs incurred by the Board in carrying out its duties under this subchapter, including the expenditures necessarily made by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid out of income from trust funds available to the Board for the purpose. Unless otherwise restricted by the instrument of gift or bequest, the Board, by resolution duly adopted, may authorize the Archivist to use for such purposes, or for any other purpose or purposes for which funds may be expended under this subchapter, the principal of any gift or bequest accepted under this subchapter. (July 9, 1941, ch. 284, § 9, 55 Stat. 582.)

§ 300jj. Report to Congress.

The Board shall submit to the Congress an annual report of the moneys, securities, and other personal property received and held by it and of its operations. (July 9, 1941, ch. 284, § 10, 55 Stat. 582.)

Chapter 8B.—FEDERAL REGISTER

CROSS REFERENCES

Coordination of Federal reporting services, see section 139 et seq of Title 5, Executive Departments and Government Officers and Employees.

§ 301. Custody and printing of Federal documents; "Division" created in Archives Establishment; Director, appointment and compensation.

CROSS REFERENCES

Publication in register of certificates of necessity for violation of antitrust, etc., laws, see section 1112 of Appendix to Title 50, War.

§ 305. Documents to be published in Federal Register; comments and news items excluded.

O P A CEILING PRICE ORDERS AND SCHEDULES

Act Apr 1, 1944, ch 152, title I, § 1, 58 Stat. 151, provided in part: "Notwithstanding the provisions of the Federal Register Act (44 U. S. C 305) [this section], during the fiscal year 1944 and thereafter, 'community ceiling price orders and schedules' of the Office of Price Administration shall not be required to be printed in the Federal Register, except that after filing such orders and schedules with the Federal Register, there shall be printed in such Register a notice of issuance and filing of such price orders and schedules, which notice shall indicate where copies thereof may be obtained"

§ 311. Report by Government agencies of documents issued; publication in supplement to Register.

(a) On July 1, 1938, and on the same date of every fifth year thereafter, each agency of the Government shall have prepared and shall file with the Administrative Committee a complete codification of all documents which, in the opinion of the agency, have general applicability and legal effect and which have been issued or promulgated by such agency and are in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities on June 1, 1938, or on the same date of every fifth year thereafter. The Committee shall, within ninety days thereafter, report thereon to the President, who may authorize and direct the publication of such codification in special or supplemental editions of the Federal Register. (As amended Dec. 10, 1942, ch. 717, § 2, 56 Stat. 1045.)

* * * * *

AMENDMENTS

1942—Subsec (a) amended by act Dec 10, 1942, § 2, cited to text, which added words following "on June 1, 1938" at end thereof.

SUSPENSION OF SECTION

Provisions of first sentence of this section were suspended for the duration of the war by section 1 of act Dec 10, 1942, ch. 717, 56 Stat. 1045, which provided in part "The provisions contained in the first sentence of section 11 (a) of the Federal Register (act of July 26, 1935, 49 Stat 503, as amended, U. S. C., Title 44, sec. 311) are hereby suspended until such time after the termination of the present war as the Administrative Committee of the Federal Register shall determine"

§ 311a. Publication of cumulative supplement to Code of Federal Regulations.

The publication of a cumulative supplement to the Code of Federal Regulations instead of a new codification, prepared under the supervision of the Division of the Federal Register pursuant to the provisions of subsections (c) and (d) of section 311 of this title, is hereby authorized and required. (Dec. 10, 1942, ch. 717, § 1, 56 Stat. 1045.)

CODIFICATION

Section was from second sentence of section 1 of act Dec. 10, 1942, cited to text

Chapter 10.—DISPOSITION OF RECORDS

Sec

364 Redeemed food stamps issued by Surplus Marketing Administration (New)

365 Disposition of redeemed, canceled, or spoiled Defense or War Savings stamps (New).

366. Definition of records (New).

367. Regulations by National Archives Council covering lists of records for disposal, procedure for disposal, and standards for reproduction; approval by President (New).

368. Lists and schedules of records to be submitted to Archivist by head of each Government agency (New)

369. Lists and schedules of records lacking preservation value, submission to Congress by Archivist (New)

370. Same, examination by joint congressional committee and report to Congress (New).

371 Same; disposal of records by head of Government agency upon notification by Archivist of action by joint congressional committee (New).

372 Same; disposal of records upon failure of joint congressional committee to act (New).

373. Same; disposal of similar records where prior disposal was authorized (New)

374 Preservation of claims of Government until settled in General Accounting Office; disposal authorized upon written approval of Comptroller General (New).

Sec.
375. Disposal of records constituting menace to health, life, or property; report of action by Archivist to agency (New).
376. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist (New).
377. Regular reports to Congress by Archivist (New).
378. Photographs or microphotographs of records considered as originals, certified reproductions admissible as evidence (New).
379. Moneys from sale of records as payable into the Treasury (New).
380. Procedures for disposal of records as exclusive (New).

§§ 351–356. Repealed. July 7, 1943, ch. 192, § 16, 57 Stat. 383.

CODIFICATION

Sections were from act Aug. 5, 1939, ch. 481, §§ 1–6, 53 Stat. 1219, 1220. Section 356 was amended by act Mar. 13, 1942, ch. 179, 56 Stat. 170

§ 357. Repealed. Mar. 13, 1942, ch. 179, 56 Stat. 170.

CODIFICATION

Section was from act Aug. 5, 1939, ch. 481, § 7, 53 Stat. 1220. Section 8 of that act was renumbered 7 thereof by the repealing act of Mar. 13, 1942, and constitutes section 358 of this title.

§§ 358–363. Repealed. July 7, 1943, ch. 192, § 16, 57 Stat. 383.

CODIFICATION

Sections 358–361 were from act Aug. 5, 1939, ch. 481, §§ 7–10, 53 Stat. 1220, 1221. Said sections 7–10, were so renumbered by act Mar. 13, 1942, ch. 179, 56 Stat. 171

Sections 362, 363 were from act Sept. 24, 1940, ch. 727, §§ 1, 2, 54 Stat. 958, 959.

§ 364. Redeemed food stamps issued by Surplus Marketing Administration.

Hereafter, notwithstanding the provisions of sections 351–361 of this title, the Comptroller General of the United States is hereby authorized, in his discretion, to destroy and dispose of stamps issued by the Surplus Marketing Administration of the Department of Agriculture after the said stamps have been paid by the Division of Disbursement of the Treasury Department and audited by the General Accounting Office, either in the field or at the seat of government. (June 27, 1942, ch. 450, § 1, 56 Stat. 411.)

SIMILAR PROVISIONS

Similar provisions were contained in act Apr. 5, 1941, ch. 40, § 1, 55 Stat. 112

§ 365. Disposition of redeemed, canceled, or spoiled Defense or War Savings stamps.

Notwithstanding the provisions of sections 351–361 of this title, the Comptroller General of the United States is hereby authorized, in his discretion, to destroy, or otherwise dispose of, redeemed, canceled, or spoiled Defense or War Savings stamps on file in the General Accounting Office, when no longer needed for audit purposes. (Oct. 26, 1942, ch. 629, title II, 56 Stat. 1000.)

§ 366. Definition of records.

When used in sections 366–380 of this title, the word "records" includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "records" as used in sections 366–380 of this title. (July 7, 1943, ch. 192, § 1, 57 Stat. 380.)

REPEAL OF LAWS INCONSISTENT WITH SECTIONS 366–380

In addition to repealing former sections 351–356, 358–363 of this title, section 16 of act July 7, 1943, cited to text provided: "All other Acts or parts of Acts inconsistent with the provisions of this Act [sections 366–380 of this title] are hereby repealed."

§ 367. Regulations by National Archives Council covering lists of records for disposal, procedure for disposal, and standards for reproduction; approval by President.

The National Archives Council shall promulgate regulations, not inconsistent with sections 366–380 of this title, establishing (1) procedures for the compiling and submitting to the Archivist of the United States of lists and schedules of records proposed for disposal, (2) procedures for the disposal of records authorized for disposal, and (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records. Such regulations, when approved by the President, shall be binding on all agencies of the United States Government. (July 7, 1943, ch. 192, § 2, 57 Stat. 381.)

§ 368. Lists and schedules of records to be submitted to Archivist by head of each Government agency.

The head of each agency of the United States Government shall submit to the Archivist of the United States, in accordance with regulations promulgated as provided in section 367 of this title (1) lists of any records in the custody of the agency that have been photographed or microphotographed in accordance with the said regulations and that, as a consequence thereof, do not appear to have sufficient value to warrant their further preservation by the Government; (2) lists of any other records in the custody of the agency that are not needed by it in the transaction of its current business and that do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government; and (3) schedules proposing the disposal after the lapse of specified periods of time of records of a specified form or character that either have accumulated in the custody of the agency or that may accumulate therein at any time after the submission of such schedules and that apparently will not after the lapse of the period specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government. (July 7, 1943, ch. 192, § 3, 57 Stat. 381.)

§ 369. Lists and schedules of records lacking preservation value; submission to Congress by Archivist.

The Archivist shall submit to Congress, at such times as he shall deem expedient, the lists or schedules submitted to him in accordance with the provisions of section 368 of this title, or parts of such lists or schedules, and lists or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the United States Government: *Provided*, That the Archivist shall not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of such agency.

The Archivist may also submit to Congress, together with recommendations of the National Archives Council with respect thereto, and at such times as he may deem expedient, schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government. (July 7, 1943, ch. 192, § 4, 57 Stat. 381, as amended July 6, 1945, ch. 273, § 1 (a), 59 Stat. 434.)

AMENDMENTS

1945—Act July 6, 1945, cited to text, amended section by adding the second par.

§ 370. Same; examination by joint congressional committee and report to Congress.

Whenever the Archivist shall submit lists or schedules to Congress, it shall be the duty of the presiding officer of the Senate to appoint two Senators who, with the members of the Committee on the Disposition of Executive Papers of the House of Representatives, shall constitute a joint committee to which all such lists or schedules shall be referred, and the joint committee shall examine such lists or schedules and submit to the Senate and House of Representatives, respectively, a report of such examination and its recommendations. (July 7, 1943, ch. 192, § 5, 57 Stat. 381.)

§ 371. Same; disposal of records by head of Government agency upon notification by Archivist of action by joint congressional committee.

If the joint committee reports that any of the records listed in a list or schedule referred to it do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, the Archivist shall notify the agency or agencies having such records in their custody of the action of the joint committee and such agency or agencies shall cause such records to be disposed of in accordance with regulations promulgated as provided in section 367 of this title: *Provided*, That authorizations granted pursuant to schedules submitted under the last paragraph of section 369 of this title shall be permissive and not mandatory. (July 7, 1943, ch. 192, § 6, 57 Stat. 381, as amended July 6, 1945, ch. 273, § 1 (b), 59 Stat. 434.)

AMENDMENTS

1945—Act July 6, 1945, cited to text, amended section by omitting "the head of" following "shall notify" wherever appearing, inserting "or agencies" following "the agency" wherever appearing, omitting "by which the list or schedule was submitted" and inserting in lieu thereof "having such records in their custody", and by adding proviso.

§ 372. Same; disposal of records upon failure of joint congressional committee to act.

If the joint committee fails to make a report during any regular or special session of Congress on any list or schedule submitted to Congress by the Archivist not less than ten days prior to the adjournment of such session, the Archivist may empower the agency or agencies having in their custody records covered by such lists or schedules to cause such records to be disposed of in accordance with regulations promulgated as provided in section 367 of this title. (July 7, 1943, ch. 192, § 7, 57 Stat. 382, as amended July 6, 1945, ch. 273, § 1 (c), 59 Stat. 434.)

AMENDMENTS

1945—Act July 6, 1945, cited to text, amended section by omitting "the head of the agency who submitted the list or schedule to cause the records listed therein" and inserting in lieu thereof "the agency or * * * cause such records"

§ 373. Same; disposal of similar records where prior disposal was authorized.

Whenever it shall appear to the Archivist that any agency has in its custody, or is accumulating, records of the same form or character as any records of the same agency previously authorized by Congress to be disposed of, he may empower the head of such agency to dispose of such records, after they have been in existence a specified period of time, in accordance with regulations promulgated as provided in section 367 of this title and without listing or scheduling them. (July 7, 1943, ch. 192, § 8, 57 Stat. 382.)

§ 374. Preservation of claims of Government until settled in General Accounting Office; disposal authorized upon written approval of Comptroller General.

Records pertaining to claims and demands by the Government of the United States or against it, or to any accounts in which the Government of the United States is concerned, either as debtor or creditor, shall not be disposed of by the head of any agency under any authorizations granted pursuant to the provisions of sections 371, 372, and 373 of this title, until such claims, demands, and accounts have been settled and adjusted in the General Accounting Office, except upon the written approval of the Comptroller General of the United States. (July 7, 1943, ch. 192, § 9, 57 Stat. 382.)

§ 375. Disposal of records constituting menace to health, life, or property; report of action by Archivist to agency.

Whenever the Archivist and the head of the agency that has custody of them shall jointly deter-

mine that any records in the custody of any agency of the United States Government are a continuing menace to human health or life or to property, the Archivist shall cause such menace to be eliminated immediately by whatever method he may deem necessary. If any records in the custody of the Archivist are disposed of under this section, the Archivist shall report the disposal thereof to the agency from which they were transferred. (July 7, 1943, ch. 192, § 10, 57 Stat. 382.)

§ 376. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist.

At any time during the existence of a state of war between the United States and any other nation or when hostile action by a foreign power appears imminent, the head of any agency of the United States Government may authorize the destruction of any records in his legal custody situated in any military or naval establishment, ship, or other depository outside the territorial limits of continental United States (1) the retention of which would be prejudicial to the interests of the United States or (2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation: *Provided,* That within six months after the disposal of any such records, the official who directed the disposal thereof shall submit a written report thereon to the Archivist in which he shall describe the character of such records and state when and where the disposal thereof was accomplished. (July 7, 1943, ch. 192, § 11, 57 Stat. 382.)

§ 377. Regular reports to Congress by Archivist.

The Archivist shall transmit to Congress at the beginning of each regular session reports as to the records authorized for disposal under the provisions of section 372 of this title and as to the records disposed of under the provisions of sections 375 and 376 of this title. (July 7, 1943, ch. 192, § 12, 57 Stat. 382, as amended July 6, 1945, ch. 273, § 1 (d), 59 Stat. 434.)

AMENDMENTS

1945—Act July 6, 1945, cited to text, amended section by substituting "375" and "376" for "374" and "375".

§ 378. Photographs or microphotographs of records considered as originals; certified reproductions admissible as evidence.

Photographs or microphotographs of any records made in compliance with regulations promulgated as provided in section 367 of this title shall have the same force and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs. (July 7, 1943, ch. 192, § 13, 57 Stat. 382.)

§ 379. Moneys from sale of records as payable into the Treasury.

All moneys derived by agencies of the Government from the sale of records authorized for disposal under the provisions of sections 366–380 of this title shall be paid into the Treasury of the United States unless otherwise required by existing law applicable to the agency. (July 7, 1943, ch. 192, § 14, 57 Stat. 383.)

§ 380. Procedures for disposal of records as exclusive.

The procedures herein prescribed are exclusive and no records of the United States Government shall be alienated or destroyed except in accordance with the provisions of sections 366–380 of this title. (July 7, 1943, ch. 192, § 15, 57 Stat. 383.)

TITLE 45.—RAILROADS

Chapter 1.—SAFETY APPLIANCES AND EQUIPMENT ON RAILROAD ENGINES AND CARS, AND PROTECTION OF EMPLOYEES AND TRAVELERS

§ 25. Offices; legal, technical, stenographic, and clerical help.

The office of the director of locomotive inspection shall be in Washington, District of Columbia, and the Interstate Commerce Commission shall provide such legal, technical, stenographic, and clerical help as the business of the offices of the director of locomotive inspection and his said assistants may require. (Feb. 17, 1911, ch. 103, § 3, 36 Stat. 914; June 7, 1924, ch. 355, § 3, 43 Stat. 659; Apr. 22, 1940, ch. 124, § 1, 54 Stat. 148.)

§ 62. Hours of service limited.

REFERENCE IN TEXT

Words "this title" first appearing in text should be preceded by reference "sections 61–64 of."

Chapter 8.—RAILWAY LABOR ACT

§ 151. Definitions; Railway Labor Act.

CROSS REFERENCES

Powers of National War Labor Board as inapplicable to sections 151–188 of this title, see section 1507 (e) of Appendix to Title 50, War.

§ 156. Procedure in changing rates of pay, rules, and working conditions.

EXECUTIVE ORDER NO. 9299

Feb. 4, 1943, 8 F R. 1669

PRESCRIBING REGULATIONS AND PROCEDURE WITH RESPECT TO WAGE AND SALARY ADJUSTMENTS FOR EMPLOYEES SUBJECT TO THE RAILWAY LABOR ACT

By virtue of the authority vested in me by the Constitution and statutes of the United States, and more particularly by the act of October 2, 1942 (Public Law 729, 77th Congress) [sections 961–971 of Appendix to Title 50], it is hereby ordered:

1. No increases in the wage rates or salary of any employee subject to the provisions of the Railway Labor Act [sections 151–188 of this title], whether granted as a result of voluntary agreement, collective bargaining, conciliation, arbitration, or otherwise, and no decreases in such wage rates or salary, shall be made except in accordance with the provisions of this order: *Provided, however,* that nothing contained in this order or Executive Order No. 9250 [50 App. § 901, note] shall be construed as affecting the procedure or limiting the jurisdiction of either the National Mediation Board, as defined in the Railway Labor Act, or the National Railway Labor Panel, as defined in Executive Order No. 9172, except as herein specifically set forth.

2 No carrier shall make any change in wage rates, except such changes as by general order of the National War Labor Board, or by regulations of the Commissioner of Internal Revenue, are permitted to be made without the specific approval of the Board or the Commissioner, as the case may be, unless notice of such proposed change shall have been filed with the Chairman of the National Railway Labor Panel, created by Executive Order No 9172, and shall have been permitted to become effective as hereinafter provided.

Notwithstanding § 4001.2 of the Regulations of the Economic Stabilization Director, for the purpose of determining what wage and salary adjustments may be made without any specific approval, the general orders of the National War Labor Board shall be applicable to all employees subject to the Railway Labor Act, except those receiving salaries at the rate of $5,000 or more per annum in regard to whom the regulations of the Commissioner of Internal Revenue shall apply. But any adjustment of salary under $5,000 heretofore approved by the Commissioner shall not be affected by this order.

3. If the Chairman of the National Railway Labor Panel has reason to believe that the proposed change, in wage rates or salary, may not conform to the standards prescribed in Executive Order No. 9250, or to the general stabilization program made effective thereunder, or to the directives on policy issued by the Economic Stabilization Director thereunder and the proposed change is not modified to conform to such standards, program, and directives, he shall designate three members of the Panel as an Emergency Board to investigate the proposed change and to report to the President. Otherwise, the Chairman of the Panel may permit the proposed change to become effective.

4. Emergency Boards, whether designated pursuant to the Railway Labor Act, Executive Order No 9172, or section 3 of this order, in reporting to the President shall certify that their recommendations in regard to any proposed change affecting wage and salary payments conform with the standards prescribed in Executive Order No. 9250, the general stabilization program made effective thereunder, and with the directives on policy issued by the Economic Stabilization Director thereunder.

5. Copies of the report with recommendations made to the President by any Emergency Board under section 4 of this order shall be filed by the Board forthwith with the Economic Stabilization Director, the National War Labor Board and the Commissioner of Internal Revenue. The Economic Stabilization Director may on behalf of himself or other departments and agencies concerned, report to the President the effect of the recommendations on the general stabilization program. Unless and except to the extent that the Economic Stabilization Director shall otherwise direct, the recommendations of the Emergency Board in regard to proposed changes affecting wages and salary payments shall, upon the expiration of thirty days after the report is filed with the President, become effective.

6. The National War Labor Board and the Commissioner of Internal Revenue shall either rule on any application for approval of wage and salary adjustments now before the Board and the Commissioner or transfer it to the Chairman of the National Railway Labor Panel. The Board and the Commissioner shall not rule on any application hereafter made.

CARRIERS BY AIR

STABILIZATION OF WAGES AND SALARIES

Executive order stabilizing wages and salaries as inapplicable to sections 181–188 of this title, see Title VI, par. 1 of Ex. Ord No. 9250 set out in note under section 901 of Appendix to Title 50, War.

Chapter 9.—RETIREMENT OF RAILROAD EMPLOYEES

RAILROAD RETIREMENT ACT OF 1937

Sec
228s Incompetence (New)

RAILROAD RETIREMENT ACT OF 1935

§§ 215–228.

CONTINUATION AND EFFECT OF RAILROAD RETIREMENT ACT OF 1935

Section 202 of act June 24, 1937, set out as note under these sections, was amended by acts Oct. 8, 1940, 11 p. m., E S T., ch 757, title VI, pt II, § 626, 54 Stat 1017; Apr. 8, 1942, ch 227, § 10, 56 Stat 207, and now reads as follows:

"§ 202 The claims of individuals (and the claims of spouses and next of kin of such individuals) who, prior to the date of the enactment of this Act relinquished all rights to return to the service of a carrier as defined in the Railroad Retirement Act of 1935 or ceased to be employee representatives as defined therein, and became eligible for annuities under such Act, shall be adjudicated by the Board in the same manner and with the same effect as if this Act had not been enacted: *Provided, however*, That with respect to any such claims no reduction shall be made in any annuity certified after the date of the enactment of this Act because of continuance in service after age sixty-five *And provided further*, That service rendered prior to August 29, 1935, to a company which on that date was a carrier as defined in the Railroad Retirement Act of 1935, shall be included in the service period in connection with any annuity certified in whole or in part by the Board after the date of the enactment of this Act, irrespective of whether at the time such service was rendered such company was a carrier as defined in the Railroad Retirement Act of 1935; and service rendered prior to August 29, 1935, to any express company, sleeping-car company, or carrier by railroad which was a predecessor of a company which on that date was a carrier as defined in the Railroad Retirement Act of 1935, shall also be included in the service period in connection with any annuity certified in whole or in part by the Board after the date of the enactment of this Act, irrespective of whether at the time such service was rendered such predecessor was a carrier as defined in the Railroad Retirement Act of 1935: *And provided further*, That for the purposes of determining eligibility for an annuity and computing an annuity there shall also be included in an individual's service period, subject to and in accordance with the second proviso of subsection (a), subsections (b) to (e), inclusive, and subsections (g) to (*l*), inclusive, of section 3A of this Act, as amended, [Title 45, § 228c–1], voluntary or involuntary military service of an individual within or without the United States during any war service period, including such military service prior to the date of enactment of this amendment (April 8, 1942), if, prior to the beginning of his military service in a war service period and in the same calendar year in which such military service began, or in the next preceding calendar year, the individual rendered service for compensation to a carrier, or to a person, service to which is otherwise creditable, or was serving as a representative; but such military service shall be included only subject to and in accordance with the provisions of the Railroad Retirement Act of 1935 (Title 45, §§ 215–228), in the same manner as though military service were service rendered as an employee This proviso, as herein amended (i e, by act April 8, 1942, cited), shall be effective as of October 8, 1940 No right shall be deemed to have accrued under this proviso which would not have accrued had this amendment thereof (act April 8, 1942, cited) been enacted on October 8, 1940 *And provided further*, That annuity payments due an individual under the Railroad Retirement Act of 1935 but not yet paid at death shall be paid to a surviving spouse if such spouse is entitled to an annuity under an election made pursuant to the provisions of section 5 of such Act, otherwise they shall be paid to such person or persons as the deceased may have designated by a writing filed with the Board prior to his death, or if there be no designation, to the legal representative of the deceased."

RAILROAD RETIREMENT ACT OF 1937

§ 228a. Definitions.

* * * * *

(c) An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however*, That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case the Board may prescribe such other formula as it finds to be equitable: *Provided further*, That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date. (As amended Apr. 8, 1942, ch. 227, § 13, 56 Stat. 209.)

* * * * *

AMENDMENTS

1942—Act April 8, 1942, cited to text affected first proviso in subsec. (c).

EFFECTIVE DATE

Act April 8, 1942, cited to text, besides amending this section, contained the following paragraph: "The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Railroad Retirement Act of 1937 (this subchapter) when that Act was enacted on June 24, 1937."

§ 228c–1. Military service.

(a) For the purposes of determining eligibility for an annuity and computing an annuity, including a minimum annuity, there shall also be included in an individual's years of service, within the limitations hereinafter provided in this section, voluntary or involuntary military service of an individual within or without the United States during any war service period, including such military service prior to April 8, 1942: *Provided, however,* That such military service shall be included only subject to and in accordance with the provisions of subsection (b) of section 228c of this title, in the same manner as though military service were service rendered as an employee: *Provided further,* That an individual who entered military service prior to a war service period shall not be regarded as having been in military service in a war service period with respect to any part of the period for which he entered such military service.

(b) For the purpose of this section and section 202 of the Act of June 24, 1937, chapter 382, as amended, an individual shall be deemed to have been in "military service" when commissioned or enrolled in the active service of the land or naval forces of the United States and until resignation or discharge therefrom; and the service of any individual in any reserve component of the land or naval forces of the United States, while serving in the land or naval forces of the United States for any period, even though less than thirty days, shall be deemed to have been active service in such force during such period.

(c) For the purpose of this section and section 202 of the Act of June 24, 1937, chapter 382, as amended, a "war service period" shall mean (1) any war period, or (2) with respect to any particular individual, any period during which such individual (i) having been in military service at the end of a war period, was required to continue in military service, or (ii) was required by call of the President, or by any Act of Congress or regulation, order, or proclamation pursuant thereto, to enter and continue in military service, or (3) any period after September 7, 1939, with respect to which a state of national emergency was duly declared to exist which requires a strengthening of the national defense.

• • • • •

(f) Military service shall not be included in the years of service of an individual unless, prior to the beginning of his military service in a war service period and in the same calendar year in which such military service began, or in the next preceding calendar year, the individual rendered service for compensation to an employer or to a person service to which is otherwise creditable under this subchapter, or lost time as an employee for which he received remuneration, or was serving as an employee representative.

• • • • •

(k) No person shall be entitled to an annuity, or to an increase in an annuity, based on military service unless a specific claim for credit for military service is filed with the Board by the individual who rendered such military service, and in no case shall an annuity, or an increase in an annuity, based on military service begin to accrue earlier than sixty days prior to the date on which such claim for credit for military service was filed with the Board nor before October 8, 1940: *Provided,* That this subsection shall not be construed to prevent payment of annuities with respect to accruals, not based on military service, prior to the date on which an annuity based on military service began to accrue.

(*l*) An individual who, before the ninety-first day after April 8, 1942, was awarded an annuity under this subchapter or former sections 215–228 of this title, but who had rendered military service which, if credited, would have resulted in an increase in his annuity, may, notwithstanding the previous award of an annuity, file with the Board an application for an increase in such annuity based on his military service. Upon the filing of such application, if the Board finds that the military service thus claimed is creditable and would result in an increase in the annuity, the Board, notwithstanding the previous award, shall recertify the annuity on an increased basis in the same manner as though the provisions making military service creditable had been in effect at the time of the original certification subject, however, to the provisions of subsection (k) of this section. If the annuity previously awarded is a joint and survivor annuity, the increased annuity shall be a joint and survivor annuity of the same type, the actuarial value of the increase to be computed as of the effective date of the increase: *Provided, however,* That if on the date the increase begins to accrue the individual has no spouse for whom the election of the joint and survivor annuity was made, the increase on a single life basis shall be added to the individual's annuity.

(m) In determining the amount of death benefits payable under section 228e of this title, there shall be added to the aggregate compensation (determined as provided in section 228e of this title) an amount equal to $160 multiplied by the number of months in which the deceased was in creditable military service after December 31, 1936: *Provided,* That if, under any other Act of Congress, there is payable with respect to the death of the individual any gratuitous death benefit, allowance, or pension by reason of military service on the basis of which, in whole or in part, death benefits payable under section 228e of this title are increased under the provisions of this subsection, the amount of such increase shall be reduced by the total amount payable under such other Act or, if such total amount is unascertainable in advance, by the actuarial value thereof, as determined by the Board.

(n) In addition to the amount authorized to be appropriated in subsection (a) of section 228o of this

title, there is hereby authorized to be appropriated to the Railroad Retirement Account for each fiscal year, beginning with the fiscal year ending June 30, 1941, (i) an amount sufficient to meet the additional cost of crediting military service rendered prior to January 1, 1937, and (ii) an amount found by the Board to be equal to the amount of the total additional excise and income taxes which would have been payable during the preceding fiscal year under Subchapter B of Chapter 9 of the Internal Revenue Code, as amended, with respect to the compensation, as defined in such Subchapter B, of all individuals entitled to credit under this subchapter and former sections 201–228 of this title for military service after December 31, 1936, if each of such individuals, in addition to compensation actually earned, had earned such compensation in the amount of $160 in each calendar month in which he was in such military service during such preceding fiscal year and such taxes were measured by all such compensation without limitation as to amount earned by any individual in any one calendar month. The additional cost of crediting military service rendered prior to January 1, 1937, shall be deemed to be the difference between the actuarial value of each annuity based in part on military service and the actuarial value of the annuity which would be payable to the same individual without regard to military service. In calculating these actuarial values, (1) whenever the annuity based in part on military service begins to accrue before age 60, the annuity without regard to military service shall be valued on the assumption of deferment to age 60, and whenever the annuity based in part on military service is awarded under subsection 2 (a) of section 228b (a) of this title, the annuity without regard to military service shall be valued on the assumption of deferment to age 65; and (2) all such actuarial values shall be calculated as of the date on which the annuity based on military service begins to accrue and shall not thereafter be subject to change. All such actuarial calculations shall be based on the Combined Annuity Table of Mortality and all calculations in this subsection shall take into account interest at the rate of 3 per centum per annum compounded annually The Railroad Retirement Board, as promptly as practicable after April 8, 1942, and thereafter annually, shall submit to the Bureau of the Budget estimates of such military service appropriations to be made to the account, in addition to the annual estimate by the Board, in accordance with subsection (a) of section 228o of this title, of the appropriation to be made to the account to provide for the payment of annuities, pensions and death benefits not based on military service. The estimate made in any year with respect to military service rendered prior to January 1, 1937, shall be based on the cost, as determined in accordance with the above provisions, of annuities awarded or increased on the basis of such military service up to the close of the preceding fiscal year and not previously appropriated for, and shall take into account interest from the date the annuity began to accrue or was increased to the date or dates on which the amount appropriated is to be credited to the Railroad Retirement Account. In making the estimate for the appropriation for military service rendered after December 31, 1936, the Board shall take into account any excess or deficiency in the appriation or appropriations for such service in any preceding fiscal year or years, with interest thereon, resulting from an overestimate or underestimate of the number of individuals in creditable military service or the months of military service. (As amended Apr. 8, 1942, ch. 227, §§ 1–8, 56 Stat. 204–206.)

[1] So in original. Probably should read "annuity".

CODIFICATION

A subsec. (o) was added to act Aug. 29, 1935, cited to text, by section 9 of act April 8, 1942, also cited. It is set out in note under this section relating to effective date and effect of amendments.

REFERENCES IN TEXT

Section 202 of act June 24, 1937, ch. 382, referred to in this section, is set out under former sections 215–228 of this title in note relating to continuation and effect of Railroad Retirement Act of 1935

AMENDMENTS

1942—Subsecs. (a)–(c), (f), (k), and (l) were amended generally by sections 1–6, respectively, of act April 8, 1942, cited to text

Subsec (m) was added by act April 8, 1942, § 7, cited to text Former subsec (m) was redesignated "(n)" and amended by section 8 of that act

Subsec (n), formerly (m), was redesignated "(n)" and amended generally by act April 8, 1942, § 8, cited to text

EFFECTIVE DATE AND EFFECT OF AMENDMENTS

Section 9 of act April 8, 1942, cited to text, added a subsec (o) to act Aug 29, 1935, also cited, which subsection read as follows: "(o) Section 3A, as herein amended (section 228c–1 (a)–(c), (f), (k), (l), (m), and (n) of this title), shall be effective as of October 8, 1940. No rights shall be deemed to have accrued under section 3A which would not have accrued had this act amending section 3A been enacted on October 8, 1940"

§ 228e. Death benefits.

(a) The death benefit shall be an amount equal to 4 per centum of the aggregate compensation (determined in accordance with section 228a (h) of this title but exclusive of the excess over $300 in any month's earnings) earned by an individual as an employee after December 31, 1936, less any annuity payments paid him, and less any annuity payments due him but not yet paid at his death, and, if he is survived by a spouse entitled to a joint and survivor annuity, less any annuity payments paid such spouse under sections 228c (f) and 228d of this title, and less any annuity payments due such spouse under said sections but not yet paid at death

(b) The amount of the death benefit computed under subsection (a) of this section shall be due upon the death of an individual who was an employee after December 31, 1936, or, if he is survived by a spouse entitled to a joint and survivor annuity, upon the death of such spouse and, upon application therefor, as provided in subsection (c) of this section, shall be paid in a lump sum to the person or persons designated by such individual in a writing filed, on or before the date of his death, with the Board, in such manner and form as provided by the Board: *Provided, however,* That if such designation

has not been filed, or was improperly executed or improperly filed, or no designee is alive on the day the death benefit becomes due, the amount of the death benefit shall be paid to the person determined by the Board to have been such individual's spouse on the day of his death; if no such spouse is alive on the day the death benefit becomes due, such amount shall be paid to the person determined by the Board to be his child, by blood or by legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such child they shall share equally; if there be no such child, such amount shall be paid to the person determined by the Board to be his parent and alive on the day the death benefit becomes due, and if both parents are so determined they shall share equally; if there be no such parent, such amount shall be paid to the person determined by the Board to be his brother or sister, by blood or through legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such brother or sister they shall share equally; and if there be no such brother or sister such amount shall be paid to the person determined by the Board to be his grandchild, by blood or through legal adoption, and alive on the day the death benefit becomes due, and if there be more than one such grandchild they shall share equally. If there be no such persons enumerated above in this subsection the Board may compensate other persons to the extent and in the proportions that they have borne the expenses of the last illness or funeral or both of such individual in an amount or amounts, and upon such conditions, as the Board may fix as equitable, but the total of such amounts shall not exceed the amount of the death benefit.

(c) No payment shall be made to any person under this section unless application therefor, in such manner and form as provided by the Board, shall have been filed, by or on behalf of any such person (whether or not legally competent), prior to the expiration of two years after the date the death benefit becomes due as provided in subsection (b) of this section. For the purpose of this subsection, if the death benefit became due as provided in subsection (b) of this section before April 8, 1942, such death benefit shall be considered to have become due on April 8, 1942. (As amended Apr. 8, 1942, ch. 227, § 12, 56 Stat. 208.)

EFFECTIVE DATE

Section 12 of act April 8, 1942, cited to text, amended this section generally. "Effective as of June 24, 1937, except as to death benefits certified prior to the date of the enactment of this section (i. e., section 12 of act April 8, 1942)"

§ 228h. Returns of compensation; conclusiveness.

EXTENSION OF PERIOD FOR ACQUIRING RECORDS OF SERVICE AND COMPENSATION

Joint resolution June 28, 1944, ch 305, 58 Stat. 623, provided: "That effective June 30, 1943, and notwithstanding any other provision of law, each employer subject to the Railroad Retirement Act of 1937 [this chapter], and each other company, association, or person who is in possession of data required by the Railroad Retirement Board to establish service and compensation prior to January 1, 1937, shall continue after June 30, 1943, to furnish reports with respect to such data to the Railroad Retirement Board currently as completed, and be compensated therefor, under the same terms and conditions and in the same manner as provided in Public Resolution Numbered 102, Seventy-sixth Congress, third session [set out as a note under this section], and with the same effect as though the data were furnished under that resolution, until such time as all data required have been furnished to the Board, or until such time as the unobligated balance in the special fund established by section 6 of such Public Resolution Numbered 102 [set out as a note under this section], which fund is hereby continued, has been fully obligated, but in no event later than June 30, 1945 Any unobligated balance remaining in the said special fund after all data required have been furnished to the Board or on June 30, 1945, whichever date is the earlier, shall revert to the railroad retirement account."

§ 228k. Court jurisdiction.

CROSS REFERENCES

Process, see Rules of Civil Procedure, Rule 4, following section 723c of Title 28, Judicial Code and Judiciary.

§ 228s. Incompetence.

(a) Every individual receiving or claiming benefits, or to whom any right or privilege is extended, under this or any other Act of Congress now or hereafter administered by the Board shall be conclusively presumed to have been competent until the date on which the Board receives written notice, in a form and manner acceptable to the Board, that he is an incompetent, or a minor, for whom a guardian or other person legally vested with the care of his person or estate has been appointed: *Provided, however,* That the Board may, in its discretion, validly, recognize actions by, and conduct transactions with, others acting, prior to receipt of, or in the absence of, such written notice, in behalf of an individual found by the Board to be an incompetent or a minor, if the Board finds such actions or transactions to be in the best interests of such individual.

(b) Every guardian or other person legally vested with the care of the person or estate of an incompetent or minor who is receiving or claiming benefits, or to whom any right or privilege is extended, under this or any other Act of Congress now or hereafter administered by the Board shall have power everywhere, in the manner and to the extent prescribed by the Board, to take any action necessary or appropriate to perfect any right or exercise any privilege of the incompetent or minor and to conduct all transactions on his behalf under this or any other Act of Congress now or hereafter administered by the Board. Any payment made pursuant to the provisions of this or the preceding subsection shall be a complete settlement and satisfaction of any claim, right, or interest in and to such payment. (Aug. 29, 1935, ch. 812, § 19 (a, b), as amended June 24, 1937, ch. 382, part I, § 1; Apr. 8, 1942, ch. 227, § 11, 56 Stat. 207, 208.)

CODIFICATION

A subsec. (c) was included in act Aug 29, 1935, § 19, as added by act April 8, 1942, both cited to text. It is set out in note under this section relating to effective date.

EFFECTIVE DATE

Section 19 (c) of act Aug 29, 1935, as added by act April 8, 1942, both cited to text, provided as follows: "(c) This section shall be effective as of August 29, 1935."

§ 266. Deductibility from regular income tax.

For the purposes of the income tax imposed by Title 1 of the Revenue Act of 1936 (chapter 1 of Title 26) or by any Act of Congress in substitution therefor, the taxes imposed by sections 262 and 265 of this title shall not be allowed as a deduction to the taxpayer in computing his net income. (June 29, 1937, ch. 405, § 6, 50 Stat. 439.)

Chapter 11.—RAILROAD UNEMPLOYMENT INSURANCE ACT

§ 351. Definitions.

* * * * *

(e) An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer, other than a local lodge or division or a general committee of a railway-labor-organization employer, not conducting the principal part of its business in the United States only when he is rendering service to it in the United States; and an individual shall be deemed to be in the service of such a local lodge or division only if (1) all, or substantially all, the individuals constituting its membership are employees of an employer conducting the principal part of its business in the United States; or (2) the headquarters of such local lodge or division is located in the United States; and an individual shall be deemed to be in the service of such a general committee only if (1) he is representing a local lodge or division described in clauses (1) or (2) immediately above; or (2) all, or substantially all, the individuals represented by it are employees of an employer conducting the principal part of its business in the United States; or (3) he acts in the capacity of a general chairman or an assistant general chairman of a general committee which represents individuals rendering service in the United States to an employer, but in such case if his office or headquarters is not located in the United States and the individuals represented by such general committee are employees of an employer not conducting the principal part of its business in the United States, only such proportion of the remuneration for such service shall be regarded as compensation as the proportion which the mileage in the United States under the jurisdiction of such general committee bears to the total mileage under its jurisdiction, unless such mileage formula is inapplicable, in which case the Board may prescribe such other formula as it finds to be equitable: *Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof. (As amended Apr. 8, 1942, ch. 227, § 15, 56 Stat. 210.)

* * * * *

AMENDMENTS

1942—Act April 8, 1942, cited to text, affected the first proviso of subsec. (e)

EFFECTIVE DATE

Act April 8, 1942, cited to text, besides amending subsec. (e) of this section, contained the following paragraph: "The amendment in this section shall operate in the same manner and have the same effect as if it had been part of the Railroad Unemployment Insurance Act (Title 45, § 351 et seq.) when that Act was enacted on June 25, 1938: *Provided, however,* That no interest or penalties shall accrue or be deemed to have accrued for the failure to make returns under, or pay contributions levied by, section 8 of said Railroad Unemployment Insurance Act (Title 45, § 358) with respect to the compensation of employees of any local lodge or division of a railway-labor-organization employer earned prior to July 1, 1940, and with respect to the compensation of employees of any general committee of a railway-labor-organization employer earned prior to the enactment of this amendment if, with respect to any such local lodge or division (1) the headquarters of such a local lodge or division was not located in the United States, or (2) all, or substantially all, the individuals constituting the membership of such a local lodge or division were employees of an employer not conducting the principal part of its business in the United States; and if, with respect to any such general committee (1) the individuals represented by such a general committee were employees of an employer not conducting the principal part of its business in the United States, or (2) the service to such a general committee was rendered outside the United States, or (3) the office or headquarters of the individual rendering service to such a general committee was not located in the United States and if such returns are made and such contributions are paid by such a local lodge or division or by such a general committee within the time allowed for making returns and paying contributions with respect to the first calendar quarter beginning after the enactment of this amendment."

§ 363. Exclusiveness of provisions; transfers from State unemployment compensation accounts to railroad unemployment insurance account.

* * * * *

(c) Withholding amounts from certification to States; transfers to railroad unemployment compensation account.

* * * * *

The withholdings from certification directed in each of the foregoing paragraphs of this subsection shall begin with respect to each State when the Social Security Board finds that such State is unable to avail itself of the condition set forth in the proviso contained in such paragraph. *Provided, however,* That if the Social Security Board finds with respect to any State that such State (1) is unable to avail itself of such conditions solely by reason of prohibitions contained in the constitution of such State, as determined by a decision of the highest court of such State declaring invalid in whole or in part the action of the legislature of the State purporting to provide for transfers from the State's account in the Unemployment Trust Fund to the railroad unemployment insurance account, and (2) for similar reasons is unable to use amounts withdrawn from its account in the Unemployment Trust Fund for the payment of expenses incurred in the administration of its State unemployment compensation law, the Social Security Board shall not begin to withhold from certification to the Secretary of the Treasury for payment to such State the amounts determined

by it pursuant to section 502 of Title 42 and to certify to the Secretary of the Treasury for payment into the railroad unemployment insurance account the amount so withheld from such State until July 1, 1944, or until a date one hundred and eighty days after the adjournment of the first session of the legislature of such State beginning after July 1, 1942, whichever date is the earlier, and then only if the Social Security Board finds that such State had not prior thereto effectively authorized and directed the Secretary of the Treasury to transfer from such State's account in the Unemployment Trust Fund to the railroad unemployment insurance account amounts equal to such State's "preliminary amount" and "liquidating amount" less such parts thereof, if any, as the State may have, within the periods set forth in the provisos contained in the first two paragraphs of this subsection, effectively authorized and directed the Secretary of the Treasury so to transfer, plus interest on such difference, if any, with respect to each amount, at 2½ per centum per annum from the date the State's "preliminary amount" or "liquidating amount", as the case may be, is determined by the Social Security Board; and with respect to any such State the amount withheld shall equal the State's "preliminary amount" and "liquidating amount" less such parts thereof, if any, as the State may have, within the periods set forth in the provisos contained in the first two paragraphs of this subsection effectively authorized and directed the Secretary of the Treasury to transfer, plus interest from July 1, 1939, at 2½ per centum per annum on so much of the "preliminary amount" and "liquidating amount", as the case may be, as has not been so transferred or has not been used as the measure for withholding. An enactment of any State legislature providing for the transfer (from the State's account in the Unemployment Trust Fund to the railroad unemployment insurance account) of all interest earned upon contributions which are collected with respect to employment occurring after such enactment by such State pursuant to its unemployment compensation law and credited to its account in the Unemployment Trust Fund (until the total of such transfers equals the amounts which otherwise would be required to be withheld from certification under this subsection), shall be deemed an effective authorization and direction to the Secretary of the Treasury as required by this subsection; and for purposes of computing the interest to be so transferred, amounts withdrawn by such State from its account in the Unemployment Trust Fund after the date of such State enactment shall be considered to be first charged against the amounts credited to such State's account prior to the date of such State enactment: *Provided, however,* That if at any time after such enactment the provision for transfer therein contained for any reason fails to be operative to effect the transfers of interest as therein prescribed, and such State has not otherwise made an effective authorization and direction to the Secretary of the Treasury as required by this subsection, the Social Security Board shall immediately after such failure or, on the date otherwise provided in this subsection for the beginning of withholdings from certification, whichever is later, begin to make the withholdings from certification provided for in this subsection in the same manner and to the same extent as if such enactment by such State had not been enacted, except that the amounts of the certifications withheld shall be reduced by the total amount, if any, which has been transferred from interest pursuant to such enactment. (As amended June 30, 1942, ch. 463, 56 Stat. 465.)

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AMENDMENTS

1942—Act June 30, 1942, cited to text, affected provisos in third paragraph of subsec (c)

KENTUCKY

Act Oct 26, 1945, ch 434, 59 Stat 550, provided that $1,260,000 should constitute the total amount withheld by the Social Security Board under subsec (d) of this section for payment for the administration of Kentucky's Unemployment Compensation Law, KRS 341 010–341 990.

TITLE 46.—SHIPPING

Chap. Sec.
30. Peonage and Slave Trade Punished by Seizures and Forfeitures (New)..... 1351

Chapter 1.—BUREAU OF MARINE INSPECTION AND NAVIGATION

EX. ORD NO. 8976 WAIVER OF COMPLIANCE WITH NAVIGATION AND VESSEL INSPECTION LAWS FOR WAR PURPOSES

Ex Ord. No. 8976, Dec 12, 1941, 6 F R 6441 provided:
1. The Secretary of Commerce is directed to waive compliance with the navigation and vessel inspection laws upon the request of the Secretary of the Navy or the Secretary of War to the extent deemed necessary in the conduct of the war by the officer making the request.
2 The Secretary of Commerce is authorized to waive compliance with the navigation and vessel inspection laws to such extent and in such manner and upon such terms as he may prescribe, either upon his own initiative or upon the written recommendation of the head of any other Government agency that such action is necessary in the conduct of the war
(The authority vested in Secretary of Commerce by this order was transferred to Secretary of Navy and Secretary of Treasury by section 6 of Ex Ord No 9083, set out in note under section 601 of Appendix to Title 50, War)

§ 2. General duties of Director of Bureau.

TRANSFER OF FUNCTIONS

Functions of Bureau of Marine Inspection and Navigation transferred to Bureau of Customs and the Coast Guard during present war, see Ex Ord No 9083 set out in note under section 601 of Appendix to Title 50, War.

§ 5. Deputy Directors; additional clerks.

The Secretary of Commerce shall have power to transfer from existing bureaus or divisions of the Department of Commerce one clerk, to be designated as Deputy Commissioner of Navigation, to act with the full powers of said commissioner during his temporary absence from his official duty for any cause, and such additional clerks as he may consider necessary to the successful operation of the Bureau of Marine Inspection and Navigation, without impairing the efficiency of the bureaus or divisions whence such clerks may be transferred. (July 5, 1884, ch 221, § 6, 23 Stat. 119; Feb. 14, 1903, ch. 552, §§ 4, 10, 32 Stat. 826, 829; Mar. 4, 1913, ch 141, § 1, 37 Stat. 736; June 30, 1932, ch 314, § 501, 47 Stat. 415; May 27, 1936, ch. 463, § 1, 49 Stat. 1380.)

Chapter 2.—REGISTRY AND RECORDING

§ 11. Vessels entitled to registry; coastwise trade; ocean mail service contracts.

CROSS REFERENCES

War Shipping Administration vessels, waiver of compliance with section, see note under section 635 of Appendix to Title 50, War.

Chapter 2A.—LOAD LINES FOR AMERICAN VESSELS

LOAD LINES FOR VESSELS MAKING FOREIGN SEA VOYAGES

§ 85. Establishment; vessels affected.

INTERNATIONAL LOAD LINE CONVENTION

The President has the power to declare the International Load Line Convention, May 1, 1931, 47 Stat. 2228, either inoperative or suspended due to changed conditions arising out of present war, and upon such declaration the Secretary of Commerce would be free to set load lines pursuant to sections 85–85g of this title without regard to the convention.

LOAD LINES FOR VESSELS ENGAGED IN COASTWISE TRADE

§ 88a. Determination of load-water lines by Secretary of Commerce; application of provisions to Great Lakes.

The Secretary of Commerce is hereby authorized and directed in respect of the vessels defined in section 88 of this title to establish by regulations from time to time the load-water lines and marks thereof indicating the maximum depth to which such vessels may safely be loaded and in establishing such load lines due consideration shall be given to, and differentials made for, the various types and character of vessels and the trades in which they are engaged. In establishing load-water lines on passenger vessels due consideration shall be given to, and differentials shall be made for, the age and condition of the vessel, its subdivision and efficacy thereof, and the probable stability of the vessel if damaged: *Provided*, That the load-line provisions of sections 88–88i of this title shall apply to the Great Lakes and that no load line shall be established or marked on any vessel which load line gives a lesser freeboard and less buoyance than the load line established by the International Treaty on Load Lines of 1930, and that the regulations established under this proviso shall have the force of law: *Provided further*, That in applying the load lines to vessels on the Great Lakes and to steam colliers, tugs, barges, and self-propelled barges engaged in special services on inter-island voyages and on coastwise voyages from port to port in the continental United States the Secretary of Commerce is vested with discretion to vary the load-line marks from those established by said treaty when in his opinion the changes made by him will not be above the actual line of safety: *Provided, however*, That during the national emergency proclaimed by the President on May 27, 1941, to exist, but not after June 30, 1943, load lines may be established or marked on any vessel (except a passenger vessel), while engaged on a coastwise voyage by sea from port to port in the continental United States,

which load line gives a lesser free board[1] and less buoyance than the load line established by the International Treaty on Load Lines of 1930, when, in the opinion of the Secretary of Commerce, such load line will not be above the actual line of safety. (As amended July 3, 1941, ch. 276, 55 Stat. 578.)

[1] So in original. Probably should be one word, "freeboard".

AMENDMENTS

1941—Proviso authorizing different load lines during national emergency was added by act July 3, 1941, cited to text

Chapter 3.—CLEARANCE AND ENTRY

§ 111. Vessels in foreign and coasting trade on northern, northeastern, and northwestern frontiers.

Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, as if from or to foreign ports; but such vessel shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the Secretary of Commerce may prescribe, notwithstanding any other provisions of law: *Provided,* That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seamen by mutual consent, or engage any seamen to replace those discharged by mutual consent, or transact any other business save that of taking on bunker fuel. (As amended Sept. 25, 1941, ch. 423, 55 Stat. 733.)

AMENDMENTS

1941—Act Sept 25, 1941, cited to text, added exception and proviso at end of section.

Chapter 4.—TONNAGE DUTIES

§ 123. Vessels in foreign and coasting trade on northern, northeastern, and northwestern frontiers.

Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of tonnage tax, as if from or to foreign ports; but such vessel shall, notwithstanding, be required to enter and clear; except that when such vessels are on such voyages on the Great Lakes and touch at foreign ports for the purpose of taking on bunker fuel only, they may be exempted from entering and clearing under such rules and regulations as the Secretary of Commerce may prescribe, notwithstanding any other provisions of law: *Provided,* That this exception shall not apply to such vessels if, while at such foreign port, they land or take on board any passengers, or any merchandise other than bunker fuel, receive orders, discharge any seamen by mutual consent, or engage any seamen to replace those discharged by mutual consent, or transact any other business save that of taking on bunker fuel. (As amended Sept. 25, 1941, ch. 423, 55 Stat. 733.)

AMENDMENTS

1941—Act Sept 25, 1941, cited to text, added exception and proviso at end of section.

Chapter 6.—REGULATION AS TO VESSELS CARRYING STEERAGE PASSENGERS

CROSS REFERENCES

Waiver of compliance with navigation and vessel inspection laws for war purposes, see note preceding section 1.

§ 156a. Transportation of animals by vessels carrying steerage passengers.

CODIFICATION

Part of section 8, act Aug 2, 1882, cited to text, is set out as section 171 of this title

Chapter 7.—CARRIAGE OF EXPLOSIVES OR DANGEROUS SUBSTANCES

§ 170. Regulation of carriage of explosives or other dangerous articles on vessels.

CROSS REFERENCES

Carrying or possessing explosives or dangerous weapons on certain vessels prohibited, see sections 503, 504 of Title 18, Criminal Code and Criminal Procedure

§ 171. Vessels carrying steerage passengers; explosives or other dangerous articles forbidden.

CODIFICATION

Part of section 8, act Aug 2, 1882, cited to text, is set out as section 156a of this title

Chapter 9.—LOG BOOKS

§ 201. Entries.

CROSS REFERENCES

Waiver of compliance with navigation and vessel inspection laws for war purposes, see note preceding section 1.

Chapter 11.—OFFICERS AND CREWS OF VESSELS

§ 221. Vessels of United States and officers defined; officers to be citizens.

CROSS REFERENCES

Waiver of compliance with navigation and vessel inspection laws for war purposes, see note preceding section 1.

§ 222. Complement of officers and crew of vessels; penalties.

CROSS REFERENCES

Radio operators, approval by Secretary of Navy during national emergency, see note under section 353 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

§ 239. Investigation of marine casualties.

TRANSFER OF FUNCTIONS

Functions of the Marine Casualty Investigation Board transferred to Bureau of Customs and the Coast Guard during present war, see Ex Ord No 9083 set out in note under section 601 of Appendix to Title 50, War.

§ 242. Registration of pursers and surgeons; creation of staff departments on vessels; medical division; purser's division.

There shall be registered staff officers in the United States merchant marine in the following grades: (1) Chief purser, (2) purser, (3) senior as-

sistant purser, (4) junior assistant purser, (5) surgeon. The Secretary of Commerce (in sections 242–248 and 701 of this title called the Secretary) shall register, and issue certificates of registry to, qualified individuals applying for registry in such grades, as hereinafter provided, and every such individual when so registered and serving in the staff department on a vessel of the United States shall rank as a staff officer on such vessel. Officers registered under the provisions of sections 242–248 and 701 of this title and pursers' clerks and such persons as may be assigned to the senior registered surgeon shall constitute a separate and independent department on vessels of the United States to be known as the staff department. Such staff department shall be composed of a medical division and a purser's division. The medical division shall be under the charge of the senior registered surgeon on such vessel, who shall be responsible solely to the master. The purser's division shall be under the charge of the senior registered purser on such vessel, who shall be responsible solely to the master. On oceangoing vessels licensed to carry more than one hundred passengers, such officer in charge of the purser's division of the staff department shall be a registered chief purser; and whenever more than three persons are employed in the purser's division of the staff department on such vessels, there shall be a minimum of one registered senior assistant purser and one registered junior assistant purser in such purser's division of that staff department. No person shall be eligible for registry as a staff officer under the provisions of sections 242–248 and 701 of this title who is not a citizen of the United States. (As amended Sept. 24, 1941, ch. 416, 55 Stat. 729.)

AMENDMENTS

1941—Act Sept. 24, 1941, cited to text, amended section by dividing staff department into two divisions, namely, medical division and purser's division

Chapter 12.—REGULATION OF VESSELS IN DOMESTIC COMMERCE

§ 251. Vessels of United States.

CROSS REFERENCES

Waiver of compliance with navigation and vessel inspection laws for war purposes, see note preceding section 1

§ 288. Numbering undocumented vessels.

TRANSFER OF FUNCTIONS

Functions of Collector of Customs pertaining to numbering of undocumented vessels transferred to Commandant of the Coast Guard during present war, see Ex Ord No 9083, set out in note under section 601 of Appendix to Title 50, War.

§§ 289, 316.

CROSS REFERENCES

War Shipping Administration vessels, waiver of compliance with section, see note under section 635 of Appendix to Title 50, War.

Chapter 14.—INSPECTION OF STEAM VESSELS

VESSELS SUBJECT TO INSPECTION AND REGULATIONS

§ 361. What are steam vessels.

CROSS REFERENCES

Waiver of compliance with navigation and vessel inspection laws for war purposes, see note preceding section 1.

APPOINTMENT, QUALIFICATIONS, DUTIES, AND SALARIES OF INSPECTORS AND OTHER OFFICERS

§ 376. Duties of supervising inspectors.

TRANSFER OF FUNCTIONS

Functions of Boards of Supervising Inspectors and Local Inspectors and functions of Secretary of Commerce pertaining thereto transferred to Bureau of Customs and the Coast Guard during present war, see Ex Ord No 9083, set out in note under section 601 of Appendix to Title 50, War

§ 382b. Extra pay for overtime services; payment by owner or master or agent; appropriations; regulation of varying working hours.

CROSS REFERENCES

War Overtime Pay Act of 1943, construction with, see section 1407 of Appendix to Title 50, War

§ 382c. Boards of local inspectors; rearrangement by Secretary of Commerce.

TRANSFER OF FUNCTIONS

Functions of Boards of Supervising Inspectors and Local Inspectors and functions of Secretary of Commerce pertaining thereto transferred to Bureau of Customs and the Coast Guard during present war, see Ex Ord. No 9083, set out in note under section 601 of Appendix to Title 50, War

MODE, MANNER, AND EXTENT OF INSPECTION; CERTIFICATES; RECORDS

§ 416. Regulations.

TRANSFER OF FUNCTIONS

Certain functions of Secretary of Commerce pertaining to shipping transferred to Bureau of Customs and the Coast Guard during present war, see Ex Ord No 9083, set out in note under section 601 of Appendix to Title 50, War

§§ 484–487.

REPEAL IN PART

Sections 484–487 of this title were affected by act June 19, 1934, cited to text, and set out as section 602 (c) of Title 47, which as added by act May 20, 1937, ch 229, § 15, 50 Stat 197, and amended by act Mar. 18, 1940, ch 66, 54 Stat 54, provided in part as follows: "(e) Such part or parts of the Act entitled 'An Act to require apparatus and operators for radio communication on certain ocean steamers', approved June 24, 1910, as amended, as relate to the ocean and to steamers navigating thereon, are hereby repealed In all other respects said Act shall continue in full force and effect"

Chapter 17.—REGULATION OF FISHERIES

CROSS REFERENCES

Return of government held fishing vessels to private ownership, see section 1301 of Appendix to Title 50, War.

§ 531. Agreement for fishing voyage.

CROSS REFERENCES

Waiver of compliance with navigation and vessel inspection laws for war supplies, see note preceding section 1.

Chapter 18.—MERCHANT SEAMEN

PROTECTION AND RELIEF

Sec
672–1. Exception to section 672; certain sail vessels (New)
672–2 Same; certain persons as able seamen (New)
672b–1. Exception to section 672; seagoing barges (New).

SHIPPING COMMISSIONERS

§ 544. Vessels in coastwise trade.

AMENDMENTS

Act Mar. 3, 1911, cited to text, imposed upon the district courts the powers and duties formerly conferred upon

circuit courts. This affected the words "circuit courts" appearing in act June 9, 1874, also cited, which words were from the title of another act referred to in said act June 9, 1874, and translated in this section as "sections 201–203 * * * of this title".

SHIPMENT OF CREW

§§ 569, 576.

EXCEPTION

Act Dec. 21, 1898, ch. 28, § 26, 30 Stat. 755, provided that this act should apply to all vessels not specifically exempted, but sections 569, 576, 593, 596, 597, 599, 604, 653–656, 658, 663, 665, 669, 713 of this title should not apply to fishing or whaling vessels or yachts.

WAGES OF SEAMEN

§§ 593, 596, 597, 599, 604.

EXCEPTION

Act Dec. 21, 1898, ch. 28, § 26, 30 Stat. 755, provided that this act should apply to all vessels not specifically exempted, but sections 569, 576, 593, 596, 597, 599, 604, 653-656, 658, 663, 665, 669, 713 of this title should not apply to fishing or whaling vessels or yachts. Oyster boats without the exception, see section 598 of this title.

PROTECTION AND RELIEF

§ 653. Complaint that vessel is unseaworthy.

EXCEPTION

Act Dec. 21, 1898, ch 28, § 26, 30 Stat. 755, provided that this act should apply to all vessels not specifically exempted, but sections 569, 576, 593, 596, 597, 599, 604, 653-656, 658, 663, 665, 669, 713 of this title should not apply to fishing or whaling vessels or yachts.

§ 654. Proceedings on examination of vessel.

CHANGE OF NAME

Act Aug 14, 1912, ch 288, § 1, 37 Stat. 309, which changed name of Public Health and Marine Hospital Service of the United States to Public Health Service was repealed by act July 1, 1944, ch 373, title VI, § 611, 58 Stat 714. Said act July 1, 1944, retained the name as Public Health Service.

EXCEPTION

Act Dec 21, 1898, ch. 28, § 26, 30 Stat. 755, provided that this act should apply to all vessels not specifically exempted, but sections 569, 576, 593, 596, 597, 599, 604, 653–656, 658, 663, 665, 669, 713 of this title should not apply to fishing or whaling vessels or yachts.

§§ 655, 656, 658, 663, 665, 669.

EXCEPTION

Act Dec 21, 1898, ch. 28, § 26, 30 Stat. 755, provided that this act should apply to all vessels not specifically exempted, but sections 569, 576, 593, 596, 597, 599, 604, 653–656, 658, 663, 665, 669, 713 of this title should not apply to fishing or whaling vessels or yachts

§ 672. Requirements, qualifications, and regulations as to crews.

TEMPORARY EMPLOYMENT OF PERSONS NOT QUALIFIED AS ABLE SEAMEN

Act Sept. 24, 1941, ch. 417, 55 Stat. 730, provided: "That notwithstanding the provisions of section 13 (a) of the Act of March 4, 1915, as amended (U S. C, 1934 edition, Supp. V, Title 46, sec. 672 (a)), during the emergency declared by the President on May 27, 1941, to exist, but not after June 30, 1943, the Secretary of Commerce, with respect to any vessel or any group of vessels or any industry and upon a finding, after investigation, that qualified able seamen are not available in sufficient numbers to man such vessels as required by said section, may, in his discretion, allow seamen, examined and rated able seamen under said section after having served on deck twelve months at sea or on the Great Lakes, to compose not more than one-half of the number of able seamen required by such section to be shipped or employed upon any vessel, for such period or periods as he deems necessary and as he may by regulation or order prescribe."

§ 672–1. Exception to section 672; certain sail vessels.

The provisions of section 672 of this title, relating to the manning of certain vessels, shall not apply to any sail vessel of less than five hundred tons registered tonnage, while not carrying passengers for hire, and while not operating outside the line dividing inland waters from the high seas, as defined in section 151 of Title 33. (July 8, 1941, ch. 280, 55 Stat. 579.)

§ 672–2. Same; certain persons as able seamen.

Notwithstanding any provision of section 672 of this title, every person may be rated as an able seaman for the purpose of serving on vessels of not more than five hundred gross tons, on bays and sounds, when such vessels are not carrying passengers, who is nineteen years of age and upward and who has had at least twelve months of service on deck at sea or on the Great Lakes or on the bays and sounds connected directly with the seas. (July 8, 1941, ch. 279, 55 Stat. 579.)

§ 672b–1. Exception to section 672; seagoing barges.

Notwithstanding any provision of section 672 of this title, every person may be rated as an able seaman for the purpose of serving on seagoing barges who is nineteen years of age and upward, and who has had at least twelve months of service on deck at sea or on the Great Lakes or on the bays and sounds connected directly with the seas. (Sept. 25, 1941, ch. 422, 55 Stat. 732.)

OFFENSES AND PUNISHMENTS

§ 713. Definitions, schedule, and tables.

EXCEPTION

Act Dec. 21, 1898, ch. 28, § 26, 30 Stat. 755, provided that this act should apply to all vessels not specifically exempted, but sections 569, 576, 593, 596, 597, 599, 604, 653 656, 658, 663, 665, 669, 713 of this title should not apply to fishing or whaling vessels or yachts

Chapter 19.—WRECKS AND SALVAGE

GENERALLY

Sec.

732. Secretary of Navy to provide salvage facilities during war or emergency (New).

§ 732. Secretary of Navy to provide salvage facilities during war or emergency.

The Secretary of the Navy is hereby authorized during war or national emergency—

(a) To provide, by contract or otherwise, necessary salvage facilities for both public and private vessels upon such terms and conditions as he may, in his discretion, determine to be in the best interests of the United States.

(b) To acquire or to transfer, by charter or otherwise for operation by private salvage companies such vessels and equipment as he may deem necessary.

(c) To advance to private salvage companies such funds as may, in his judgment, be necessary to provide for the immediate financing of salvage operations, these advances to be on such terms and under such conditions as he may deem adequate for the protection of the Government. (Oct. 24, 1941, ch. 458, § 1, 55 Stat. 745.)

APPROPRIATIONS

Section 2 of act Oct 24, 1941, cited to text, as amended Feb. 10, 1942, ch. 53, 56 Stat 86, provided as follows: "There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, such funds as may be necessary to effectuate the purposes of this Act."

Chapter 20.—SUITS IN ADMIRALTY BY OR AGAINST VESSELS OR CARGOES OF UNITED STATES

§ 743a. Same; interest.

CODIFICATION

Subject matter of this section, act June 30, 1942, ch 315, 47 Stat. 420, is now covered by section 745.

§ 745. Causes of action for which suits may be brought; limitations; exceptions; actions which may not be revived; interest on claims.

Suits authorized by this chapter may be brought only on causes of action arising since April 6, 1917: *Provided,* That suits based on causes of action arising prior to the taking effect of this chapter shall be brought within one year after this chapter goes into effect; all other suits hereunder shall be brought within two years after the cause of action arises: *Provided further,* That the limitations in this section contained for the commencement of suits hereunder shall not bar any suit against the United States or the United States Shipping Board Merchant Fleet Corporation, formerly known as the United States Shipping Board Emergency Fleet Corporation, brought hereunder on or before December 31, 1932, if such suit is based upon a cause of action whereon a prior suit in admiralty or an action at law or an action under section 250 (1) of Title 28, was commenced prior to January 6, 1930, and was or may hereafter be dismissed because not commenced within the time or in the manner prescribed in this chapter, or otherwise not commenced or prosecuted in accordance with its provisions: *Provided further,* That such prior suit must have been commenced within the statutory period of limitation for common-law actions against the United States cognizable in the Court of Claims: *Provided further,* That there shall not be revived hereby any suit at law, in admiralty, or under sections 40 (20), 250, 251, 254, 257, 258, 287, 289, 292, 761–765 of Title 28 heretofore or hereafter dismissed for lack of prosecution after filing of suit: *And provided further,* That no interest shall be allowed on any claim prior to the time when suit on such claim is brought as authorized hereunder. (Mar. 9, 1920, ch. 95, § 5, 41 Stat. 526, as amended June 30, 1932, ch. 315, 47 Stat. 420.)

REFERENCES IN TEXT

Word "chapter", mentioned in text, read "Act" in original.

Chapter 22.—SUITS IN ADMIRALTY AGAINST UNITED STATES FOR DAMAGES CAUSED BY OR FOR TOWAGE OR SALVAGE SERVICES

Sec.
791 Stay of proceedings during war; certificate of Secretary of the Navy; process to preserve evidence (New).
792. Stay of proceedings to take testimony (New).
793 Definition of "vessels of the Navy or in the naval service" (New)
794. Certification extending or shortening stay; notice to reconsider; secret hearings; investigations (New).
795 Affidavits, statements, or testimony in lieu of direct evidence where proceedings stayed (New).
796. Stay of proceedings as tolling statute (New).
797. Adjustment, compromise, settlement, etc., of claims, conclusiveness; limitation of amount; certification to Congress (New).
798 Reports by Secretary of the Navy (New).

§ 791. Stay of proceedings during war; certificate of Secretary of the Navy; process to preserve evidence.

Whenever in time of war the Secretary of the Navy shall certify to a court in which is pending a suit of the nature hereinafter defined, or to a judge of such court, that the prosecution of such suit would tend to endanger the security of naval operations in such war, or to interfere with such operations, all further proceedings in such suit shall forthwith be stayed until six months after the cessation of hostilities in such war, or until such earlier date as may be stated in such certificate. The suits to which sections 791–798 of this title apply are defined as follows: All suits under sections 781–790 of this title, wherein a claim is made for damages caused by a vessel of the Navy, or in the naval service, or for compensation for towage or salvage services, including contract salvage, rendered to any such vessel. The stay of proceedings in pending suits as provided in this section shall not operate to suspend the issuance of process to take or preserve evidence to be used in the trial of the issues of the suit, or to prevent the completion of action under the authority of similar process already issued at the time of such stay of suit: *Provided,* That if at the time of certification by the Secretary of the Navy for stay of proceedings, as provided in this section, or at any time thereafter prior to the termination of stay, the Secretary of the Navy shall file with the court an additional certificate that the issuance of such process to preserve evidence or the completion of action on process already issued would tend to endanger the security of the United States or any of the naval or military operations in such war, or to interfere with such operations, then all such proceedings for the taking or preserving of evidence to be used by either party in the trial of the issues in such suit shall be suspended until six months after the cessation of hostilities in such war, or until such earlier date as shall have been fixed in the certificate for stay of proceedings in such suit. (July 3, 1944, ch 399, § 1, 58 Stat. 723.)

§ 792. Stay of proceedings to take testimony.

Whenever in time of war the Secretary of the Navy shall certify to the court, or a judge of the

court in which proceedings for the purpose are pending, that the granting of a dedimus potestatem to take depositions, or a direction to take depositions in perpetuam rei memoriam, or the taking of depositions or production of evidence pursuant to such dedimus potestatem or direction, or pursuant to any other proceeding for the purpose, in connection with or in relation to any claim against the United States on which such suit would lie, would tend to endanger the security of the United States or any of the Naval or military operations in such war, or to interfere with such operations, then such dedimus potestatem shall not be granted, such direction shall not be made, and such deposition shall not be taken or evidence produced, until six months after the cessation of hostilities in such war, or such earlier date as may be stated in such certificate, and if prior to filing such certificate such proceedings shall have been commenced, the same shall upon filing such certificate forthwith be stayed until six months after cessation of such hostilities or such earlier date as may be stated in such certificate. (July 3, 1944, ch. 399, § 2, 58 Stat. 724.)

§ 793. Definition of "vessels of the Navy or in the naval service".

The phrase "vessels of the Navy or in the naval service" shall include, for the purposes of sections 791–798 of this title, in addition to all vessels of the Navy, and of the Coast Guard when operating as a part of the Navy, all vessels manned by the Navy, including the Coast Guard when operating as a part of the Navy, and all vessels chartered on bareboat charter to the Navy, or to the Coast Guard when the Coast Guard is operating as a part of the Navy. (July 3, 1944, ch. 399, § 3, 58 Stat. 724.)

§ 794. Certification extending or shortening stay; notice to reconsider; secret hearings; investigations.

At any time while a stay or suspension, either of prosecution of suit or of the taking of testimony is in effect under sections 791–798 of this title the Secretary of the Navy may file with such court or judge his certificate extending or shortening the time stated in his prior certificate, during which the prosecution of such suit or the taking of such deposition or production of evidence would tend to endanger the security of the United States or of such operations in time of war, or to interfere therewith. Any claimant or party deeming himself adversely affected by a stay under the provisions of sections 791–798 of this title may serve on the Secretary of the Navy at Washington, District of Columbia, a written notice, requesting the Secretary of the Navy to reconsider the stay previously issued and to issue a further certificate. Such written notice shall identify the stay then in effect by attaching a copy of the certificate of the Secretary of the Navy upon which the stay is based or by a description sufficient for its identification. The said notice shall not contain any recital of the facts or circumstances involved. Within ten days after receipt of such notice, the Secretary of the Navy or some official designated by him, shall hold in secret a hearing at which the claimant or his representative may present such facts and arguments as he may think material with respect to the question as to whether or not a stay should be issued or maintained. Within ten days after such hearing, the Secretary of the Navy shall file with the court in which said stay is pending, or the court in which the proceeding stayed was instituted, his further certificate stating whether the stay shall then be terminated, or for what time the stay is to continue in effect. If the Secretary of the Navy shall fail to file such further certificate, the court, upon application by such claimant or party, shall issue its order directing the Secretary of the Navy to file a certificate within the time to be specified in such order. Any certificate issued by the Secretary of the Navy shall remain in effect for the time stated therein or until it is terminated or altered by a further certificate. The filing of any further certificate under this section shall extend or shorten the time, as the case may be, during which the stay in relation to which it is made shall continue in effect, to the time stated in such further certificate, or shall terminate such stay if it be so stated in such further certificate: *Provided*, That in no case shall any stay under sections 791–798 of this title remain in force longer than six months after the cessation of hostilities in such war.

Any certificate issued by the Secretary of the Navy pursuant to sections 791–798 of this title may, in his discretion, be restricted, so that it stays only the taking of testimony of certain witnesses or evidence on certain subjects, in which event such proceedings as are not so stayed may continue.

Before making any certificate provided for in sections 791–798 of this title, the Secretary of the Navy shall make or cause to be made such investigation of the case to which the certificate relates as to satisfy himself that the issuance of the certificate for the purposes authorized by sections 791–798 of this title is necessary. (July 3, 1944, ch. 399, § 4, 58 Stat 724.)

§ 795. Affidavits, statements, or testimony in lieu of direct evidence where proceedings stayed.

In any case in which either the United States or a claimant against the United States in one of the cases specified in section 791 of this title has been prevented by any stay or suspension provided for in sections 791–798 of this title from examining any witness, and in any case where the United States shall establish to the satisfaction of the court that it has refrained from instituting suit or from taking the testimony of any witness in any pending suit in order to avoid endangering the security of naval operations or interfering with such operations and where, in either of such cases, it shall appear to the satisfaction of the court, on appropriate evidence or by agreement by counsel, that the United States or the claimant, as the case may be, is unable after reasonable efforts to secure the testimony of any such witness, the court shall receive in evidence, in lieu of such testimony, (a) the affidavit of such witness, duly sworn to before a notary public or other authorized officer, or (b) the statement or testimony of such witness before a naval investigation, board of investigation, court of inquiry, or court martial,

or Coast Guard investigation: *Provided,* That the use of such testimony shall not in any litigation make admissible the remainder of the said record or compel the production of the remainder of said record by the United States.

In considering such affidavit or statement or testimony, the court shall give such weight to it as the court thinks proper under all the circumstances of the case. (July 3, 1944, ch. 399, § 5, 58 Stat. 725.)

§ 796. Stay of proceedings as tolling statute.

The time during which a claimant may file suit of the nature described in section 791 of this title upon a claim against the United States shall be computed by excluding the time during which a stay under section 792 of this title, or any extension thereof, shall be in effect as to any proceedings by or on behalf of such claimant for the taking of a deposition or the production of evidence in connection with or in relation to such claim. (July 3, 1944, ch. 399, § 6, 58 Stat. 726.)

§ 797. Adjustment, compromise, settlement, etc., of claims; conclusiveness; limitation of amount; certification to Congress.

The Secretary of the Navy is authorized to consider, ascertain, adjust, determine, compromise, or settle claims for damages caused by vessels of the Navy or in the naval service, and for compensation for towage and salvage services, including contract salvage, rendered to such vessels, and to pay the amount of any claim so determined, compromised, or settled, and upon acceptance of such payment by the claimant, and not until then such determination, settlement, or compromise of such claim shall be final and conclusive for all purposes, any law to the contrary notwithstanding: *Provided,* That this section, as respects the determination, compromise, settlement, and payment of claims, shall be supplementary to, and not in lieu of all other provisions of law authorizing consideration, adjustment, determination, settlement, and payment of claims: *Provided further,* That no claim in excess of $3,000 shall be considered hereunder which accrued prior to September 8, 1939: *Provided further,* That all payments of claims made under this section shall be made out of the appropriation "miscellaneous expenses, Navy": *And provided further,* That the payment of any claim on which a net amount exceeding $1,000 000 is determined to be due from the United States, or which is compromised or settled at a net amount exceeding $1,000,000 payable by the United States, shall not be authorized by this section, and all claims determined, compromised, or settled hereunder at a net amount exceeding $1,000,000 payable by the United States shall be certified by the Secretary of the Navy to the Congress. (July 3, 1944, ch. 399, § 7, 58 Stat. 726.)

§ 798. Reports by Secretary of the Navy.

(a) On payment of any claim determined, compromised, or settled under section 797 of this title at a net amount exceeding $3,000, but not exceeding $1,000,000, payable by the United States, the Secretary of the Navy within twenty days of payment shall file a report with the Naval Affairs Committee of the Senate and House of Representatives setting forth the nature of the claim, the vessel or vessels involved, the amount paid with respect thereto, the basis of the determination, compromise, or settlement, and other pertinent facts: *Provided,* That during any war the reports required under this section may omit any fact or facts disclosure of which, in the opinion of the Secretary, would be prejudicial to the National security.

(b) Subject to the proviso of subsection (a) of this section, the Secretary of the Navy shall report to the Congress, at each session thereof, all claims which have been paid under sections 791–793 of this title. (July 3, 1944, ch. 399, § 8, 58 Stat. 726.)

Chapter 23.—SHIPPING ACT

TRANSFER OF FUNCTIONS

Those functions of the United States Maritime Commission relating to the United States Maritime Service and the cadet and cadet officer training program, and functions pertaining to State Marine or Nautical Schools, were transferred to the Commandant of the United States Coast Guard during present war, see Ex Ord No. 9083, set out in note under section 601 of Appendix to Title 50, War

CROSS REFERENCES

Maritime Commission as authorized to acquire and dispose of property, see Ex Ord No 9129 under section 632 of Appendix to Title 50, War.

§ 835. Restrictions on transfer of shipping facilities during war or national emergency.

CROSS REFERENCES

Seizure of foreign vessels during national emergency, see sections 1271–1275 of Appendix to Title 50, War.

Chapter 24.—MERCHANT MARINE ACT, 1920

§ 865. Sale to aliens.

REFERENCES IN TEXT

"Commission", as used in this section, originally read "Board", meaning the United States Shipping Board. For dissolution of said Board and transfer of its functions to United States Maritime Commission, see section 1111 and note under section 804 of this title.

§ 875. Possession and control of terminal equipment and facilities.

The possession and control of docks, piers, warehouses, wharves, and terminal equipment and facilities or parts thereof, including all leasehold easements, rights of way, riparian rights, and other rights, estates, or interests therein or appurtenant thereto, other than those acquired by the President under Act March 28, 1918, ch. 28, 40 Stat. 459, which were acquired by the War Department or the Navy Department for military or naval purposes during the war emergency may be transferred by the President to the commission whenever the President deems such transfer to be for the best interests of the United States. (June 5, 1920, ch. 250, § 17, 41 Stat. 994; Ex. Ord. No. 6166, § 12, June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016.)

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§ 883. Transportation of merchandise between points in United States in other than domestic-built and documented vessels.

TRANSPORTATION OF IRON ORE IN VESSELS OF CANADIAN REGISTRY

Act Jan 27, 1942, ch 21, 56 Stat 19, as amended by act Aug. 1, 1942, ch. 544, 56 Stat 735, provided: "That, by reason of emergency conditions in transportation on the Great Lakes, notwithstanding the provisions of section 27 of the Act of Congress approved June 5, 1920 (41 Stat 999), as amended by Act of Congress approved April 11, 1935 (49 Stat 154), and by Act of Congress approved July 2, 1935 (49 Stat 442), (this section) or the provisions of any other Act of Congress or regulation, vessels of Canadian registry shall be permitted to transport iron ore between United States ports on the Great Lakes during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate"

Similar provisions for year 1941 were contained in act May 31, 1941, ch 158, 55 Stat 236

CROSS REFERENCES

Vessels traveling between Puerto Rico and United States, waiver of compliance with section, see note under section 635 of Appendix to Title 50, War.

War Shipping Administration vessels, waiver of compliance with section, see note under section 635 of Appendix to Title 50, War.

Chapter 27.—MERCHANT MARINE ACT, 1936

SUBCHAPTER II —UNITED STATES MARITIME COMMISSION

Sec
1111b Cash awards to personnel for suggestions improving administrative functions; amount, applicability to War Shipping Administration (New).
1119a. Same, emergency cargo ship construction (New).
1119b Same; application of other laws to section 1119a (New).
1125a Construction, repair, etc., of vessels for government agencies (New)
1127 Coordination of forwarding and similar servicing of water-borne export and import foreign commerce (New).

SUBDIVISION —INSURANCE

1128e–1. Compromise or settlement of claims after expiration of time for filing (New).
1128h. War Shipping Administration authorized to insure directly or to reinsure (New).

SUBCHAPTER VIII —CONTRACT PROVISIONS

1214. Amount of contract authorizations (New).

SUBCHAPTER I.—DECLARATION OF POLICY

PURCHASE AND REQUISITION OF FOREIGN VESSELS

Text of act June 6, 1941, ch. 174, 55 Stat. 242, formerly set out here, as note has become sections 1271 1275 of Appendix to Title 50, War

Ex. Ord No 8869, June 6, 1941, waiving certain provisions of section 5 of act June 6, 1941, cited in preceding paragraph, which was formerly set out here, is now set out as note under section 1275 of Appendix to Title 50, War

PRIORITIES IN TRANSPORTATION BY MERCHANT VESSELS

Text of act July 14, 1941, ch 297, 55 Stat. 591, formerly set out here as note, has become sections 1281–1286 of Appendix to Title 50, War.

SUBCHAPTER II.—UNITED STATES MARITIME COMMISSION

§ 1111b. Cash awards to personnel for suggestions improving administrative functions; amount; applicability to War Shipping Administration.

The United States Maritime Commission is authorized to pay cash awards for suggestions submitted to it by any of its officers or employees in cases where the suggestion, in the opinion of the Commission or of a committee designated by it, would, if adopted, make for substantially increased efficiency, economy, or general improvement in carrying out the duties, powers, or functions of the Commission. Such suggestions shall be submitted and such awards shall be made under such rules and regulations as the Commission may prescribe, including provision for transfer to the United States of all rights or interests of the officer or employee in the suggestion. The provisions of this section shall apply in like manner to the War Shipping Administration and its officers and employees, and for the purpose of this section the terms "United States Maritime Commission" and "Commission" shall be deemed to refer to the War Shipping Administration. The total amount of cash awards made under this joint resolution in any fiscal year shall not exceed $5,000 for each such agency, and the amount paid for any one suggestion shall not exceed $250 for any one suggestion, except in case of a patentable idea, it may be not more than $1,000 (Mar. 13, 1944, ch 91, 58 Stat. 115)

§ 1114. Transfer of powers; rules and orders.

TRANSFER OF FUNCTIONS

Certain functions and jurisdiction of the Maritime Commission transferred to the Commandant of the Coast Guard during present war, see Ex Ord No 9083, set out in note under section 601 of Appendix to Title 50, War

§ 1116. Construction fund.

REDUCTION OF CONTRACT AUTHORIZATIONS

Act May 29, 1945, ch. 136, 59 Stat 226, provided: "That out of the current unexpended balance of appropriations heretofore made to the Maritime Commission under the head "Construction fund, United States Maritime Commission Act, June 24, 1936, revolving fund", the sum of $3,100,000,000 shall be carried to the surplus fund and be covered into the Treasury immediately upon the approval of this joint resolution: *Provided*, That the present contract authorization for ship construction and facilities incident thereto is hereby reduced by $4,265,000,000"

ADDITIONAL APPROPRIATIONS

Act Aug. 25, 1941, ch. 409, title III, 55 Stat 682, appropriated an amount not to exceed $1,296,650,000 to enable the Commission to enter into further contracts for the construction of vessels, production and procurement of parts, equipment, plants, etc.

§ 1119a. Same; emergency cargo ship construction.

For the purpose of providing as rapidly as possible cargo ships essential to the commerce and defense of the United States there is hereby appropriated to the United States Maritime Commission, out of any money in the Treasury not otherwise appropriated, the sum of $313,500,000, to remain available until expended, which amount shall be additional to the $500,000 allocated from the Emergency Fund for the President in the Act of June 13, 1940, ch. 343, § 1,

55 Stat. 377, and $36,000,000 to be allocated during the fiscal year 1942 from funds available for the payment of obligations incurred for the purposes hereof under the contract authorizations under such emergency fund for the President, the total of such sums, aggregating $350,000,000, to be known as the "Emergency Ship Construction Fund, United States Maritime Commission", which fund shall be available for the payment of said contract authorizations and for (1) the construction in the United States of oceangoing cargo vessels of such type, size, and speed as the Commission may determine to be useful in time of emergency for carrying on the commerce of the United States and to be capable of the most rapid construction; (2) the production and procurement of parts, equipment, material, and supplies for such ships; (3) the establishment, acquisition, construction, enlargement, or extension of plants or facilities, on land whether owned by the Government or otherwise owned (including the acquisition by purchase or condemnation of real property or any interest therein), to be used for the construction of ships or for the production of parts, equipment, supplies, or material therefor, and the maintenance, repair, operation (under lease or otherwise), and management of such plants and facilities; and (4) all administrative expenses in connection with the program provided herein including personal services at the seat of government and elsewhere: *Provided*, That the employment of personnel engaged in the maintenance, repair, operation, or management of plants or facilities shall be without regard to the civil service and classification laws: *Provided further*, That no part of this appropriation shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from this appropriation shall be guilty of a felony and, upon conviction, shall be fined not more than $1 000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law. (Feb. 6, 1941, ch. 5, § 1, 55 Stat 5.)

CROSS REFERENCES

Lease of merchant vessels under provisions of "Lease-Lend Act" for duration of war, see section 412a of Title 22, Foreign Relations and Intercourse

ADDITIONAL APPROPRIATIONS

Act Aug. 25, 1941, ch 409, title III, 55 Stat 682 appropriated an amount not to exceed $1,296,650,000 to enable the Commission to enter into further contracts for the construction of vessels, production and procurement of parts, equipment, plants, etc.

§ 1119b. Same; application of other laws to section 1119a.

The provisions of section 1117 of this title and the Act of October 10, 1940, ch. 838, 54 Stat. 1092, shall apply to all the activities and functions which the Commission is authorized to perform under section 1119a of this title; and the Commission is authorized to carry on the objects, activities, and functions provided for in section 1119a of this title, without regard to the provisions of section 733 of Title 33, section 529 of Title 31, and section 5 of Title 41; section 744g of Title 18, relating to the purchase of prison-made goods; sections 270a–270d of Title 40, requiring performance and other bonds on public works; section 303b of Title 40, relating to the lease of Government property, and any provision of law relating to the disposal of surplus Government property. (Feb. 6, 1941, ch. 5, § 2, 55 Stat. 6.)

CROSS REFERENCES

Lease of merchant vessels under provisions of "Lease-Lend Act" for duration of war, see section 412a of Title 22, Foreign Relations and Intercourse

REFERENCES IN TEXT

Act Oct 10, 1940, referred to in the text, is set out in note under section 326 of Title 40, Public Buildings, Property, and Works

§ 1125a. Construction, repair, etc., of vessels for government agencies.

The Commission is authorized to construct, reconstruct, repair, equip, and outfit, by contract or otherwise, vessels or parts thereof, for any other department or agency of the Government, to the extent that such other department or agency is authorized by law to do so for its own account, and any obligations heretofore or hereafter incurred by the Commission for any of the aforesaid purposes shall not diminish or otherwise affect any contract authorization granted to the Commission: *Provided*, The obligations incurred or the expenditures made are charged against and, to the amount of such obligation or expenditure, diminish the existing appropriation or contract authorization of such department or agency. (Feb 6, 1941, ch. 5, § 4, 55 Stat. 6.)

CROSS REFERENCES

Lease of merchant vessels under provisions of "Lease-Lend Act" for duration of war, see section 412a of Title 22, Foreign Relations and Intercourse

Temporary emergency provisions for negotiating contracts without advertisements or bids, see section 1261 of Appendix to Title 50, War.

§ 1126. Training of Merchant Marine personnel.

TRANSFER OF FUNCTIONS

Functions of Maritime Commission relating to the United States Maritime Service and the training of personnel, etc, transferred to the Commandant of the Coast Guard during present war, see Ex Ord No 9083, set out in note under section 601 of Appendix to Title 50, War

BOARD OF VISITORS FOR THE UNITED STATES MERCHANT MARINE ACADEMY

Act May 11, 1944, ch 194, 58 Stat 220, provided as follows:

"That there shall be appointed in the month immediately following the enactment of this Act and in January of each year thereafter, a Board of Visitors to visit the United States Merchant Marine Academy, which shall consist of two Senators and three Members of the House

of Representatives, appointed by the chairmen of the committees of the Senate and the House of Representatives, respectively, having cognizance of legislation pertaining to the United States Merchant Marine Academy, the chairmen of said committees being ex officio members of the Board, and of one Senator and two Members of the House of Representatives appointed by the President of the Senate and the Speaker of the House of Representatives, respectively: *Provided*, That whenever a member or an ex officio member is unable to attend the annual meeting as provided in paragraph (b) of this section another Member may be appointed in his stead in the manner as herein provided but without restriction as to month of appointment

"(b) Such Board shall visit the United States Merchant Marine Academy annually on a date to be fixed by the Chairman of the United States Maritime Commission Each member of the Board shall be reimbursed under Government travel regulations for the actual expense incurred by him while engaged upon duties as a member of such Board "

§ 1127. Coordination of forwarding and similar servicing of water-borne export and import foreign commerce.

(a) The Commission is hereby authorized and directed, through such administrative measures, agreements with other Federal departments and agencies, contracts with individuals or private business concerns, or other arrangements, as it may deem to be necessary or appropriate in the public interest, to coordinate the functions and facilities of public and private agencies engaged in the forwarding and similar servicing of water-borne export and import foreign commerce of the United States, for the efficient prosecution of the war, the maintenance and development of present and post-war foreign trade, and the preservation of forwarding facilities and services for the post-war restoration of foreign commerce. As used herein the term "water-borne export and import foreign commerce of the United States" shall be deemed to include export shipments from the Government of the United States to the governments of nations whose defense is deemed by the President to be vital to the defense of the United States under the authority of sections 411-419 of Title 22.

(b) Other Federal departments and agencies are hereby authorized and directed to cooperate with the Commission by entering into and carrying out such agreements as may be necessary to effectuate the purposes of this section: *Provided*, That the Commission is authorized and directed to report to the Congress within ninety days after March 14, 1942, and every four months thereafter, the action taken hereunder and to give the names of any Federal departments or agencies or any other persons who have failed to cooperate with the Commission as herein directed: *And provided further*, That nothing herein shall be deemed to affect the power or jurisdiction of the Interstate Commerce Commission, nor confer upon the Maritime Commission concurrent power or jurisdiction over any matter within the power or jurisdiction of the Interstate Commerce Commission.

(c) In conformity with the President's Executive order of February 7, 1942 (numbered 9054; 7 Federal Register 837), the functions and duties of the Commission under this section, insofar as they pertain to functions and duties of the Commission transferred by such Executive order to the Administrator of the War Shipping Administration, shall be performed by such Administrator. (June 29, 1936, ch. 858, title II, § 217, as added Mar. 14, 1942, ch. 186, 56 Stat. 171.)

SUBDIVISION.—INSURANCE

§ 1128. Authority of Commission to provide marine and war-risk insurance; duration of authority; reports; fund.

(a) Until six months after the termination of the present war is proclaimed or until such earlier date as the President may designate, the Commission is authorized to provide marine insurance and reinsurance against loss or damage by the risks of war and reinsurance against loss or damage by marine risks, as prescribed in sections 1128–1128h of this title, whenever it appears to the Commission that (1) such insurance adequate for the needs of transportation in the water-borne commerce of the United States and its Territories and possessions (including the Philippine Islands, the Canal Zone, and any bases or lands leased or occupied by or on behalf of the United States), or of other transportation by water or other vessel services deemed by the Commission to be in the interest of the war effort or the domestic economy of the United States, cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States, or (2) the furnishing by the Commission of such insurance or reinsurance with respect to any such transportation or other vessel services at nominal or other rate basis would be of material benefit to the war effort, or (after consultation with the Office of Price Administration or other agencies) to the domestic economy of the United States, or (after consultation with the Secretary of the Navy or the Secretary of War) is necessary or advisable for military or naval reasons: *Provided*, That there shall be reported on the last day of each calendar month to the chairman of the Committee on Commerce of the United States Senate, and the chairman of the Committee on Merchant Marine and Fisheries of the House, the insurance or reinsurance written under clause (2) of this subsection (a), during the preceding month, together with the rates and the reasons for such rates and such insurance and reinsurance.

(b) There shall be in the Treasury of the United States a revolving fund to be known as the marine and war-risk insurance fund (hereinafter referred to as the fund), to be used for carrying out the provisions of sections 1128–1128h of this title, and to be constituted of such sums as may be appropriated to such fund and of moneys and receipts credited thereto as herein provided. There are hereby authorized to be appropriated to such fund such sums as may be necessary to carry out the provisions of sections 1128–1128h of this title. All moneys received from premiums and from salvage or other recoveries, and all receipts in connection with sections 1128–1128h of this title, shall be deposited to the credit of such fund. Payments of return premiums, losses, settlements, judgments, and all liabilities incurred by the United States under sections

1128–1128h of this title shall be made from such fund. (As amended Apr. 11, 1942, ch. 240, 56 Stat. 214.)

AMENDMENTS

1942—Act Apr. 11, 1942, cited to text, amended subsec. (a).

§ 1128a. Persons, property, and interests insurable.

The Commission may insure against loss or damage by the risks of war, persons, property, or interests, as follows:

(a) (1) American vessels (including vessels under construction), (2) vessels registered under the law of the Philippine Islands, (3) foreign-flag vessels owned by citizens of the United States (as said term "citizens" is used in Public Law 173, Seventy-seventh Congress, approved July 14, 1941) or owned or controlled by, or made available to, the United States or any department or agency thereof, and (4) any foreign-flag vessel not owned or controlled or made available as described in clause (3) hereof, but engaged in the water-borne foreign commerce of the United States or other transportation by water or other vessel services deemed by the Commission to be in the interest of the war effort or the domestic economy of the United States, while so engaged.

(b) Cargoes shipped or to be shipped on any vessels specified in subsection (a), including shipments by express or registered mail.

(c) The disbursements (including advances to masters and general average disbursements) and freight and passage moneys of such vessels.

(d) The personal effects of the masters, officers, and crews of such vessels, and of other persons transported on such vessels.

(e) Masters, officers, and crews of such vessels and other persons employed or transported thereon against loss of life, personal injury, or detention by an enemy of the United States following capture.

(f) Statutory or contractual obligations or other liabilities of such vessels or of the owner or charterer of such vessels of the nature customarily covered by insurance; and, whenever the Commission shall insure any risks included under subsection (d) or (e) of this section, or under this subsection insofar as it concerns liabilities relating to the master, officers, and crews of such vessels or to other persons transported thereon, the insurance on such risks may include marine risks to the extent that the Commission determines to be necessary or advisable. (As amended Mar. 6, 1942, ch. 154, 56 Stat. 140; Apr. 11, 1942, ch. 240, 56 Stat. 214; Mar. 24, 1943, ch. 26, § 2 (a), 57 Stat. 47.)

REFERENCES IN TEXT

Public Law 173, Seventy-seventh Congress, referred to in this section, is act July 14, 1941, ch 297, 55 Stat. 591, set out as sections 1271 1275 of Appendix to Title 50, War.

AMENDMENTS

1943—Subsec. (f) amended by act Mar 24, 1943, cited to text, which added words "and, whenever the Commission * * * to be necessary or advisable"

1942—Act Apr 11, 1942, cited to text, amended section generally.

§ 1128b. Reinsurance; prohibition against fees to brokers; rates.

The Commission may reinsure, in whole or in part, any company authorized to do an insurance business in any State of the United States, on account of marine and marine war risks, including protection and indemnity risks, assumed by any such company, on persons, property, and interests specified in section 1128a of this title, and may reinsure with, or cede or retrocede to, any such company any war risk insured pursuant to such section 1128a, or any marine or war risk reinsured with the Commission as hereinbefore provided. No insurance broker or other person acting in a similar intermediary capacity shall be paid any fee or other consideration by the Commission by virtue of his participation in arranging any insurance wherein the Commission directly insures any of the risk thereof, but the Commission may allow fair and reasonable compensation to any company authorized to do an insurance business in any State of the United States for servicing insurance written by such company as an underwriting agent for the Commission, and such compensation may include an allowance for expenses reasonably incurred by such agent but such expenses shall not include any commission paid by such agent in excess of 5 per centum of the premiums in respect of such insurance. Reinsurance shall not be provided by the Commission at rates less than (1) the rates established by the Commission on the same or similar risks or (2) the rates charged by the insurance carrier for the insurance so reinsured, whichever is the higher, except that the Commission may make to the insurance carrier such allowance for taxes, commissions, and other customary expenses as it may deem reasonably to accord with good business practice, but in no case shall such allowance to the carrier provide for payment by the carrier of commissions in excess of 5 per centum of the premiums paid for that portion of the direct insurance so reinsured. (As amended Apr. 11, 1942, ch. 240, 56 Stat. 215; Mar. 24, 1943, ch. 26, § 3 (e), 57 Stat 50.)

AMENDMENTS

1943—Act Mar 24, 1943, cited to text, inserted at end of second sentence the words "but the Commission * * * in respect of such insurance" and inserted in last sentence the words "but in no case * * * direct insurance so reinsured."

1942—Act Apr. 11, 1942, cited to text, amended section generally

§ 1128c. Insurance of government departments and agencies.

(a) Any department or agency of the United States is hereby authorized to procure insurance from the Commission as provided for in sections 1128a and 1128h of this title or in section 869 of this title, as amended, except as provided in sections 134–134h of Title 5.

(b) The Commission is authorized to provide such insurance at the request of the Secretary of War or the Secretary of the Navy on a nominal premium basis in consideration of the agreement of the department concerned to indemnify the Commission against all losses covered by such insurance, and the Secretary of War or the Secretary of the Navy

is authorized to execute such indemnity agreement with the Commission. (As amended Apr. 11, 1942, ch. 240, 56 Stat. 215; Mar. 24, 1943, ch. 26, § 3 (f), 57 Stat. 50.)

REFERENCES IN TEXT

Words "sections 134–134h of Title 5" is a translation of a reference in act April 11, 1942, cited to text, to the Government Losses in Shipment Act, which also affected sections 528, 738a, and 753 of Title 31, Money and Finance.

AMENDMENTS

1943—Subsec. (a) was amended by Act Mar. 24, 1943, cited to text, which corrected internal references in text.

1942—Act Apr 11, 1942, cited to text, amended section generally.

§ 1128d. Actions on claims for losses; jurisdiction of courts.

In the event of disagreement as to a claim for losses or the amount thereof, on account of insurance under sections 1128–1128h of this title, an action on the claim may be brought and maintained against the United States in the district court of the United States sitting in admiralty in the district in which the claimant or his agent may reside, or in case the claimant has no residence in the United States, in a district court in which the Attorney General of the United States shall agree to accept service. Said suits shall proceed and shall be heard and determined according to the provisions of sections 741–752 of this title insofar as such provisions are not inapplicable and are not contrary to or inconsistent with the provisions of sections 1128–1128h of this title. All persons having or claiming to have an interest in such insurance, or who it is believed might assert such an interest, may be made parties to such suit, either initially or upon the motion of either party. In any case where the Commission acknowledges the indebtedness of the United States on account of such insurance, and there may be a dispute as to the person or persons entitled to receive payment, the United States may bring an action in the nature of a bill of interpleader against the persons having or claiming to have any interest in such insurance, or who it is believed might assert such an interest, in the District Court of the United States for the District of Columbia, or in the district court in and for the district in which any such person resides. In either of such actions any person claiming to have an interest in such insurance, or who it is believed might assert such an interest, if not an inhabitant of or found within the district within which either of such actions is brought, may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct, and if it be shown to the satisfaction of the court that persons unknown might assert a claim on account of such insurance, the court may direct service upon such persons unknown by publication in the Federal Register. Judgment in any such action shall discharge the United States from further liability to any parties to such action, and to all persons where service by publication upon persons unknown is directed by the court. The procedure herein provided shall apply to all actions now pending against the United States under the provisions of sections 1128–1128h, as amended. (As amended Apr. 11, 1942, ch. 240, 56 Stat. 215; Mar. 24, 1943, ch. 26, § 3 (g), 57 Stat. 50.)

AMENDMENTS

1943—Act Mar. 24, 1943, cited to text, added to end of section sentences included within the words "All persons having or claiming to have * * * provisions of sections 1128–1128h, as amended."

1942—Act Apr. 11, 1942, cited to text, amended section generally.

§ 1128e. General administrative provisions; suspension of statute of limitations; definitions.

(a) The Commission in the administration of sections 1128–1128h of this title is authorized to adjust and pay losses, compromise and settle claims whether in favor of or against the Government, and to pay the amount of any judgment rendered in respect of any suit or settlement agreed upon in respect of any claim. If in the case of any vessel lost, damaged, or missing under circumstances which render it uncertain whether or not the loss of or damage to any person, vessel, cargo, or other property or interest under a policy of insurance or reinsurance issued or agreed to be issued under sections 1128–1128h of this title or under an assumption of risk agreement equivalent thereto, is covered by such policy or agreement, the Commission has entered into or shall hereafter enter into any agreement, specific or general, with the assured under such policy or agreement or with other insurers of the same interest, or both, for payment to the assured on account of said loss or damage by the Commission or by such other insurers, or both, in accordance with the probabilities as to their respective liability, such agreement may include or be modified to include from its inception provisions suspending the operation of the statute of limitations with respect to suits against the United States arising out of the subject matter of such agreement, for a period ending not more than two years after the termination of the present war as determined under section 1128 of this title: *Provided*, That no such agreement or modification shall be entered into in any case where the right to sue the United States has expired at the time of making the agreement or modification unless made within sixty days after the enactment of this proviso. The determinations of the Commission with respect to adjustments, compromises, settlements, and payments hereunder shall not be subject to review by any other executive or accounting officer of the Government.

(b) The Commission is authorized to prescribe such forms and policies, to change or modify such forms and policies as may be necessary or appropriate under the circumstances, and to fix and adjust, as may be required by circumstances, the rates and changes of rates of insurance provided for in sections 1128–1128h of this title.

(c) The Commission is authorized and directed to prescribe such rules and regulations as may be necessary or appropriate to carry out the provisions of sections 1128–1128h of this title. The Commission is authorized, in administering the provisions of sections 1128–1128h of this title, to exercise its powers, perform its duties and functions, and make its

expenditures, in accordance with commercial practice in the marine insurance business.

(d) The Commission, without regard to the laws, rules, or regulations relating to the employment of employees of the United States, may appoint and prescribe the duties of such number of experts in marine insurance as the Commission may deem necessary in carrying out the provisions of sections 1128–1128h of this title. The Commission, with the consent of any executive department, independent establishment, or other agency of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of sections 1128–1128h of this title.

(e) The Commission shall include in the annual report to Congress a detailed statement of all activities and of all expenditures and receipts under sections 1128–1128h of this title for the period covered by such report.

(f) When used in sections 1128–1128h of this title—

(1) The term "American vessels" includes any vessel registered, enrolled, or licensed under the laws of the United States and any undocumented vessel owned or chartered by or made available to the United States or any department or agency thereof and any American-owned tug or barge or other watercraft (documented or undocumented) used in essential water transportation or in the fishing trade or industry. This subsection shall not be construed as including any watercraft used exclusively in or for sport fishing.

(2) The term "transportation in the water-borne commerce of the United States" shall be deemed to include the operation of vessels in the fishing trade or industry.

(3) The term "risks of war" shall include those losses which, in accordance with commercial practice prevailing from time to time, are excluded from marine insurance coverage under "free of capture and seizure" clauses or clauses analogous thereto. (As amended Apr. 11, 1942, ch. 240, 56 Stat. 216; Mar. 24, 1943, ch. 26, § 3 (h), 57 Stat 51; Apr. 4, 1944, ch. 178, § 1, 58 Stat. 216.)

AMENDMENTS

1944—Subsec (a) was amended by act Apr 24, 1944, cited to text, which inserted the second sentence.

1943—Subsec (f) was amended by act Mar. 24, 1943, cited to text, which added par. (3) thereto.

1942—Act Apr. 11, 1942, cited to text, amended section generally

§ 1128e–1. Compromise or settlement of claims after expiration of time for filing.

Whenever the Administrator, War Shipping Administration, finds that a meritorious claim arising on or after December 7, 1941, against the United States, or any agent or employee thereof, for loss of or damage to cargo has lapsed by reason of failure to commence suit against the United States or any agent or employee thereof within the time provided by law, and that such failure to institute suit was based on lack of information not resulting from lack of due diligence, or other causes sufficient in the opinion of the Administrator to excuse such failure to institute suit, the Administrator may compromise, or settle any such claim on the same basis as though the time for suit had not expired: *Provided, however,* That nothing in this section shall be deemed to extend the time to commence suit. (Apr. 24, 1944, ch. 178, § 2, 58 Stat. 216.)

CODIFICATION

This section was not enacted as a part of this subchapter.

§ 1128f. Effect on seamen's rights under existing laws.

Nothing in sections 1128–1128h of this title shall be deemed to affect the rights of seamen under any provision of existing law. (As amended Apr. 11, 1942, ch. 240, 56 Stat. 216.)

AMENDMENTS

1942—Act Apr. 11, 1942, cited to text, amended section generally.

§ 1128g. Vesting of Commission's authority in Administrator of War Shipping Administration.

In conformity with the President's Executive order of February 7, 1942 (Numbered 9054; 7 F. R. 837), the authority conferred upon the Commission by sections 1128–1128h of this title shall be vested in and exercised by the Administrator of the War Shipping Administration. (As amended Apr. 11, 1942, ch. 240, 56 Stat. 217.)

AMENDMENTS

1942—Act Apr 11, 1942, cited to text, amended section generally.

§ 1128h. War Shipping Administration authorized to insure directly or to reinsure.

In addition to the insurance functions authorized by the other sections of this subchapter, the War Shipping Administration may insure directly, or may reinsure in whole or in part any company authorized to do business in any State in the United States and which shall insure directly, any person who shall perform services or provide facilities for or with respect to any American or foreign flag vessel, public or private, or any naval vessel of a foreign government against legal liabilities (except liability to employees in respect of employer's liability and workmen's compensation) that may be incurred by such person in connection with the performance of such services or the providing of such facilities, whenever in the opinion of the Administrator, War Shipping Administration, such insurance or reinsurance is required in the prosecution of the war effort and cannot be obtained at reasonable rates or upon reasonable conditions from approved companies authorized to do an insurance business in any State of the United States. (June 29, 1936, ch. 858, title II, § 229, as added Mar. 24, 1943, ch. 26, § 3 (i), 57 Stat 51.)

WARTIME EXTENSION AND ADMINISTRATION OF SECTIONS 1128–1128h

Act Mar 6, 1942, ch 154, 56 Stat. 140, provided as follows: "Subtitle—Insurance of Title II of the Merchant Marine Act, 1936 (Title 46, §§ 1128–1128h), as amended (Public Numbered 677, Seventy-sixth Congress), approved June 29, 1940, and all authority thereunder is hereby continued in full force and effect until six months after the termination of the present war shall have been proclaimed by the President or until such earlier time as the Congress by concurrent resolution or the President may designate, ex-

cept that the proviso in section 222 (a) (2) [Title 46, § 1128a (a) (2)] in said Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended, is hereby repealed and such authority is hereby vested in the Administrator of the War Shipping Administration in conformity with the President's Executive order of February 7, 1942 (No 9054, 7 F R 837) "

SUBCHAPTER V.—CONSTRUCTION—DIFFERENTIAL SUBSIDY

§ 1152. Construction of vessels; bids; subsidies.

DETERMINATION OF FOREIGN CONSTRUCTION COSTS

Text of act June 11, 1940, ch 327, 54 Stat 306, formerly set out here as note, has become section 1251 of Appendix to Title 50, War.

§ 1160. Acquisition of obsolete vessels.

SUSPENSION OF SUBSEC (G)

Res June 16, 1942, ch 416, 56 Stat 370, further suspended subsec (g) until six months after the end of the present war shall have been proclaimed, or such earlier time as the Congress by concurrent resolution or the President may designate

§ 1161. Reserve funds for construction or acquisition of vessels; taxation.

* * * * *

(b) Establishment of construction reserve funds.

For the purposes of promoting the construction of vessels necessary to carrying out the policy set forth in section 1101 of this title, any citizen of the United States who is operating a vessel or vessels in the foreign or domestic commerce of the United States or in the fisheries or owns in whole or in part a vessel or vessels being so operated, or who, at the time of purchase or requisition of the vessel by the Government, was operating a vessel or vessels so engaged or owned in whole or in part a vessel or vessels being so operated or had acquired or was having constructed a vessel or vessels for the purpose of operation in such commerce or in the fisheries, may establish a construction reserve fund, for the construction or acquisition of new vessels, to be composed of deposits of proceeds from sales of vessels, indemnities on account of losses of vessels, earnings from the operation of vessels, and receipts, in the form of interest or otherwise, with respect to amounts previously deposited. Such construction reserve fund shall be established, maintained, expended, and used in accordance with the provisions of this section and rules or regulations to be prescribed jointly by the Commission and the Secretary of the Treasury.

(c) Recognition of gain for taxation where proceeds of sale or indemnity for loss deposited in fund.

In the case of the sale or actual or constructive total loss of a vessel, if the taxpayer deposits an amount equal to the net proceeds of the sale or to the net indemnity with respect to the loss in a construction reserve fund established under subsection (b), then—

(1) if the taxpayer so elects in his income-tax return for the taxable year in which the gain was realized, or

(2) in case a vessel is purchased or requisitioned by the United States, or is lost, in any taxable year beginning after December 31, 1939, and prior to January 1, 1944, and the taxpayer receives payment for the vessel so purchased or requisitioned, or receives from the United States indemnity on account of such loss, subsequent to the end of such taxable year, if the taxpayer so elects prior to March 31, 1945, or prior to the expiration of sixty days after the receipt of the payment or indemnity, whichever is later, and in accordance with a form of election to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, no gain shall be recognized to the taxpayer in respect of such sale or indemnification in the computation of net income for the purposes of Federal income or excess-profits taxes. If an election is made under subdivision (2) and if computation or recomputation in accordance with this subsection is otherwise allowable but is prevented, on the date of making such election or within six months thereafter, by any statute of limitation, such computation or recomputation nevertheless shall be made notwithstanding such statute if a claim therefor is filed within six months after the date of making such election. For the purposes of this subsection no amount shall be considered as deposited in a construction reserve fund unless it is deposited within sixty days after it is received by the taxpayer except that (1) in the case of amounts received before December 10, 1940, the deposit may be made not later than February 7, 1941, and (2) in the case of amounts received at any time between May 27, 1941, and the date of enactment of this amendatory clause, the deposit of which by the taxpayer is authorized by the amendments to subsection (b), the taxpayer may make such deposit at any time within one hundred and twenty days from such date of enactment, and the Commission may approve any such deposit previously made if, in other respects, it complies with the provisions of this section, as amended. As used in this subsection the term "net proceeds" and the term "net indemnity" mean the sum of (1) the adjusted basis of the vessel and (2) the amount of gain which would be recognized to the taxpayer without regard to this subsection.

* * * * *

(g) Benefits of section conditioned upon manner and time of expenditure of deposits.

The provisions of subsections (c) and (f) shall apply to any deposit in the construction reserve fund only to the extent that such deposit is expended or obligated for expenditure, in accordance with rules and regulations to be prescribed jointly by the Commission and the Secretary of the Treasury, under a contract for the construction or acquisition of a new vessel or vessels (or in the discretion of the Commission, for a part interest therein) entered into within two years from the date of such deposit only if under such rules and regulations—

(1) within such period of two years not less than 12½ per centum of the construction or contract price of the vessel or vessels is paid or irrevocably committed on account thereof and the plans and

specifications therefor are approved by the Commission to the extent by it deemed necessary; and

(2) in case of a vessel or vessels not constructed under the provisions of sections 1151–1161 of this title or not purchased from the Commission, (A) said construction is completed, within six months from the date of the construction contract, to the extent of not less than 5 per centum thereof (or in case the contract covers more than one vessel, the construction of the first vessel so contracted for is so completed to the extent of not less than 5 per centum) as estimated by the Commission and certified by it to the Secretary of the Treasury, and (B) all construction under such contract is completed with reasonable dispatch thereafter.

(h) Same; extensions of time.

The Commission is authorized under rules and regulations to be prescribed jointly by the Secretary of the Treasury and the Commission to grant extensions of the period within which the deposits shall be expended or obligated or within which construction shall have progressed to the extent of 5 per centum of completion as provided herein, but such extension shall not be for an aggregate additional period in excess of two years with respect to the expenditure or obligation of such deposits or more than one year with respect to the progress of such construction: *Provided, however*, That until the termination of the present war or until such earlier time as the Congress by concurrent resolution or the President may designate, in addition to the extensions hereinbefore permitted, further extensions may be granted ending not later than six months after such termination of the present war or such earlier date as may be so designated.

* * * * *

(n) Definition of "contract for the construction" and "construction contract".

The terms "contract for the construction" and "construction contract", as used in this section, shall include, in the case of a taxpayer who constructs a new vessel in a shipyard owned by such taxpayer, an agreement between such taxpayer and the Commission with respect to such construction and containing provisions deemed necessary or advisable by the Commission to carry out the purposes and policy of this section. (As amended June 17, 1943, ch. 130, 57 Stat. 157; Dec. 23, 1944, ch. 714, 58 Stat 920.)

AMENDMENTS

1944—Subsec (c), first sentence, amended generally by act Dec. 23, 1944, cited to text

Subsec (n) added by act Dec 23, 1944, cited to text

1943– Subsec. (b), first sentence, was amended by act June 17, 1943, cited to text, by extending its provisions to ownership in whole or in part and to persons who had acquired or were having constructed a vessel or vessels

Subsec (c), second sentence, was amended by act June 17, 1943, cited to text, which changed the dates of deposit

Subsec. (g) was amended by act June 17, 1943, cited to text, which inserted "(or in the discretion of the Commission, for a part interest therein)".

Subsec (h) was amended by act June 17, 1943, cited to text, which omitted "of Internal Revenue" following "Commissioner" and added proviso.

SUBCHAPTER VII.—PRIVATE CHARTER OPERATION

§ 1194. Charter or sale of vessels acquired by Commission.

WAR, SALE OR CHARTER UNTIL SIX MONTHS AFTER END

Res June 16, 1942, ch 416, 56 Stat 370, extended provisions of Res May 14, 1940, until six months after the end of the present war shall have been proclaimed, or such earlier time as Congress by concurrent resolution or the President may designate

§ 1195. Employment of vessels on foreign trade routes; selection of routes; encouraging private operation by sale or charter; selling price.

CHARTER OF COMMISSION'S VESSELS

Text of act May 2, 1941, ch. 84, § 3, 55 Stat. 149, formerly set out as note here has become section 1262 of Appendix to Title 50, War.

SUBCHAPTER VIII—CONTRACT PROVISIONS

NEGOTIATION OF CONTRACTS

Text of act May 2, 1941, ch 84, § 2, 55 Stat. 148, formerly set out as note here has become section 1261 of Appendix to Title 50, War.

§ 1214. Amount of contract authorizations.

In addition to contract authorizations for carrying out the provisions of this chapter, contained in previous Acts, the United States Maritime Commission is authorized to enter into contract or contracts for the purpose of carrying out the provisions of this chapter in an amount not to exceed $65,000,000. (Feb. 6, 1941, ch. 5, § 3, 55 Stat. 6.)

CONTRACT AUTHORIZATIONS IN PREVIOUS ACTS

Act Aug 25, 1937, ch 757, title I, 50 Stat. 759, authorized an additional $115,000,000, act Mar. 16, 1939, ch. 11, § 1, 53 Stat 543, authorized an additional $230,000,000; act June 27, 1940, ch 437, title I, 54 Stat 634, authorized an additional $50,000,000

CONTRACT AUTHORIZATIONS IN SUBSEQUENT ACTS

Subsequent to res Feb 6, 1941, cited to text, act Apr 5, 1941, ch 40, § 1, 55 Stat. 119, authorized an additional $180,000,000, act Aug. 25, 1941, ch 409, title III, 55 Stat. 682 authorized an additional $1,296,650,000, act June 27, 1942, ch. 450, § 1, 55 Stat 419, authorized an additional $90,000,000

CROSS REFERENCES

Lease of merchant vessels under provisions of "Lease-Lend Act" for duration of war, see section 412a of Title 22, Foreign Relations and Intercourse.

SUBCHAPTER IX—MISCELLANEOUS PROVISIONS

§ 1241. Officers and employees of Government required to travel on American ships.

SUSPENSION DURING 1944

Act Dec 23, 1943, ch 380, title III, § 302, 57 Stat 642, provided for the suspension of the requirements of this section during 1944

§ 1242. Requisition or purchase of vessels in time of emergency.

* * * * *

(d) Determination of amount of compensation.

In all cases, the just compensation authorized by this section shall be determined and paid by the Commission as soon as practicable, but if the amount of just compensation determined by the Commission is unsatisfactory to the person entitled thereto, such person shall be paid 75 per centum of

the amount so determined and shall be entitled to sue the United States to recover such further sum as, added to said 75 per centum will make up such amount as will be just compensation therefor, in the manner provided for by sections 41 (20) and 250 of Title 28.

The existence of any valid claim by way of mortgage or maritime claim or attachment lien upon such vessel shall not prevent the taking thereof pursuant to this section: *Provided, however,* That in the event any such claim exists the United States Maritime Commission may in its discretion deposit such portion of the compensation hereunder, or advances on account thereof, as may equal but not exceed the amount of such claims in respect of the vessel, with the Treasurer of the United States, and the fund so deposited shall be available for the payment of such compensation, and shall be subject to be applied to the payment of the amount of any valid claim by way of mortgage or maritime lien or attachment lien upon such vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requisition or taking of title or possession; the holder of any such claim may commence prior to June 30, 1943, or within six months after the first such deposit with the Treasurer and publication of notice thereof in the Federal Register, whichever date is later, and maintain in the United States district court from whose custody such vessel has been or may be taken or in whose territorial jurisdiction the vessel was lying at the time of requisitioning or taking of title or possession, a suit in admiralty according to the principles of libels in rem against the fund, which shall proceed and be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties, and any decree in said suit shall be paid out of the first and all subsequent deposits of compensation; and such suit shall be commenced in the manner provided by section 742 of this title and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney General and the United States Maritime Commission and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction. (As amended Mar. 24, 1943, ch. 26, § 3 (d), 57 Stat. 49.)

* * * * *

AMENDMENTS

1943—Subsec. (d) was amended by act Mar. 24, 1943, cited to text, which added paragraph beginning "The existence of any valid claim" etc

SUBCHAPTER X.—MARITIME LABOR RELATIONS

WORKING HOURS AND OVERTIME OF EMPLOYEES

Act May 2, 1941, ch 84, § 4, 55 Stat. 150, as extended by Res June 16, 1942, ch. 416, 56 Stat 370, relating to working hours and overtime of employees engaged in U. S. Maritime Commission ship construction and national defense work, formerly set out as note under this subchapter, was repealed by act May 7, 1943, ch 93, § 5, 57 Stat. 77. War overtime pay provisions are now covered by sections 1401–1415 of Appendix to Title 50, War

§ 1254. Encouragement of employer-employee agreements and settlements.

It shall be the duty of all maritime employers, their officers and agents, and their employees or the duly selected representatives of such employees to exert every reasonable effort—

(1) to make and maintain written agreements concerning rates of pay, hours of employment, rules, and working conditions, which agreements shall provide, by means of adjustment boards or port committees, for the final adjustment of disputes growing out of grievances or the application or interpretation of the terms of such agreements;

(2) to settle all disputes, whether arising out of the interpretation or application of such agreements or otherwise, in order to avoid any interruptions to transportation of passengers or property in waterborne commerce. (As amended June 23, 1941, ch. 228, § 2, 55 Stat. 259.)

AMENDMENTS

1941—Act June 23, 1941, cited to text, omitted words "the Board to encourage" from first sentence preceding words "all maritime employers"

§ 1256. Repealed. June 23, 1941, ch. 228, § 3, 55 Stat. 259.

SAVING CLAUSE

Last portion of section 3 of act June 23, 1941, ch 228, 55 Stat 259, repealing this section and sections 1258, 1259, and last sentence of 1260 provided: "That the Maritime Labor Board may continue to act as mediator in any disputes wherein its mediation services have been requested and the mediation of which the Board has actively undertaken prior to the date of the enactment of this Act"

§§ 1258, 1259. Repealed. June 23, 1941, ch. 228, § 3, 55 Stat. 259.

SAVING CLAUSE

Saving clause for act June 23, 1941, ch 228, 55 Stat. 259, see note under section 1256 of this title

§ 1260. Report of plan for permanent labor policy.

On or before March 1, 1940, the Board shall submit to the President and to Congress a comprehensive plan for the establishment of a permanent Federal policy for the amicable adjustment of all disputes between maritime employers and employees and for the stabilization of maritime labor relations. (June 29, 1936, ch. 858, title X, § 1010, as added June 23, 1938, ch. 600, § 45, 52 Stat. 969, amended June 23, 1941, ch. 228, § 3, 55 Stat. 259.)

AMENDMENTS

1941—Act June 23, 1941, cited to text, repealed last sentence of section which read "As far as may be, the Board shall seek to secure through its mediatory efforts agreement between maritime employers and employees upon the plan it is hereby required to submit."

SAVING CLAUSE

Saving clause for act June 23, 1941, ch 228, 55 Stat. 259, see note under section 1256 of this title.

§ 1262. Expiration of subchapter.

This subchapter shall expire at the end of four years from the date of its enactment. (As amended June 23, 1941, ch. 228, § 1, 55 Stat. 259.)

AMENDMENTS

1941—Act June 23, 1941, cited to text, substituted "four years" for "three years"

Chapter 28.—CARRIAGE OF GOODS BY SEA

§§ 1300, 1301, 1303, 1305, 1307, 1308, 1309–1313.

REFERENCES IN TEXT

Words "and section 25 of Title 49" appearing in text should be deleted as said section 25 was repealed by Act Sept. 18, 1940, ch. 722, Title I, § 14 (a), 54 Stat. 919.

§ 1315. Short title.

REFERENCES IN TEXT

Words "and the proviso to paragraph (4) of section 25 of Title 49" appearing in text should be deleted as said section 25 was repealed by act Sept. 18, 1940, ch. 722, title I, § 14 (a), 54 Stat. 919.

Chapter 29.—NAUTICAL INSTRUCTION

§ 1332. Same; examination and inspection; ratings.

TRANSFER OF FUNCTIONS

Functions of Maritime Commission pertaining to the examination, inspection, rating and certification of civilian nautical schools transferred to the Commandant of the Coast Guard during present war, see Ex Ord. No 9083, set out in note under section 601 of Appendix to Title 50, War.

Chapter 30.—PEONAGE AND SLAVE TRADE PUNISHED BY SEIZURES AND FORFEITURES

Sec

1351 Equipping vessel for slave trade, forfeiture, moiety to informer
1352 Same, penalty, moiety to informer
1353 Forfeiture of vessels transporting slaves, moiety to informer.
1354 Receiving persons on board to be sold as slaves; penalty, moiety to informer
1355 Vessels found hovering on coasts forfeited
1356 Forfeiture of interest in slave vessels, additional penalty
1357 Seizure of vessels in slave trade
1358 Proceeds of condemned vessels paid into Treasury
1359 Disposal of persons found on seized vessel.
1360 Apprehension of officers and crew
1361 Removal of persons delivered from seized vessel.
1362 Port to which captured vessel sent.
1363 Bond by owners of foreign vessels.
1364 Instructions to masters of armed vessels.

HISTORICAL NOTE

Sections 1351–1364 were formerly set out in Title 18, Criminal Code and Criminal Procedure, as sections 429–442, respectively

§ 1351. Equipping vessel for slave trade; forfeiture; moiety to informer.

No person shall, for himself or for another, as master, factor, or owner, build, fit, equip, load, or otherwise prepare any vessel in any port or place within the jurisdiction of the United States, or cause any vessel to sail from any port or place within the jurisdiction of the United States, for the purpose of procuring any person from any foreign kingdom, place, or country to be transported to any port or place whatsoever to be held, sold, or otherwise disposed of as a slave, or to be held to service or labor; and every vessel so built, fitted out, equipped, laden, or otherwise prepared, with her tackle, apparel, furniture, and lading, shall be forfeited, one moiety to the use of the United States and the other to the use of the person who sues for the forfeiture and prosecutes the same to effect. (Mar. 4, 1909, ch. 321, § 254, 35 Stat. 1140.)

CODIFICATION

Section constituted Criminal Code section 429, Act Mar 4, 1909, cited to text.

The only changes made by enactment of that code were the substitution of the words "United States" where they appear the second time in the text, for the word "same," and the substitution of the word "person" for the words "negro, mulatto, or person of color."

DERIVATION

R S § 5551, which was revised from acts Apr. 20, 1818, ch 91, 3 Stat. 451, Mar 22, 1794, ch. 11, 1 Stat 347 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

§ 1352. Same; penalty; moiety to informer.

Whoever so builds, fits out, equips, loads, or otherwise prepares or sends away any vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the provisions of section 1351 of this title, or in any way aids or abets therein, shall, besides the forfeiture of the vessel, pay the sum of $2,000; one moiety thereof to the use of the United States and the other moiety thereof to the use of the person who sues for and prosecutes the same to effect. (Mar. 4, 1909, ch. 321, § 255, 35 Stat. 1140.)

CODIFICATION

Section constituted Criminal Code section 430, Act Mar 4, 1909, cited to text.

DERIVATION

R S § 5552, which was revised from act Mar 22, 1794, ch. 11, 1 Stat 349, and repealed by act Mar 4, 1909, ch. 321, § 341, 35 Stat 1153

§ 1353. Forfeiture of vessels transporting slaves; moiety to informer.

Every vessel employed in carrying on the slave trade or on which is received or transported any person from any foreign kingdom or country, or from sea, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or of holding such person to service or labor, shall, together with her tackle, apparel, furniture, and the goods and effects which may be found on board, or which may have been imported thereon in the same voyage, be forfeited; one moiety to the use of the United States and the other to the use of the person who sues for and prosecutes the forfeiture to effect. (Mar. 4, 1909, ch. 321, § 256, 35 Stat. 1140.)

CODIFICATION

Section constituted Criminal Code section 256, act Mar 4, 1909, cited to text.

The only change was the substitution of the word "person" where it first appears for the words "negro, mulatto, or person of color."

DERIVATION

R S. § 5553, which was revised from acts Apr 20, 1818, ch. 91, 3 Stat 451, May 10, 1800, ch. 51, 2 Stat 71, and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat 1153.

§ 1354. Receiving persons on board to be sold as slaves; penalty; moiety to informer.

Whoever, being a citizen of the United States, takes on board, receives, or transports any person for the purpose of selling such person as a slave shall, in addition to the forfeiture of the vessel, pay for each person so received on board or transported the sum of $200, to be recovered in any court of the United States; the one moiety thereof to the

use of the United States and the other moiety to the use of the person who sues for and prosecutes the same to effect. (Mar. 4, 1909, ch. 321, § 257, 35 Stat. 1140.)

CODIFICATION

Section constituted Criminal Code section 257, act Mar. 4, 1909, cited to text

The only changes were the substitution of the initial words "Whoever, being a citizen" for the words "If any citizen," the substitution of the word "person" where it first appears for the words, "negro, mulatto, or person of color," and the omission of the word "he," which formerly appeared after the word "slave"

DERIVATION

R S § 5554, which was revised from act Mar 22, 1794, ch 11, 1 Stat 349 and repealed by act Mar. 4, 1909, ch 321, § 341, 35 Stat 1153.

§ 1355. Vessels found hovering on coasts forfeited.

Every vessel which is found in any river, port, bay, or harbor, or on the high seas, within the jurisdiction of the United States, or hovering on the coasts thereof, and having on board any person, with intent to sell such person as a slave, or with intent to land the same for that purpose, either in the United States or elsewhere, shall, together with her tackle, apparel, furniture, and the goods or effects on board of her, be forfeited to the United States. (Mar. 4, 1909, ch. 321, § 258, 35 Stat. 1140.)

CODIFICATION

Section constituted Criminal Code section 258, act Mar 4, 1909, cited to text

The only changes consisted in the substitution of the words "jurisdiction of the United States" for the words "jurisdictional limits of the United States," and the substitution of the word "person" where it first appears for the words "negro, mulatto, or person of color"

DERIVATION

R. S § 5555, which was revised from act Mar. 2, 1807, ch. 22, 2 Stat. 428, and repealed by act Mar 4, 1909, ch 321, § 341, 35 Stat 1153

§ 1356. Forfeiture of interest in slave vessels; additional penalty.

It shall be unlawful for any citizen of the United States, or other person residing therein, or under the jurisdiction thereof, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any such right or property shall be forfeited and may be libeled and condemned for the use of the person suing for the same. Whoever shall violate the prohibition of this section shall also forfeit and pay a sum of money equal to double the value of his right or property in such vessel; and shall also forfeit a sum of money equal to double the value of the interest he had in the slaves which at any time may be transported or carried in such vessels. (Mar. 4, 1909, ch 321, § 259, 35 Stat. 1140.)

CODIFICATION

Section was Criminal Code section 259, act Mar 4, 1909, cited to text.

Aside from slight verbal changes, the only material alteration was the addition of the words "or under the jurisdiction thereof," near the beginning of the section.

DERIVATION

R S § 5556, which was revised from act May 10, 1800, ch 51, 2 Stat. 70, and repealed by act Mar. 4, 1909, ch 321, § 341, 35 Stat. 1153.

§ 1357. Seizure of vessels in slave trade.

The President is authorized, when he deems it expedient, to man and employ any of the armed vessels of the United States to cruise wherever he may judge attempts are making [1] to carry on the slave trade, by citizens or residents of the United States, in contravention of laws prohibitory of the same; and, in such case, he shall instruct the commanders of such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all American vessels, wheresoever found, which may have on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported any person, in violation of the provisions of any Act of Congress prohibiting the traffic in slaves. (Mar 4, 1909, ch. 321, § 260, 35 Stat 1140.)

[1] So in original

CODIFICATION

Section was Criminal Code section 260, act Mar 4, 1909, cited to text

The only change was the substitution of the word "person" near the end of the section for the words "negro, mulatto, or person of color"

DERIVATION

R S § 5557, which was revised from acts May 10, 1800, ch. 51, 2 Stat. 71, Mar 2, 1807, ch 22, 2 Stat. 428, Mar 3, 1819, ch 101 3 Stat 552 and repealed by act Mar 4, 1909, ch 321, § 341, 35 Stat 1153

CROSS REFERENCES

Seizure of vessels engaged in the cooly trade, see section 337 of Title 8, Aliens and Nationality

§ 1358. Proceeds of condemned vessels paid into Treasury.

The proceeds of all vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which are so seized, prosecuted, and condemned, shall be paid into the Treasury of the United States. (Mar. 4, 1909, ch. 321, § 261, 35 Stat. 1141.)

CODIFICATION

Section constituted Criminal Code section 261, act Mar 4, 1909, cited to text

DERIVATION

R. S § 5558, which was revised from acts May 10, 1800, ch 51, 2 Stat 71, Mar 2, 1807, ch 22, 2 Stat 428, Mar 3, 1819, ch 101, 3 Stat 532 and repealed by act Mar. 4, 1909, ch 321, § 341, 35 Stat 1153

PRIZE MONEY ABOLISHED

Prize money having been abolished by act of Mar 3, 1899, ch 413, § 13, 30 Stat 1007, the section was changed to provide that the proceeds of captured vessels shall be paid into the Treasury of the United States.

PRIOR LAW

R S § 5562, act of Mar 3, 1819, ch 101, 3 Stat 533, was repealed by section 341 of act Mar. 4, 1909, but its provisions were not incorporated in the Code, possibly because of the abolition of prize money as heretofore noted. It read as follows:

"SEC. 5562 A bounty of twenty-five dollars shall be paid to the officers and crews of the commissioned vessels of the United States, or revenue-cutters for each negro,

mulatto, or person of color, who may be, as hereinbefore provided, delivered to the marshal or agent duly appointed to receive such person, and the Secretary of the Treasury is required to pay or cause to be paid, to such officers and crews, or their agent, such bounty for each person so delivered."

§ 1359. Disposal of persons found on seized vessel.

The officers of the vessel making such seizure shall safely keep every person found on board of any vessel so seized, taken, or brought into port for condemnation, and shall deliver every such person to the marshal of the district into which he may be brought, if into a port of the United States, or if elsewhere, to such person as may be lawfully appointed by the President, in the manner directed by law, transmitting to the President, as soon as may be after such delivery, a descriptive list of such persons, in order that he may give directions for the disposal of them. (Mar. 4, 1909, ch. 321, § 262, 35 Stat. 1141.)

CODIFICATION

Section constituted Criminal Code section 262, act Mar 4, 1909, cited to text

The changes consisted in the substitution of the word "person" wherever it appears, for the words "negro, mulatto, or person of color," and such verbal changes near the beginning of the section as were rendered necessary by the abolition of prize money as stated in note under section 1358 of this title

DERIVATION

R S § 5559, which was revised from act Mar 3, 1819, ch 101, 3 Stat 532 and repealed by act Mar. 4, 1909, ch 321, § 341, 35 Stat 1153

§ 1360. Apprehension of officers and crew.

The commanders of such commissioned vessels shall cause to be apprehended and taken into custody every person found on board of such offending vessel so seized and taken, being of the officers or crew thereof, and him convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against in due course of law. (Mar. 4, 1909, ch. 321, § 263, 35 Stat. 1141.)

CODIFICATION

Section constituted Criminal Code section 263, Act Mar. 4, 1909, cited to text.

DERIVATION

R S § 5560, which was revised from acts Mar 3, 1819 ch 101, 3 Stat. 532, May 10, 1800, ch. 51, 2 Stat 71 and repealed by act Mar 4, 1909, ch 321, § 341, 35 Stat 1153

§ 1361. Removal of persons delivered from seized vessel.

The President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States of all such persons as may be so delivered and brought within its jurisdiction. (Mar. 4, 1909, ch. 321, § 264, 35 Stat. 1141.)

CODIFICATION

Section constituted Criminal Code, section 264, Act Mar 4, 1909, cited to text

The changes consisted in the substitution of the word "person" for the words "negroes, mulattoes or persons of color," and the omission of the provision relating to the appointment of an agent in Africa

R S §§ 5566, 5568 R S § 5566, Act June 16, 1860, ch 136, 12 Stat 40, authorizing the President to contract with any person, society, etc., to receive on the Coast of Africa all negroes, etc., delivered from on board seized vessels, and R. S § 5568, authorizing him to enter into arrangements with foreign governments having possessions in the West Indies or other tropical regions, were not included in the Criminal Code The former was repealed by section 341 thereof. The latter was not repealed It is obsolete

DERIVATION

R S § 5561, which was revised from act Mar. 3, 1819, ch. 101, § 2, 3 Stat 533, and repealed by act Mar. 4, 1909, ch 321, § 341, 35 Stat 1153.

§ 1362. Port to which captured vessel sent.

It shall be the duty of the commander of any armed vessel of the United States, whenever he makes any capture under the preceding provisions, to bring the vessel and her cargo, for adjudication, into some port of the State, Territory, or District to which such vessel so captured may belong, if he can ascertain the same; if not, then into any convenient port of the United States. (Mar. 4, 1909, ch. 321, § 265, 35 Stat. 1141)

CODIFICATION

Section constituted Criminal Code section 265, act Mar. 4, 1909, cited to text.

The material changes consisted in the substitution of the words "some port" for the words "some of the ports," the addition of the words "or District" after the word "Territory," and the omission of the words "to be sent," which appeared before the words "into any convenient port."

DERIVATION

R S § 5563, which was revised from act Mar. 3, 1819, ch 101, 3 Stat 534 and repealed by act Mar 4, 1909, ch 321, § 341, 35 Stat 1153

§ 1363. Bond by owners of foreign vessels.

Every owner, master, or factor of any foreign vessel clearing from any port within the jurisdiction of the United States, and suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs by any citizen, on oath, and such information being to the satisfaction of the officer, shall first give bond, with sufficient sureties, to the Treasurer of the United States that none of the natives of any foreign country or place shall be taken on board such vessel to be transported or sold as slaves in any other foreign port or place whatever, within nine months thereafter. (Mar. 4, 1909, ch 321, § 266, 35 Stat. 1141)

CODIFICATION

Section constituted Criminal Code section 266, act Mar 4, 1909, cited to text

The only changes made were the substitution of the words "clearing from any port within the jurisdiction of the United States and" for the words "clearing out for any of the coasts or kingdoms of Africa or," and the substitution of the words "natives of any foreign country or place" for the words "natives of Africa or any other foreign country or place "

R. S. § 5565 act of May 10, 1800, ch 51, 2 Stat. 71, relative to the disposition of forfeitures was also repealed by section 341, of the Criminal Code, but its provisions were not embodied in any one section of that Code.

DERIVATION

R S § 5564, which was revised from act Mar 22, 1794, ch 11, 1 Stat 349 and repealed by act Mar 4, 1909, ch 321, § 341, 35 Stat 1153.

§ 1364. Instructions to masters of armed vessels.

The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such rules and regulations as he may prescribe, to proceed directly to the country from which they were taken, and there hand over to the agent of the United States all such persons, delivered from on board vessels seized in the prosecution of the slave trade; and they shall afterwards bring the captured vessels and persons engaged in prosecuting such trade to the United States for trial and adjudication. (Mar. 4, 1909, ch. 321, § 267, 35 Stat. 1141.)

CODIFICATION

Section constituted Criminal Code section 267, act Mar. 4, 1909, cited to text.

The only changes consisted in the substitution of the words "to the country from which they were taken" for the words "to the coast of Africa," and the substitution of the words "such persons" for the words "negroes, mulattoes, and persons of color."

R. S. § 5569, act of July 17, 1862, ch. 197, 12 Stat. 593, authorizing the President to issue instructions to proceed directly to the place agreed upon with any foreign government, was not specifically repealed as obsolete.

DERIVATION

R. S. § 5567, which was revised from act June 16, 1860, ch. 136, 12 Stat. 41 and repealed by act Mar. 4, 1909, ch. 321, § 341, 35 Stat. 1153.

TITLE 47.—TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

Chapter 1.—TELEGRAPHS

§ 3. Government priority in transmission of messages.

Telegrams between the several departments of the Government and their officers, relating exclusively to the public business, in their transmission over the lines of any telegraph company to which has been given the right-of-way, timber, or station lands from the public domain, shall have priority over all other business at such rates as the Federal Communications Commission shall annually fix. No part of any appropriation for the several departments of the Government shall be paid to any company which neglects or refuses to transmit such telegrams in accordance with the provisions of this section: *Provided,* That nothing in this section shall limit the authority of the Federal Communications Commission, under section 201 (b) of this title, as amended, with respect to the classification of communications and the prescribing of different charges for different classes of communications, and such authority of the Federal Communications Commission to fix rates for Government communications may be exercised with respect to any or all communications to which section 201 (b) of this title, as amended, and this section apply: *Provided further,* That the term "Government" as used in section 201 (b) of this title, as amended, and the term "departments of the Government" as used in this section, shall be held to refer only to the established departments, independent establishments, and agencies in the legislative, executive and judicial branches of the Federal Government. (As amended Mar. 6, 1943, ch. 10, § 6, 57 Stat. 12.)

AMENDMENTS

1943—Act Mar. 6, 1943, cited to text, substituted "Federal Communications Commission" for "Postmaster General" in first sentence, and added the two provisos

Chapter 5.—WIRE OR RADIO COMMUNICATION

SUBCHAPTER II—COMMON CARRIERS

Sec
222 Consolidations and mergers of Telegraph Carriers (New).
(a) Definitions
(b) Consolidation or merger authorized, acquisition of facilities.
(c) Application to Commission; public hearings; determination of public interest; approval; divestment of international operations
(d) Alien ownership of capital stock.
(e) Distribution of telegraph traffic among international carriers; contiguous foreign country defined; intervention of Commission; international and domestic operations construed
(f) Protection of employees.

SUBCHAPTER I.—GENERAL PROVISIONS

§ 154. Federal Communications Commission; composition and provisions relating thereto generally.

* * * * *

(f) (1) Without regard to the civil-service laws or sections 661 to 674 of Title 5, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a director for each division, a chief engineer and not more than three assistants, a chief accountant and not more than three assistants, a general counsel and not more than three assistants, and temporary counsel designated by the Commission for the performance of special services; and (2) each commissioner may appoint and prescribe the duties of a secretary at an annual salary not to exceed $4,000. The general counsel and the chief engineer and the chief accountant shall each receive an annual salary of not to exceed $9,000; the secretary shall receive an annual salary of not to exceed $7,500; the director of each division shall receive an annual salary of not to exceed $7,500; and no assistant shall receive an annual salary in excess of $7,500. The Commission shall have authority, subject to the provisions of the civil-service laws and sections 661 to 674 of Title 5, to appoint such other officers, engineers, accountants, inspectors, attorneys, examiners, and other employees as are necessary in the execution of its functions.

(2) The Commission shall fix a reasonable rate of extra compensation for overtime services of inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission, who may be required to remain on duty between the hours of 5 o'clock postmeridian and 8 o'clock antemeridian or on Sundays or holidays to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of part II of subchapter III of this chapter, on the basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime extends beyond 5 o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from 5 o'clock postmeridian to 8 o'clock antemeridian) and two additional days' pay for Sunday or holiday duty. The said extra compensation for overtime services shall be paid by the master, owner, or agent of such vessel to the local United States collector of customs or his representative, who shall deposit such collection into the Treasury of the United States to an appropriately designated receipt account: *Provided,* That the amounts of such collections received by the said collector of customs or his representatives shall be covered into the Treasury as miscellaneous receipts; and the payments of such extra compensation to the several employees entitled thereto shall be made from the annual appropriations for salaries and expenses of the Commission: *Provided further,* That to the extent that the annual appropriations which are hereby authorized to be made from the general fund of the Treasury are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury

such additional amounts as may be necessary to the extent that the amounts of such receipts are in excess of the amounts appropriated: *Provided further*, That such extra compensation shall be paid if such field employees have been ordered to report for duty and have so reported whether the actual inspection of the radio equipment or apparatus takes place or not: *And provided further*, That in those ports where customary working hours are other than those hereinabove mentioned, the inspectors in charge are vested with authority to regulate the hours of such employees so as to agree with prevailing working hours in said ports where inspections are to be made, but nothing contained in this proviso shall be construed in any manner to alter the length of a working day for the inspectors in charge and radio inspectors or the overtime pay herein fixed. (As amended Mar. 23, 1941, ch. 24, 55 Stat. 46.)

* * * * *

AMENDMENTS

1941—Subsec. (f) was amended by act Mar 23, 1941, cited to text, which designated the existing paragraph as "(1)", and added paragraph (2)

CROSS REFERENCES

War Overtime Pay Act of 1943, construction with, see section 1406 of Appendix to Title 50, War.

SUBCHAPTER II—COMMON CARRIERS

§ 201. Service and charges.

CROSS REFERENCES

Reporting the positions of ships by common carriers as prohibited during war, see subsec (h) (1) of section 606 of this title.

§ 214. Extension of lines; certificate of public convenience and necessity; discontinuance of service.

(a) No carrier shall undertake the construction of a new line or of an extension of any line, or shall acquire or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line: *Provided*, That no such certificate shall be required under this section for the construction, acquisition, or operation of (1) a line within a single State unless such line constitutes part of an interstate line, (2) local, branch, or terminal lines not exceeding ten miles in length, or (3) any line acquired under section 221 or 222 of this title: *Provided further*, That the Commission may, upon appropriate request being made, authorize temporary or emergency service, or the supplementing of existing facilities, without regard to the provisions of this section. No carrier shall discontinue, reduce, or impair service to a community, or part of a community, unless and until there shall first have been obtained from the Commission a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby; except that the Commission may, upon appropriate request being made, authorize temporary or emergency discontinuance, reduction, or impairment of service, or partial discontinuance, reduction, or impairment of service, without regard to the provisions of this section. As used in this section the term "line" means any channel of communication established by the use of appropriate equipment, other than a channel of communication established by the interconnection of two or more existing channels: *Provided, however*, That nothing in this section shall be construed to require a certificate or other authorization from the Commission for any installation, replacement, or other changes in plant, operation, or equipment, other than new construction, which will not impair the adequacy or quality of service provided.

(b) Upon receipt of an application for any such certificate, the Commission shall cause notice thereof to be given to, and shall cause a copy of such application to be filed with, the Secretary of War, the Secretary of the Navy, and the Governor of each State in which such line is proposed to be constructed, extended, acquired, or operated, or in which such discontinuance, reduction, or impairment of service is proposed, with the right to those notified to be heard; and the Commission may require such published notice as it shall determine.

(c) The Commission shall have power to issue such certificate as applied for, or to refuse to issue it, or to issue it for a portion or portions of a line, or extension thereof, or discontinuance, reduction, or impairment of service, described in the application, or for the partial exercise only of such right or privilege, and may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require. After issuance of such certificate, and not before, the carrier may, without securing approval other than such certificate, comply with the terms and conditions contained in or attached to the issuance of such certificate and proceed with the construction, extension, acquisition, operation, or discontinuance, reduction, or impairment of service covered thereby. Any construction, extension, acquisition, operation, discontinuance, reduction, or impairment of service contrary to the provisions of this section may be enjoined by any court of competent jurisdiction at the suit of the United States, the Commission, the State commission, any State affected, or any party in interest.

(d) The Commission may, after full opportunity for hearing, in a proceeding upon complaint or upon its own initiative without complaint, authorize or require by order any carrier, party to such proceeding, to provide itself with adequate facilities for the expeditious and efficient performance of its service as a common carrier and to extend its line or to establish a public office; but no such authorization or order shall be made unless the Commission finds, as to such provision of facilities, as to such establishment of public offices, or as to such extension, that it is reasonably required in the interest of public convenience and necessity, or as to such extension or facilities that the expense involved therein will not impair the ability of the carrier to perform its duty to the public. Any carrier

which refuses or neglects to comply with any order of the Commission made in pursuance of this paragraph shall forfeit to the United States $100 for each day during which such refusal or neglect continues. (As amended Mar. 6, 1943, ch. 10, §§ 2–5, 57 Stat. 11.)

AMENDMENTS

1943—Subd. (a) was amended by act Mar. 6, 1943, which among other changes added all after "no carrier shall discontinue", etc

Subd. (b) was amended by act Mar 6, 1943, cited to text, which among other changes provided notice should be filed with Secretary of War and the Secretary of the Navy

Subd. (c) was amended by act Mar. 6, 1943, cited to text, which extended provisions to include discontinuance, reduction, or impairment of service.

Subd. (d) was amended by act Mar 6, 1943, cited to text, which affected first sentence.

§ 222. Consolidations and mergers of telegraph carriers—(a) Definitions.

As used in this section—

(1) The term "consolidation or merger" includes the legal consolidation or merger of two or more corporations, and the acquisition by a corporation through purchase, lease, or in any other manner, of the whole or any part of the property, securities, facilities, services, or business of any other corporation or corporations, or of the control thereof, in exchange for its own securities, or otherwise.

(2) The term "domestic telegraph carrier" means any common carrier by wire or radio, the major portion of whose traffic and revenues is derived from domestic telegraph operations; and such term includes a corporation owning or controlling any such common carrier.

(3) The term "international telegraph carrier" means any common carrier by wire or radio, the major portion of whose traffic and revenues is derived from international telegraph operations; and such term includes a corporation owning or controlling any such common carrier.

(4) The term "consolidated or merged carrier" means any carrier by wire or radio which acquires or operates the properties and facilities unified and integrated by consolidation or merger.

(5) The term "domestic telegraph operations" includes acceptance, transmission, reception, and delivery of record communications by wire or radio which either originate or terminate at points within the continental United States, Alaska, Canada, Saint Pierre-Miquelon, Mexico, or Newfoundland and terminate or originate at points within the continental United States, Alaska, Canada, Saint Pierre-Miquelon, Mexico, or Newfoundland, and includes acceptance, transmission, reception, or delivery performed within the continental United States between points of origin within and points of exit from, and between points of entry into and points of destination within, the continental United States with respect to record communications by wire or radio which either originate or terminate outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, Mexico, and Newfoundland, and also includes the transmission within the continental United States of messages which both originate and terminate outside but transit through the continental United States: *Provided*, That nothing in this section shall prevent international telegraph carriers from accepting and delivering international telegraph messages in the cities which constitute gateways approved by the Commission as points of entrance into or exit from the continental United States, under regulations prescribed by the Commission, and the incidental transmission or reception of the same over its own or leased lines or circuits within the continental United States.

(6) The term "international telegraph operations" includes acceptance, transmission, reception, and delivery of record communications by wire or radio which either originate or terminate at points outside the continental United States, Alaska, Canada, Saint Pierre-Miquelon, Mexico, and Newfoundland, but does not include acceptance, transmission, reception, and delivery performed within the continental United States between points of origin within and points of exit from, and between points of entry into, and points of destination within, the continental United States with respect to such communications, or the transmission within the continental United States of messages which both originate and terminate outside but transit through the continental United States.

(7) The terms "domestic telegraph properties" and "domestic telegraph facilities" mean properties and facilities, respectively, used or to be used in domestic telegraph operations.

(8) The term "employee" or "employees" (i) shall include any individual who is absent from active service because of furlough, illness, or leave of absence, except that there shall be no obligation upon the consolidated or merged carrier to reemploy any employee who is absent because of furlough, except in accordance with the terms of his furlough, and (ii) shall not include any employee of any carrier which is a party to a consolidation or merger pursuant to this section to the extent that he is employed in any business which such carrier continues to operate independently of the consolidation or merger.

(9) The term "representative" includes any individual or labor organization.

(10) The term "continental United States" means the several States and the District of Columbia.

(b) Consolidation or merger authorized; acquisition of facilities.

(1) It shall be lawful, upon application to and approval by the Commission as hereinafter provided, for any two or more domestic telegraph carriers to effect a consolidation or merger; and for any domestic telegraph carrier, as a part of any such consolidation or merger or thereafter, to acquire all or any part of the domestic telegraph properties, domestic telegraph facilities, or domestic telegraph operations of any carrier which is not primarily a telegraph carrier: *Provided*, That, except as provided in paragraph (2) of this subsection, no domestic telegraph carrier shall effect a consolidation or merger with any international telegraph carrier, and no international telegraph carrier shall effect a consolidation or merger with any domestic telegraph carrier.

(2) As a part of any such consolidation or merger, or thereafter upon application to and approval by the Commission as hereinafter provided, the consolidated or merged carrier may acquire all or any part of the domestic telegraph properties, domestic telegraph facilities, or domestic telegraph operations of any international telegraph carrier.

(c) Application to Commission; public hearings; determination of public interest; approval; divestment of international operations.

(1) Whenever any consolidation or merger is proposed under subsection (b) of this section, the telegraph carrier or telegraph carriers seeking authority therefor shall submit an application to the Commission, and thereupon the Commission shall order a public hearing to be held with respect to such application and shall give reasonable notice thereof, in writing, and an opportunity to be heard, to the Governor of each of the States in which any of the physical property involved in such proposed consolidation or merger is situated, to the Secretary of State, the Secretary of War, the Attorney General of the United States, the Secretary of the Navy, representatives of employees where represented by bargaining representatives known to the Commission, and to such other persons as the Commission may deem advisable. If, after such public hearing, the Commission finds that the proposed consolidation or merger, or an amended proposal for consolidation or merger, (1) is authorized by subsection (a) of this section, (2) conforms to all other applicable provisions of this section, (3) is in the public interest, the Commission shall enter an order approving and authorizing such consolidation or merger, and thereupon any law or laws making consolidations and mergers unlawful shall not apply to the proposed consolidation or merger. In finding whether any proposed consolidation or merger is in the public interest, the Commission shall give due consideration, among other things, to the financial soundness of the carrier resulting from such consolidation or merger.

(2) Any proposed consolidation or merger of domestic telegraph carriers shall provide for the divestment of the international telegraph operations theretofore carried on by any party to the consolidation or merger, within a reasonable time to be fixed by the Commission, after the consideration for the property to be divested is found by the Commission to be commensurate with its value, and as soon as the legal obligations, if any, of the carrier to be so divested will permit. The Commission shall require at the time of the approval of such consolidation or merger that any such party exercise due diligence in bringing about such divestment as promptly as it reasonably can.

(d) Alien ownership of capital stock.

No proposed consolidation or merger of telegraph carriers pursuant to this section shall be approved by the Commission if, as a result of such consolidation or merger, more than one-fifth of the capital stock of any carrier which is subject to the jurisdiction of the Commission will be owned or controlled, or voted, directly or indirectly, (1) by any alien or the representative of any alien, (2) by any foreign government or the representative thereof, (3) by any corporation organized under the laws of any foreign government, or (4) by any corporation of which any officer or director is an alien, or of which more than one-fifth of the capital stock is owned or controlled, or voted, directly or indirectly, by any alien or the representative of any alien, by any foreign government or the representative thereof, or by any corporation organized under the laws of a foreign government.

(e) Distribution of telegraph traffic among international carriers; contiguous foreign country defined; intervention of Commission; international and domestic operations construed.

(1) In the case of any consolidation or merger of telegraph carriers pursuant to this section, the consolidated or merged carrier shall, except as provided in paragraph (2) of this subsection, distribute among the international telegraph carriers, telegraph traffic by wire or radio destined to points without the continental United States, and divide the charges for such traffic, in accordance with such just, reasonable, and equitable formula in the public interest as the interested carriers shall agree upon and the Commission shall approve: *Provided, however,* That in case the interested carriers should fail to agree upon a formula which the Commission approves as above provided, the Commission, after due notice and hearing, shall prescribe in its order approving and authorizing the proposed consolidation or merger a formula which it finds will be just, reasonable, equitable, and in the public interest, will be, so far as is consistent with the public interest, in accordance with the existing contractual rights of the carriers, and will effectuate the purposes of this subsection.

(2) In the case of any consolidation or merger pursuant to this section of telegraph carriers which immediately prior to such consolidation or merger, interchanged traffic with telegraph carriers in a contiguous foreign country, the consolidated or merged carrier shall distribute among such foreign telegraph carriers, telegraph traffic by wire or radio destined to points in such contiguous foreign country and shall divide the charges therefor, in accordance with such just, reasonable, and equitable formula in the public interest as the interested carriers shall agree upon and the Commission shall approve: *Provided, however,* That in case the interested carriers should fail to agree upon a formula which the Commission approves as above provided, the Commission, after due notice and hearing, shall prescribe in its order approving and authorizing the proposed consolidation or merger a formula which it finds will be just, reasonable, equitable, and in the public interest, will be, so far as is consistent with the public interest, in accordance with the existing contractual rights of the carriers, and will effectuate the purposes of this subsection. As used in this paragraph, the term "contiguous foreign country" means Canada, Mexico, or Newfoundland.

(3) Whenever, upon a complaint or upon its own initiative, and after a full hearing, the Commission finds that any such distribution of telegraph traffic

among telegraph carriers, or any such division of charges for such traffic, which is being made or which is proposed to be made, is or will be unjust, unreasonable, or inequitable, or not in the public interest, the Commission shall by order prescribe the distribution of such telegraph traffic, or the division of charges therefor, which will be just, reasonable, equitable, and in the public interest, and will be, so far as is consistent with the public interest, in accordance with the existing contractual rights of the carriers.

(4) For the purposes of this subsection, the international telegraph operations of any domestic telegraph carrier shall be considered to be the operations of an independent international telegraph carrier, and the domestic telegraph operations of any international telegraph carrier shall be considered to be the operations of an independent domestic telegraph carrier.

(f) Protection of employees.

(1) Each employee of any carrier which is a party to a consolidation or merger pursuant to this section who was employed by such carrier immediately preceding the approval of such consolidation or merger, and whose period of employment began on or before March 1, 1941, shall be employed by the carrier resulting from such consolidation or merger for a period of not less than four years from the date of the approval of such consolidation or merger, and during such period no such employee shall, without his consent, have his compensation reduced or be assigned to work which is inconsistent with his past training and experience in the telegraph industry.

(2) If any employee of any carrier which is a party to any such consolidation or merger, who was employed by such carrier immediately preceding the approval of such consolidation or merger, and whose period of employment began after March 1, 1941, is discharged as a consequence of such consolidation or merger by the carrier resulting therefrom, within four years from the date of approval of the consolidation or merger, such carrier shall pay such employee at the time he is discharged severance pay in cash equal to the amount of salary or compensation he would have received during the full four-week period immediately preceding such discharge at the rate of compensation or salary payable to him during such period, multiplied by the number of years he has been continuously employed immediately preceding such discharge by one or another of such carriers who were parties to such consolidation or merger, but in no case shall any such employee receive less severance pay than the amount of salary or compensation he would have received at such rate if he were employed during such full four-week period: *Provided, however,* That such severance pay shall not be required to be paid to any employee who is discharged after the expiration of a period, following the date of approval of the consolidation or merger, equal to the aggregate period during which such employee was in the employ, prior to such date of approval, of one or more of the carriers which are parties to the consolidation or merger.

(3) For a period of four years after the date of approval of any such consolidation or merger, any employee of any carrier which is a party to such consolidation or merger who was such an employee on such date of approval, and who is discharged as a result of such consolidation or merger, shall have a preferential hiring and employment status for any position for which he is qualified by training and experience over any person who has not theretofore been an employee of any such carrier.

(4) If any employee is transferred from one community to another, as a result of any such consolidation or merger, the carrier resulting therefrom shall pay, in addition to such employee's regular compensation as an employee of such carrier, the actual traveling expenses of such employee and his family, including the cost of packing, crating, drayage, and transportation of household goods and personal effects.

(5) In the case of any consolidation or merger pursuant to this section, the consolidated or merged carrier shall accord to every employee or former employee, or representative or beneficiary of an employee or former employee, of any carrier which is a party to such consolidation or merger, the same pension, health, disability, or death insurance benefits, as were provided for prior to the date of approval of the consolidation or merger, under any agreement or plan of any carrier which is a party to the consolidation or merger which covered the greatest number of the employees affected by the consolidation or merger; except that in any case in which, prior to the date of approval of the consolidation or merger, an individual has exercised his right of retirement, or any right to health, disability, or death insurance benefits has accrued, under any agreement or plan of any carrier which is a party to the consolidation or merger, pension, health, disability, or death insurance benefits, as the case may be, shall be accorded in conformity with the agreement or plan under which such individual exercised such right of retirement or under which such right to benefits accrued. For purposes of determining and according the rights and benefits specified in this paragraph, any period spent in the employ of the carrier of which such individual was an employee at the time of the consolidation or merger shall be considered to have been spent in the employ of the consolidated or merged carrier. The application for approval of any consolidation or merger under this section shall contain a guaranty by the proposed consolidated carrier that there will be no impairment of any of the rights or benefits specified in this paragraph.

(6) Any employee who, since August 27, 1940, has left a position, other than a temporary position, in the employ of any carrier which is a party to any such consolidation or merger, for the purpose of entering the military or naval forces of the United States, shall be considered to have been in the employ of such carrier during the time he is a member of such forces, and, upon making an application for employment with the consolidated or merged carrier within forty days from the time he is relieved

from service in any of such forces under honorable conditions, such former employee shall be employed by the consolidated or merged carrier and entitled to the benefits to which he would have been entitled if he had been employed by one of such carriers during all of such period of service with such forces; except that this paragraph shall not require the consolidated or merged carrier, in the case of any such individual, to pay compensation, or to accord health, disability, or death insurance benefits, for the period during which he was a member of such forces. If any such former employee is disabled and because of such disability is no longer qualified to perform the duties of his former position but otherwise meets the requirements for employment, he shall be given such available employment at an appropriate rate of compensation as he is able to perform and to which his service credit shall entitle him.

(7) No employee of any carrier which is a party to any such consolidation or merger shall, without his consent, have his compensation reduced, or (except as provided in paragraph (2) and paragraph (8) of this subsection) be discharged or furloughed during the four-year period after the date of the approval of such consolidation or merger. No such employee shall, without his consent, have his compensation reduced, or be discharged or furloughed, in contemplation of such consolidation and merger, during the six-month period immediately preceding such approval.

(8) Nothing contained in this subsection shall be construed to prevent the discharge of any employee for insubordination, incompetency, or any other similar cause.

(9) All employees of any carrier resulting from any such consolidation or merger, with respect to their hours of employment, shall retain the rights provided by any collective bargaining agreement in force and effect upon the date of approval of such consolidation or merger until such agreement is terminated, executed, or superseded. Notwithstanding any other provision of this chapter, any agreement not prohibited by law pertaining to the protection of employees may hereafter be entered into by such consolidated or merged carrier and the duly authorized representative or representatives of its employees selected according to existing law.

(10) For purposes of enforcement or protection of rights, privileges, and immunities granted or guaranteed under this subsection, the employees of any such consolidated or merged carrier shall be entitled to the same remedies as are provided by sections 151–166 of Title 29 in the case of employees covered by said sections; and the National Labor Relations Board and the courts of the United States (including the courts of the District of Columbia) shall have jurisdiction and power to enforce and protect such rights, privileges, and immunities in the same manner as in the case of enforcement of the provisions of sections 151–166 of Title 29.

(11) Nothing contained in this subsection shall apply to any employee of any carrier which is a party to any such consolidation or merger whose compensation is at the rate of more than $5,000 per annum.

(12) Notwithstanding the provisions of paragraphs (1) and (7), the protection afforded therein for the period of four years from the date of approval of the consolidation or merger shall not, in the case of any particular employee, continue for a longer period, following such date of approval, than the aggregate period during which such employee was in the employ, prior to such date of approval, of one or more of the carriers which are parties to the consolidation or merger. As used in paragraphs (1), (2), and (7), the term "compensation" shall not include compensation attributable to overtime not guaranteed by collective bargaining agreements. (June 19, 1934, ch. 652, § 222, as added Mar. 6, 1943, ch. 10, § 1, 57 Stat. 5.)

SUBCHAPTER III.—SPECIAL PROVISIONS RELATING TO RADIO

PART I.—GENERAL PROVISIONS

§ 306. Foreign ships; application of section 301.

CROSS REFERENCES

Transmission of communications or signals by foreign ships in territorial waters as prohibited during war, see subsec. (h) (2) of section 606 of this title.

PART II.—RADIO EQUIPMENT AND RADIO OPERATORS ON BOARD SHIP

§ 318. Transmitting apparatus; operator's license.

CROSS REFERENCES

Emergency or temporary operation of transmitting apparatus by members of armed forces, see subsec. (h) (3) of section 606 of this title.

§ 321. Distress signals and communications; equipment on vessels; regulations.

CROSS REFERENCES

Priority of military over distress messages during war, see subsec. (h) (4) of section 606 of this title.

§ 322. Exchanging radio communications between land and ship stations and from ship to ship.

CROSS REFERENCES

Intercommunication by radio stations in mobile service as subject to regulation by Secretary of Navy, see subsec (h) (5) of section 606 of this title.

§ 351. Vessels required to install equipment.

CROSS REFERENCES

Power of military and naval authorities to order emergency movement of ships in prosecution of war, see subsec. (h) (6) of section 606 of this title.

§ 353. Operators; auto-alarms; watches.

* * * * *

(b) A cargo ship, required by sections 351 to 362 of this title to be fitted with a radio installation, which is fitted with an autoalarm in accordance with sections 301 to 362 of this title, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months' previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States, but during the emergency proclaimed by the President on September 8, 1939, to exist, but not after the

termination of such emergency or such earlier date as Congress by concurrent resolution may designate, the aforesaid requirement of six months' previous service may be suspended or modified by regulation or order of the Commission for successive periods of not more than six months' duration. (As amended July 8, 1941, ch. 278, 55 Stat. 579; June 22, 1943, ch. 137, 57 Stat. 161.)

* * * * *

AMENDMENTS

1943—Subsec. (b) amended by act June 22, 1943, cited to text, which substituted "the termination of such emergency or such earlier date as Congress by concurrent resolution may designate" for "June 30, 1943".

1941—Subsec. (b) amended by act July 8, 1941, cited to text, which added exception respecting national emergency.

APPROVAL OF OPERATIONS BY SECRETARY OF NAVY UNTIL END OF PRESENT WAR

Act Dec. 17, 1941, ch. 588, 55 Stat. 808, as amended by Acts June 28, 1943, ch 174, 57 Stat. 244, June 13, 1945, ch. 190, 59 Stat. 259, provided: "During the period ending with the termination of the present wars as determined by proclamation of the President or concurrent resolution of Congress, whichever is earlier, or until such date prior to such termination as the Congress by concurrent resolution may designate, for the purpose of strengthening the national defense by providing additional safeguards, it shall be unlawful to employ any person or to permit any person to serve as radio operator aboard any vessel (other than a vessel of foreign registry) if the Secretary of the Navy—

"(1) has disapproved such employment for any specified voyage, route, or area of operation, and

"(2) has notified the master of the vessel of such disapproval prior to the departure thereof.

"No such vessel shall be granted clearance, depart or attempt to depart from any port or place in the United States, its territories or possessions, or the Canal Zone, while having on board a person serving as radio operator in violation of this Act. For any violation of this Act, the master and the owner shall be severally subject to a penalty of not more than $1,000 for which penalties the vessel shall be liable. Such penalties on application may be mitigated or remitted by the Secretary of Commerce."

SUBCHAPTER VI.—MISCELLANEOUS PROVISIONS

§ 606. War powers of President; protection of vessels in wartime.

* * * * *

(d) Upon proclamation by the President that there exists a state or threat of war involving the United States, the President, if he deems it necessary in the interest of the national security and defense, may, during a period ending not later than six months after the termination of such state or threat of war and not later than such earlier date as the Congress by concurrent resolution may designate, (1) suspend or amend the rules and regulations applicable to any or all facilities or stations for wire communication within the jurisdiction of the United States as prescribed by the Commission, (2) cause the closing of any facility or station for wire communication and the removal therefrom of its apparatus and equipment, or (3) authorize the use or control of any such facility or station and its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners.

(e) The President shall ascertain the just compensation for such use or control and certify the amount ascertained to Congress for appropriation and payment to the person entitled thereto. If the amount so certified is unsatisfactory to the person entitled thereto, such person shall be paid only 75 per centum of the amount and shall be entitled to sue the United States to recover such further sum as added to such payment of 75 per centum will make such amount as will be just compensation for the use and control. Such suit shall be brought in the manner provided by paragraph 20 of section 41 of Title 28, or by section 250 of Title 28.

(f) Nothing in subsection (c) or (d) shall be construed to amend, repeal, impair, or affect existing laws or powers of the States in relation to taxation or the lawful police regulations of the several States, except wherein such laws, powers, or regulations may affect the transmission of Government communications, or the issue of stocks and bonds by any communication system or systems.

(g) Nothing in subsection (c) or (d) shall be construed to authorize the President to make any amendment to the rules and regulations of the Commission which the Commission would not be authorized by law to make; and nothing in subsection (d) shall be construed to authorize the President to take any action the force and effect of which shall continue beyond the date after which taking of such action would not have been authorized.

(h) During the continuance of the war in which the United States is now engaged and for a period ending not later than six months after the termination of such war or such earlier date as the Congress by concurrent resolution may designate—

(1) section 201 (b) of this title shall not be construed as permitting or requiring the furnishing of reports of the positions of ships by common carriers subject to provisions of sections 151–609 of this title; such reports may be furnished by such common carriers only pursuant to such rules and regulations as may be promulgated by the Secretary of the Navy;

(2) section 306 shall not be construed to permit the transmission of communications or signals by a foreign ship when the same is within the jurisdiction of the United States except pursuant to such rules and regulations as may be promulgated by the Secretary of the Navy;

(3) section 318 of this title shall not be construed as preventing the emergency or temporary operation of the transmitting apparatus of radio stations for which licensed operators are required by international agreement or for safety purposes by any member of the armed forces of the United States, or upon aircraft by any person pursuant to direction of the military and naval authorities of the United States;

(4) section 321 (b) of this title shall not be construed as establishing any priority for distress messages over military message traffic determined by the Secretary of the Navy to require priority in transmission in the effective prosecution of the war;

(5) intercommunication by radio stations in the mobile service as provided for in section 322 of this title shall be conducted only in such manner and at such times as may be authorized by the Secretary of the Navy;

(6) nothing contained in sections 351–362 of this title shall be construed as preventing the military and naval authorities of the United States from ordering the emergency movement of ships at such times and under such circumstances as they may deem necessary in the effective prosecution of the war. (As amended Jan. 26, 1942, ch. 18, §§ 1, 2, 56 Stat. 18; Dec. 29, 1942, ch. 836, 56 Stat. 1096.)

AMENDMENTS

1942—Subsec (h) was added by act Dec 29, 1942, cited to text.

Act Jan. 26, 1942, cited to text, added subsections (d), (f), and (g) and redesignated former subsection (d) as (e).

EX. ORD NO. 8964. PRESCRIBING REGULATIONS GOVERNING THE USE, CONTROL AND CLOSING OF RADIO STATIONS AND THE PREFERENCE OR PRIORITY OF COMMUNICATIONS

Ex Ord. No 8964, Dec 10, 1941, 6 F R 6367 provided:

WHEREAS The Senate and House of Representatives of the United States of America in Congress assembled have declared that a state of war exists between the United States and the Imperial Japanese Government;

AND WHEREAS Section 606 of the Communications Act of 1934 (48 Stat. 1104; U. S C., title 47, sec 606) authorizes the President under such circumstances to cause the closing of any radio station and the removal therefrom of its apparatus and equipment, and to authorize the use or control of any such station and/or its apparatus and equipment by any agency of the Government under such regulations as the President may prescribe upon just compensation to the owners, and further authorizes him to direct that communications essential to the national defense and security shall have preference or priority;

AND WHEREAS It is necessary to insure the national defense and the successful conduct of the war that the Government of the United States shall take over, operate, and have use or possession of certain radio stations or parts thereof within the jurisdiction of the United States, and shall inspect, supervise, control or close other radio stations or parts thereof within the jurisdiction of the United States, and that there should be priority with respect to the transmission of certain communications by wire or radio;

Now, therefore, by virtue of authority vested in me under the Constitution of the United States and under the aforementioned joint resolution of Congress dated December 8, 1941, and under the provisions of the aforementioned Section 606 of the Communications Act of 1934, I hereby prescribe that from and after this date the Defense Communications Board created by the Executive Order of September 24, 1940 (hereinafter referred to as the Board) shall exercise the power and authority vested in me by Section 606 of the Communications Act of 1934 pursuant to and under the following regulations

1 The Board shall determine and prepare plans for the allocation of such portions of governmental and nongovernmental radio facilities as may be required to meet the needs of the armed forces, due consideration being given to the needs of other governmental agencies, of industry, and of other civilian activities.

2. The Board shall, if the national security and defense and the successful conduct of the war so demand, designate specific radio stations and facilities or portions thereof for the use, control, supervision, inspection or closure by the Department of War, Department of Navy or other agency of the United States Government.

3. The Board shall, if the national security and defense and the successful conduct of the war so demand, prescribe classes and types of radio stations and facilities or portions thereof which shall be subject to use, control, supervision, inspection or closure, in accordance with such prescription, by the Department of War, Department of Navy or other agency of the United States Government designated by the Board.

4. Every department and independent agency of the government shall submit to the Defense Communications Board, at such time and in such manner as the Board may prescribe, full information with respect to all use made or proposed to be made of any radio station or facility and of any supervision, control, inspection or closure which has been or is proposed to be effected pursuant to paragraph 3 hereof.

5 No radio station or facility shall be taken over and operated in whole or in part or subjected to governmental supervision, control or closure unless such action is essential to national defense and security and the successful conduct of the war So far as possible, action taken pursuant to this Order shall not interfere with the procurement needs of civilian governmental agencies, the normal functioning of industry or the maintenance of civilian morale.

6 Until and except so far as said Board shall otherwise provide, the owners, managers, boards of directors, receivers, officers and employees of the radio stations shall continue the operation thereof in the usual and ordinary course of business, in the names of their respective companies, associations, organizations, owners or managers as the case may be

7 The head of any department or agency which uses or controls any radio station pursuant to the terms of this Order shall ascertain the just compensation for the use or control of such radio station and recommend such just compensation in each such case to the President for approval and action by him in accordance with the provisions of subsection (d) of Section 606 of the Communications Act of 1934 (U. S C., Title 47, sec. 606 (d)).

8. By subsequent order of the Board, the use, control, or supervision of any radio station or facility or class or type thereof assumed under the provisions of this Order may be relinquished in whole or in part to the owners thereof and any restrictions placed on any radio station or facility pursuant hereto may be removed in whole or in part.

9 The Board is hereby designated, in accordance with the provisions of Section 606 (a) of the Communications Act of 1934, to make such arrangements as may be necessary in order to insure that communications essential to the national defense and security shall have preference or priority with any carrier subject to the Communications Act of 1934 The Board may issue any regulations which may be necessary to accomplish this purpose

10. All terms herein used shall have the meanings ascribed to such terms in Section 3, as amended, of the Communications Act of 1934

11. All regulations of general applicability issued by the Secretary of War, the Secretary of the Navy, or any other governmental agency under these Presidential regulations shall be published in the Federal Register.

CROSS REFERENCES

Censorship of communications, see section 618 of Appendix to Title 50, War.

TITLE 48.—TERRITORIES AND INSULAR POSSESSIONS

Chapter 2.—ALASKA

MISCELLANEOUS PROVISIONS

Sec
46c. Same, definitions (New).
47a. Same, custody, use, and return of money and personal property (New).
47b Same; discharge; absence on leave; suitable clothing furnished (New).
47c Same, boarding patient with private family; inspection, removal (New).
48a Same, payment of expenses by patient, legal representative, etc.; amount; penalties (New).
50d–1 Authorization to incur obligations for benefit of natives in excess of current appropriations (New)
50e Appropriations for benefit of natives; purchase of supplies for resale to natives, cooperatives, and Department employees (New).
50f. Disposal of miscellaneous revenues from schools, hospitals, and other Indian Service facilities (New)

LEGISLATURE AND GOVERNMENT

65b. Secretary, salary (New).
69a. Same; establishment and adjustment of districts; expiration of senate terms after establishment of districts, division of senators into two classes; expiration of terms of different classes; elections biennial (New).

ALASKA GAME LAW

202b Burden of proof (New)
204a Appropriation to effectuate provisions of Alaska Game Law (New)

ALASKA FISHERIES

248 Protection of walruses (New).
248a Same, duties of law enforcement officers; forfeiture of equipment of convicted persons (New).
248b Same, definitions (New).

PUBLIC UTILITIES

RAILROADS, TELEGRAPH, AND TELEPHONES

311 Payment of charges for interconnection between Alaska Communication System's radio-telephone and commercial telephone facilities (New).

PUBLIC LANDS IN ALASKA

LAND DISTRICTS AND LAND OFFICES

365 Continuation of existing land districts and offices; change of district boundaries, or discontinuance of districts; designation and location of land offices (New)
366. Registers of land offices at Anchorage, Nome, and Fairbanks, designation (New).
366a. Additional registers (New).
367. Duties and obligations of registers and acting registers (New)
367a Public land claimant as liable for fees, commissions or purchase money (New)

ALASKA MILITIA (New)

Sec.
477 Appointment of Adjutant General; qualifications and duties.
478 Ratification and confirmation of existing military forces
479. Territorial Guard; when and how organized; rules and regulations.

SLUM CLEARANCE AND HOUSING PROJECTS (New)

481 Legislative authorization to create authorities.
482. Same; appointment of commissioners; powers of authorities.
483. Same; issuance of bonds and obligations.

Chapter 2.—ALASKA

MISCELLANEOUS PROVISIONS

EX ORD NO 9181. ADMINISTRATION OF THE FEDERAL GOVERNMENT SERVICES IN ALASKA

Ex Ord. No 9181, June 11, 1942, 7 F. R 4467, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (Public Law 354, 77th Congress) (sections 601–622 of Appendix to Title 50, War), and as President of the United States and Commander-in-Chief of the Army and Navy, and by reason of the strategic importance of the Territory of Alaska in the present war, and for the purposes of (a) promoting the safety of the citizens of the Territory of Alaska and of the entire North American continent, (b) securing the more effective exercise and more efficient administration by the President of his powers as Commander-in-Chief of the Army and Navy and as President, and (c) facilitating coordination of Federal civil policies, plans, and activities in the Territory of Alaska with the policies, plans, and activities of the military authorities responsible for the defense of the Territory, it is hereby ordered as follows:

1 The ex-officio Commissioners for Alaska designated by the Secretaries of the Interior, Agriculture, and Commerce under the Act of February 10, 1927 (44 Stat. 1068, 5 U S C § 119), an official to be designated by the Federal Security Administrator, and an official to be designated by the Federal Works Administrator, shall be invested by such respective Secretaries and Administrators with authority and responsibility as their representatives for making decisions requisite to the prompt performance of the duties of such departments and agencies, and to meeting emergencies requiring any such department or agency to furnish special services, in the Territory of Alaska, hereafter called Alaska. The said Commissioners and officials shall, for the purposes of this order, be special representatives in Alaska of their respective departments and agencies

2 The special representatives provided for in section 1 hereof, together with the Governor of Alaska, a person to be designated by the Attorney General of the United States, and a resident of Alaska to be elected by such special representatives, Governor, and person, shall constitute an Alaska War Council, hereafter called the Council, with organization, functions, and duties as follows:

(a) The Governor of Alaska shall be the Chairman of the Council. The Council shall elect one of its members to serve as Vice-Chairman of the Council.

(b) The Council shall meet at the call of the Chairman or, when the Chairman is unable to act, at the call of the Vice-Chairman or, as hereinafter provided, at the request of the military authorities. Meetings shall be held as the demands of the war emergency may require, but not less often than bi-monthly.

(c) It shall be the duty of the Council, and of the said special representatives with regard to programs and progress in their respective fields of activity, to maintain close liaison with the military authorities in Alaska to the end that for the duration of the war the conduct of Federal civil activities shall be brought into closest possible conformity with military requirements.

(d) The Council shall consult from time to time with the Alaska representatives of the National Resources Planning Board

(e) The Council shall make such recommendations to the military and other Federal authorities as it deems desirable relative to coordination of Federal civil activities with the military program and relative to the safety and security of the civilian population of Alaska Any such recommendations made to the military authorities shall be submitted through the appropriate liaison officers hereinafter provided for.

3 The Governor of Alaska, as Chairman of the Council, shall keep the President informed with regard to major steps proposed or adopted for the protection of the civilian population of Alaska: *Provided*, That confidential or secret information concerning military operations shall be transmitted through military channels only

4 In connection with the activities of the Army and Navy forces in Alaska, the commanding officers of such forces and other military authorities shall, to the fullest extent possible, give consideration to civilian needs and problems arising from the war situation in Alaska. To this end the Department of War and the Department of the Navy shall each designate a responsible liaison officer who shall meet with the Council and to whom the Council and said special representatives shall have ready access. The said liaison officers, acting either jointly or singly, are authorized to request a meeting of the Council, whereupon it shall be convened.

5 The heads of civil Federal departments, agencies, independent establishments, and Government-owned corporations conducting activities in Alaska, or their special representatives designated in accordance with this order, shall conform with such requests as the Secretary of War may deem necessary for the effective utilization in the prosecution of the war of the services, personnel, equipment, and facilities of any such agency, independent establishment, or corporation, or of any bureau, office or other administrative unit of any such department The Secretary of War, in the formulation of any such requests, shall coordinate with the Secretary of the Navy with regard to all matters of interest to the Department of the Navy

6 This order shall become effective as of the date hereof and shall continue in force and effect so long as Title I of the First War Powers Act, 1941 (sections 601–605 of Appendix to Title 50, War), remains in force.

§ 35a. Postmasters as notaries public.

Each postmaster within the Territory of Alaska is authorized and directed to administer oaths and affirmations and to take acknowledgments, and to make and execute certificates thereof, and to perform all other functions of a notary public within said Territory, whenever an oath, affirmation, or acknowledgment or a certificate thereof is authorized, permitted, or required by any Act or Acts of Congress, or of the Legislature of the Territory of Alaska. (As amended Dec. 11, 1945, ch. 563, 59 Stat. 605.

AMENDMENTS

1945—Act Dec. 11, 1945, cited to text, amended section by adding "or of the Legislature of the Territory of Alaska."

§ 35b. Same; signature and seal.

Each certificate of oath, affirmation, or acknowledgment executed by a postmaster within the Territory of Alaska under the authority of sections 35a–35c of this title shall be signed by the postmaster, with a designation of his title as such postmaster, shall have affixed thereto the cancellation stamp of the post office, and shall state the name of the post office and the date on which such oath or affirmation is administered or such acknowledgment is taken. Postmasters shall keep a memorandum of all deeds and other instruments of writing acknowledged before them and relating to the title to or transfer of property, which memorandum shall be transmitted to their successors in the office of postmaster and which shall be subject to public inspection. (As amended Dec. 11, 1945, ch. 563, 59 Stat. 605.)

AMENDMENTS

1945—Act Dec 11, 1945, cited to text, amended section by adding second sentence

§ 46. Insane persons; contract for care and custody of.

The Secretary in behalf of the United States is authorized to contract, for one or more years, with a responsible asylum, sanitarium, or hospital west of the main range of the Rocky Mountains submitting the lowest responsible bid for the care, treatment, and custody of patients. The cost of advertising for bids, executing the contract, and caring for the insane shall be paid from appropriations to be made for such service upon estimates to be submitted to Congress annually. (As amended Oct. 14, 1942, ch 601, § 2, 56 Stat. 782.)

AMENDMENTS

1942—Act Oct 13, 1942, § 2, cited to text, amended section generally.

REPEAL OF INCONSISTENT LAWS

Section 10 of act Oct. 14, 1942, cited to text, provided as follows: "Any Acts, or parts thereof, in conflict with the provisions hereof are hereby repealed"

§ 46a. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

FORMER PROVISIONS

Section provided for the detailing of a Public Health Service medical officer to supervise the care and maintenance of insane persons in Alaska.

§ 46c. Same; definitions.

When used in this section and sections 46, 47a–47c, 48a, 49a, 50, and 50a of this title unless otherwise expressly stated or unless the context or subject matter requires—

(a) "Secretary" means Secretary of the Interior;

(b) "Alaska" means the Territory of Alaska;

(c) "Mental institution" means any asylum, sanitarium, or hospital under contract with the Department of the Interior or otherwise authorized by law to have the care, treatment, or custody of patients;

(d) "Resident" means a person who has his legal residence in Alaska;

(e) "Patient" means a resident of or person in Alaska who has been legally adjudged insane and committed to a mental institution,

(f) "Medical officer" means the Federal medical officer supervising the psychiatric care and treatment of patients at any medical institution. (Oct. 14, 1942, ch. 601, § 1, 56 Stat. 782.)

REPEALS

Repeal of inconsistent laws, see note under section 46 of this title.

§ 47a. Same; custody, use, and return of money and personal property.

The superintendent or other proper officer of any mental institution shall, upon admission of a patient to such institution, be entitled to the temporary and immediate custody of the moneys and personal property on the person of the patient and shall keep a proper account thereof. Such moneys may be used from time to time for the benefit of a patient if the patient so requests. Upon parole or discharge of any patient from such institution, all moneys and personal property remaining to the credit of the patient shall be returned to him or his legal representatives. (Oct. 14, 1942, ch. 601, § 3, 56 Stat. 783.)

REPEALS

Repeal of inconsistent laws, see note under section 46 of this title.

§ 47b. Same; discharge; absence on leave; suitable clothing furnished.

The superintendent of any mental institution shall discharge any patient, except one held on order of a court or judge having criminal jurisdiction in any action or proceeding arising out of a criminal offense, as follows:

(1) Upon the written certification by the medical officer that such patient is considered to be recovered.

(2) Upon the written certification by the medical officer that such patient, while not recovered, is considered in remission and is not deemed dangerous to himself or others and is able to support himself.

(3) Upon the return of such patient, if a nonresident of Alaska, to his legal residence or upon transfer of such patient to a United States Veterans' Bureau facility.

(4) Upon order by a court or judge having jurisdiction.

(5) After the continuous absence on leave of such patient from such mental institution for more than twelve months unless, in the judgment of the medical officer, such discharge would not be in the best interests of the public and the patient.

(b) The superintendent of any mental institution may permit absence on leave to any patient, who is not recovered, under conditions that are satisfactory to the medical officer and when, in the judgment of the medical officer, absence on leave will not be detrimental to the public welfare and will be of benefit to such patient: *Provided,* That the superintendent shall satisfy himself, by sufficient proof, that such patient is able to support himself or that the friends or relatives of such patient are willing and financially able to receive and care for such patient: *And provided further,* That the order committing such patient to such institution shall continue in force and effect until he is discharged as herein provided. A mental institution shall not be liable for the expense or support of a patient while he is on leave of absence. The superintendent of a mental institution from which a patient is absent on leave shall terminate the leave and authorize and direct the actual return of such patient to such institution when, in the judgment of the medical officer, the return of the patient to the institution would be in the best interest of the public and the patient. Any patient who is absent on leave or escapes from a mental institution to which he has been committed may, upon the direction of the superintendent of such institution, be returned thereto by a peace officer or any officer or employee of such institution.

(c) No patient shall be discharged or granted absence on leave from a mental institution without suitable clothing and the Secretary may furnish the same, and such amount of money, not exceeding $25, as the medical officer may consider necessary. The Secretary may also furnish to any patient, who has been discharged or granted absence on leave, transportation to his legal residence or to such other place as the Secretary may deem appropriate: *Provided,* That the cost of such transportation shall not exceed the cost of transporting such patient to his legal residence. (Oct. 14, 1942, ch. 601, § 6, 56 Stat. 783.)

REPEALS

Repeal of inconsistent laws, see note under section 46 of this title.

§ 47c. Same; boarding patient with private family; inspection; removal.

(a) The superintendent of any mental institution may place at board in a suitable family in a place in Alaska or elsewhere any patient who is considered by the medical officer to be a suitable person for boarding out. Such boarder shall be deemed to be a patient of the institution. The cost to the United States of the board of such patient shall not exceed the amount specified by the Secretary.

(b) The superintendent of the institution shall cause all patients placed at board by such institution in families at the expense of the United States to be inspected at suitable intervals by a representative of the institution.

(c) The superintendent of the institution may at any time remove to another boarding place, or back to the institution whence the boarded-out patient came, any or all such patients in accordance with the judgment of the medical officer of what will be most beneficial to them. Not more than four patients shall be boarded out at the same time at any one home or family. (Oct. 14, 1942, ch. 601, § 7, 56 Stat. 784.)

REPEALS

Repeal of inconsistent laws, see note under section 46 of this title

§ 48. Same; statement of legal residence; return of nonresident patients; expenses.

The commitment papers of any person adjudged insane in Alaska shall include a statement by the committing authority as to the legal residence of such person. The Secretary shall, as soon as practicable, return to the State or country to which they have a legal residence all patients who are not residents of Alaska. For the purpose of facilitating the return of such persons, the Secretary may enter into a reciprocal agreement with any State or political subdivision thereof for prompt return under proper supervision of residents of such State or Alaska who have been legally adjudged insane. Resi-

dents of Alaska who have been legally adjudged insane outside of Alaska shall, with the approval of the Secretary, be transferred to a mental institution. All expenses incurred in returning to their legal residence patients who are nonresidents of Alaska may be paid from applicable appropriations for the care and custody of the insane of Alaska, but the expense of transferring residents of Alaska who have been legally adjudged insane outside of Alaska shall be borne by the State making the transfer. (Oct. 14, 1942, ch. 601, § 8, 56 Stat. 785.)

SIMILAR PROVISIONS

Provisions similar to the first two sentences of this section were contained in the following Department of Interior Appropriation Acts:

1945—July 3, 1945, ch 262, § 1, 59 Stat 357.
1944—June 28, 1944, ch. 298, §1, 58 Stat. 505.
1943—July 12, 1943, ch. 219, § 1, 57 Stat. 491.
1942—July 2, 1942, ch. 473, § 1, 56 Stat 558
1941—June 28, 1941, ch 259, § 1, 55 Stat 358
1940—June 18, 1940, ch. 395, § 1, 54 Stat 457
1939—May 10, 1939, ch. 119, § 1, 53 Stat 734
1938—May 9, 1938, ch. 187, § 1, 52 Stat 338
1937—Aug 9, 1937, ch 570, § 1, 50 Stat 612.
1936—June 22, 1936, ch 691, § 1, 49 Stat 1800
1935—May 9, 1935, ch. 101, § 1, 49 Stat 213
1934—Mar 2, 1934, ch 38, § 1, 48 Stat 391
1933—Feb. 17, 1933, ch 98, § 1, 47 Stat 854
1932—Apr 22, 1932, ch 125, § 1, 47 Stat 128
1931—Feb 14, 1931, ch 187, § 1, 46 Stat 1157.
1930—May 14, 1930, ch 273, § 1, 46 Stat 322
1929—Mar 4, 1929, ch. 705, § 1, 45 Stat 1604
1928—Mar. 7, 1928, ch. 137, § 1, 45 Stat 240
1927—Jan. 12, 1927 ch. 27, § 1, 44 Stat 969
1926—May 10, 1926, ch 277, § 1, 44 Stat 493

REPEALS

Repeal of inconsistent laws, see note under section 46 of this title

§ 48a. Same; payment of expenses by patient, legal representative, etc.; amount; penalties.

It shall be the duty of a patient, or his legal representative, spouse, parents, adult children, in that sequence, to pay or contribute to the payment of the charges for the care or treatment of such patient in such manner and proportion as the Secretary may find to be within their ability to pay: *Provided*, That such charges shall in no case exceed the actual cost of such care and treatment. The order of the Secretary relating to the payment of charges by persons other than the patient, or his legal representative shall be prospective in effect and shall relate only to charges to be incurred subsequent to the order: *Provided, however*, That if any of the above-named persons willfully conceal their ability to pay, such persons shall be ordered to pay, to the extent of their ability, charges accruing during the period of such concealment. The Secretary may cause to be made such investigations as may be necessary to determine such ability to pay, including the requirement of sworn statements of income by such persons. (Oct 14, 1942, ch. 601, § 9, 56 Stat. 785.)

REPEALS

Repeal of inconsistent laws, see note under section 46 of this title.

§ 50. Insane persons; disposition of unclaimed funds.

All articles of personal property belonging to a patient, who has died prior to his parole or discharge from a mental institution or has eloped therefrom, and remaining in the custody of the superintendent or other proper officer of such institution, shall, if unclaimed by such patient, or his legal heirs or representatives, within the period of five years after the decease of such patient or the date of leaving the institution, be disposed of in such manner as the Secretary may prescribe, and any proceeds resulting therefrom shall be covered into the Treasury by the Secretary. Any moneys remaining to the credit of such patient, if unclaimed by his legal heirs or representatives or such patient within the period of five years after the decease of such patient or the date of the leaving of such institution, shall be covered into the Treasury by the Secretary. (As amended Oct. 14, 1942, ch. 601, § 4, 56 Stat. 783.)

AMENDMENTS

1942—Act Oct. 13, 1942, § 4, cited to text, amended section generally, omitting reference to the date "April 24, 1926."

REPEALS

Repeal of inconsistent laws, see note under section 46 of this title

§ 50a. Disposition of funds subject of claim.

The Secretary shall cause diligent inquiry to be made, in every instance after death or elopement of any patient, to ascertain his whereabouts or that of his legal heirs or representatives and shall turn over to the proper party or parties any moneys or articles of personal property in the custody of the superintendent of the institution to the credit of such person. Claims to such moneys or articles of personal property may be presented to the Secretary at any time. In the event a claim is established by competent proof more than five years after the death or elopement of a patient, it shall be certified to Congress for consideration. (As amended Oct. 14, 1942, ch. 601, § 5, 56 Stat. 783.)

AMENDMENTS

1942—Act Oct 13, 1942, § 5, cited to text, amended section generally, adding reference to personal property.

REPEALS

Repeal of inconsistent laws, see note under section 46 of this title.

§ 50d-1. Authorization to incur obligations for benefit of natives in excess of current appropriations.

The Secretary of the Interior may authorize such officer or officers as may be designated by him to incur obligations in excess of appropriations currently available for the benefit of natives of Alaska, whenever said Secretary may determine such action to be necessary in order to insure the proper functioning of activities of the Office of Indian Affairs and of the Fish and Wildlife Service in Alaska during any ensuing fiscal year, payments of such obligations to be made from the respective appropriations for the new fiscal year when they become available: *Provided*, That such authority shall not be exercised earlier than the 1st day of January in any one fiscal year: *Provided further*, That excess obligations may be incurred only for the purchase of supplies, materials, and equipment; the amount of advance obligations so authorized shall

not exceed 75 per centum of the total available in the current appropriations for such purposes: *And provided further*, That such obligations incurred in connection with the activities of the Office of Indian Affairs may be liquidated from the Indian Service supply fund, which fund shall be reimbursed from applicable appropriations, when made, for the ensuing fiscal year. (June 1, 1944, ch. 220, § 1, 58 Stat. 266.)

REPEALS

Section 2 of act June 1, 1944, cited to text, provided for the repeal of all acts or parts of acts inconsistent with this section.

§ 50e. Appropriations for benefit of natives; purchase of supplies for resale to natives, cooperatives, and Department employees.

The Secretary of the Interior is hereby authorized to purchase from appropriations made for the benefit of natives of Alaska, food, clothing, supplies, and materials for resale, under such rules and regulations as he may prescribe, to employees of the Department of the Interior stationed in Alaska and to natives of Alaska and native cooperative associations under his supervision. The proceeds from such sales shall be credited to the appropriation or appropriations current at the date of the deposit thereof into the Treasury and shall be available for the same purposes. (Feb. 20, 1942, ch. 96, 56 Stat. 95.)

§ 50f. Disposal of miscellaneous revenues from schools, hospitals, and other Indian Service facilities.

After February 20, 1942, miscellaneous revenues derived from schools, hospitals, and other facilities maintained and operated by the Indian Service for the benefit of Indians and natives of Alaska shall be covered into the Treasury of the United States under the provisions of section 155 of Title 25. (Feb. 20, 1942, ch 98, 56 Stat. 95.)

LEGISLATURE AND GOVERNMENT

§ 61. Governor; authority in general.

CROSS REFERENCES

Governor as commander-in-chief of Alaska National Guard, see section 476 of this title.

§ 65a. Repealed. Act Apr. 3, 1944, ch. 155, § 2, 58 Stat. 187.

PRESENT PROVISIONS

Section was from act Mar 4, 1931, ch. 516, 46 Stat 1530, and is now covered by section 65b of this title.

§ 65b. Secretary; salary.

From and after April 3, 1944, the salary of the secretary of the Territory of Alaska is fixed at $7,500 per annum. (Apr. 3, 1944, ch. 155, § 1, 58 Stat. 187.)

REPEAL

Section 2 of act Apr. 3, 1944, cited to text, provided: "All Acts and parts of Acts in conflict herewith are repealed to the extent of such conflict."

§ 67. Legislature.

The legislative power and authority of the Territory shall be vested in a legislature, which shall consist of a senate and a house of representatives. (As amended Nov. 13, 1942, ch. 637, § 1, 56 Stat. 1016.)

AMENDMENTS

1942—Act Nov. 13, 1942, cited to text, reenacted section without change.

EFFECTIVE DATE

Section 4 of act Nov. 13, 1942, cited to text, provided as follows: "The amendments made by this Act shall take effect only with respect to the seventeenth [1945] and succeeding legislatures of the Territory of Alaska."

§ 68. Same; senate; members; term of office.

The senate shall consist of sixteen members, four from each of the four judicial divisions into which Alaska is now divided by section 101 of this title, each of whom shall have at the time of his election the qualifications of an elector in Alaska, and shall have been a resident and an inhabitant in the division from which he is elected for at least two years prior to the time of his election. The term of office of each member of the senate shall be four years, except that at the general election in Alaska in 1944 one member from each division, other than a member elected to fill the unexpired term of a senator previously elected, shall be elected for a term of two years. (As amended Nov. 13, 1942, ch. 637, § 1, 56 Stat. 1016.)

AMENDMENTS

1942—Act Nov. 13, 1942, cited to text, increased the number of senators from 8 to 16.

EFFECTIVE DATE

Amendment of this section by act Nov. 13, 1942, cited to text, was made effective with respect to the 17th and succeeding Alaska legislatures by section 4 thereof set out as a note under section 67 of this title

§ 69. Same; house of representatives.

The house of representatives shall consist of twenty-four members elected from the four judicial divisions into which Alaska is now divided by section 101 of this title. Each such division shall be entitled in the seventeenth to the twentieth legislatures, inclusive, to the following number of representatives:

First judicial division, eight representatives;
Second judicial division, four representatives;
Third judicial division, seven representatives; and
Fourth judicial division, five representatives.

The United States Director of the Census shall, within one week after the first meeting of the twentieth legislature and of each fifth legislature thereafter, certify to such legislature, and to the Secretary of Alaska, the number of representatives to which each judicial division is entitled under an apportionment, according to the method of equal proportions, of the total number of representatives among the various divisions on the basis of the total population (exclusive of members of the military or naval forces of the United States and members of their families not actual and bona fide residents of Alaska) of each division, as determined under the latest United States Decennial Census. Each judicial division shall in the five legislatures succeeding the legislature to which such certification is made be entitled to the number of representatives so certified. The term of office of each representative shall be two years, and each representative shall possess the same qualifications as are prescribed for members of the senate. (As amended Nov. 13, 1942, ch. 637, § 1, 56 Stat. 1016.)

AMENDMENTS

1942—Act Nov. 13, 1942, cited to text, increased the number of members from 16 to 24 and provided for their apportionment among the several judicial divisions.

EFFECTIVE DATE

Amendment of this section by act Nov. 13, 1942, cited to text, was made effective with respect to the 17th and succeeding Alaska legislatures by section 4 thereof set out as a note under section 67 of this title.

§ 69a. Same; establishment and adjustment of districts; expiration of senate terms after establishment of districts; division of senators into two classes; expiration of terms of different classes; elections biennial.

(1) The legislature is authorized to establish, and to adjust from time to time, legislative districts within the several judicial divisions for the election of the members of the senate and house of representatives from such divisions. Districts separate from those established for the election of members of the house of representatives may be established for the election of members of the senate. All districts in any division for the election of members of the same body shall be as nearly equal in population and shall be established with as great a degree of geographical unity and cohesiveness, as is reasonable and practicable, and shall elect the same number of members, unless it shall be found desirable to provide districts around municipalities of a multiple size in which case proportionate representation shall be provided.

(2) Whenever the representation of any division shall increase or decrease by reason of a reapportionment under section 69 of this title, the legislature shall cause such division to be redistricted in accordance with the provisions of subdivision (1) of this section. If the legislature to which such certification of reapportionment is made fails to so redistrict, the representatives of such division shall be elected at large from such division in the manner provided in section 70 of this title for the election of representatives prior to the establishment of legislative districts, until such time as such division is so redistricted.

(3) Whenever the legislature shall have established legislative districts for the election of members of the senate, the terms of office of all members of the senate in the legislature immediately preceding the legislature to which the members of the senate are first to be elected by district shall, regardless of the term for which such members were elected, expire with the expiration of such preceding legislature. As soon as the members of the senate shall have assembled as a consequence of such first election they shall, by lot or drawing, be divided in each division into two classes. The seats of the members of the first class shall be vacated at the end of two years, and the seats of members of the second class shall be vacated at the end of four years, so that two members of the senate from each division shall, after such first election, be elected biennially at the regular election. (Aug. 24, 1912, ch. 387, § 4, as added Nov. 13, 1942, ch. 637, § 1, 56 Stat. 1017.)

EFFECTIVE DATE

Amendment of this section by act Nov. 13, 1942, cited to text, was made effective with respect to the 17th and succeeding Alaska legislatures by section 4 thereof set out as a note under section 67 of this title.

§ 70. Same; who deemed elected; tie vote.

In any election held prior to the establishment of legislative districts pursuant to section 69a of this title the electors in each judicial division shall be entitled to vote for as many senators and representatives as are to be elected to such office from such division. The candidates for each such office in the number to be so elected receiving the highest number of votes for such office shall be elected. In any election for senator or representative held after the establishment of legislative districts pursuant to section 69a of this title the candidates in the number to be elected from each district for such office, receiving the highest number of votes of the electors of such district for such office, shall be elected. In case of a tie vote in any election for senator or representative, the candidates affected shall settle the question by lot. (As amended Nov. 13, 1942, ch. 637, § 1, 56 Stat. 1017.)

AMENDMENTS

1942—Act Nov. 13, 1942 cited to text, extended provisions to include elections prior to establishment of legislative districts.

EFFECTIVE DATE

Amendment of this section by act Nov. 13, 1942, cited to text, was made effective with respect to the 17th and succeeding Alaska legislatures by section 4 thereof set out as a note under section 67 of this title

§ 71. Same; elections to fill vacancies.

In case of a vacancy in either branch of the legislature the Governor shall order an election to fill such vacancy, giving due and proper notice thereof. (As amended Nov. 13, 1942, ch. 637, § 1, 56 Stat. 1018.)

AMENDMENTS

1942—Act Nov 13, 1942, cited to text, reenacted section without change

EFFECTIVE DATE

Amendment of this section by act Nov. 13, 1942 cited to text, was made effective with respect to the 17th and succeeding Alaska legislatures by section 4 thereof set out as a note under section 67 of this title

§ 72. Same; salary and mileage of members.

Each member of the legislature shall be paid by the United States the sum of $15 per day for each day's attendance while the legislature is in session, at each regular biennial session thereof, and mileage, in addition, for each such session, at the rate of 15 cents per mile for each mile from his home to the capital and return by the nearest traveled route. All other legislative expenses, including salaries and mileage of the members at other than regular biennial sessions, shall be paid by the Territory. (As amended Nov. 13, 1942, ch 637, § 1, 56 Stat. 1018.)

AMENDMENTS

1942—Act Nov 13, 1942, cited to text, added provision respecting "all other legislative expenses".

EFFECTIVE DATE

Amendment of this section by act Nov. 13, 1942, cited to text, was made effective with respect to the 17th and succeeding Alaska legislatures by section 4 thereof set out as a note under section 67 of this title.

§ 75. Same; organization; president of senate; speaker; employees; salary.

When the legislature shall convene under the law, the senate and house of representatives shall each organize by the election of one of their number as presiding officer, who shall be designated in the case of the senate as "president of the senate" and in the case of the house of representatives as "speaker of the house of representatives," and by the election by each body of the subordinate officers provided for in section 1462 of this title, and each of said subordinate officers shall receive the compensation provided in that section, which shall be paid by the Territory. (As amended Nov. 13, 1942, ch. 637, § 2, 56 Stat. 1018.)

AMENDMENTS

1942—Act Nov. 13, 1942, cited to text, specified that payment of officers' salaries should be by the Territory

EFFECTIVE DATE

Amendment of this section by act Nov 13, 1942, cited to text, was made effective with respect to the 17th and succeeding Alaska legislatures by section 4 thereof set out as a note under section 67 of this title

§ 87. Legislative expenses.

There shall be annually appropriated by Congress a sum sufficient to pay the salaries and mileage of members of the legislature for each regular biennial session. All other legislative expenses, including the salaries and mileage of the members of the legislature for other than the regular biennial sessions, the salaries of the employees of the legislature, the printing of the laws, and all other incidental expenses of the legislature, shall be appropriated and paid by the Territory. All of the sums so appropriated by Congress shall be disbursed by the Governor of Alaska, under sole instructions of the Secretary of the Treasury, and the Governor shall report quarterly to the Secretary of the Treasury for the manner in which said funds have been expended. No expenditure, to be paid out of money to be appropriated by Congress, shall be made by the Governor or by the legislature for objects not authorized by the acts of Congress making appropriations nor beyond the sum thus appropriated for such objects. (As amended Nov. 13, 1942, ch. 637, § 3, 56 Stat. 1018.)

AMENDMENTS

1942—Act Nov. 13, 1942, cited to text, provided for the payment by Congress of mileage to members but made the Territory responsible for printing and other incidental expenses.

EFFECTIVE DATE

Amendment of this section by act Nov. 13, 1942, cited to text, was made effective with respect to the 17th and succeeding Alaska legislatures by section 4 thereof set out as a note under section 67 of this title.

THE JUDICIARY

§ 101a. District Court as court of United States.

CODIFICATION

Section was from a sentence added to R. S. § 5296 (Title 18, § 641) by act May 24, 1935, ch. 142, 49 Stat. 289. Said R. S. § 5296 was subsequently amended in full by act June 29, 1940, ch. 499, § 4, 54 Stat. 692, which failed to include provisions on the subject of such sentence or to refer to the 1935 amendment adding it. Said sentence provided as follows: "The District Court of the Territory of Alaska shall be deemed a court of the United States, and the commissioners appointed by the judges of the said District Court of the Territory of Alaska under the provisions of title I, chapter 1, section 6, of the act of June 6, 1900 (31 Stat. L., 323, 324 (Title 48, §§ 104, 108)), shall be deemed commissioners of a United States court, within the intent and meaning of this section (Title 18, § 641)."

§ 102. Same; terms; special terms; notice; interpreters.

One general term of court shall be held each year at Juneau, and such additional terms at other places in the first division as the Judicial Council for the Ninth Judicial Circuit may direct. One general term of court shall be held each year at Nome, and such additional terms at other places in the second division as the Judicial Council for the Ninth Judicial Circuit may direct. One general term of court shall be held each year at Anchorage, and such additional terms at other places in the third division as the Judicial Council for the Ninth Judicial Circuit may direct. One general term of court shall be held each year at Fairbanks, and such additional terms at other places in the fourth division as the Judicial Council for the Ninth Judicial Circuit may direct. Each of the judges is authorized and directed to hold such special terms of court as may be necessary for the public welfare or for the dispatch of the business of the court at such times and places in their respective divisions as any of them, respectively, may deem expedient, or as the Judicial Council for the Ninth Judicial Circuit may direct; and each shall have authority to employ interpreters and to make allowances for the necessary expenses of his court and to employ an official court stenographer at such compensation as shall be fixed by the Director of the Administrative Office of the United States Courts. At least thirty days' notice shall be given by the judge, or the clerk, of the time and place of holding the several terms of the court. (As amended Nov. 22, 1943, ch. 304, 57 Stat. 591.)

AMENDMENTS

1943—Act Nov. 22, 1943, cited to text, amended section by omitting words "Attorney General" and substituting in lieu "Judicial Council for the Ninth Judicial Circuit" wherever appearing, by providing for a general term of District Court at Anchorage, Alaska, and omitting provisions for a general term at Valdez, Alaska

§ 114. Traveling expenses.

INCREASE IN PER DIEM

Under the authority of section 823 of this title per diem allowances are not to be in excess of $6 per day within the continental limits of the United States, and an average of $7 per day beyond the continental limits. Section 827 of this title expressly repeals any laws inconsistent with section 823 of this title.

ALASKA GAME LAW

§ 192. Duties and powers of the commission, wildlife agents, and other persons.

Each member of the Commission, any employee of the Department of the Interior authorized by the Secretary to enforce this subchapter, any marshal, deputy marshal, collector or deputy collector of customs, shall have power, in or out of the Territory, and it shall be his duty to arrest without warrant any person committing a violation of this subchapter in

his presence or view, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; he shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this subchapter; and he shall have authority, with a search warrant, to search any place at any time. Any officer or other person empowered to enforce this subchapter shall have authority without warrant to search any camp, camp outfit, fish creel, pack or pack animals, automobile, aircraft, wagon, or other vehicle, sled, or any boat, vessel, or other craft in the territorial waters of the United States, or any boat, vessel, or other craft of the United States on the high seas when such officer or employee has reasonable cause to believe that such camp, camp outfit, fish creel, pack or pack animals, automobile, aircraft, wagon, or other vehicle, sled, boat, vessel, or other craft has therein or thereon any of the animals, birds, or fishes, or parts thereof, or nests or eggs of birds, protected by this subchapter taken, possessed, sold, intended for sale, or transported contrary to law. The several judges of the courts established under the laws of the United States and United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. All guns, traps, nets, fishing tackle, boats, aircraft, wagons or other vehicles, dogs, sleds, and other paraphernalia used in or in aid of a violation of this subchapter may be seized, and all animals, birds, game fishes, or parts thereof, or nests or eggs of birds, taken, transported, or possessed contrary to the provisions of this subchapter shall be seized within or outside the Territory by any officer or person authorized to enforce this subchapter, and upon conviction of the offender or upon judgment of a court of the United States that the same were being used or were taken, transported, or possessed in violation of this subchapter, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction, and if sold the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as provided in subdivision K of section 199 of this subchapter. It shall be the duty of the Secretary of the Treasury and the Postmaster General, upon request of the Secretary of the Interior, to aid in carrying out the provisions of this subchapter. (As amended July 1, 1943, ch. 183, 57 Stat. 304.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, amended section generally. Provisions similar to those in former first paragraph relating to expenses incurred to effectuate provisions of this subchapter are set out in section 204a of this title

§ 193. Bonds of employees.

Before entering upon the duties of his office, the executive officer shall execute and file with the Secretary a bond to the people of the United States in the sum of $1,000, with sufficient sureties, and each wildlife agent or other person authorized by the executive officer to sell licenses shall so file such a bond in the sum of $500, conditioned for the faithful performance of their respective duties, and for the proper accounting and paying over, pursuant to law, of all moneys or property received by them, respectively. Each person so bonded shall have reimbursed to him on proper voucher the premium paid by him on his bond. (As amended July 1, 1943, ch. 183, 57 Stat. 305.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, amended section generally.

§ 194. Commission to file estimates and submit report of administration.

CODIFICATION

Provisions of this section, act Jan. 13, 1925, ch. 75, § 7, 43 Stat 742, were omitted by the general amendment to act Jan 13, 1925, by act July 1, 1943, ch. 183, 57 Stat 301

§ 195. Restrictions on taking of animals, birds, fish, etc.

Unless and except as permitted by this subchapter or by regulations made pursuant to this subchapter, it shall be unlawful for any person to take, possess, transport, sell, offer to sell, purchase, or offer to purchase any game animal, fur animal, game fish, game bird, nongame bird, or any part thereof, or any nest or egg of any such bird, or to molest, damage, or destroy beaver or muskrat houses: *Provided*, That nothing in this subchapter shall be construed to prevent the collection or exportation of such animals, game fishes, birds, parts thereof, or nests or eggs of birds, for scientific or educational purposes, or of live animals, game fishes, birds, or eggs of birds, for propagation or exhibition purposes, under a permit issued by the Director, pursuant to regulations hereinafter authorized to be adopted by the Secretary. (As amended July 1, 1943, ch. 183, 57 Stat. 305.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, amended section generally.

§ 196. Same; animals and birds escaping from captivity or introduced into Territory.

Fur or game animals and game birds which escape from captivity, unless recaptured by their owners in accordance with regulations prescribed by the Secretary, and all fur and game animals and game birds which have been or may hereafter be transplanted, introduced, or reintroduced into the Territory, or any part thereof, are declared to be wild fur or game animals or game birds, as the case may be, and shall be subject to the provisions of this subchapter. (As amended July 1, 1943, ch. 183, 57 Stat. 305.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, amended section generally.

§ 197. Poison; use prohibited; record of sales.

No person shall at any time use any poison to kill any animal or bird protected by this subchapter or put out poison or a poisoned bait where any such animal or bird may come in contact with it; but a wildlife agent or predatory animal hunter may use poison to kill wolves, coyotes, or wolverines, under such regulations as the Commission may adopt; and no person shall sell or give any strychnine or other poison designated by the Commission to any hunter

or trapper. No hunter or trapper shall have any strychnine or other poison designated by the Commission in his possession, and any such poison found in the possession of any such person shall be seized and disposed of in such manner as the Commission may determine. Any person selling or otherwise disposing of any strychnine or any other poison designated by the Commission shall keep a record in a special book showing the name and address of each person purchasing or otherwise procuring it and the kind and amount thereof, which record shall at all times be open to inspection by any wildlife agent or other officer authorized to enforce this subchapter, and he shall transmit such information monthly to the Commission. (As amended July 1, 1943, ch. 183, 57 Stat. 305.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, amended section generally.

§ 198. Regulations; limitations upon; taking game for food during closed season; protection of Government property used to administer or enforce this subchapter.

The Secretary, upon consultation with or recommendation from the Commission, is hereby authorized and directed from time to time to determine when, to what extent, if at all, and by what means game animals, fur animals, game birds, nongame birds, and nests or eggs of birds, and game fishes may be taken, possessed, transported, bought, or sold, and to adopt suitable regulations permitting and governing the same in accordance with such determinations, which regulations shall become effective on the date specified therein; but no such regulations shall permit any person to take any female yearling or calf moose, any fawn deer, or any female or lamb mountain sheep except under permit for scientific, propagation, exhibition, or educational purposes; or to use any dog in taking game animals, or to sell the heads, hides, or horns of any game animals, except the hides of moose, caribou, deer, and mountain goat, or skins of black bear, which the regulations may permit to be sold under such restrictions as said Secretary may deem to be appropriate; or to use any shotgun larger than a number 10 gage; or to use any aircraft, or steam or power launch, or any boat other than one propelled by paddle, oars, or pole, in taking game animals or game birds; or to sell any game animals, game birds, or parts thereof to the owner, master, or employee of any coastal or river steamer or commercial power or sailboat, or to procure for serving or to serve any such game animals, game birds, or parts thereof in any cannery or to the employees on any such steamer or boat; nor, except as herein provided, shall prohibit any Indian or Eskimo, prospector, or traveler to take animals, birds, or game fishes during the closed season when he is in need of food and other sufficient food is not available, but the shipment or sale of any animals, birds, or game fishes, or parts thereof so taken shall not be permitted, except that the hides of animals so taken may be sold within the Territory, but said Secretary by regulation may prohibit such native Indians or Eskimos, prospectors, or travelers from taking any species of animals, birds, or game fishes for food during the closed season in any section of the Territory within which he shall determine that the supply of such species of animals, birds, or game fishes is in danger of extermination; nor shall any such regulation contravene any of the provisions of sections 703–711 of Title 16 and regulations: *Provided,* That no person shall knowingly disturb, injure, or destroy any notice, signboard, seal, tag, aircraft, boat, vessel, automobile, sled, dog, dog team, paraphernalia, equipment, building or other improvement or property of the United States used in the administration or enforcement of the provisions of this subchapter, or any poster or notice to the public concerning the provisions of this subchapter or any regulation adopted pursuant hereto, or any marker indicating the boundary of any area closed to hunting, trapping, fishing, or other special use under the provisions of this subchapter, or shall knowingly destroy, remove, tamper with, or imitate any seal or tag issued or used by the Commission or attached under its authority to any skin, portion, or specimen of a wild animal, bird, game fish, or other article for purposes of identification or authentication in accordance with the provisions of this subchapter or any regulations adopted hereunder. (As amended July 1, 1943, ch. 183, 57 Stat. 306.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, amended section generally

§ 199. Licenses.—(Subdivision A.) Nonresident hunting, trapping, and fishing licenses.

Except as otherwise permitted by this subchapter, or by any regulation or order made pursuant hereto, no nonresident as defined by section 207 of this subchapter shall take or possess any of the animals, birds, or game fishes protected by this subchapter, or by any regulation or order authorized hereunder, without first having procured a nonresident hunting trapping, or fishing license as herein provided.

(Subdivision B.) Resident export licenses and permits.

No resident of the Territory shall transport therefrom any game animal, bird, or part thereof, unless he has (a) a resident export and return license, which will entitle him to transport out of the Territory for mounting and return to him in the Territory within one year such game animal, bird, or part thereof, as shall have been legally acquired by him and which shall be specifically identified in the license, or (b) a resident export permit, which may be issued in such circumstances and upon such conditions as the Commission may prescribe, and which will entitle him to export from the Territory for other than return, but not for sale, such game animal, bird, or part thereof, as shall have been legally acquired by him and which shall be specifically identified in the permit.

(Subdivision C.) Resident hunting, trapping, and fishing licenses.

The Commission, whenever it shall deem expedient, may by regulation require residents of the Territory to procure resident hunting, trapping, and

fishing licenses authorizing them to take animals, birds, and game fishes protected by this subchapter, and after the effective date of such regulation, no resident shall take any animal, bird, or game fish protected by this subchapter without having first procured resident hunting, trapping, and fishing licenses as herein provided The fee for such licenses shall be as follows: For each fishing license the sum of $1; for each hunting license, which shall include the privilege of fishing, the sum of $2; and for each trapping license, which shall include the privilege of hunting and fishing, the sum of $3; but no such license shall be required of native Indians and Eskimos, or of residents under the age of sixteen.

(Subdivision D.) Registered guide license.

Only a person who is a resident of the Territory, as defined in section 207 of this subchapter, may act as guide for a nonresident in any section of the Territory where the Commission by regulation, and the Commission is hereby authorized to issue such regulations, requires nonresidents to employ guides prior to engaging in authorized big-game hunting privileges, and he shall first register with the Commission on a form which it shall provide for this purpose and procure a registered guide license as herein provided, and the Commission shall determine by regulation the qualifications required of such guides. No person other than a registered guide shall act as guide for a nonresident in any section of the Territory where guides are required by regulation of the Commission to be registered.

(Subdivision E.) Alien special licenses.

No alien shall take any of the animals, birds, or game fishes protected by this subchapter, or own or be possessed of a shotgun, rifle, or other firearm, without first having procured an alien special license, except that an alien may take game fishes protected by this subchapter upon first having procured an alien fishing license as herein provided.

(Subdivision F.) Records, reports.

Each person to whom a license is issued to take animals or birds, or to deal in furs, shall keep records which shall show the kind and number of each species of animals or birds so taken, purchased, or otherwise procured under such license, the persons from whom they were purchased and to whom they were sold, date of purchase or sale, name of the trapper, and the number of the trapper's license, and shall, on or before thirty days after the expiration of his license, make a written report to the Commission on a form prepared and furnished by it setting forth in full the data herein required to be recorded. Such records shall at all reasonable times be subject to inspection and examination by any officer or other person empowered to enforce this subchapter. Any licensee who shall fail correctly to keep such records or who shall fail to submit such report or who shall in any such report knowingly falsely state any such data or who shall refuse to exhibit his records for inspection and examination as herein required shall be punished as prescribed in section 202 of this subchapter.

(Subdivision G.) Fur-farm license.

No person shall engage in the business of farming fur animals or possess them for purposes of propagation without first having procured a fur-farm license as herein provided.

(Subdivision H.) Fur dealers, licenses, fees.

No person shall buy or sell the skins of fur animals, or engage in, carry on, or be concerned in the business of buying, selling, or trading in the skins of fur animals protected by this subchapter without first having procured a license as herein provided, but no license shall be required of a hunter or trapper selling the skins of such animals which he has lawfully taken, or of a person not engaged or employed in the business of trading in such skins to purchase them for his own use but not for sale, or of native Indians or Eskimos, or of cooperative stores operated exclusively by and for native Indians or Eskimos, or of stores operated by missions, exclusively for native Indians or Eskimos: *Provided,* That the stores exempted from procuring licenses as herein provided shall, on or before thirty days after the expiration of each license year as specified in this subchapter, make a written statement to the Commission, on a form prepared and furnished by it, setting forth such material facts concerning the management and operation of such store as the Commission may by such form require and in addition thereto shall keep the records, make the reports, incur the penalties, and in all other respects be subject to the requirements of subdivision F of this section to the same extent as licensed fur dealers.

The applicant for such a license shall accompany his application by the required fee as follows:

(a) If the applicant is a resident of the Territory, $10, or is an association or copartnership composed exclusively of residents of the Territory, organized under the laws of the Territory, for each member, $10.

(b) If the applicant is a nonresident of the Territory but is a citizen or national of the United States, or is a corporation composed exclusively of citizens or nationals of the United States, organized under the laws of the Territory or of a State of the United States, or is an association or copartnership composed exclusively of citizens or nationals of the United States, organized under the laws of the Territory or of a State of the United States, any member of which is a nonresident of the Territory, $100.

(c) If the applicant is an alien, or is a corporation, association, or copartnership, not organized under the laws of the Territory or of a State of the United States, or is a corporation, association, or copartnership, any stockholder or member of which is an alien, $500

(d) If the applicant is a resident of the Territory and an agent in charge of a station of a fur dealer of either of the classes (a), (b), or (c), or a resident itinerant agent of such dealer, $10.

(e) If the applicant is a nonresident of the Territory but a citizen or national of the United States and an agent in charge of a station of a fur dealer

of either of the classes (a), (b), or (c), or a nonresident citizen or national itinerant agent of such dealer, $100.

(f) If the applicant is an alien and an agent in charge of a station of a fur dealer of either of the classes (a), (b), or (c), or an alien itinerant agent of such dealer, $500: *Provided,* That no license shall be issued to any agent whose principal has not procured a license in accordance with (a), (b), or (c).

(Subdivision I.) Fees and application for, and issuance of, licenses and permits.

Licenses and resident export permits shall be issued by the executive officer through wildlife agents and other persons authorized by him in writing to sell licenses. Resident export licenses and permits may also be issued by customs officers. Application blanks for licenses and permits shall be furnished by the Commission and shall be in such form as the Commission may by regulation determine. Each application shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths in the Territory. Members of the Commission, wildlife agents, and other persons authorized in writing by the executive officer to issue licenses, and postmasters and customs officers, are hereby authorized to administer such oaths. The applicant for a license or resident export permit shall accompany his application with a license or permit fee as follows: Nonresident general hunting, trapping, and fishing license, $50; nonresident hunting and fishing license, but not including the privilege of hunting big game, $10; nonresident fishing license, $2.50; resident export and return license, $1 for each animal or bird trophy; resident export permit, if shipper is removing residence, $1 for each animal, $1 for each bird, or if shipper is not removing residence, $5 for each animal, $1 for each bird; registered guide license, $10; alien special hunting, trapping, and fishing license, $100; alien fishing license, $2.50; and fur-farm license, $2. Whenever the Secretary determines that the circumstances justify the charging of lesser fees for any class of licenses or permits than the fees specified in this section, he may by regulation prescribe reduced schedules of fees to be paid for the issuance of licenses or permits of that class, and during the period any such regulation is in effect no greater fee shall be charged for any license or permit of the class involved than the fee so prescribed by the Secretary.

(Subdivision J.) False statements in application for and alteration and expiration of licenses and permits.

Any false statement in an application for a license or permit as to citizenship, place of residence, or other material facts shall render null and void the licenses or permits issued upon it. Any person who shall make any false statements in an application for a license or permit shall be guilty of a violation of this subchapter and upon conviction of any such violation shall be punished as provided in section 202 hereof. No person shall alter, change, loan, or transfer to another any license or permit issued to him in pursuance of this subchapter, nor shall any person other than the one to whom it is issued use such license or permit, and each of such licenses shall expire on the 30th day of June next succeeding its issuance.

(Subdivision K.) Proceeds of licenses and permits.

The Commission is hereby authorized to prescribe regulations permitting each officer or person selling licenses or permits, other than officers or employees of the United States, to retain for his own use and benefit such portion of the proceeds of each sale made by him, not exceeding 10 per centum thereof, as the Commission may from time to time allot for the purpose of compensating such officer or person for his services in connection with the issuance of licenses or permits, but the sums so retained shall be reported to the executive officer in accordance with the regulations of the Commission. Subject to the withholding of any compensation so authorized, each officer or person selling licenses or permits shall, as soon as practicable after the first day of each month, transmit the proceeds from such sales, together with a report thereof, to the executive officer who shall keep accurate records of such proceeds and promptly deposit 50 per centum thereof in the Treasury of the United States to the credit of miscellaneous receipts, and transmit 50 per centum thereof to the treasurer of the Territory to be covered into the Territorial school fund. Receipts from all other sources shall be accounted for and disposed of in like manner.

(Subdivision L.) Tags and seals.

The Commission is hereby authorized and directed to adopt tags or seals of an approved type or design to be used for marking seized articles, and beaver and marten skins, or the skins of other fur or game animals when required by the regulations of the Secretary to be tagged or sealed, for purposes of identification and authentication.

(Subdivision M.) Special regulations, permits, and licenses.

In addition to the hunting, trapping, and fishing licenses or permits required by any other provision of this subchapter, or by regulations authorized to be issued thereunder, the Commission may from time to time prescribe regulations requiring residents, nonresidents, and aliens to obtain special licenses, upon the payment of fees fixed by such regulations, prior to the taking of specified game or fur animals in specified areas, and may by such regulations limit further the number, kind, and sex of such animals that may be taken in such areas, and also may restrict the number of persons who may hunt or trap in each such area. Whenever such additional restrictions are imposed by regulation, the executive officer shall issue to qualified applicants, upon receipt of the proper application and fee, the special licenses required by such regulations, in the number designated by the regulations and in the order of the receipt of applications. (As amended July 1, 1943, ch. 183, 57 Stat. 306.)

[1] So in original. Probably should read "on or".

AMENDMENTS

1943—Act July 1, 1943, cited to text, amended section generally and added subdivisions L and M.

§ 200. Collectors of customs, duties of.

It shall be the duty of collectors of customs at ports of entry in the United States to keep accurate accounts of all consignments of game birds, game animals, skins of fur animals, game fishes, or parts thereof, and nests or eggs of game birds, received from or returned to the Territory, except when shipped for scientific, propagation, exhibition, or educational purposes under a permit issued by the Director pursuant to regulations of the Secretary; and it shall be the duty of all collectors of customs to enforce the provisions of regulations adopted pursuant to this subchapter with respect to shipments of game birds, game animals, skins of fur animals, game fishes, or parts thereof, and nests or eggs of game birds. (As amended July 1, 1943, ch. 183, 57 Stat. 310.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, amended section generally.

§ 201. United States attorneys, duties of.

It shall be the duty of the United States attorney for the division in which any wild animal, game fish, wild bird, or part thereof, or any nest or egg of such bird, has been seized because taken, transported, bought, sold, or possessed contrary to the provisions of this subchapter, or in which any gun, trap, net, fishing tackle, boat, dog, sled, aircraft, wagon, or other vehicle, or other paraphernalia has been seized because used in the unlawful taking of any wild animal, game fish, wild bird, or part thereof, or any nest or egg of such bird, or in which any sled, boat, aircraft, wagon, or other vehicle has been seized because used in the transportation of any wild animal, game fish, wild bird, or part thereof, or any nest or egg of such bird, illegally bought, sold, or possessed contrary to the provisions of this subchapter, to institute an action in rem against it for the forfeiture thereof to the United States in any case in which the disposition of such article is not involved in a criminal prosecution. In case of judgment being rendered in favor of the United States, the wild birds, game fishes, wild animals, or other articles forfeited shall be disposed of as directed by the court having jurisdiction, and if sold, the proceeds of sale shall be transmitted by the clerk of the court to the executive officer to be disposed of as provided in subdivision K of section 199 of this subchapter: *Provided,* That no action in rem shall be required with respect to any wild animal, game fish, wild bird, or part thereof, or any nest or egg of such bird, or any gun, net, fishing tackle, trap, or other device possessed or used in or in aid of a violation of this subchapter and legally seized when the claimant thereof releases such article or articles to the United States by a voluntary release in writing witnessed by two disinterested parties, in which case such articles shall be disposed of by the executive officer and if sold the proceeds shall be disposed of as provided in this section. (As amended July 1, 1943, ch. 183, 57 Stat. 310.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, amended section generally.

§ 202. Penalties; guides to report violations, penalty.

Unless a different or other penalty or punishment is hereby specifically prescribed, a person who violates any provision of this subchapter or of any order or regulation adopted pursuant to this subchapter, or who fails to perform any duty imposed by this subchapter or by any order or regulation adopted pursuant to this subchapter, is guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25 nor more than $500, or be imprisoned not more than six months, or both; and, in addition thereto, any person convicted of a violation of any provision of this subchapter who is the holder of any form of license issued hereunder shall thereupon forfeit said license and shall surrender it upon demand of any person authorized by the Commission to receive it, and upon a second conviction he shall not be entitled to, nor shall he be granted a license of such form for a period of one year from date of such forfeiture, and upon a third or successive conviction, for a period of five years from the date of such forfeiture; and any cooperative store operated exclusively by and for native Indians or Eskimos, or any store operated by missions exclusively for native Indians or Eskimos, without a license as provided in this subchapter, upon a second or third conviction for violation of this subchapter, shall not be entitled to engage in the business of dealing in furs for such time as the court before whom such conviction is had may decide: *Provided,* That such prohibition shall not be imposed for the first conviction, nor for a period in excess of one year from date of the second conviction, nor for a period in excess of five years from date of the third or any subsequent conviction; and all moneys from fines shall be transmitted by the clerk of the court to the executive officer to be disposed of as provided in subdivision K of section 199 of this subchapter.

Any licensed guide who shall fail or refuse to report promptly to the Commission any violation of this subchapter of which he may have knowledge, shall be guilty of a violation of this subchapter, and, in addition thereto, shall have his license revoked and shall be ineligible to act as a licensed guide for a period of five years from the time of his conviction therefor, or, of the establishment to the satisfaction of the Commission of definite proof of such offense. (As amended July 1, 1943, ch. 183, 57 Stat. 311.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, amended section generally.

§ 202a. Administration of oaths for purposes of prosecution.

Such officers, agents, or employees of the Department of the Interior as may be designated in writing by the Secretary or executive officer for the purpose are hereby authorized and empowered to administer to or take from any person, an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of this subchapter. (As amended July 1, 1943, ch. 183, 57 Stat. 310.)

§ 202b. Burden of proof.

The possession of any wild animal, game fish, wild bird, or parts thereof, or any nest or egg of such bird, during the time when the taking of it is prohibited, shall, in any action in rem, constitute prima facie evidence that it was taken, possessed, bought, sold, or transported in violation of the provisions of this subchapter, and the burden of proof shall be upon the possessor or claimant of it to overcome the presumption of illegal possession and to establish the fact that it was obtained and is possessed lawfully. (Jan. 13, 1925, ch. 75, 43 Stat. 739, as added July 1, 1943, ch. 183, 57 Stat. 312.)

§ 203. Previous law unaffected.

Nothing in this subchapter contained shall be construed as repealing or modifying in any manner section 352 of Title 16. (As amended July 1, 1943, ch. 183, 57 Stat. 312.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, reenacted section without change.

§ 204. Partial invalidity; effect of.

If any clause, sentence, paragraph, or part of this subchapter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or parts thereof directly involved in the controversy in which such judgment shall have been rendered. (As amended July 1, 1943, ch. 183, 57 Stat. 312.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, reenacted section without change.

§ 204a. Appropriation to effectuate provisions of Alaska Game Law.

There is authorized to be appropriated, from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and to accomplish the purposes of this subchapter and regulations made pursuant hereto, and the Secretary of the Interior is authorized out of such moneys to employ in Alaska and elsewhere such persons and means as he may deem necessary for such purposes, including printing; purchase, operation, maintenance, and repair of aircraft; construction of aircraft hangars and other structures; restocking depleted areas, emergency feeding of wildlife; investigation of wildlife and game-fish resources and conditions; and protection and rehabilitation of Territorial wildlife and game-fish resources. (Jan. 13, 1925, ch. 75, 43 Stat. 739, as added July 1, 1943, ch. 183, 57 Stat. 312.)

§ 205. Effective date; short title.

This subchapter shall become effective immediately upon its passage and approval, and shall be known by the short title of the "Alaska Game Law." (As amended July 1, 1943, ch. 183, 57 Stat. 312.)

CONTINUANCE OF FUNDS; SAVING CLAUSE

Section 14 of act July 1, 1943, ch. 183, 57 Stat. 301, provided: "That the unexpended balances of any sums appropriated by the Interior Department Appropriation Act for the fiscal year ending June 30, 1943 (Act July 2, 1942, ch 473, 56 Stat. 506), for enforcing the provisions of the Act of January 13, 1925 (Act January 13, 1925, ch. 75, 43 Stat. 739), as amended, for the protection of game animals, fur animals, and birds in the Territory, are hereby made available for the purpose of carrying into effect the provisions of this Act (Act July 1, 1943, ch. 183, 57 Stat. 301) and regulations made pursuant hereto, and all contractual obligations heretofore incurred under the provisions of the Act of January 13, 1925 (Act January 13, 1925, ch. 75, 43 Stat. 739) as amended, shall remain in full force and effect."

§ 206. Definitions.

For the purposes of this subchapter the following shall be construed, respectively, to mean:

Commission: The Alaska Game Commission.

Secretary: The Secretary of the Interior.

Director: Director, Fish and Wildlife Service, Department of the Interior.

Executive Officer: Executive officer, Alaska Game Commission.

Territory: Territory of Alaska.

Person: The plural or the singular, as the case demands, including individuals, associations, partnerships, and corporations, unless the context otherwise requires.

Indians: Natives of one-half or more Indian blood.

Eskimo: Natives of one-half or more Eskimo blood.

Take: Taking, pursuing, disturbing, hunting, capturing, trapping, or killing game animals, fur animals, game or nongame birds, or game fishes; attempting to take, pursue, disturb, hunt, capture, trap, or kill such animals, birds, or game fishes, or setting or using a net, trap, or other device for taking them, or collecting the nests or eggs of such birds, unless the context otherwise requires. Whenever the taking of animals, birds, or nests or eggs of birds, or game fishes is permitted, reference is had to taking by lawful means and in lawful manner.

Open season: The time during which animals, birds, or game fishes may lawfully be taken. Each period of time prescribed as an open season shall be construed to include the first and last days thereof.

Closed season: The time during which animals, birds, or game fishes may not be taken.

Transport: Shipping, transporting, carrying, importing, exporting, or receiving or delivering for shipment, transportation, carriage, or export, unless the context otherwise requires.

Game animals: Deer, moose, caribou, elk, mountain sheep, mountain goat, bison, muskox, and the large brown, grizzly, and black bears, which shall be known also as big game, and such other animals as the Secretary has or shall declare, as hereinafter provided, to be game animals, to be known also as big game if so designated in the declaration, including those that have been or may hereafter be transplanted, introduced, or reintroduced into the Territory, or any part thereof.

Fur animals: Beaver, muskrat, marmot, racoon, pika, hare or rabbit, squirrel, fisher, fox, lynx, marten or sable, mink, weasel or ermine, sea otter, land otter, wolverine, coyote, wolf, and polar bear, and such other animals as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory, or any part thereof, and found and declared by the Secretary to be fur animals: *Provided*, That whenever the Secretary shall find that in any

section of Alaska any animal is predominantly taken as a game rather than as a fur animal, or is predominantly taken as a fur animal rather than as a game animal, he shall so declare and then and thereafter, so long as such declaration remains in effect, such animal in the specified section of Alaska shall be considered to be a game animal or fur animal as the case may be, to the same extent as if it had been expressly included in the foregoing definitions of game and fur animals.

Game birds: Anatidae, commonly known as waterfowl, including ducks, geese, brant, and swans; Haematopodidae, Charadriidae, Scolopacidae, and Phalaropodidae, commonly known as shorebirds, including oyster-catchers, plover, sandpipers, snipe, curlew, and phalaropes; Gruidae, commonly known as crane; and the several species of grouse and ptarmigan, and such other birds as have been or may hereafter be transplanted, introduced, or reintroduced into the Territory, or any part thereof, and found and declared by the Secretary to be game birds.

Nongame birds: All wild birds except game birds.

Hunting: The taking, as herein defined, of game animals, game birds, and nongame birds.

Trapping: The taking, as herein defined, of fur animals.

Game fishes: Rainbow, steelhead, cutthroat, eastern brook, and Dolly Varden trout, and grayling, and such other fishes as the Secretary may declare, from time to time, to be game fishes. (As amended July 1, 1943, ch. 183, 57 Stat. 301.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, among other changes added definitions of "Secretary", "Director", "Executive Officer", "Hunting", "Trapping", and "Game fishes"

§ 207. Residence and citizenship as prerequisites to hunting, fishing, etc.

For the purposes of this subchapter a citizen or a national of the United States who has resided in the Territory for a continuous period of twelve months immediately preceding his claim for resident hunting, trapping, fishing, or other privileges under this subchapter, or a person not a citizen or a national of the United States who has in good faith declared his intention to become a citizen of the United States, whose declaration of intention is in good standing, and who has resided in the Territory for a like period, shall be considered a resident: *Provided, however,* That whenever the Secretary shall determine the fur resources of Alaska are threatened by hunting or trapping, or from other causes, he may, in his discretion and for such periods as he shall determine, extend the required residence period in the Territory from twelve months to three years as a prerequisite to obtaining a resident trapping license; a citizen or a national of the United States who has not resided in the Territory for a continuous period of twelve months, or for the extended period of three years, as the case may be, immediately preceding his claim for resident privileges shall be considered a nonresident; and a person not a citizen or a national of the United States who is not a resident of the Territory, as defined in this section, shall be considered an alien. (As amended July 1, 1943, ch. 183, 57 Stat. 303.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, amended section generally.

§ 208. Alaska Game Commission; composition; tenure of office; qualification of members.

A Commission to be known as the Alaska Game Commission is hereby created. The Commission shall consist of an executive officer and four other members. The executive officer of the Commission shall be the representative of the Fish and Wildlife Service of the Department of the Interior, designated by the Director to occupy that position, and he shall provide for the due administration of the functions of the Commission under this subchapter The other four members of the Commission shall be appointed by the Secretary to serve for four years unless sooner removed: *Provided,* That the present members of the Alaska Game Commission appointed pursuant to section 4 of the Act of January 13, 1925 (43 Stat. 739), are hereby made the appointed members of the Alaska Game Commission as reorganized and continued hereunder, each to serve a term of office equal to the unexpired term of his office as a member of the Alaska Game Commission under the provisions of the Act of January 13, 1925. Each member of the Commission appointed by the Secretary shall be a resident citizen of the judicial division from which he is appointed and shall have been a resident of Alaska for at least five years before his appointment, but not more than one resident of a judicial division shall serve on the Commission at one time, and no Federal or Territorial employee shall be appointed as a member of the Commission. (As amended July 1, 1943, ch. 183, 57 Stat. 303.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, amended section generally.

§ 209. Same; removal of members.

The Secretary may remove a commissioner for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges against him and opportunity to be publicly heard in person or by counsel in his own defense; pending the investigation of the charges, the Secretary may suspend such commissioner. The Secretary shall fill vacancies on the Commission by appointment for the unexpired term, and a vacancy shall be filled by appointment from the same judicial division in which it occurs. The office of any commissioner shall be vacant upon his removing his residence from the judicial division from which he was appointed. (As amended July 1, 1943, ch. 183, 57 Stat. 303.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, substituted "The Secretary", meaning the Secretary of the Interior, for "Secretary of Agriculture".

§ 210. Same; compensation; per diem; salary of executive officer.

Members of the Commission, other than the executive officer, shall receive no compensation for

their services as members thereof, except a per diem of $10 for each member for each day going to and from and in actual attendance at meetings of the Commission, but the total salary or per diem compensation of the member from the second judicial division shall not exceed the sum of $1,500, and that of any of the other members, except the executive officer, the sum of $900 in any one fiscal year, and each such member in addition shall have reimbursed to him actual and necessary traveling and subsistence expenses incurred or made in the discharge of his official duties, in accordance with the fiscal regulations of the Department of the Interior, which shall be paid on proper vouchers from the appropriation for the enforcement of the Alaska game law. The executive officer shall be paid his salary and shall have reimbursed to him all actual and necessary traveling and other expenses and disbursements in accordance with the fiscal regulations of the Department of the Interior from the appropriation for the enforcement of the Alaska game law and from such other appropriations for the work of the Fish and Wildlife Service in the Territory as the Director may designate. (As amended July 1, 1943, ch. 183, 57 Stat. 304.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, amended section generally

§ 211. Same; office; business; seal.

The Commission shall maintain and have its principal office in the capital of the Territory.

A majority of the members shall constitute a quorum for the transaction of business. All investigations, inquiries, hearings, and decisions of a commissioner shall be deemed to be the investigations, inquiries, hearings, and decisions of the Commission, when approved by it and entered by it in its minutes, and every order made by a commissioner, when approved and confirmed by the Commission and ordered filed in its office, shall be, and be deemed to be the order of the Commission. The Commission shall have an official seal. (As amended July 1, 1943, ch. 183, 57 Stat. 304.)

AMENDMENTS

1943—Act July 1, 1943, cited to text, reenacted section without change.

ALASKA FISHERIES

§ 240. Fishery Management Supervisor and Assistant Fishery Management Supervisor.

For the protection of the salmon fisheries in Alaska there shall be appointed by the Secretary of the Interior one Fishery Management Supervisor and one Assistant Fishery Management Supervisor. (June 4 1897, ch. 2, § 1, 30 Stat. 29; June 23, 1913, ch. 3, 38 Stat. 63; Reorg. Plan No. II, § 4 (e), eff. July 1, 1939, 4 F. R 2731, 53 Stat. 1433.)

AMENDMENTS

1913—Act June 23, 1913, cited to text, provided for the appointment of an "agent" and "assistant agent" by the Secretary of Commerce and Labor.

1897—Act June 4, 1897, cited to text, provided for the appointment of an "agent" and "assistant agent" by the President with the advice and consent of the Senate.

TRANSFER OF FUNCTIONS

Reorg Plan No II, eff. July 1, 1939, cited to text, transferred the Bureau of Fisheries from the Department of Commerce to the Department of the Interior.

§ 248. Protection of walruses.

Whoever, within the Territory of Alaska or in or on any of the waters thereof, shall take, possess, sell, barter, purchase, or export, at any time or in any manner, any walrus, alive or dead, or any part thereof, except as hereinafter in this section provided, shall be fined not more than $500 or imprisoned not more than six months, or both: *Provided*, That walruses may be taken at any time by natives for food and clothing for themselves and by miners or explorers or any other person when in need of food and other food is not available, and the skins, hides, tusks, or ivory of walruses so taken may be possessed, sold, bartered, or purchased in the Territory and said tusks or ivory, when carved or otherwise manufactured or processed in the Territory, may be exported therefrom: *Provided further*, That the Secretary of the Interior is authorized to permit the taking, possession, and export of walruses or parts thereof for scientific or educational purposes under special permits to be issued by him under such restrictions and conditions as he shall prescribe. (Aug. 18, 1941, ch. 368, § 1, 55 Stat. 632.)

REPEAL OF INCONSISTENT LAWS

Section 4 of act Aug 18, 1941, cited to text, provided "SEC. 4. That all other Acts or parts of Acts insofar as they relate to walruses in the Territory of Alaska or in or on any of the waters thereof are hereby repealed."

§ 248a. Same; duties of law enforcement officers; forfeiture of equipment of convicted persons.

It shall be the duty of all marshals and deputy marshals, collectors and deputy collectors of customs, officers of the Coast Guard, and law-enforcement officers of the Fish and Wildlife Service and the Alaska Game Commission of the Department of the Interior to enforce sections 248–248b of this title and they shall have, with respect to such enforcement, all the powers and authority conferred by the second paragraph of section 192 of this title, upon the officers therein mentioned; and all guns, traps, nets, boats, dogs, sleds, implements, or other paraphernalia used in or in aid of a violation of sections 248–248b of this title, and any walrus, or part thereof, taken, possessed, sold, bartered, purchased, or exported contrary to sections 248–248b of this title, shall be seized by the officers authorized to enforce sections 248–248b of this title, and upon conviction of the offender or upon judgment of a court of the United States that the same were being used or were taken, possessed, sold, bartered, purchased, or exported contrary to the provisions of sections 248-248b of this title, shall be forfeited to the United States and disposed of as directed by the court having jurisdiction, and if sold the proceeds of sale, less any expenses incurred in and about the seizure and forfeiture thereof, shall be deposited in the Treasury to the credit of miscellaneous receipts (Aug. 18, 1941, ch. 368, § 2, 55 Stat. 633.)

REPEAL

Repeal of inconsistent laws, see note under section 248 of this title.

§ 248b. Same; definitions.

As used in sections 248–248b of this title "whoever" includes individuals, associations, partnerships, and corporations; "take" includes also pursue, hunt, shoot, wound, kill, capture, trap, or willfully molest or disturb; "export" means transportation or offering for transportation from the Territory of Alaska or any of the waters thereof to any place outside said Territory or waters; and "natives" means Eskimos, Aleuts, and other aborigines of one-half or more Eskimo, Aleut, or other aboriginal blood. (Aug. 18, 1941, ch. 368, § 3, 55 Stat. 633.)

REPEAL

Repeal of inconsistent laws, see note under section 248 of this title

PUBLIC UTILITIES

RAILROADS, TELEGRAPH, AND TELEPHONES

§ 311. Payment of charges for interconnection between Alaska Communication System's radio-telephone and commercial telephone facilities.

Hereafter charges for interconnection between the radio-telephone facilities of the Alaska Communication System and commercial telephone facilities may be paid from the receipts of the Alaska Communication System. (May 23, 1941, ch. 130, § 1, 55 Stat. 191.)

PUBLIC LANDS IN ALASKA

GENERAL PROVISIONS

WAIVER OF PAYMENTS ON NONMINERAL LEASES OF PUBLIC LANDS FOR DURATION OF WAR

Act May 29, 1943, ch. 107, 57 Stat. 92, provided:

"That the Secretary of the Interior, in his discretion, may defer or waive all or part of any payment, due or to become due to the United States, under any nonmineral lease of public lands in the Territory of Alaska for any period occurring prior to the end of six months after the termination of hostilities in the present war as proclaimed by the President, or such earlier date as the Congress by concurrent resolution may prescribe, upon a proper showing by the lessee that normal activities on the leasehold have not been or are not possible during such period and that he has sustained loss because of orders issued by the armed services of the United States or because the leased land is in or adjacent to a zone of military operations.

"SEC 2 Upon application by a lessee under such a lease who has made a payment prior to the date of the approval of this Act, and upon a proper showing by him as required in section 1 of this Act, the Secretary of the Interior, in his discretion, may refund all or part of such payment or allow it to be set off against future payments under the lease."

§ 353. Reservation of lands for educational purposes; sale of timber and mineral leases; rules and regulations.

VALIDATION OF SETTLEMENT CLAIMS ON CERTAIN RESERVED LAND

Act Mar. 9, 1942, ch. 175, 56 Stat. 150, provided: "That where settlement claims with a view to making homestead entry have been established on lands in sections 16 and 36, reserved for the support of schools in the Territory of Alaska by the Act of March 4, 1915 (38 Stat 1214) [Title 48, §§ 353, 354], within the area withdrawn by Executive Order Numbered 6957, dated February 4, 1935, as modified by Executive order of May 20, 1935, which temporarily withdrew from disposal under the public-land laws certain lands within the Matanuska Valley in Alaska and reserved them for classification and in aid of legislation, such claims be, and they are hereby, validated, subject to compliance with the applicable provisions of the homestead laws; and other lands in lieu thereof may be designated by the Territory of Alaska, to be reserved for the support of schools in said Territory, in the manner provided by the Act of Congress approved February 28, 1891 (26 Stat. 796) [Title 43, §§ 851, 852]."

LAND DISTRICTS AND LAND OFFICES

§ 365. Continuation of existing land districts and offices; change of district boundaries, or discontinuance of districts; designation and location of land offices.

Subject to the authority conferred upon the Secretary of the Interior by this section, the land districts and land offices existing in Alaska on October 9, 1942 are hereby continued. The Secretary of the Interior is hereby authorized and empowered in his discretion to change the boundaries of, or discontinue, any land district in Alaska, and in lieu thereof to designate such land district, or land region, as, in his opinion, is necessary for the transaction of the business relating to the public lands in the Territory and to designate or change the location of any land office for such land district or land region. (Oct. 9, 1942, ch. 584, § 6, 56 Stat. 779.)

LAND DISTRICTS AND LAND OFFICES CONTINUED

Provisions of acts Feb. 14, 1902, ch 17, § 1, 32 Stat. 20; Mar 2, 1907, ch 2537, § 1, 34 Stat 1232, which constituted former section 365 and were repealed by act which enacted this section, read as follows: "There shall be two land districts in Alaska, the boundaries of which shall be designated by the President, to be known as the Nome land district and the Fairbanks land district, with the land offices located, respectively, at Nome, Alaska, and Fairbanks, Alaska, and one other land district and land office, the location of which shall be fixed by the President."

REPEAL

Former section 365, acts Feb. 14, 1902, ch. 17, § 1, 32 Stat. 20; Mar. 2, 1907, ch. 2537, § 1, 34 Stat. 1232, was repealed by section 7 of act Oct 9, 1942, cited to text

§ 366. Registers of land offices at Anchorage, Nome, and Fairbanks; designation.

The duties performed by the register at Anchorage and by the ex officio register and the ex officio receiver at Nome and at Fairbanks prior to the abolishment of such offices thereafter shall be performed at each office under the title "register" by such civil-service employee of the Department of the Interior as the Secretary of the Interior may appoint or designate for that purpose. (Oct. 9, 1942, ch. 584, § 2, 56 Stat. 779.)

ABOLISHMENT OF ANCHORAGE, NOME, AND FAIRBANKS OFFICES

Section 1 of act Oct 9, 1942, cited to text, provided: "That the office of register of the district land office at Anchorage, Alaska, and the office of ex officio register and ex officio receiver of the district land offices at Nome and at Fairbanks, Alaska, are hereby abolished, effective six months after the date of approval of this Act or at such earlier date as the Secretary of the Interior may find that arrangements necessary to carry out the provisions of section 2 of this Act have been completed."

INCUMBENT REGISTER AT ANCHORAGE COVERED INTO CLASSIFIED CIVIL SERVICE

Proviso of section 2 of act Oct 9, 1942, cited to text, provided as follows: "The present incumbent of the office of register at Anchorage is hereby covered into the classified civil service, and, subject to civil-service rules, shall be appointed to a position at the Anchorage office and designated to act at that office under the title 'register'."

REPEAL

Former section 366 was repealed by section 7 of act Oct. 9, 1942, cited to text. Said section 7 expressly repealed act Mar 2, 1907, ch. 2537, § 2, 34 Stat. 1232, which constituted the basic provisions of said former section 366. Act Mar 3, 1925, ch 462, 43 Stat 1145, was cited to the credit of former section 366 as affecting the text thereof. Said act Mar. 3, 1925, is set out as section 71 of Title 43, Public Lands.

§ 366a. Additional registers.

The Secretary of the Interior is hereby authorized to designate an additional employee of the Department of the Interior for each land office in Alaska to act as register pursuant to the provisions of sections 73, 75a and 80 of Title 43. (Oct. 9, 1942, ch. 584, § 3, 56 Stat. 779.)

§ 367. Duties and obligations of registers and acting registers.

The employees designated to serve as registers and acting registers shall be charged with all the obligations, duties, and responsibilities provided by law which are applicable to registers and acting registers, respectively, of the district land offices. (Oct. 9, 1942, ch. 584, § 4, 56 Stat. 779.)

REPEAL

Former section 367 was repealed by section 7 of act Oct 9, 1942, cited to text. Said section 7 expressly repealed act Mar. 2, 1907, ch. 2537, § 3, 34 Stat. 1232, which constituted the basic provisions of said former section 367. Act Mar. 3, 1925, ch. 462, 43 Stat 1145, was cited to the credit of former section 367 as affecting text thereof Said act Mar. 3, 1925, is set out as section 71 of Title 43, Public Lands

§ 367a. Public land claimant as liable for fees, commissions or purchase money.

No provision of sections 365, 366, 366a, 367, 367a of this title and section 80 of Title 43, shall relieve any public land claimant from the necessity of making payment of fees, commissions, or purchase money required by law or regulation in connection with an application, selection, location, or lease of public lands in Alaska, and all such payments, when made, shall be covered into the Treasury of the United States. (Oct. 9, 1942, ch. 584, § 5, 56 Stat. 779.)

COAL LANDS

§ 440. Property leased; limitation of amount; forfeiture of excess.

Each lease shall be for such leasing block or tract of land as may be offered or applied for, not exceeding in area two thousand five hundred and sixty acres of land, to be described by the subdivisions of the survey, and no person, association, or corporation, except as hereinafter provided, shall take or hold at any one time leases for more than two thousand five hundred and sixty acres in the aggregate, or take or hold any interest as a member of an association or stockholder of a corporation holding a lease under sections 432–452 of this title if the acreage represented by such indirect interest, or by such indirect interest together with the acreage represented by the direct holding of any lease issued under sections 432–452 of this title, exceeds two thousand five hundred and sixty acres in the aggregate. Any interest held in violation of sections 432–452 of this title shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction, except that any ownership or interest forbidden in sections 432–452 of this title which may be acquired by descent, will, judgment, or decree may be held for two years, and not longer, after its acquisition. (As amended Feb. 21, 1944, ch. 18, 58 Stat. 18.)

AMENDMENTS

1944—Act Feb. 21, 1944, cited to text, amended section generally.

§ 441. Exceeding authorized interest generally; punishment.

Except as herein provided, any person who shall purchase, acquire, or hold any interest in leases issued under sections 432–452 of this title, either directly or as a stockholder in a corporation or member of an association holding leases or interests in leases of which he has knowledge, which interest so purchased, acquired, or held shall exceed in the aggregate two thousand five hundred and sixty acres, or who shall knowingly purchase, acquire, or hold any stock in a corporation or shares in an association which holds any interest in leases issued under sections 432–452 of this title exceeding two thousand five hundred and sixty acres in the aggregate, or who shall knowingly sell or transfer to one disqualified to purchase, or, disqualified to acquire any such interest, shall be guilty of a felony and shall be subject to imprisonment for not more than three years or a fine not exceeding $1,000, or both: *Provided*, That any such ownership and interest hereby forbidden which may be acquired by descent, will, judgment, or decree may be held two years after its acquisition and not longer, and in case of minority or other disability such time as the court may decree. (As amended Feb. 21, 1944, ch. 18, 58 Stat. 18.)

AMENDMENTS

1944—Act Feb. 21, 1944, cited to text, amended generally all of section preceding proviso.

§ 442. Criminal liability of officer or agent of corporation or association violating law.

Any director, trustee, officer, or agent of any corporation or association holding an interest in such leases who shall, on behalf of such corporation or association, act in the purchase of any interest in any other lease, which, together with the other holdings of the corporation or association under sections 432–452 of this title, exceeds two thousand five hundred and sixty acres in the aggregate, or who shall knowingly act on behalf of such corporation or association in the sale or transfer of any such interest in any lease held by such corporation or association to any corporation, association, or individual holding any interest or interests in any other such leases which together with the interest sold or transferred exceeds in the aggregate two thousand five hundred and sixty acres, shall be guilty of a felony and shall be subject to imprisonment for not more than three years or a fine not exceeding $1,000, or both. (As amended Feb. 21, 1944, ch. 18, 58 Stat. 18.)

AMENDMENTS

1944—Act Feb. 21, 1944, cited to text, amended section by making it applicable to associations as well as corporations.

ALASKA MILITIA (New)

§ 473. Alaska militia established.

The militia of the Territory of Alaska shall consist of all able-bodied male citizens of the United States and all other able-bodied males who shall have declared their intention to become citizens of the United States, residing within the Territory, who shall be more than eighteen years of age and, except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into two classes: The Organized Militia, to be known as the Alaska National Guard, and the Unorganized Militia. (Dec. 31, 1941, ch. 644, § 1, 55 Stat. 879.)

CROSS REFERENCES

Alaska as included in the word Territory, see section 4c of Title 32, National Guard.

National Guard of the States, Territories, and District of Columbia and composition, see section 4 of Title 32, National Guard

Person liable for military duty, see section 1 of Title 10, Army.

§ 474. Exemption from militia service.

The following persons shall be exempt from militia service: Persons exempted by the laws of the United States, judges of the several courts of the Territory, and members and officers of the Alaska Territorial Legislature. (Dec. 31, 1941, ch 644, § 2, 55 Stat. 879.)

CROSS REFERENCES

Exemptions from militia duty, see section 3 of Title 32, National Guard

§ 475. Composition of Alaska National Guard.

The Alaska National Guard shall consist of members of the militia voluntarily enlisted therein, who, upon original enlistment, shall be not less than eighteen nor more than forty-five years of age, or who, in subsequent enlistment, shall be not more than sixty-four years of age, organized, armed, equipped, and federally recognized according to the laws of the United States, and of commissioned officers and warrant officers who are citizens of the United States between the ages of twenty-one and sixty-four years and who shall be appointed and commissioned or warranted by the Governor of the Territory: *Provided*, That former members of the Regular Army, Navy, or Marine Corps under sixty-four years of age may enlist in said Alaska National Guard. (Dec. 31, 1941, ch. 644, § 3, 55 Stat. 879.)

CROSS REFERENCES

National Guard of the States, Territories, and District of Columbia and composition, see section 41 of Title 32, National Guard

§ 476. Governor as commander-in-chief; rules and regulations.

The Governor of the Territory of Alaska, as ex officio commander of the militia of the Territory, shall have like command of the Alaska National Guard while not in active Federal service, and is empowered to promulgate all necessary regulations therefor not inconsistent with this subchapter. Except as otherwise prescribed by this subchapter, the Alaska National Guard and its members shall be subject to all Federal laws and regulations relating to the National Guard of the several States and Territories, and of the United States. (Dec. 31, 1941, ch. 644, § 4, 55 Stat. 879.)

CROSS REFERENCES

Governor as commander-in-chief of militia, see section 61 of this title.

§ 477. Appointment of Adjutant General; qualifications and duties.

The Adjutant General of the Territory of Alaska shall be appointed by the President with such rank and qualifications as he may prescribe. He shall be a citizen of the Territory and shall make such returns and reports to the Secretary of War and to the Governor of the Territory of Alaska or to such officers as each of them may designate, at such times and in such form as may be prescribed. (Dec. 31, 1941, ch. 644, § 5, 55 Stat 880.)

CROSS REFERENCES

Appointment, qualifications, and duties of Adjutant General for each State, Territory, and District of Columbia, see sections 11–13 of Title 32, National Guard.

§ 478. Ratification and confirmation of existing military forces.

The terms and provisions of this subchapter pertaining to the Alaska National Guard are hereby made applicable to the existing units and individuals of the military forces in the Territory of Alaska, heretofore organized and known as the Alaska National Guard, and such organization is hereby ratified and confirmed. (Dec. 31, 1941, ch. 644, § 6, 55 Stat. 880.)

§ 479. Territorial Guard; when and how organized; rules and regulations.

During such time as the Alaska National Guard, or any part thereof, is in active Federal service, the Governor of Alaska, through voluntary enlistments, may organize a Territorial Guard under such regulations as to discipline in training as the Secretary of War may prescribe: *Provided*, That the Secretary of War, in his discretion and under such regulations as he may prescribe, is authorized to issue for the use of such Territorial Guard, upon requisition of the Governor of the Territory, such arms and equipment as may be in possession of and can be spared by the War Department. (Dec. 31, 1941, ch. 644, § 7, 55 Stat. 880.)

CROSS REFERENCES

Issuance of arms and equipment to National Guard, see section 33 of Title 32, National Guard.

SLUM CLEARANCE AND HOUSING PROJECTS (New)

CROSS REFERENCES

Slum clearance in Puerto Rico, see section 911 et seq. of this title.

§ 481. Legislative authorization to create authorities.

The Legislature of the Territory of Alaska may create a public corporate authority to undertake slum clearance and projects to provide dwelling accommodations for families of low income and for persons (and their families) engaged in national-defense activities within the Territory. (July 21, 1941, ch. 311, § 1, 55 Stat. 601.)

§ 482. Same; appointment of commissioners; powers of authorities.

The Legislature of the Territory of Alaska may provide for the appointment and terms of the commissioners of such authority and for the powers of such authority, except that such authority shall not be given any power of taxation, nor any power to pledge the faith of the people of the Territory for any loan whatever. (July 21, 1941, ch. 311, § 2, 55 Stat. 602.)

§ 483. Same; issuance of bonds and obligations.

The Legislature of the Territory of Alaska may authorize such authority to issue bonds or other obligations with such security and in such manner as the legislature may provide, except as provided in sections 481–483 of this title. Such bonds and other obligations shall not be a debt of the Territory of Alaska or any political or municipal corporation or other subdivision of the Territory other than such authority; and such bonds and other obligations shall not constitute a debt, indebtedness, or the borrowing of money within the meaning of any limitation or restriction on the issuance of bonds or other obligations contained in the laws of the United States applicable to the Territory of Alaska or any political or municipal corporation or other subdivision of the Territory. (July 21, 1941, ch. 311, § 3, 55 Stat. 603.)

Chapter 3.—HAWAII

GENERAL PROVISIONS

Sec
518a Employment of nationals on public works during national emergency (New)

THE LEGISLATURE AND LEGISLATIVE POWER

562c–1. Same; ratification of issuance of revenue bonds (New).

PUBLIC LANDS

664a Ratification of Hawaiian realty transactions consummated on or before November 25, 1941 (New)
664b Same; effect of ratification (New).

HAWAIIAN HOMELANDS

707a. Same; investment of loan funds; disposition of proceeds (New).

GENERAL PROVISIONS

§ 508. Quarantine stations; regulations; health laws.

The health laws of the government of Hawaii relating to the harbor of Honolulu and other harbors and inlets from the sea and to the internal control of the health of the islands shall remain in the jurisdiction of the government of the Territory of Hawaii, subject to the quarantine laws and regulations of the United States. (As amended July 1, 1944, ch 373, title VI, § 611, 58 Stat. 714.)

REPEALS

Act July 1, 1944, cited to text, repealed the first par of act Apr. 30, 1900, cited to text, which was incorporated as the first par. of this section, and repealed acts July 1, 1902, ch 1370, § 1, 32 Stat 712, Aug. 14, 1912, ch. 288, 37 Stat. 309

§ 510. Wharves and landings; tolls.

PAYMENT OF TOLLS FOR DURATION OF WAR

Act Dec 22, 1942, ch 803, 56 Stat. 1071 provided that notwithstanding the provisions of this section "the departments and agencies of the United States are authorized to pay to the Territory of Hawaii, the reasonable value, as determined by the department or agency concerned, of such use during the period commencing on January 1, 1942, and ending, unless Congress shall fix an earlier date, six months after the termination of the present war"

§ 518a. Employment of nationals on public works during national emergency.

During the national emergency declared by the President on May 27, 1941, to exist, and notwithstanding the provisions of any other law, authority is hereby granted for the employment of nationals of the United States upon any public work carried on in the Territory of Hawaii by the Government of the United States, whether the work is done by contract or otherwise: *Provided*, That such employment shall be as common laborers only and only upon public work carried on for the national defense: *Provided further*, That any national of the United States admitted into the Territory of Hawaii pursuant to section 1234 (a) (1) of this title, for employment as herein authorized shall, upon the termination of such employment, be returned to the Philippine Islands. (Jan. 2, 1942, ch. 646, 55 Stat. 881.)

THE LEGISLATURE AND LEGISLATIVE POWER

§ 562c–1. Same; ratification of issuance of revenue bonds.

Act 16 of the Session Laws of Hawaii, 1943, amending section 17 of Act 174 of the Session Laws of Hawaii, 1935, as amended, so as to extend the time within which revenue bonds may be issued and delivered under said Act 174, is hereby ratified and confirmed and revenue bonds may be issued under and pursuant to the provisions of said Act 174 of the Session Laws of Hawaii, 1935, as amended and as further amended by said Act 16, without the approval of the President of the United States and without the incurring of an indebtedness within the meaning of the Hawaiian Organic Act, and said Act 174, as amended, shall constitute full authority for the issuance of said bonds without reference to and independent of the Hawaiian Organic Act. (Apr. 3, 1944, ch. 154, 58 Stat. 187.)

PUBLIC LANDS

§ 664a. Ratification of Hawaiian realty transactions consummated on or before November 25, 1941.

No right of purchase lease, special homestead agreement, cash freehold agreement, certificate of occupation, homestead lease, or patent issued on or before the 25th day of November 1940, under or in purported compliance with sections 663–677 of this title and sections 83–86 of Title 8 or the laws of Hawaii, relating to public lands, shall be held invalid or void for or on account of (a) failure to publish a notice of the sale, drawing, or allotment of the lands described in such lease, agreement, certificate, or patent, for the period required by sections 663–677 of this title and sections 83–86 of Title 8, or to determine the persons entitled to take said lands by drawing or lot, if in either of such cases, said lands were opened for sale, settlement, or occupation by public notice in compliance with the statutes in effect

prior to May 27, 1910; (b) if said lands were opened for sale, settlement, or occupation by any of the following methods, to wit: Right of purchase lease, special homestead agreement, cash freehold agreement, or certificate of occupation, the fact that said lands were not opened for sale, settlement, or occupation by the particular method followed in issuing such lease, agreement, or certificate, or homestead lease or patent based thereon; (c) the inclusion in one lease, agreement, certificate, or patent of detached or noncontiguous parcels of land, or two or more parcels of land originally offered as separate homesteads or lots. (Sept. 26, 1941, ch. 426, § 1, 55 Stat. 734.)

EFFECTIVE DATE

Section 3 of act Sept. 26, 1941, cited to text, provided section should take effect upon its approval, which was Sept. 26, 1941.

§ 664b. Same; effect of ratification.

Such right of purchase leases, special homestead agreements, cash freehold agreements, certificates of occupation, homestead leases, and patents are hereby ratified and confirmed to the extent set forth in section 664a and, to the extent so ratified and confirmed, shall be deemed and held to be perfect and valid from the day of the date thereof for all purposes, including the issuance of homestead leases or patents based thereon; all questions or disputes that may arise in relation to said lands or the titles thereof shall be decided and determined accordingly. (Sept. 26, 1941, ch. 426, § 2, 55 Stat. 734.)

EFFECTIVE DATE

Section 3 of act Sept. 26, 1941, cited to text, provided section should take effect upon its approval, which was Sept. 26, 1941.

§ 677. Control, management, disposition, etc., of public lands; powers and duties of commissioner.

All lands in the possession, use, and control of the Territory shall hereafter be managed by the commissioner, except such as shall be set aside for public purposes as hereinafter provided; all sales and other dispositions of such land shall be made by the commissioner or under his direction, for which purpose, if necessary, the land may be transferred to his department from any other department by direction of the Governor, and all patents and deeds of such land shall issue from the office of the commissioner, who shall countersign the same and keep a record thereof. Lands conveyed to the Territory in exchange for other lands that are subject to the land laws of Hawaii, as amended by this chapter, shall, except as otherwise provided, have the same status and be subject to such laws as if they had previously been public lands of Hawaii. All orders setting aside lands for forest or other public purposes, or withdrawing the same, shall be made by the Governor, and lands while so set aside for such purposes may be managed as may be provided by the laws of the Territory; the provisions of this section may also be applied where the "public purposes" are the uses and purposes of the United States, and lands while so set aside may be managed as may be provided by the laws of the United States. The commissioner is hereby authorized to perform any and all acts, prescribe forms of oaths, and, with the approval of the Governor and said board, make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this section and the land laws of Hawaii into full force and effect. (As amended Aug. 21, 1941, ch. 394, § 1, 55 Stat. 658.)

AMENDMENTS

1941—Section amended by act Aug. 21, 1941, cited to text, by incorporation of phrase "the provisions of this chapter may be applied * * * by the laws of the United States."

LANDS UNDER JURISDICTION OF HAWAIIAN HOMES COMMISSION

Section 2 of act Aug 21, 1941, cited to text, provided: "SEC. 2. Nothing in this Act shall apply to any lands which are now under, or which may hereafter be placed under, the jurisdiction of the Hawaiian Homes Commission."

HAWAIIAN HOMELANDS

§ 693. Hawaiian Homes Commission; members; appointment; vacancies; chairman; executive officer and secretary; salaries; terms of office; removal.

* * * * *

(c) One of the members shall be designated by the Governor as chairman. An executive officer and such clerical assistants as may be necessary shall be appointed by the Commission to serve at its pleasure. The executive officer shall reside habitually at the major Hawaiian Homes Settlement. He shall receive an annual salary in such amount as shall be set by the Commission, from time to time, not to exceed $6,000: *Provided*, That if the compensation for like positions in the Territorial service is fixed by classification thereof, pursuant to any schedule established by legislative or executive authority, such compensation may equal but shall not exceed the amount certified for the position by the Board, Commission, officer, or other agency determining such classifications for the Territorial service, in accordance with established Territorial procedure. Clerical assistants shall be paid in accordance with Territorial practice for such services. The members of the Commission shall serve without pay, but shall receive actual expenses incurred by them in the discharge of their duties as such members. Of the originally appointed members one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years. Their successors shall hold office for terms of five years except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. A member may also be removed by the Governor for cause after due notice and public hearing. (As amended May 31, 1944, ch. 216, § 1, 58 Stat. 260.)

AMENDMENTS

1944—Subsec. (c) amended by act May 31, 1944, cited to text, which added proviso to first sentence.

§ 694. Same; regulations; expenditures.

The commission may make such regulations and, with the approval in writing of the governor of the Territory, may make such expenditures including salaries, and appoint and remove such employees

and agents, as are necessary to the efficient execution of the functions vested in the commission by the provisions of this subchapter. All expenditures of the Commission, as herein provided out of the Hawaiian home-administration account, the Hawaiian home-development fund, and all moneys necessary for loans made by the Commission, in accordance with the provisions of this subchapter, from the Hawaiian home-loan fund, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of the Commission. (As amended Nov. 26, 1941, ch. 544, § 7, 55 Stat. 787.)

AMENDMENTS

1941—Act Nov 26, 1941, cited to text, amended second sentence

REFERENCES IN TEXT

Words "this subchapter" in second sentence read "this chapter" in act Nov. 26, 1941, cited to text, probably referring to act July 9, 1921, also cited. For distribution of said latter act, see note under section 691 of this title

§ 697. Certain public lands designated "available lands."

(4) * * *

(I) * * *

* * * * *

1 One hundred and sixty-three degrees thirty-one minutes two hundred and thirty-eight and eight-tenths feet along the east side of Punchbowl-Makiki Road;

(As amended Nov. 26, 1941, ch. 544, § 1, 55 Stat. 782; May 31, 1944, ch. 216, § 2, 58 Stat. 260.)

* * * * *

AMENDMENTS

1941—Act Nov. 26, 1941, cited to text, amended par. (4) (I) 1, by substituting "two hundred and thirty-eight and eight-tenths feet" for "two hundred and fifty-seven and eight-tenths feet"

REPEAL IN PART

So much of this section as designates the following land as "available lands" was repealed and land was restored to its previous status under the control of the Territory of Hawaii by act May 31, 1944, cited to text:

"On the island of Molokai. That portion of Palaau, Apana 2, being an addition to the Molokai airplane landing field, as follows:

"Parcel 1. As returned to the Commissioner of Public Lands of the Territory of Hawaii by resolution numbered 68 of the Hawaiian Homes Commission, dated March 3, 1941, and consisting of thirteen and five hundred and twenty-seven one-thousandths acres, more or less, more particularly described as follows:

'Beginning at the southeast corner of this piece of land, on the west boundary of the present Molokai airport, the true azimuth and distance from the northwest corner of the Molokai airport (Executive Order Numbered 809) being no degrees fifty-six minutes thirty seconds two hundred and forty-two feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station Middle Hill being one and fifteen one-hundredths feet north and sixteen thousand one hundred and twenty-eight and one one-hundredths feet west, thence running by true azimuths measured clockwise from south;

"(1) Sixty degrees twenty-five minutes eight hundred and forty-one and seventy-four one-hundredths feet along the remainders of fifty-foot road and lot 170 of the Hawaiian Homes land,

"(2) One hundred and eighty degrees fifty-six minutes thirty seconds eight hundred and twelve and sixty-two one-hundredths feet along the remainder of lot 170 of the Hawaiian Homes land;

"(3) Two hundred and forty degrees twenty-five minutes eight hundred and forty-one and seventy-four one-hundredths feet along the remainders of lot 170, Pine Avenue, lot 158 and fifty-foot road of the Hawaiian Homes land, to the west side of the present Molokai airport; and

"(4) No degrees fifty-six minutes thirty seconds eight hundred and twelve and sixty-two one-hundredths feet along the west side of the present Molokai airport to the point of beginning.

"On the island of Hawaii: Those portions of Keaukaha, tract 1, being additions to the Hilo airplane landing field, comprising several parcels of land as follows:

"Parcel 1. Land situated at Keaukaha, tract 1, Waiakea, South Hilo, island of Hawaii, Territory of Hawaii, being portions of lots 96, 97, 182, 183, 184, 185, Desha Avenue, and twenty-five foot alley, of the Keaukaha residence lots, as shown on Government Survey Registered Maps 2723 and 3017, on file in the office of the Territorial surveyor at Honolulu.

"Beginning at the south corner of this piece of land, and on the west boundary of the Hawaiian Homes land, the true azimuth and distance from the northwest corner of the Hilo airport addition, as shown on Government Survey Registered Maps 2723 and 3017 on file in the office of the Territorial surveyor at Honolulu, and on the south side of Kamehameha Avenue, being one hundred and eighty degrees no minutes four hundred and three and thirty-one one-hundredths feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station Halai being two thousand five hundred and twenty and thirty-one one-hundredths feet north and fifteen thousand five hundred and fifty-three one-hundredths feet east, thence running by azimuths measured clockwise from true south:

"1. One hundred and eighty degrees no minutes six hundred and fifteen and ninety-five one-hundredths feet along Government land and tract A of grant deeded by Territory of Hawaii to Hilo Railroad Company;

"2. Three hundred and ten degrees forty-two minutes four hundred and one and sixty-six one-hundredths feet along the remainders of Desha Avenue, lots 96, 97, twenty-five-foot alley, and lot 182 of the Keaukaha residence lots; and

"3. Forty degrees forty-two minutes four hundred and sixty-six and ninety-seven one-hundredths feet along the remainders of lots 182, 183, 184, 185, and Desha Avenue of the Keaukaha residence lots to the point of beginning, and containing an area of two and one hundred and fifty-five one-thousandths acres, more or less.

"Parcel 2. Land situated on the south side of Kamehameha Avenue, at Keaukaha, tract 1, Waiakea, South Hilo, island of Hawaii, Territory of Hawaii, being all of lots 449 to 486, inclusive, all of lots 546 to 564, inclusive, and portions of Kauhane, Spencer, Pua, and Kamaka Avenues of the Keaukaha residence lots, as shown on Government Survey Registered Maps 2723 and 3017, on file in the office of the Territorial surveyor at Honolulu.

"Beginning at the northwest corner of this piece of land, being also the southwest corner of Kamehameha and Kauhane Avenues, the coordinates of said point of beginning referred to Government Survey Triangulation Station Halai being two thousand one hundred and seventeen feet north and sixteen thousand eight hundred and eighty feet east, thence running by azimuths measured clockwise from true south:

"1. Two hundred and seventy degrees no minutes two thousand and seventeen and eighty-five one-hundredths feet along the south side of Kamehameha Avenue;

"2. Three hundred and sixty degrees no minutes four hundred and fifty feet along lots 448 and 487 of the Keaukaha residence lots;

"3. Three hundred and sixty degrees no minutes fifty feet across Kamaka Avenue,

"4. Three hundred and sixty degrees no minutes two hundred and twenty-five feet along lot 545 of the Keaukaha residence lots;

"5. Ninety degrees no minutes three hundred and ninety-two and forty-eight one-hundredths feet along lots 583, 582, 581, and 580 of the Keaukaha residence lots;

"6. Ninety degrees no minutes fifty feet across Pua Avenue;

"7. Ninety degrees no minutes eight hundred and one and fifteen one-hundredths feet along lots 579, 578, 577, 576, 575, 574, 573, and 572 of the Keaukaha residence lots;

"8. Ninety degrees no minutes fifty feet across Spencer Avenue;

"9. Ninety degrees no minutes six hundred and seventy-four and twenty-two one-hundredths feet along lots 571, 570, 569, 568, 567, 566, and 565, of the Keaukaha residence lots;

"10 Ninety degrees no minutes fifty feet across Kauhane Avenue, and

"11. One hundred and eighty degrees no minutes seven hundred and twenty-five feet along Puuhala Reserve and the present Hilo airport addition, as shown on Government Survey Registered Maps 2723 and 3017 on file in the office of the Territorial surveyor at Honolulu, to the point of beginning, and containing an area of thirty-three and five hundred and eighty-five one-thousandths acres, more or less

"Parcel 3 As returned to the Commissioner of Public Lands of the Territory of Hawaii by resolution numbered 78 of the Hawaiian Homes Commission, dated May 13, 1942. Land situated at Keaukaha, tract 1, Waiakea, South Hilo, island of Hawaii, Territory of Hawaii, being the whole of lots 446, 447, 448, 487, 488, 489, 543, 544, 545, 584, 585, and 586 and portions of lots 581, 582, and 583 and a portion of Kamaka Avenue, of the Keaukaha residence lots, as shown on Government Survey Registered Maps 2723 and 3017, more particularly described as follows:

"Beginning at the northeast corner of this piece of land, being also the northeast corner of lot 446 and the southwest corner of Kamehameha and Baker Avenues, the true azimuth and distance from the northwest corner of Hilo airport addition (of twenty and fifty-four one-hundredths acres and on the south side of Kamehameha Highway), as shown on Government Survey Registered Maps 2723 and 3017, being two hundred and seventy degrees no minutes and three thousand six hundred and eighty-eight and seventy one-hundredths feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station Halai being two thousand one hundred and seventeen feet north and nineteen thousand one hundred and ninety-two and twenty-three one-hundredths feet east, thence running by azimuths measured clockwise from true south:

"1. Three hundred and sixty degrees no minutes four hundred and fifty feet along the west side of Baker Avenue,

"2. Three hundred and sixty degrees no minutes fifty feet across Kamaka Avenue;

"3 Three hundred and sixty degrees no minutes four hundred and fifty feet along the west side of Baker Avenue;

"4. Ninety degrees no minutes two hundred and ninety-four and thirty-eight one-hundredths feet along the north side of Kawika Avenue;

"5. One hundred and eighty degrees no minutes one hundred and twelve and fifty one-hundredths feet along lot 583 of the Keaukaha residence lots,

"6 One hundred and ten degrees fifty-five minutes three hundred and fifteen and thirteen one-hundredths feet along the remainders of lots 583, 582, and 581 of the Keaukaha residence lots;

"7. Two hundred and seventy degrees no minutes two hundred and ninety-four and thirty-six one-hundredths feet along lots 548, 547, and 546 of the Keaukaha residence lots;

"8. One hundred and eighty degrees no minutes two hundred and twenty-five feet along lot 546 of the Keaukaha residence lots,

"9 One hundred and eighty degrees no minutes fifty feet across Kamaka Avenue;

"10. One hundred and eighty degrees no minutes four hundred and fifty feet along lots 486 and 449 of the Keaukaha lots to the south side of Kamehameha Avenue; and

"11. Two hundred and seventy degrees no minutes two hundred and ninety-four and thirty-eight one-hundredths feet along the south side of Kamehameha Avenue to the point of beginning and containing an area of six and eighty one-hundredths acres.

"Parcel 4 As returned to the Commissioner of Public Lands of the Territory of Hawaii by resolution numbered 78 of the Hawaiian Homes Commission, dated May 13, 1942. Land situated at Keaukaha, tract 1, Waiakea, South Hilo, island of Hawaii, Territory of Hawaii, being the whole of lots 93, 94, 95, 98, 99, 100, 101, and 102 and portions of lots 92, 96, 97, and 103 and a portion of Desha Avenue of the Keaukaha residence lots, as shown on Government Survey Registered Maps 2723 and 3017, more particularly described as follows:

"Beginning at the northwest corner of this piece of land, being also the northwest corner of lot 94 and on the southeast side of twenty-five-foot road, the true azimuth and distance from the northwest corner of Hilo airport addition (of twenty and fifty-four one-hundredths acres and on the south side of Kamehameha Highway), as shown on Government Survey Registered Maps 2723 and 3017, being one hundred and eighty degrees no minutes one thousand seven hundred and fifty-one and eighty-seven one-hundredths feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station Halai being three thousand eight hundred and sixty-eight and eighty-seven one-hundredths feet north and fifteen thousand five hundred and three and fifty-three one-hundredths feet east, thence running by azimuths measured clockwise from true south:

"1. Two hundred and forty-three degrees fifty minutes one hundred and seventy-seven and ninety-three one-hundredths feet along the southeast side of twenty-five-foot road,

"2. Three hundred and thirty-three degrees fifty minutes two hundred and thirty-five and sixty one-hundredths feet along lot 92 of the Keaukaha residence lots;

"3. Two hundred and forty-three degrees fifty minutes one hundred feet along the remainder of lot 92 of the Keaukaha residence lots;

"4. Three hundred and thirty-three degrees fifty minutes two hundred feet along lot 91 of the Keaukaha residence lots;

"5 Three hundred and thirty-three degrees fifty minutes fifty feet across Desha Avenue;

"6 Two hundred and forty-three degrees fifty minutes one hundred feet along the southeast side of Desha Avenue;

"7. Three hundred and thirty-three degrees fifty minutes two hundred and thirty-five and sixty one-hundredths feet along lot 103 of the Keaukaha residence lots;

"8. Two hundred and forty-three degrees, fifty minutes one hundred feet along the remainder of lot 103 of the Keaukaha residence lots;

"9 Three hundred and thirty-three degrees fifty minutes two hundred feet along the southwest side of Kauhane Avenue,

"10. Sixty-three degrees fifty minutes six hundred and eighty-eight and thirty-six one-hundredths feet along the northwest side of twenty-five-foot road,

"11. One hundred and thirty degrees forty-two minutes two hundred and eighty-six and seventy-three one-hundredths feet along the remainders of lots 97 and 96 and Desha Avenue of the Keaukaha residence lots, and

"12. One hundred and eighty degrees no minutes seven hundred and thirty-two and sixty-one one-hundredths feet along Government land and tract A of grant deed by the Territory of Hawaii to Hilo Railroad Company to the point of beginning and containing an area of ten and eight hundred and forty-nine one-thousandths acres."

§ 701. Lease of homelands; amount; title to leased lands.

(a) The Commission is authorized to lease to native Hawaiians the right to use and occupancy of a tract or tracts of Hawaiian Home lands within the following acreage limits per each lessee: (1) not less than one nor more than forty acres of agricul-

tural lands; or (2) not less than one hundred nor more than five hundred acres of first-class pastoral lands; or (3) not less than two hundred and fifty nor more than one thousand acres of second-class pastoral lands; or (4) not more than one acre of any class of land to be used as a residence lot: *Provided, however,* That in the case of any existing lease of a farm lot in the Kalanianaole Settlement on Molokai, a residence lot may exceed one acre but shall not exceed four acres in area, the location of such area to be selected by the lessee concerned: *Provided further,* That a lease granted to any lessee may include both a residence and an agricultural or pastoral lot, the gross acreage of both lots not to exceed the maximum acreage of either the agricultural or pastoral lot, as the case may be, and as provided for in this section: *And provided further,* That any such detached residence lot shall be located on the same island as the agricultural or pastoral lot concerned, and within a reasonable distance thereof. The Commission is also authorized to grant licenses for terms of not to exceed twenty-one years in each case, to public-utility companies or corporations as easements for railroads, telephone lines, electric power and light lines, gas mains, and the like.

* * * * *

(c) (1) The commission is also authorized to grant licenses to churches, hospitals, public schools, and stores (the latter to be owned by lessees or by organizations formed and controlled by said lessees) for lots within the district in which agricultural lands are leased under the provisions of this section.

(2) The Commission is also authorized, with the approval of the Governor, to grant licenses to the United States for terms not to exceed five years, for reservations, roads, and other rights-of-way, water storage and distribution facilities, and practice target ranges: *Provided,* That any such license may be extended from time to time by the Commission, with the approval of the Governor, for additional terms of three years: *Provided further,* That any such license shall not restrict the areas required by the Commission in carrying on its duties, nor interfere in any way with the Commission's operation or maintenance activities. (As amended May 31, 1944, ch. 216, §§ 3, 4, 58 Stat. 264.)

AMENDMENTS

1944—Subsec. (a) amended generally by act May 31, 1944, cited to text, which among other changes added the last two provisos.

Subsec. (c) added by act May 31, 1944, cited to text.

§ 702. Same; conditions in leases.

* * * * *

(3) The lessee shall occupy and commence to use or cultivate the tract as his home or farm within one year after the lease is made. The lessee of agricultural lands shall plant and maintain not less than five, ten, fifteen, and twenty trees per acre of land leased, and the lessee of pastoral lands shall plant and maintain not less than two, three, four, and five trees per acre of land leased during the first, second, third, and fourth years, respectively, after the date of lease. Such trees shall be of types approved by the Commission and at locations specified by the Commission's agent. Such planting and maintenance shall be by or under the immediate control and direction of the lessee. Such trees shall be furnished by the Commission free of charge. (As amended Nov. 26, 1941, ch. 544, § 2, 55 Stat. 783.)

* * * * *

AMENDMENTS

1941—Act Nov 26, 1941, cited to text, amended par. (3), by adding all after the first sentence.

§ 703. Same; successor to lessees.

(1) Upon the death of the lessee, his interest in the tract or tracts and the improvements thereon, including growing crops, either on the tract or in any collective contract or program to which the lessee is a party by virtue of his interest in the tract or tracts, shall vest in the relatives of the decedent as provided in this paragraph. From the following relatives of the lessee: Husband and wife, children, widows or widowers of the children, grandchildren, brothers and sisters, widows or widowers of the brothers and sisters, or nieces and nephews, the lessee shall designate the person or persons to whom he directs his interest in the tract or tracts to vest upon his death. Such person or persons must be qualified to be a lessee of Hawaiian home lands: *Provided, however,* That Hawaiian blood requirements shall not apply to the descendants of those who are not native Hawaiians but who were entitled to the leased land under the provisions of section 704a of this title: *Provided further,* That such person or persons need not be twenty-one years of age. Such designation must be in writing, must be specified at the time of execution of such lease with a right in such lessee in similar manner to change such beneficiary at any time, and shall be filed with the commission and approved by the commission, in order to be effective to vest such interests in the successor or successors so named.

In the absence of such a designation as approved by the Commission, the Commission shall select from the relatives of the lessee in the order named above, as limited by the foregoing paragraph, one or more persons who are qualified to be lessees of Hawaiian home lands, except as hereinabove provided, as the successor or successors of the lessee's interest in the tract or tracts, and upon the death of the lessee, his interest shall vest in the person or persons so selected. The Commission may select such a successor or successors after the death of the lessee, and the rights to the use and occupancy of the tract or tracts may be made effective as of the date of the death of such lessee.

In the case of the death of a lessee leaving no such relative qualified to be a lessee of Hawaiian home lands, the land subject to the lease shall resume its status as unleased Hawaiian home lands and the Commission is authorized to lease such land to a native Hawaiian or Hawaiians as provided in this subchapter.

Upon the death of a lessee leaving no such relative qualified to be a lessee of Hawaiian home lands, or the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission

shall appraise the value of all such improvements and growing crops and shall pay to the legal representative of the deceased lessee, or to the previous lessee, as the case may be, the value thereof, less any indebtedness to the Commission, or for taxes, or for any other indebtedness the payment of which has been assured by the Commission, from the deceased lessee or the previous lessee. Such payment shall be made out of the loan fund and shall be considered an advance therefrom reimbursable out of payments made by the successor or successors to the tract involved.

Such appraisal shall be made by three appraisers, one of which shall be named by the Commission, one by the previous lessee or the legal representative of the deceased lessee, as the case may be, and the third shall be selected by the two appraisers hereinbefore mentioned.

* * * * *

(3) Should any successor or successors to a tract be a minor or minors, the Commission may appoint a guardian therefor, subject to the approval of the court of proper jurisdiction. Such guardian shall be authorized to represent the successor or successors in all matters pertaining to the leasehold: *Provided*, That said guardian shall, in so representing such successor or successors, comply with the provisions of this subchapter and the stipulations and provisions contained in the lease, except that said guardian may not be a native Hawaiian as defined in section 692 of this title. (As amended Nov. 26, 1941, ch. 544, § 3, 55 Stat. 783.)

AMENDMENTS

1941—Act No 26, 1941, § 3, cited to text, amended par (1), deleted former par. (3), and renumbered former par (4) to be (3).

REFERENCES IN TEXT

Words "this subchapter" in third paragraph of par. (1) of this section read "this Act" in act Nov 26, 1941, cited to text, probably referring to act July 9, 1921, also cited For distribution of said latter act, see note under section 691 of this title.

§ 707. Hawaiian home-loan and home-development funds and home-administration account; how constituted.

There is hereby established in the treasury of the Territory a revolving fund to be known as the Hawaiian home-loan fund and special funds to be known as the Hawaiian home-development fund and the Hawaiian home-administration account. Thirty per centum of the Territorial receipts derived from the leasing of cultivated sugarcane lands under any other provisions of law, or from water licenses, shall be deposited into the Hawaiian home-loan fund until the aggregate amount of moneys deposited therein from such two sources, together with moneys received and deposited therein from any other sources, not including, however, installment payments upon loans made to lessees or payments by a successor or successors to the tract representing reimbursements on account of the advance made pursuant to section 703 (1) of this title, shall equal $2,000,000. In addition to these moneys and the moneys covered into the loan fund as installments paid by lessees upon loans made to them as provided in paragraph 2 of section 709 of this title, there shall be deposited into said revolving fund all other moneys, except moneys received for the Hawaiian home-administration account, received by the Commission from any source whatsoever. The moneys in said fund shall be available only for loans to lessees as provided for in this subchapter, for interest and sinking fund charges upon bonds issued for Hawaiian homes purposes and for the payments provided for in section 703 (1) of this title, and shall not be expended for any other purpose whatsoever, except that 25 per centum of the amount of moneys so covered into the said revolving fund annually shall be transferred into the Hawaiian home-development fund until the aggregate amount of such annual transfers shall equal $400,000. The moneys in said development fund shall be available, with the prior written approval of the Governor, for the construction of necessary improvements for domestic use and consumption of water, including the construction of pipe lines and reservoirs, for the construction of sanitary sewerage facilities and for the construction of roads through and over Hawaiian home lands. The Commission is authorized and empowered to use moneys in said fund, with the prior written approval of the Governor, to match Federal, Territorial, or county funds available for the above purposes and to that end is authorized to enter into such undertaking, agree to such conditions, transfer funds herein available for such expenditure and do and perform such other acts and things, as may be necessary or required, as a condition to securing match funds for such projects or works.

The entire receipts derived from any leasing of the "available lands" defined in section 698 of this title shall be deposited into the Hawaiian home-administration account. The moneys in said account shall be expended by the Commission for salaries and all other administration expenses of the Commission, not including structures and other permanent improvements, subject, however, to the following conditions and requirements:

(1) The Commission shall, at such time as the Governor may prescribe, but not later than November 15 preceding each biennial session of the legislature, submit to the territorial director of the bureau of the budget its budget estimates of expenditures for the next ensuing biennium in the manner and form and as required by territorial law of territorial departments and establishments.

(2) The Commission's budget, if it meets with the approval of the Governor, shall be included in the Governor's budget report and shall be transmitted to the legislature for its approval. The total amount of the Commission's budget shall in no event exceed the amount of $140,000 for the biennium.

(3) Upon approval by the legislature of the Commission's budget estimate of expenditures for the ensuing biennium or if no action hereon is taken by the legislature prior to adjournment, the amount thereof shall be available to the Commission for said biennium and shall be expendable by the Commission for the expenses hereinabove provided; any amount of money in said account in excess of the amount

approved by the legislature for the biennium shall be transferred to the general fund of the treasury of the Territory, such transfer to be made immediately after the amount of moneys deposited in said administration account shall equal the amount approved by the legislature.

(4) The moneys in said administration account shall be expended by the Commission in accordance with Territorial laws, rules, and regulations and practices:

Provided, however, That the receipts from the leasing of available lands as defined in section 698 of this title shall not be covered into said account until July 1, 1943: *Provided further,* That for the biennium commencing July 1, 1941, and ending June 30, 1943, the amount of money appropriated by the Territorial legislature for the Commission, whether or not in excess of $140,000, shall be deposited in said account and shall be expended as herein provided. (As amended Nov. 26, 1941, ch. 544, § 4, 55 Stat. 784.)

REFERENCES IN TEXT

Words "this subchapter" in first paragraph of this section read "this Act" in act Nov 26, 1941, cited to text, probably referring to act July 9, 1921, also cited. For distribution of said latter act, see note under section 691 of this title.

§ 707a. Same; investment of loan funds; disposition of proceeds.

The Commission shall have the power and authority to invest and reinvest any of the moneys in the loan fund, not otherwise immediately needed for the purposes of the fund, in such bonds and securities as authorized by territorial law for the investment of territorial sinking fund moneys. Any interest or other earnings arising out of such investments shall be credited to and deposited in said fund and shall be included in and considered as a deposit from other sources, as provided for in section 707 of this title. (July 9, 1921, ch. 42, § 225, as added Nov. 26, 1941, ch. 544, § 8, 55 Stat. 787.)

§ 709. Same; conditions in contracts of loan.

(1) Each contract of loan with the lessee or any successor or successors to his interest in the tract shall be held subject to the following conditions, whether or not stipulated in the contract of loan: The amount of loans at any one time to any lessee, or successor or successors in interest, of a tract of agricultural or pastoral land shall not exceed $3,000 and to any lessee, or successor or successors in interest, of a residence lot shall not exceed $1,000: *Provided,* That where, upon the death of a lessee leaving no relative qualified to be a lessee of Hawaiian home lands, or the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission shall make the payment provided for by section 703 (1) of this title, the amount of any such payment made to the legal representative of the deceased lessee, or to the previous lessee, as the case may be, shall be considered as part or all, as the case may be, of any such loan to the successor or successors, without limitation as to the above maximum amounts: *Provided further,* That in case of the death of a lessee, or the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the successor or successors to the tract shall assume any outstanding loan or loans thereon, if any, without limitation as to the above maximum amounts but subject to the provisions of paragraph (3) of this section.

(2) The loan shall be repaid upon an amortization plan by means of a fixed number of installments, such installments to be monthly, quarterly, semiannual, or annual as may be determined by the Commission in each case, sufficient to cover (a) interest on the unpaid principal at the rate of 3 per centum per annum, and (b) such amount of the principal as will extinguish the debt within an agreed period not exceeding thirty years. The moneys received by the Commission from any installment paid upon such loan shall be covered into the fund. The payment of any installment due shall, with the concurrence therein of at least three of the five members of the Commission, be postponed in whole or in part by the Commission for such reasons as it deems good and sufficient and until such later date as it deems advisable. Such postponed payments shall continue to bear interest at the rate of 3 per centum per annum on the unpaid principal.

(3) In case of the death of a lessee the Commission shall, in any case, permit the successor or successors to the tract to assume the contract of loan subject to the provisions of paragraph (1) of this section. In case of the cancelation of a lease by the Commission, or the surrender of a lease by the lessee, the Commission may, at its option, declare all installments upon the loan immediately due and payable, or permit the successor or successors to the tract to assume the contract of loan subject to the provisions of paragraph (1) of this section. The Commission may, with the concurrence therein of at least three of the five members, in such cases where the successor or successors to the tract assume the contract of loan, waive the payment, wholly or in part, of interest already due and delinquent upon said loan, or postpone the payment of any installment thereon, wholly or in part, until such later date as it deems advisable. Such postponed payments shall, however, continue to bear interest at the rate of 3 per centum on the unpaid principal. Further, the Commission may, with the concurrence therein of at least three of the five members, if it deems it advisable and for the best interests of the lessees, write off and cancel, wholly or in part, the contract of loan of the deceased lessee, or previous lessee, as the case may be, where such loans are delinquent and deemed uncollectible. Such write-off and cancelation shall be made only after an appraisal of all improvements and growing crops on the tract involved, such appraisal to be made in the manner and as provided for by section 703 (1) of this title. In every such case, the amount of such appraisal, or any part thereof, shall be considered as part or all, as the case may be, of any loan to such successor or successors, subject to the provisions of paragraph (1) of this section.

* * * * *

(7) Whenever the Commission shall determine that a lessee is delinquent in the payment of his indebtedness to the Commission it may require such lessee to execute an assignment to it, not to exceed, however, the amount of the total indebtedness of such lessee, including the indebtedness to others the payment of which has been assured by the Commission, of all moneys due or to become due to such lessee by reason of any agreement or contract, collective or otherwise, to which the lessee is a party by virtue of his interest in the tract. Failure to execute such an assignment when requested by the Commission shall be sufficient ground for cancelation of the lessee's lease or interest therein. (As amended Nov. 26, 1941, ch. 544, § 5, 55 Stat. 785.)

AMENDMENTS

1941—Act Nov. 26, 1941, cited to text, amended pars. (1)–(3) and added par. (7)

§ 714. Development projects; appropriations by legislature; issuance of bonds by legislature.

The Commission is authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian home lands and to undertake other activities having to do with the economic and social welfare of the homesteaders: *Provided, however,* That roads through or over Hawaiian home lands, other than Federal-aid highways and roads, shall be maintained by the county or city and county in which said particular road or roads to be maintained are located. The legislature of the Territory is authorized to appropriate out of the treasury of the Territory such sums as it deems necessary to augment the Hawaiian home-loan fund, the Hawaiian home-development fund, and the Hawaiian home-administration account, and to provide the Commission with funds sufficient to execute and carry on such projects and activities. The legislature is further authorized to issue bonds to the extent required to yield the amount of any sum so appropriated. The Commission shall pay from the Hawaiian home-loan fund into the treasury of the Territory—

(1) upon the date when any interest payment becomes due upon any bond so issued, the amount of the interest then due; and

(2) commencing with the first such date more than one year subsequent to the issuance of any bond and at each interest date thereafter, an amount such that the aggregate of all such amounts which become payable during the term of the bond, compounded annually at the rate of interest specified therein, shall equal the par value of the bond at the expiration of its term. (As amended Nov. 26, 1941, ch. 544, § 6, 55 Stat. 786.)

Chapter 4.—PUERTO RICO

§ 733a. Citizens; residence in island of citizens of United States.

CROSS REFERENCES

Workmen's compensation provisions as applicable to, see section 793 of Title 5, Executive Departments and Government Officers and Employees.

§ 743. Repealed. July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.

PRESENT PROVISIONS

Section, which provided for quarantine stations in Puerto Rico, is now covered by section 267 of Title 42, The Public Health and Welfare.

THE EXECUTIVE AND GOVERNMENT OFFICIALS

§ 794. Official reports.

EX. ORD NO 9383 COORDINATION OF FUNCTIONS AND POLICIES OF FEDERAL CIVIL AGENCIES IN PUERTO RICO AND THE VIRGIN ISLANDS

Ex Ord No 9383, Oct 5, 1943, 8 F R 13781, provided:

1 Each Federal civil agency performing services in Puerto Rico or in the Virgin Islands shall make current reports to the Secretary of the Interior concerning the work of such agency in such manner and form and at such times as may be prescribed by the Secretary of the Interior

2. The Secretary of the Interior shall make such recommendations to the heads of Federal civil agencies so reporting as may in his judgment serve to correlate the work of such agencies in Puerto Rico and in the Virgin Islands, eliminate unessential Federal activities, assist insular agencies to assume increasing responsibility in civil administration, meet more efficiently the needs of the people of Puerto Rico and the Virgin Islands for essential Federal services, and implement the policies of the United States with respect to its island possessions

3. The Secretary of the Interior shall from time to time report to the President and to the Congress concerning the actions taken pursuant to this order.

4 This order shall not be applicable to United States District Judges, United States Attorneys, and United States Marshals.

SLUM CLEARANCE AND HOUSING PROJECTS

CROSS REFERENCES

Slum clearance in Alaska, see section 481 et seq of this title.

Chapter 5.—THE PHILIPPINE ISLANDS

PHILIPPINE INDEPENDENCE

Sec

1235a. Acquisition of military and naval bases by United States (New).
1236b. Same; export tax, temporary suspension, resumption; rate (New)
1236c. Same; reduction of quotas; temporary suspension; resumption; rate (New).
1239 Same; disposition into general funds of Philippine Treasury, use (New).

GENERAL PROVISIONS

§ 1011. Laws relating to shipping, customs duties, seamen, health.

The laws relating to entry, clearance, and manifest of steamships and other vessels arriving from or going to foreign ports shall apply to voyages each way between the Philippine Islands and the United States and the possessions thereof, and all laws relating to the collection and protection of customs duties not inconsistent with the Act of March 8, 1902, ch. 140, 32 Stat. 54, "temporarily to provide revenue for the Philippine Islands," shall apply in the case of vessels and goods arriving from said Islands in the United States and its aforesaid possessions.

The laws relating to seamen on foreign voyages shall apply to seamen on vessels going from the United States and its possessions aforesaid to said

Islands, the customs officers there being for this purpose substituted for consular officers in foreign ports.

The provisions of chapters 6, 7, 8, and 9 of Title 46, and any amendments thereof, shall apply to vessels making voyages either way between ports of the United States or its aforesaid possessions and ports in said Islands.

The provisions of existing laws concerning the transit of merchandise through the United States, shall apply to merchandise arriving at any port of the United States destined for any of its insular and continental possessions, or destined from any of them to foreign countries.

Nothing in the Act of July 1, 1902 shall be held to repeal or alter any part of the Act of March 8, 1902, aforesaid, or to apply to Guam, Tutuila, or Manua. (As amended July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.)

REPEALS

Act July 1, 1944, cited to text, repealed words "and the provisions of law relating to the public health and quarantine shall apply in the case of all vessels entering a port of the United States or its aforesaid possessions from said Islands, where the customs officers at the port of departure shall perform the duties required by such law of consular officers in foreign ports" following "ports in said Islands" in the third par

PHILIPPINE INDEPENDENCE

§ 1232. Character of constitution; mandatory provisions.

CONTINUATION OF PRESIDENT AND VICE PRESIDENT IN OFFICE

Act Nov 12, 1943, ch 300, 57 Stat 590, provided as follows "Notwithstanding the provisions of section 5 of article VII of the amended Constitution of the Philippines, the present President and Vice President of the Commonwealth of the Philippines serving at the time of the introduction of this joint resolution shall continue in their respective offices until the President of the United States shall proclaim that constitutional processes and normal functions of government shall have been restored in the Philippine Islands Thereupon, the tenure of office of the present President of the Commonwealth shall cease and the Vice President shall become President to serve until such time as his successor shall have been elected and qualified according to the Constitution and the laws of the Philippines"

NATIONAL ELECTIONS

Act Dec. 14, 1945, ch. 576, 59 Stat. 608, provided that not later than April 30, 1946, elections shall be held for all national elective offices under the Commonwealth, that such elective officers shall take office and the Congress shall convene not later than May 28, 1946, and it also provided for the terms of such elective officials.

§ 1235a. Acquisition of military and naval bases by United States.

After negotiation with the President of the Commonwealth of the Philippines, or the President of the Filipino Republic, the President of the United States is authorized by such means as he finds appropriate to withhold or to acquire and to retain such bases, necessary appurtenances to such bases, and the rights incident thereto, in addition to any provided for by sections 1232–1235, 1236, 1237, 1238, 1239–1248 of this title and section 31 of Title 2, as he may deem necessary for the mutual protection of the Philippine Islands and of the United States. (June 29, 1944, ch. 322, § 2, 58 Stat. 626.)

§ 1236. Relations with the United States pending complete independence; trade relations.

CROSS REFERENCES

Export tax and quota reduction, suspension, resumption, and rate of, see sections 1236b–1236c of this title

§ 1236b. Same; export tax; temporary suspension; resumption; rate.

The imposition and collection of the export tax prescribed by section 1236 of this title shall be suspended for a period commencing on and after the date following December 22, 1941, and ending on December 31, 1942.

On January 1, 1943, the imposition of such export tax shall be resumed, the tax rate effective for said calendar year to be the same as the rate in effect at the time the tax was suspended; on each succeeding January 1 thereafter the export tax shall be increased progressively by an additional 5 per centum of the United States duty, except that during the period January 1, 1946, through July 3, 1946, the export tax shall remain at 15 per centum of the United States duty. (Dec. 22, 1941, ch. 617, § 1, 55 Stat. 852.)

LAWS UNAFFECTED

Section 3 of act Dec. 22, 1941, cited to text, provided as follows: "Nothing in this Act (Title 48, §§ 1236b, 1236c) shall change in any respect not herein expressly provided for the provisions of the Act of March 24, 1934, as amended (Title 48, §§ 1232, 1235, 1236, 1237, 1238, and 1239–1248)"

§ 1236c. Same; reduction of quotas; temporary suspension; resumption; rate.

The progressive reduction of the quotas of the Philippine articles of a class or kind in respect of which a quota is established by subdivision 3, subsection b, section 1236 of this title, shall be suspended for a period commencing on and after the date following December 22, 1941, and ending on December 31, 1942; the original quotas established by that subdivision for the year 1940 shall be in effect during the suspension.

On January 1, 1943, the progressive reduction of the quotas provided for in subdivision 3, subsection b, section 1236 of this title, shall be resumed, the rate of reduction effective for said calendar year to be the same as the rate in effect at the time the said quotas were suspended; for each calendar year thereafter through the calendar year 1945, each of the said quotas shall be the same as the corresponding quota for the immediately preceding calendar year, less 5 per centum of the corresponding original quota.

For the period January 1, 1946, through July 3, 1946, each of said quotas shall be one-half of the corresponding quota specified for the calendar year 1945. (Dec. 22, 1941, ch. 617, § 2, 55 Stat. 852.)

CROSS REFERENCES

Laws unaffected, see note under section 1236b of this title

§ 1237. Same; governmental relations.

EX ORD NO. 9616, UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

Ex Ord. No. 9616, Sept. 14, 1945, 10 F. R 11837, provided:

1. Executive Order No. 9245 of September 16, 1942 [formerly set out as a note under section 601 of Appendix to

Title 50], is hereby repealed and the functions, powers, and duties of the United States High Commissioner to the Philippine Islands, together with the personnel, records, property, and funds of the office of the United States High Commissioner to the Philippine Islands are transferred from the Secretary of the Interior to the said United States High Commissioner to the Philippine Islands.

2. All powers and authority of the President in respect to the Philippine Islands and the government of the Commonwealth of the Philippine Islands, its branches, subdivisions, and instrumentalities which may be lawfully so delegated are hereby delegated to the United States High Commissioner to the Philippine Islands.

3. The United States High Commissioner to the Philippine Islands in the Philippine Islands and the Secretary of the Interior in the United States shall be responsible for the representation, administration and coordination of the authority and policies of the United States Government in respect to the Philippine Islands. They shall recommend to the President and to the chief officers of departments and agencies of the United States Government the procedures and policies which in their opinions may be desirable or necessary for the welfare of the people of the Philippine Islands, and for the protection and advancement of the national policies of the United States in the Philippine Islands.

4. The functions, powers and duties of the offices, missions and other agencies of civil departments and agencies of the United States Government represented or operating in the Philippine Islands shall be exercised under the supervision of the United States High Commissioner to the Philippine Islands and such offices, missions and other agencies shall be deemed to be attached to his office.

5. The chief officers of the United States Army and Navy in the Philippine Islands shall maintain close liaison with the United States High Commissioner to the Philippine Islands, make available to him such reports, records and information as he may require and afford him all possible aid and assistance.

6 Except as the Secretary of the Interior may otherwise approve, all representations to the government of the Commonwealth of the Philippine Islands from any department or agency of the United States Government originating in the United States shall be made by or through the Secretary of the Interior, or a member of his staff designated by him, and the United States High Commissioner to the Philippine Islands. Except as the United States High Commissioner to the Philippine Islands may approve, all such representations originating in the Philippine Islands shall be made through the United States High Commissioner to the Philippine Islands, or a member of his staff designated by him, and the Secretary of the Interior shall be promptly informed of representations so made.

7. Except as the Secretary of the Interior may otherwise approve, all representatives to the United States Government from officers of the government of the Commonwealth of the Philippine Islands in the United States shall be made to the Secretary of the Interior, or a member of his staff designated by him: *Provided, however,* That this provision shall not interfere with the right of the Philippine Resident Commissioner to the United States to serve as a delegate to the United States Congress.

8. There is specifically delegated to the United States High Commissioner to the Philippine Islands the authority to employ such staff and assistants as he may require, and, funds being provided therefor, fix their rates of compensation, which rates shall conform in general with the rates fixed in the Classification Act [sections 661–663, 664–672 and 673 of Title 5] and the Federal Employees Pay Act of 1945 [sections 663, 667, 672a, 673, 901–948 of Title 5] or like acts which may come into effect: *Provided,* That any person who now occupies, or who may in the future occupy, one of the positions on the staff of the United States High Commissioner to the Philippine Islands, upon nomination by the High Commissioner, may be transferred to a classified (competitive) civil service position in the Government of the United States.

9. The United States High Commissioner to the Philippine Islands and civilian employees of his office and staff serving in the Philippine Islands who are citizens of the United States shall be entitled to receive the maximum leave, salary differentials, and allowances authorized or permissible under the law for civilian employees of the United States Government serving outside the continental limits of the United States.

10. The United States High Commissioner to the Philippine Islands may, if in his judgment such action seems desirable, station employees of his office and staff in Washington, D. C., to assist him and the Secretary of the Interior in the performance of their duties in respect to the Philippine Islands.

11. An employee of the office or staff of the United States High Commissioner to the Philippine Islands having United States Civil Service status who is transferred from another agency of the United States Government to the office or staff of the United States High Commissioner to the Philippine Islands, and whose service is subsequently involuntarily terminated shall be entitled to return to his previous position or to one of equal seniority, status and pay: *Provided,* That he is still qualified to perform the duties of the position and he makes application for reinstatement within sixty days after termination of his service.

12. In respect to persons who have been or may become employees of the office or staff of the United States High Commissioner to the Philippine Islands the provision of section 5 of the Civil Service Retirement Act of May 29, 1930, as amended [section 707 of Title 5], which provides in addition to certain services of employees that may be credited for retirement benefits, "also periods of services performed overseas under authority of the United States" shall be interpreted to include all periods of service performed under the government of the Philippine Islands prior to the establishment of the government of the Commonwealth of the Philippine Islands on November 15, 1935.

13 The United States Army and Navy shall extend to the United States High Commissioner to the Philippine Islands, the employees of his office and staff and the employees of other departments and agencies of the United States Government stationed in the Philippine Islands and their families such commissary and post exchange privileges and recreational, medical, dental and hospital facilities as are extended to personnel of their services stationed in the Philippine Islands and their families.

14. Sections 4 and 6 of this order shall not be applicable to United States Judges, United States Attorneys, and United States Marshals.

§ 1237a. Same; salaries of legal adviser and financial expert.

REPEALED—Act June 28, 1941, ch 259, § 1, 55 Stat 309; act July 2, 1942, ch. 473, § 1, 56 Stat. 510; act July 12, 1943, ch. 219, § 1, 57 Stat. 454

§ 1240. Recognition of Philippine independence and withdrawal of American sovereignty; property for diplomatic purposes.

INDEPENDENCE DATE ADVANCED

Section 3 of act June 29, 1944, ch 322, 58 Stat 625, provided in part: "The President of the United States is hereby authorized, after proclaiming that constitutional processes and normal functions of government have been restored in the Philippine Islands and after consultation with the President of the Commonwealth of the Philippines, to advance the date of the independence of the Philippine Islands by proclaiming their independence as a separate and self-governing nation prior to July 4, 1946."

§ 1243. Tariff duties after independence.

After the Philippine Islands have become a free and independent nation there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates

of duty which are required to be levied, collected, and paid upon like articles imported from other foreign countries: [1]

There shall promptly be held a conference of representatives of the Government of the United States and the Government of the Commonwealth of the Philippines, such representatives on the part of the Government of the United States to consist of three United States Senators appointed by the President of the Senate, three Members of the House of Representatives appointed by the Speaker of the House, and three persons appointed by the President of the United States, and on the part of the Philippines to consist of nine representatives to be appointed by the President of the Commonwealth of the Philippines; each appointee shall serve at the pleasure of his appropriate appointing authority; the said Commission to be known as the Filipino Rehabilitation Commission, subject to the following conditions and with the following powers and duties:

(a) The members of the Commission shall be appointed not later than fifteen days after the passage of this section. Within ten days thereafter the ranking member of the Senate appointees and the ranking member of the Filipino appointees shall jointly call a meeting of the Commission to be held in the Capitol of the United States for the purpose of organization. In case of death or resignation of a member, such vacancy shall be filled by the original appointing power.

(b) The Commission shall investigate all matters affecting post-war economy, trade, finance, economic stability, and rehabilitation of the Philippine Islands, including the matter of damages to public and private property and to persons occasioned by enemy attack and occupation.

(c) To formulate recommendations based upon such investigations and for future trade relations between the United States and the independent Philippine Republic when established and to consider the extension of the present or heretofore agreed upon trade relations or otherwise for a period of years to make adjustments for the period of occupancy by the Japanese in order to reestablish trade relations as provided for in sections 1231–1236, 1237, 1238, 1239–1247 of this title.

(d) The Commission is authorized to employ expert legal and clerical assistance, to establish offices in the Philippine Islands and in the United States, and to make rules and regulations for the transaction of its business pertinent to the provisions of this section.

(e) The Commission shall make annual reports to the President of the United States and to the Congress, and to the President and the Congress of the Philippines, and more frequently if so desired, and make such recommendations from time to time as it deems necessary to carry out the purposes and intents of this section.

(f) The Commission is authorized to fix the salary of all necessary expert and clerical assistance, to provide for travel and other expenses incident to its labor, and to do all other things pertinent to this section. The annual compensation of the United States members of this Commission, other than those holding official positions under the United States Government, shall be on a per diem basis at the rate of $10,000 per annum. The compensation of the Philippine members of the Commission shall be determined by the Government of the Philippine Commonwealth. The United States, as herein provided, shall compensate the members of the Commission who represent it, and the Commonwealth of the Philippines, or the Filipino Republic, as the case may be, shall compensate the members of the Commission appointed by it or them. Otherwise, the expenses of the Commission shall be equally borne by the United States and the Commonwealth of the Philippines, or the Filipino Republic, as the case may be. (As amended June 29, 1944, ch. 323, § 1, 58 Stat. 626.)

[1] So in original. Probably should be a period.

AMENDMENTS

1944—Act June 29, 1944, cited to text, amended section by striking out proviso and inserting in lieu thereof all text beginning with the second par.

APPROPRIATION

Section 2 of act June 29, 1944, cited to text, appropriated necessary funds for the Commission to carry out the duties assigned to it by this section.

§ 1249. Same; disposition into general funds of Philippine Treasury; use.

Notwithstanding any other provision of law, the proceeds of the excise taxes imposed by section 2470 of Title 26, and of the import taxes imposed by sections 2490 and 2491 of Title 26, collected before or after November 8, 1945, which but for the enactment of this section would have been required to be held in separate or special funds and paid into the Treasury of the Philippines, together with any moneys which but for the enactment of this section would be authorized to be appropriated in accordance with section 1173 of Title 7, including the unexpended balance of the amount subsequently appropriated under Public Law 371, Seventy-seventh Congress, and any accruals of any of the foregoing, shall be immediately paid into the general funds of the Treasury of the Philippines, to be used for the benefit of the people and government of the Philippine Islands as they may by law provide. (Nov. 8, 1945, ch. 454, 59 Stat. 577.)

REFERENCES IN TEXT

Words "Public Law 371, Seventy-seventh Congress" referred to in text refers to act Dec. 23, 1941, ch. 621, 55 Stat. 855.

Chapter 6.—CANAL ZONE

GENERAL PROVISIONS

Sec.
1314f Marihuana; prohibition on production, possession, disposition, etc (New).
1314g Same; definitions (New).
1314h. Same; licenses (New).
1314i. Same; violations; punishment; confiscation (New).
1330–1 Extradition to and from the United States (New).
1337. Photographic regulations (New).

CANAL ZONE COURTS AND SUBDIVISION OF ZONE

1344–1. Rules of criminal procedure (New).

RETIREMENT OF GOVERNMENT AND RAILROAD EMPLOYEES

Sec.
1371d Annuity on separation from service before becoming eligible for retirement (New).
1373. Recognition of personnel engaged in construction of Panama Canal (New).
1373a. Annuity privilege, rates, definition (New).
1373b. Payment of annuities, application (New)
1373c Duration of annuities; payment to widow; proof of relationship (New).
1373d Election between annuity or other compensation (New).
1373e. Administration, report to Congress (New).
1373f. Exemption from execution, levy, lien, etc (New).
1373g Annual estimate of appropriation (New).

GENERAL PROVISIONS

§ 1306. Army control in time of war or emergency.

CROSS REFERENCES

Powers and authority conferred by this section not affected by sections 191a–191c of Title 50, War, see section 191b of that title.

§ 1309. Early laws and regulations continued.

CROSS REFERENCES

Photographic regulations, see section 1337 of this title

§ 1314f. Marihuana; prohibition on production, possession, disposition, etc.

It shall be unlawful for any person to produce, manufacture, compound, possess, sell, give away, deal in, dispense, administer, or transport marihuana in the Canal Zone, or to import marihuana into or export it from the Canal Zone, except under license as provided in section 1314h of this title: *Provided, however,* That nothing in sections 1314f–1314i of this title shall be construed to affect any provision of Title 26, the Internal Revenue Code of the United States, relative to the sending, carriage, transportation, or delivery of marihuana from the Canal Zone into any State, Territory, the District of Columbia, or insular possession of the United States: *And provided further,* That nothing in sections 1314f–1314i of this title shall apply to marihuana aboard vessels which enter and depart from Canal Zone waters without discharging any of such marihuana, or to shipments of marihuana by common carrier in transit through the Canal Zone, even though such marihuana be discharged at a port of the Canal Zone for transshipment. (Oct. 1, 1942, ch. 574, 56 Stat. 763.)

§ 1314g. Same; definitions.

As used in sections 1314f–1314i of this title, the term "marihuana" shall have the meaning now or hereafter ascribed to it in Title 26, the Internal Revenue Code of the United States, and the term "produce" shall mean (a) plant, cultivate, or in any way facilitate the natural growth of marihuana, or (b) harvest and transfer or make use of marihuana. (Oct 1, 1942, ch. 574, 56 Stat. 763.)

§ 1314h. Same; licenses.

The Governor of the Panama Canal may issue any licenses necessary under the terms of section 1314f of this title to permit such uses of marihuana as are related to its administration to patients by physicians, dentists, veterinary surgeons, and other practitioners, or to research, instruction, or analysis. (Oct. 1, 1942, ch. 574, 56 Stat. 763.)

§ 1314i. Same; violations; punishment; confiscation.

Any person who shall violate any of the provisions of sections 1314f–1314i of this title shall be punished for the first offense by a fine of not more than $100, or by imprisonment in jail for not more than thirty days, or by both, and shall be punished for each subsequent offense by a fine of not more than $500, or by imprisonment in jail for not more than six months, or by both; and any marihuana involved in any violation of sections 1314f-1314i of this title may be seized, and the court may order its confiscation and destruction. (Oct. 1, 1942, ch. 574, 56 Stat 763.)

§ 1329. Detail of persons to examine accounts, etc.; reports of examination; expenses of persons detailed.

In prescribing regulations under section 1328 of this title the President shall provide that in lieu of furnishing to the General Accounting Office individual detail collection vouchers, two competent persons from the General Accounting Office, designated by the Comptroller General, shall be sent at such time as may be designated by the Comptroller General, to the Canal Zone to examine the accounts and vouchers and verify the submitted schedules of collections, and report in duplicate to the General Accounting Office and the Auditor of the Panama Canal; and such persons shall make such other examination into the accounts of the Panama Canal as may be directed by the Comptroller General, and for all such purposes they shall have access to all records and papers pertaining thereto. Such persons shall be furnished transportation and traveling expenses out of such appropriations for the Panama Canal as may be designated by the Governor. (Mar. 3, 1915, ch. 75, § 3, 38 Stat. 886; June 10, 1921, ch. 18, § 304, 42 Stat. 24.)

§ 1330–1. Extradition to and from the United States.

The provisions of section 591 of Title 18, so far as applicable, shall apply throughout the United States for the arrest and removal therefrom to the Canal Zone of any fugitive from justice charged with the commission of any crime or offense against the United States within the Canal Zone, and shall apply within the Canal Zone for the arrest and removal therefrom to the United States of any fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any judge or magistrate of the Canal Zone, and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned or bailed, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the district court seasonably to issue, and of the officer or agent of the United States designated for the purpose to execute. Such officer or agent, when engaged in executing such warrant without the Canal Zone, shall have all the powers of a marshal of the United States so far as such powers are req-

uisite for the prisoner's safe keeping and the execution of the warrant. (Dec. 16, 1941, ch. 580, § 2, 55 Stat. 802.)

§ 1333. Panama Railroad Company; insurance.

CROSS REFERENCES

Financial control of Company, see chapter 14 of Title 31, Money and Finance.

§ 1336g. Same; small vessels propelled by machinery; registration, certification, and numbering; licensing of operators; fines.

* * * * *

Any person who as owner, hirer, or borrower of any such vessel, shall cause or permit it to be operated in Canal Zone waters in violation of any of the requirements of this section or of the certificate issued hereunder, shall be liable to a fine of not more than $100: *Provided, however*, That this section shall not apply to public vessels of the United States or of the Republic of Panama, or to tugboats or towboats propelled by steam. (Feb 16, 1933, ch. 88, § 7, 47 Stat. 812; June 24, 1936, ch. 754, § 8, 49 Stat. 1905.)

§ 1336h. Same; small vessels not propelled by machinery; registration and numbering; fines.

Vessels not more than sixty-five feet in length and not propelled in whole or in part by machinery, shall be registered and numbered, and when numbers have been assigned they shall be displayed in a conspicuous place in prescribed form. Any person who as owner, hirer, or borrower of any such vessel, shall cause or permit it to be operated in Canal Zone waters in violation of any of the requirements of this section shall be liable to a fine of not more than $100. (Feb. 16, 1933, ch. 88, § 8, 47 Stat. 812; June 24, 1936, ch. 754, § 9, 49 Stat. 1906.)

§ 1337. Photographic regulations.

Whenever, in the interests of the protection of the Panama Canal and Canal Zone, the Governor of the Panama Canal shall determine that any part or feature of the Panama Canal, or any area, object, installation, or structure within the Canal Zone, requires protection against the general dissemination of information relative thereto, the Governor is hereby authorized to make, and from time to time alter and amend, regulations prohibiting or restricting:

(a) The making of any photograph, sketch, drawing, map, or graphical representation of, within, or upon any such part or feature of the Panama Canal, or any such area, object, installation, or structure within the Canal Zone; and

(b) The possession of any camera within any area or areas in the Canal Zone which the Governor may designate: *Provided, however*, That no regulation made pursuant to authority contained in this section shall apply to activities of the kind covered by this section which are conducted or performed by persons in the service or employ of the United States in the course of their official duties.

Any person who shall violate any of the rules and regulations established in pursuance of the authority contained in this section shall be punishable by a fine of not more than $1,000, or by imprisonment in jail for not more than one year, or by both. (Dec. 12, 1941, ch. 569, 55 Stat. 798.)

CROSS REFERENCES

Photographing and sketching defensive installations generally, see sections 45–45d of Title 50, War.

CANAL ZONE COURTS AND SUBDIVISION OF ZONE

§ 1342. Magistrate courts; appointment of magistrates and constables; regulations by President.

MAGISTRATES AND CONSTABLES

EXECUTIVE ORDER NO. 7676

Sections 9 and 12a of Ex. Ord. No. 7676, July 26, 1937, 2 F. R. 1579, as amended by Ex Ord No 8962, Dec 6, 1941, 6 F R 6326 provided:

* * * * *

Section 9. Magistrates, constables and other employees of magistrates' courts; appointment; compensation. There shall be a magistrate, a constable, and such other employees as may be necessary to conduct the business of the magistrates' courts for each of the towns of Balboa and Cristobal, who shall be appointed, and whose compensation shall be fixed, by the Governor, and in the event of the absence or disability of a magistrate, constable, or other employee, the Governor may appoint an additional magistrate, constable, or other employee to serve during such absence or disability.

* * * * *

Section 12a. Duties and bonds of employees of magistrates' courts other than constables. Employees of the magistrates' courts other than constables, appointed by the Governor, shall perform such duties as shall be prescribed by the magistrates, subject to the approval of the Governor, and shall furnish such bonds as the Governor shall in his discretion require.

§ 1344–1. Rules of criminal procedure.

In respect to matters not covered by the Canal Zone Code, the United States District Court for the District of the Canal Zone may adopt rules governing its criminal procedure, not inconsistent with the laws of the United States. (Dec. 16, 1941, ch. 580, § 3, 55 Stat. 803.)

REFERENCES IN TEXT

Canal Zone Code was enacted by act June 19, 1934, ch 667, 48 Stat 1122

§ 1346. Jurisdiction of crimes committed on high seas.

CROSS REFERENCES

Rules of criminal procedure, see section 1344–1 of this title.

§ 1353. Appointment of district judge, district attorney, and marshal; tenure of office; residence and leave of absence.

The district judge, district attorney, and marshal shall—

a. be appointed by the President, by and with the advice and consent of the Senate, for terms of eight years each. (As amended July 1, 1944, ch. 366, 58 Stat. 676.)

* * * * *

AMENDMENTS

1944—Subsec. (a) amended by act July 1, 1944, cited to text, which increased the term of office of district attorney and marshal from 4 to 8 years.

RETIREMENT OF GOVERNMENT AND RAILROAD EMPLOYEES

§ 1371. Employees entitled to retirement privilege.

CROSS REFERENCES

Lump sum payments for accumulated or accrued annual leave upon separation from service as not applicable, see section 61e of Title 5, Executive Departments and Government Officers and Employees.

§ 1371a. Automatic separation.

All employees to whom this subchapter applies shall, after reaching the age of sixty-two years and having rendered at least fifteen years of service on the Isthmus of Panama, be automatically separated from the service and retired on the annuity provided for herein; and all salary, pay, or compensation shall cease from that date: *Provided,* That if the Governor of the Panama Canal certifies to the Civil Service Commission that by reason of his efficiency and willingness to remain in the service, the continuance of such employee therein would be advantageous to the service, such employee may be retained for a term not exceeding two years, upon the approval and certification by the Civil Service Commission, and, at the end of the two-year term, by similar approval and certification, be continued for an additional term not exceeding two years: *Provided, however,* That no employee shall be continued in the service beyond the age of retirement for more than four years, except that where the Governor of the Panama Canal certifies, and the Civil Service Commission agrees, that by reason of expert knowledge and special qualifications the continuance of the employee would be advantageous to the service, further extensions of two years may be granted.

On and after July 1, 1932, no employee to whom this subchapter applies who shall have reached the retirement age prescribed for automatic separation from the service, shall be continued in such service, notwithstanding any provision of law or regulation to the contrary: *Provided,* That the President may, by Executive order, exempt from the provisions of this paragraph any person when, in his judgment, the public interest so requires: *Provided further,* That no person separated from the service who is receiving an annuity under the provisions of this section or section 1371b of this title shall be eligible again to appointment to any appointive office, position, or employment to which this article applies, or under the United States or of the government of the District of Columbia unless the appointing authority determines that he is possessed of special qualifications, in which event payment of his annuity shall be terminated during the period of his appointment; and any such person whose annuity is terminated, shall, upon the termination of his appointment, have his subsequent annuity rights determined under the provisions of this subchapter in effect at the time of such termination: *Provided further,* That this paragraph shall not apply to any person named in any Act of Congress providing for the continuance of such person in the service.

All employees to whom this subchapter applies who would be eligible for retirement from the service upon attaining the age of sixty-two years shall, after attaining the age of sixty years and having rendered at least thirty years' service, computed as provided in section 1371f of this title, be eligible for retirement on an annuity as provided in section 1371e of this title. Retirement under the provisions of this paragraph shall be at the option of the employee, but if such option is not exercised prior to the date upon which the employee would otherwise be eligible for retirement from the service, the provisions of this subchapter with respect to automatic separation from the service shall apply. (As amended July 29, 1942, ch. 536, § 1, 56 Stat. 727.)

AMENDMENTS

1942—Act July 29, 1942, cited to text, among other changes inserted matter relating to annuities.

SAVING CLAUSE

Section 6 of act July 29, 1942, ch 536, 56 Stat. 728, affecting this section and sections 1371d, 1371e, 1371j, and 1371k, provided: "Except as may be otherwise specifically provided herein, nothing in this Act shall be so construed as to affect any rights of persons separated prior to the effective date of this Act, but all such rights shall continue and may be enforced in the same manner as though this Act had not been made."

§ 1371b. Voluntary retirement.

(a) Any employee to whom this subchapter applies who shall have attained the age of fifty-five and rendered at least twenty-five years of service, of which not less than fifteen years shall have been rendered on the Isthmus of Panama, may voluntarily retire on an annuity equivalent in value to the present worth of a deferred annuity beginning at the age at which the employee would otherwise have become eligible for retirement, computed as provided in section 1371e of this title: *Provided,* That any employee retiring prior to attaining the age of sixty under the provisions of this paragraph with at least thirty years of service shall receive an immediate annuity having a value equal to the present worth of a deferred annuity beginning at the age of sixty years, computed as provided in section 1371e of this title. (As amended July 2, 1945, ch. 220, 59 Stat. 312.)

* * * * *

AMENDMENTS

1945—Subsec (a) amended by act July 2, 1945, cited to text, which omitted "the present worth of said deferred annuity to be determined on the basis of the American Experience Table of Mortality and an interest rate of 4 per centum, compounded annually.", and inserted in lieu thereof the proviso.

§ 1371c. Disability retirement; medical examinations required.

* * * * *

(b) * * *

* * * * *

Every annuitant retired under the provisions of this section, unless the disability for which he was retired be permanent in character, shall at the expiration of one year from the date of such retirement and annually thereafter, until reaching retirement age as defined in section 1371a hereof, be examined under the direction of the Civil Service Commission by a medical officer of the United States, or a duly qualified physician or surgeon, or board of physicians

or surgeons designated by the Civil Service Commission for that purpose, in order to determine the nature and degree of the annuitant's disability, if any If an annuitant shall recover before reaching the age at which he would otherwise have become eligible for retirement and be restored to an earning capacity which would permit him to be appointed to some appropriate position fairly comparable in compensation to the position occupied at the time of retirement, payment of the annuity shall be continued temporarily to afford the annuitant opportunity to seek such available position, but not in any case exceeding one year from the date of medical examination showing such recovery.

If the annuitant shall fail to obtain reemployment through no fault of his own within the one year period in any position included in the provisions of this subchapter, he shall be considered as involuntarily separated from the service as of the date he shall have been retired for disability, and if otherwise eligible, entitled to an annuity under section 1371d of this title to begin at the close of said one year period based on the service rendered prior to his retirement for disability. (As amended Dec. 16, 1941, ch. 584, § 2, 55 Stat. 806.)

* * * * *

AMENDMENTS

1941—Act Dec 16, 1941, cited to text, substituted "one year" for "ninety-day" and "ninety days" throughout section

EFFECTIVE DATE

Section 5 of act Dec 16, 1941, cited to text, provided: "This Act shall take effect on January 1, 1942."

§ 1371d. Annuity on separation from service before becoming eligible for retirement.

(a) Should any employee to whom this subchapter applies, after having served for a total period of not less than five years and before becoming eligible for retirement become separated from the service, such employee shall be paid a deferred annuity beginning at the age of sixty-two years, computed as provided in the first paragraph of section 1371e of this title: *Provided*, That any such person involuntarily separated from the service not by removal for cause on charges of misconduct or delinquency may elect to receive an immediate annuity beginning at the age of fifty-five or at the date of separation from the service if subsequent to that age having a value equal to the present worth of a deferred annuity beginning at the age of sixty-two years, or at age of separation if subsequent to age sixty-two, computed as provided in section 1371e of this title: *Provided further*, That nothing in this subchapter shall be so construed as to prohibit the refund of deductions, deposits, or redeposits made prior to July 29, 1942, with interest thereon, or of any voluntary contributions made under the provisions of section 1371h of this title, as amended, with interest: *And provided further*, That all moneys, except voluntary contributions, so refunded an employee must be redeposited with interest before such employee may derive any annuity benefits based on the service covered by the refund.

(b) Should an annuitant under the provisions of this section be reemployed in a position included in the provisions of this subchapter, the annuity and any right to an immediate or deferred annuity as provided herein shall cease as of the date of such employment. If such annuitant is reemployed in any position in the service of the United States or the District of Columbia, not within the provisions of this subchapter, annuity payments shall be discontinued during the period of such employment, and resumed in the same amount upon termination of such employment.

(c) Interest shall be allowed on the amount credited to such separated employee's individual account in the retirement fund at 3 per centum compounded on June 30 of each year until the beginning date of annuity. (July 29, 1942, ch. 536, § 2, 56 Stat. 727.)

REPEALS

Former section 1371d as added by act Mar. 2, 1931, ch. 375, § 5 46 Stat. 1474, was repealed by act July 29, 1942, cited to text.

SAVING CLAUSE

See note under section 1371a of this title.

§ 1371e. Method of computing annuities.

* * * * *

In no case, however, shall the total annuity paid exclusive of that provided in paragraph (4) hereof, be less than an amount equal to the sum of—

The average annual basic salary, pay, or compensation, not to exceed $2,000 per annum, received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of service used in computing the annuity under paragraph (1) hereof, and divided by forty; and the average annual basic salary, pay, or compensation, not to exceed $1,600 per annum, received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of service used in computing the annuity under paragraph (3) hereof, and divided by forty; nor be less than an amount equal to the average annual basic salary, pay, or compensation received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of service, not exceeding thirty-five years, and divided by seventy: *Provided*, That the annuity paid a retiring employee of the Panama Railroad Company in such service on June 30, 1931, shall be an amount equal to 2 per centum of the average annual basic salary, pay, or compensation, not to exceed $5,000 per annum, received by the employee during any five consecutive years of allowable service at the option of the employee, multiplied by the number of years of allowable service rendered prior to July 1, 1931; plus the amount to which the employee is entitled under the provisions of this section, exclusive of paragraph (4), for service rendered subsequent to June 30, 1931: *Provided, however*, That the sum to be used in computing the annuity purchasable under paragraph (2) of this section shall include only contributions made subsequent to June 30, 1931: *And provided further*, That the number of years of service to be used in computing the annuity under paragraphs (1) and (3) of this section shall not exceed the difference between

thirty and the number of years of allowable service rendered prior to July 1, 1931.

* * * * *

Any employee retiring under the provisions of section 1371a of this title and sections 715, 715a of Title 5 or section 1371b of this title may at the time of his retirement elect to receive in lieu of the life annuity described herein a reduced annuity payable to him during his life, and an annuity after his death payable to his beneficiary designated by him at the time of his retirement, which designation shall be in writing and filed with the Civil Service Commission. The amount of the annuity of the surviving beneficiary shall be either equal to or 50 per centum of the employee's reduced annuity as the employee shall elect in the writing hereinbefore provided for, and the said annuity shall be payable during the life of the beneficiary, and upon the death of the beneficiary all payments shall cease and no further annuity shall be due and payable. The amounts of the two annuities shall be such that their combined actuarial value on the date of retirement as determined by the Civil Service Commission shall be the same as the actuarial value of the single life increased annuity with forfeiture provided by this section: *Provided,* That no election in lieu of the life annuity provided herein shall become effective in case an employee dies within thirty days after the effective date of retirement and death within such period shall be considered as a death in active service. (As amended Dec. 16, 1941, ch. 584, § 1, 55 Stat. 805; July 29, 1942, ch. 536, § 3, 56 Stat. 727.)

* * * * *

AMENDMENTS

1942—Second par. amended by act July 29, 1942, cited to text, by inserting "nor be less than * * * and divided by seventy", preceding first proviso

1941—Fifth paragraph was added by act Dec. 16, 1941, cited to text.

EFFECTIVE DATE

Section 5 of act Dec 16, 1941, cited to text, provided: "This Act shall take effect on January 1, 1942."

SAVING CLAUSE

See note under section 1371a of this title.

§ 1371h. Deductions.

* * * * *

At the option of any employee, to be exercised at any time prior to his retirement, and under such regulations as may be prescribed by the Civil Service Commission, additional sums in multiples of 1 per centum, but not to exceed 20 per centum, of his annual basic salary, pay, or compensation, for any period subsequent to June 30, 1931, may be deducted and withheld, or paid by the employee, and deposited as provided in the first paragraph of this section, which amount together with interest thereon at 3 per centum per annum compounded as of June 30 of each year, shall, at the date of his retirement, be available to purchase, in accordance with such rules and regulations as may be prescribed by the Civil Service Commission, with the approval of the board of actuaries, in addition to the annuity provided by sections 1371–1371p of this title, an annuity according to the experience of the Canal Zone retirement and disability fund as may from time to time be set forth in the tables of annuity values by the board of actuaries based on an interest rate at 4 per centum. (As amended Dec. 16, 1941, ch. 584, § 2, 55 Stat. 806.)

* * * * *

AMENDMENTS

1941—Second paragraph was added by act Dec. 16, 1941, cited to text

EFFECTIVE DATE

Section 5 of act Dec 16, 1941, cited to text, provided. "This Act shall take effect on January 1, 1942."

§ 1371j. Return of amounts deducted from salaries.

* * * * *

(b) In the case of any employee to whom this subchapter applies who shall be transferred to a position not within the purview of this subchapter, or who shall become absolutely separated from the service before he shall have completed an aggregate of five years of service computed in accordance with section 1371f of this title, the amount of deductions from his basic salary, pay, or compensation credited to his individual account, together with interest at 4 per centum compounded on June 30 of each year shall be returned to such employee: *Provided,* That when an employee becomes involuntarily separated from the service, not by removal for cause on charges of misconduct or delinquency before completing five years of creditable service the total amount of deductions from his basic salary, pay, or compensation with interest at 4 per centum compounded on June 30 of each year shall be returned to such employee: *Provided further,* That all deductions from basic salary, pay, or compensation so returned to an employee must, upon reinstatement, retransfer, or reappointment to a position coming within the purview of this subchapter be redeposited with interest at 4 per centum compounded on June 30 of each year before such employee may derive any benefits under this subchapter except as provided in this section, but interest shall not be required covering any period of separation from the service.

* * * * *

(g) The provisions of this section shall be construed to apply to the additional deductions and deposits referred to in the second paragraph of section 1371h of this title as added by section 2 of Act Dec. 16, 1941, ch. 584: *Provided, however,* That under paragraph (a) of this section there shall be no additional deduction of $1 per month or major fraction thereof, on account of said deductions and deposits: *Provided further,* That under paragraphs (b) and (d) of this section, as amended, the interest payable upon return of the deductions and deposits referred to in this paragraph shall be computed at 3 per centum per annum compounded on June 30 of each year: *And provided further,* That under paragraph (b) of this section no part of such deductions and deposits or interest thereon, returned to an employee upon his transfer or separation from the service as provided in this section, shall be required to be redeposited by him as a condition precedent to the receipt by him of benefits under sections 1371–1371p of this

title. (As amended Dec. 16, 1941, ch. 584, § 4, 55 Stat. 806; July 29, 1942, ch. 536, § 4, 56 Stat. 728.)

AMENDMENTS

1942—Subsec. (b) amended by act July 29, 1942, cited to text, which struck out former provisions and substituted above in lieu thereof

1941—Par. (g) was added by act Dec. 16, 1941, cited to text.

1936—Subsecs (e) and (f) were amended by act June 24, 1936, cited to text

EFFECTIVE DATE

Section 5 of act Dec. 16, 1941, cited to text, provided: "This Act shall take effect on January 1, 1942"

SAVING CLAUSE

See note under section 1371a of this title.

§ 1371k. Payment of annuities.

* * * * *

The term "annuitant" as used in this subchapter shall include any employee who has met all requirements of the subchapter for title and has filed claim therefor, notwithstanding final administrative action was not taken by the Civil Service Commission prior to his death. Nothing in this section shall be so construed as to reduce any benefit otherwise payable. (As amended July 29, 1942, ch. 536, § 5, 56 Stat. 728.)

AMENDMENTS

1942—Last par. added by act July 29, 1942, cited to text

EFFECTIVE DATE

Act July 29, 1942, cited to text, provided in section 5 thereof that the last paragraph of this section should be effective from January 1, 1940

SAVING CLAUSE

See note under section 1371a of this title.

§ 1373. Recognition of personnel engaged in construction of Panama Canal.

In recognition of the distinguished services rendered in and about the construction, maintenance, operation, sanitation, and government of the Panama Canal, and the Canal Zone, during the construction period of the Panama Canal, from May 4, 1904, to March 31, 1914, inclusive, by civilian officials and employees, citizens of the United States, the thanks of Congress are hereby extended to all and each of them so engaged or employed, who were not included in the recognition and benefits accorded by sections 1027, 1028 of Title 10, and section 5 of Title 42. (May 29, 1944, ch. 214, § 1, 58 Stat. 257.)

ANNUAL APPROPRIATION

Section 9 of act May 29, 1944, cited to text, provided "There are hereby authorized to be appropriated annually such sums as may be necessary to pay such annuities and to carry out the provisions of this Act [sections 1373–1373g of this title]"

CODIFICATION

Sections 1373–1373g are not part of the Panama Retirement Act, set out as sections 1371–1371p of this title.

§ 1373a. Annuity privilege; rates; definition.

In further recognition of the exceptional character of the services described in section 1373 of this title, each civilian official and each civilian employee entitled to receive the thanks of Congress agreeably to the provisions of section 1373 of this title, who has not been heretofore specially rewarded by gratuity, annuity, or other benefit under any provision of law; and who was engaged with, or employed by, the Isthmian Canal Commission or the Panama Railroad Company on the Isthmus of Panama during the aforesaid construction period of the Panama Canal, for three years or more; and who, during such service, was a citizen of the United States; and who, on May 29, 1944, shall be living, shall be entitled to receive, and there shall be paid to him by the Government of the United States, for and during the remainder of his life, an annuity, based on the salary, pay, or compensation received by, and paid to him, for his aforesaid service, as follows:

Forty per centum of his average annual basic salary, pay, or compensation if such service was for as much as three years and not more than four years;

Fifty per centum of his average annual basic salary, pay, or compensation if such service was for more than four years and not exceeding six years; and

Sixty per centum of his average annual basic salary, pay, or compensation if such service was for more than six years.

The term "basic salary, pay, or compensation" as used in sections 1373–1373g of this title, shall be so construed as to exclude from the operation of sections 1373–1373g of this title all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulations. (May 29, 1944, ch. 214, § 2, 58 Stat. 258.)

§ 1373b. Payment of annuities; application.

Annuities granted under the provisions of sections 1373–1373g of this title shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued; and payment of all annuities and allowances granted hereunder shall be made by checks drawn by the disbursing clerk for the payment of pensions, in such form and manner, and with such safeguards as shall be prescribed by the Civil Service Commission, in accordance with the laws, rules, and regulations governing accounting that may be found applicable to such payments; and the administration of sections 1373–1373g of this title shall be under the Civil Service Commission.

Each application for annuity hereunder shall be in such form as the Civil Service Commission may prescribe and shall be supported by such certificate from the head of the department, branch, or independent office of the Government, or the Panama Canal, or the Panama Railroad Company, which may have in possession the record of any service described or referred to in sections 1373–1373g of this title, as may be necessary to determine the rights of the applicant. Upon receipt of satisfactory evidence, the Civil Service Commission shall forthwith adjudicate the claim of the applicant, and, if title to annuity be established, a proper certificate shall be issued to the annuitant under the seal of the Civil Service Commission. (May 29, 1944, ch. 214, § 3, 58 Stat. 258.)

§ 1373c. Duration of annuities; payment to widow; proof of relationship.

Annuities granted under the provisions of sections 1373–1373g of this title shall commence from May 29, 1944, and shall continue during the life of the annuitant: *Provided, however,* That in such case as where a deceased person, had he been alive on May 29, 1944, would have been entitled to receive an annuity hereunder, and shall have been survived by a wife undivorced from him, who was his wife living with him at least one year of his service on the Isthmus of Panama during said construction, and has not since remarried, such survivor shall be entitled to receive such annuity from May 29, 1944, until her death: *And provided further,* That in any case where an annuitant hereunder shall die after he has received any annuity payment, or payments hereunder, and shall leave surviving him a wife undivorced from him, who was his wife living with him at least one year of his service on the Isthmus of Panama during said construction, such survivor shall be entitled to receive the annuity from the date to which same was paid to such deceased annuitant until her death.

Any surviving person as described in this section, shall become an annuitant hereunder and shall be subject to all the provisions of sections 1373–1373g of this title regarding applications for, and payment of, annuities, and she shall furnish such proof of her marriage and marital relationships to establish her right to become such annuitant as may be required by the Civil Service Commission. (May 29, 1944, ch 214, § 4, 58 Stat. 258.)

§ 1373d. Election between annuity or other compensation.

If, after becoming an annuitant under the provisions of sections 1373–1373g of this title, any person, on account of any service rendered by him as hereinbefore indicated, or rendered by him as an official or employee of the permanent organization of the Panama Canal, or of the Panama Railroad Company, subsequent to March 31, 1914, shall elect to receive, and shall receive, any special reward or annuity, under any provision of law other than that provided for by sections 1373–1373g of this title, then and in that event all his further right to receive the annuity hereunder authorized shall thenceforth cease.

In any case where a citizen of the United States is receiving, or becomes entitled to receive, an annuity under the provisions of any law providing for the retirement of civilian officers and employees of the United States Government or any of its agencies, and had three years or more of service on the Isthmus of Panama of the character described in section 1373a of this title, he may elect to have that annuity canceled, and thenceforth to become and be an annuitant under the provisions of sections 1373–1373g of this title, but he shall not receive both. The annuity which may thus be paid to him under sections 1373–1373g of this title shall begin with the date whereon his other annuity, hereinbefore referred to, shall cease because of his election to cancel same; and the substituted annuity, thus to be paid him, under the provisions of sections 1373–1373g of this title, shall thenceforth continue until his death. As an annuitant under sections 1373–1373g of this title, all its provisions shall be applicable to him. (May 29, 1944, ch. 214, § 5, 58 Stat. 259.)

§ 1373e. Administration; report to Congress.

For the purposes of administration, the Civil Service Commission is hereby authorized and directed to perform, or cause to be performed, any and all acts, and to make such rules and regulations as may be necessary and proper for carrying into full force and effect the provisions of secions 1373–1373g of this title.

The Civil Service Commission shall make a detailed comparative report annually, showing all the receipts and disbursements on account of annuities paid under sections 1373–1373g of this title, together with the total number of persons receiving such annuities and the total amounts paid them. (May 29, 1944, ch. 214, § 6, 58 Stat. 259.)

§ 1373f. Exemption from execution, levy, lien, etc.

None of the annuities or moneys mentioned in sections 1373–1373g of this title shall be assignable, either in law or equity, or be subject to execution, levy, lien, attachment, garnishment, or other legal process. (May 29, 1944, ch. 214, § 7, 58 Stat. 259.)

§ 1373g. Annual estimate of appropriation.

The Civil Service Commission shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to pay the annuities hereunder authorized. (May 29, 1944, ch. 214, § 8, 58 Stat. 259.)

Chapter 7.—THE VIRGIN ISLANDS

CIVIL GOVERNMENT FOR VIRGIN ISLANDS

Sec.
1405w–1. Appointment of executive assistant to the Governor and the legal counsel (New).

§ 1392a. Superseded. May 24, 1940, ch. 209, § 3, 54 Stat. 220.

Section, providing for the salary payable to the judge of the District Court, has been superseded by section 5a of Title 28, Judicial Code and Judiciary.

§ 1401d. Same; payments by Virgin Islands Company; valuation; property owned by the United States.

CROSS REFERENCES

Financial control of Virgin Islands Company, see chapter 14 of Title 31, Money and Finance.

CIVIL GOVERNMENT FOR VIRGIN ISLANDS

§ 1405c. Transfer of property to Government; application of tonnage duties, navigation laws, etc.; existing powers of United States officers unaffected; sale of property by Secretary of Interior.

EX ORD NO. 9170. CERTAIN NAVIGATION LAWS MADE APPLICABLE TO VIRGIN ISLANDS

EX. Ord. No. 9170, May 21, 1942, 7 F. R. 384, provided in part:

It is ordered that all of the navigation and vessel inspection laws of the United States be, and they are hereby, made applicable to the Virgin Islands of the United States, with the following exceptions:

(1) The coastwise laws of the United States

(2) The act of Congress approved June 7, 1897 (30 Stat. 96), as amended by the acts of February 19, 1900 (31 Stat.

30), May 25, 1914 (38 Stat 381), March 1, 1933 (47 Stat. 1417), August 21, 1935 (49 Stat. 668, 669), May 20, 1936 (49 Stat 1367), and April 22, 1940 (54 Stat. 150).

(3) So much of the vessel inspection laws of the United States as requires the inspection as a passenger vessel of any cargo vessel, foreign or domestic, when carrying more than twelve passengers or persons in addition to the crew.

(4) Federal laws levying tonnage duties, light money, or entrance and clearance fees

§ 1405s. Executive branch; Governor; appointment; powers and duties generally.

The executive power of the Virgin Islands and of the municipalities thereof shall be vested in an executive officer whose title shall be "the Governor of the Virgin Islands" and shall be exercised under supervision of the Secretary of the Interior. The Governor shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall reside in the Virgin Islands during his official incumbency. He shall have general supervision and control of all executive and administrative departments, bureaus, and offices of the Government of the Virgin Islands. He shall faithfully execute the laws of the United States applicable to the Virgin Islands, and the laws and ordinances of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respites for all offenses against the applicable laws of the United States until the decision of the President can be ascertained. He may veto any legislation as provided in sections 1405–1406m of this title. He shall commission all officers that he may be authorized to appoint. He may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, or prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require, make official report of the transactions of the Government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. He shall have the power to issue executive regulations not in conflict with any applicable law or ordinance. He may attend or may depute another person to represent him at the meetings of the legislative authorities herein established, and may give expression to his views on any matter before such bodies. (As amended Dec. 26, 1941, ch. 637, 55 Stat. 872.)

AMENDMENTS

1941—Act Dec. 26, 1941, cited to text, amended last sentence, substituting "may", where it first occurs, for "shall"

§ 1405w-1. Appointment of executive assistant to the Governor and the legal counsel.

The executive assistant to the Governor and the legal counsel shall be appointed by the Governor. (July 3, 1945, ch. 262, § 1, 59 Stat. 359.)

§ 1406h. Taxes, duties and fees as funds for benefit of municipalities; appropriations.

CROSS REFERENCES

Coordination of functions and policies of federal civil agencies in Puerto Rico and the Virgin Islands, see Ex. Ord. No 9383, Oct 5, 1943, 8 F. R 13781, set out as note under section 794 of this title.

Chapter 9.—GUAM, SAMOA, AND SWAINS ISLAND; MISCELLANEOUS PROVISIONS

§ 1431a. Islands of Tutuila, Manua, and eastern Samoa; ceded to and accepted by United States; revenue; government.

* * * * *

(d) The President shall appoint seven commissioners, two of whom shall be Members of the Senate, two of whom shall be Members of the House of Representatives, and three of whom shall be chiefs or high chiefs of the said islands of eastern Samoa, who shall, as soon as reasonably practicable, recommend to Congress such legislation concerning the islands of eastern Samoa as they shall deem necessary or proper. (Feb. 20, 1929, ch. 281, 45 Stat. 1253, as amended May 22, 1929, ch. 6, 46 Stat. 4.)

Chapter 10.—TERRITORIAL PROVISIONS OF A GENERAL NATURE

§ 1490. Application of Constitution and Federal laws to territories.

Section, R. S § 1891; July 1, 1902, ch 1369, 32 Stat 691, was repealed by act Mar. 3, 1933, ch. 202, § 1, 47 Stat. 1428.

TITLE 49.—TRANSPORTATION

Chap. Sec.
13. Interstate Commerce Act, Part IV; Freight Forwarders (New)---------- 1001

Chapter 1.—INTERSTATE COMMERCE ACT, PART 1; GENERAL PROVISIONS AND RAILROAD AND PIPE LINE CARRIERS

Sec.
23. Mandamus to obtain equal facilities for shippers (New).

INTERSTATE COMMERCE ACT

Part IV of the Interstate Commerce Act, constituting chapter 13 of this title, was added by act May 16, 1942, ch. 318, § 1, 56 Stat 284.

INVESTIGATION OF VARIOUS MODES OF TRANSPORTATION

Title III, part I of act Sept. 18, 1940, ch 722, §§ 301-306, 54 Stat 952-954, establishing a Board of Investigation and Research to conduct certain investigations in connection with national transportation problems, was extended to September 18, 1944, by Proc No 2559, June 26, 1942, 7 F R. 4809

§ 5. Combinations and consolidations of carriers.

* * * * *

(4) It shall be unlawful for any person, except as provided in paragraph (2), to enter into any transaction within the scope of subparagraph (a) thereof, or to accomplish or effectuate, or to participate in accomplishing or effectuating, the control or management in a common interest of any two or more carriers, however such result is attained, whether directly or indirectly, by use of common directors, officers, or stockholders, a holding or investment company or companies, a voting trust or trusts, or in any other manner whatsoever. It shall be unlawful to continue to maintain control or management accomplished or effectuated after the enactment of this amendatory paragraph [1] and in violation of its provisions. As used in this paragraph and paragraph (5), the words "control or management" shall be construed to include the power to exercise control or management. (As amended Sept. 18, 1940, ch. 722, title I, § 7, 54 Stat. 905.)

* * * * *

[1] Paragraph (4), formerly (6), was added by act June 16, 1933, cited to text, and amended by act Sept 18, 1940, also cited

REFERENCES IN TEXT

"September 18, 1940" in pars (1), (14), and (16) appeared in act Sept 18, 1940, cited to text, as "the date this paragraph as amended takes effect", "the date of the enactment of this amendatory section", and "the date this section as amended becomes effective", respectively

§ 15. Determination of rates, routes, etc.; routing of traffic; disclosures, etc.

REFERENCES IN TEXT

In par. (7), "after Sept. 18, 1940" read "after the date this amendatory provision takes effect" as it appeared in act Sept 18, 1940, § 10 (c), cited to text.

CROSS REFERENCES

Readjustment in rates, fares, and charges to shippers, see section 65a of this title.

§ 20. Reports, records, and accounts of carriers; mandamus; liability of initial carrier for loss, etc.

CROSS REFERENCES

Common carriers by motor vehicle, application of paragraphs (11) and (12), see section 319 of this title.

§ 22. Restrictions.

Nothing in this chapter shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the transportation of persons for the United States Government free or at reduced rates, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this chapter shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers and of Soldiers' and Sailors' Orphan Homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes; nothing in this chapter shall be construed to prohibit any common carrier from establishing by publication and filing in the manner prescribed in section 6 of this title reduced fares for application to the transportation of (a) personnel of United States armed services or of foreign armed services, when such persons are traveling at their own expense, in uniform of those services, and while on official leave, furlough, or pass; or (b) persons discharged, retired, or released from United States armed services within thirty days prior to the commencement of such transportation and traveling at their own expense to their homes or other prospective places of abode; nothing in this chapter shall be construed to prevent railroads from giving free carriage to their own officers and employees, or to prevent the free carriage, storage, or handling by a carrier of the household goods and other personal effects of its own officers or employees when such goods and effects must necessarily be moved from one place to another as a result of a change in the place of employment of such officers or employees while in the service of the carrier, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees; and nothing in this

chapter contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this chapter are in addition to such remedies; nothing in this chapter shall be construed to prohibit any common carrier from carrying any totally blind person accompanied by a guide or seeing-eye dog or other guide dog specially trained and educated for that purpose at the usual and ordinary fare charged to one person, under such reasonable regulations as may have been established by the carrier: *Provided,* That no pending litigation shall in any way be affected by this chapter: *Provided further,* That nothing in this chapter shall prevent the issuance of joint interchangeable five-thousand-mile tickets, with special privileges as to the amount of free baggage that may be carried under mileage tickets of one thousand or more miles. But before any common carrier, subject to the provisions of this chapter, shall issue any such joint interchangeable mileage tickets with special privileges, as aforesaid, it shall file with the Interstate Commerce Commission copies of the joint tariffs of rates, fares, or charges on which such joint interchangeable mileage tickets are to be based, together with specifications of the amount of free baggage permitted to be carried under such tickets, in the same manner as common carriers are required to do with regard to other joint rates by section 6 of this chapter; and all the provisions of said section 6 relating to joint rates, fares, and charges shall be observed by said common carriers and enforced by the Interstate Commerce Commission as fully with regard to such joint interchangeable mileage tickets as with regard to other joint rates, fares, and charges referred to in said section 6. It shall be unlawful for any common carrier that has issued or authorized to be issued any such joint interchangeable mileage tickets to demand, collect, or receive from any person or persons a greater or less compensation for transportation of persons or baggage under such joint interchangeable mileage tickets than that required by the rate, fare, or charge specified in the copies of the joint tariff of rates, fares, or charges filed with the Commission in force at the time. The provisions of section 10 of this chapter shall apply to any violation of the requirements of this proviso. Nothing in this chapter shall prevent any carrier or carriers subject to this chapter from giving reduced rates for the transportation of property to or from any section of the country with the object of providing relief in case of earthquake, flood, fire, famine, drought, epidemic, pestilence, or other calamitous visitation or disaster, if such reduced rates have first been authorized by order of the Commission (with or without a hearing); but in any such order the Commission shall (1) define such section, (2) specify the period during which such reduced rates are to remain in effect, and (3) clearly define the class or classes of persons entitled to such reduced rates: *Provided,* That any such order may define the class or classes entitled to such reduced rates as being persons designated as being in distress and in need of relief by agents of the United States or any State authorized to assist in relieving the distress caused by any such calamitous visitation or disaster. No carrier subject to the provisions of this chapter shall be deemed to have violated the provisions of such chapter with respect to undue or unreasonable preference or unjust discrimination by reason of the fact that such carrier extends such reduced rates only to the class or classes of persons defined in the order of the Commission authorizing such reduced rates. (As amended Sept. 27, 1944, ch. 423, 58 Stat. 751.)

AMENDMENTS

1944—Act Sept 27, 1944, cited to text, amended section by inserting third clause which reads "nothing in this chapter shall be construed to prohibit any common carrier from establishing by publication * * * other prospective places of abode;".

§ 23. Mandamus to obtain equal facilities for shippers.

The district courts of the United States shall have jurisdiction upon the relation of any person or persons, firm, or corporation, alleging such violation by a common carrier, of any of the provisions of this chapter and chapters 8, 12, and 13 of this title, as prevents the relator from having interstate traffic moved by said common carrier at the same rates as are charged, or upon terms or conditions as favorable as those given by said common carrier for like traffic under similar conditions to any other shipper, to issue a writ or writs of mandamus against said common carrier, commanding such common carrier to move and transport the traffic, or to furnish cars or other facilities for transportation for the party applying for the writ: *Provided,* That if any question of fact as to the proper compensation to the common carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper, pending the determination of the question of fact: *Provided,* That the remedy hereby given by writ of mandamus shall be cumulative, and shall not be held to exclude or interfere with other remedies provided by this chapter and chapters 8, 12, and 13 of this title. (Feb. 4, 1887, ch. 104, part I, § 23; Mar. 2, 1889, ch. 382, § 10, 25 Stat. 862; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; May 16, 1942, ch. 318, § 5, 56 Stat. 301.)

CODIFICATION

Section is from section 10 of act Mar 2, 1889, cited to text, which was renumbered to be section 23 of the Interstate Commerce Act of Feb 4, 1887, by act May 16, 1942, both of which are also cited Act Mar. 3, 1911, also cited, conferred upon district courts the powers and duties previously conferred upon circuit courts.

Another section 23 was contained in the Interstate Commerce Act as originally enacted by act Feb. 4, 1887, ch. 104, 24 Stat 387 Such section appropriated funds for the fiscal year ending June 30, 1888.

§ 27. Short title.

INTERSTATE COMMERCE ACT

Part IV of the Interstate Commerce Act, see section 1001 et seq of this title.

Chapter 2.—LEGISLATION SUPPLEMENTARY TO "INTERSTATE COMMERCE ACT"

Sec.

65a. Readjustment of fares, rates, and charges to shippers (New).

§ 44. Expedition of actions by United States involving general public importance.

In any civil action brought in any district court of the United States under sections 1–7 of Title 15, chapters 1, 8, and 12 of this title, or any other Acts having a like purpose that hereafter may be enacted, wherein the United States is plaintiff, the Attorney General may file with the clerk of such court a certificate that, in his opinion, the case is of general public importance, a copy of which shall be immediately furnished by such clerk to the senior circuit judge (or in his absence, the presiding circuit judge) of the circuit in which the case is pending (including the District of Columbia). Upon receipt of the copy of such certificate, it shall be the duty of the senior circuit judge or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. (As amended Apr. 6, 1942, ch. 210, § 1, 56 Stat. 198.)

AMENDMENTS

1942—Act Apr. 6, 1942, cited to text, amended section generally

Same provisions as those of this section also constitute section 28 of Title 15, Commerce and Trade

PENDING CASES, EFFECT OF AMENDMENT

Section 2 of act Apr. 6, 1942, cited to text, provided as follows: "The amendment made by section 1 of this Act (amending Title 15, § 28, and Title 49, § 44) shall not apply to any case with respect to which the Attorney General has filed a certificate prior to the date of the enactment of this Act and in which the court has already been constituted."

CROSS REFERENCES

Single judge's powers in action in three-judge district court for interlocutory injunction and final hearing under this section, see section 792 of Title 28, Judicial Code and Judiciary.

§ 45. Appeals to Supreme Court.

In every suit in equity brought in any district court of the United States under any of the laws mentioned in section 44 of this title, wherein the United States is complainant, an appeal from the final decree of the district court will lie only to the Supreme Court and must be taken within sixty days from the entry thereof: *Provided, however,* That if, upon any such appeal, it shall be found that, by reason of disqualification, there shall not be a quorum of Justices of the Supreme Court qualified to participate in the consideration of the case on the merits, then, in lieu of a decision by the Supreme Court, the case shall be immediately certified by the Supreme Court to the circuit court of appeals of the circuit in which is located the district in which the suit was brought which court shall thereupon have jurisdiction to hear and determine the appeal in such case, and it shall be the duty of the senior circuit judge of said circuit court of appeals, qualified to participate in the consideration of the case on the merits, to designate immediately three circuit judges of said court, one of whom shall be himself and the other two of whom shall be the two circuit judges next in order of seniority to himself, to hear and determine the appeal in such case and it shall be the duty of the court, so comprised, to assign the case for argument at the earliest practicable date and to hear and determine the same, and the decision of the three circuit judges so designated, or of a majority in number thereof, shall be final and there shall be no review of such decision by appeal or certiorari or otherwise.

If, by reason of disqualification, death or otherwise, any of said three circuit judges shall be unable to participate in the decision of said case, any such vacancy or vacancies shall be filled by the senior circuit judge by designating one or more other circuit judges of the said circuit next in order of seniority and, if there be none such available, he shall fill any such vacancy or vacancies by designating one or more circuit judges from another circuit or circuits, designating, in each case, the oldest available circuit judge, in order of seniority, in the circuit from which he is selected, such designation to be only with the consent of the senior circuit judge of any such other circuit. (As amended June 9, 1944, ch. 239, 58 Stat. 272.)

AMENDMENTS

1944—Act June 9, 1944, cited to text, amended section by adding proviso to first par., and adding second par.

EFFECTIVE DATE

The last par. of act June 9, 1944, cited to text, provided: "This Act [this section] shall apply to every case pending before the Supreme Court of the United States on the date of its enactment [June 9, 1944]."

§ 49. Mandamus to obtain equal facilities for shippers.

CODIFICATION

Section has been transferred to and is set out as section 23 of this title in accordance with act May 16, 1942, ch. 318, § 5, 56 Stat. 301.

§ 65. Government traffic; rates.

(a) Notwithstanding any other provision of law, but subject to the provisions of sections 1 (7) and 22 of this title, the full applicable commercial rates, fares, or charges shall be paid for transportation by any common carrier subject to chapters 1, 8, 12, and 13 of this title of any persons or property for the United States, or on its behalf, and the rate determined by the Interstate Commerce Commission as reasonable therefor shall be paid for the transportation by railroad of the United States mail: *Provided, however,* That any carrier by railroad and the United States may enter into contracts for the transportation of the United States mail for less than such rate: *Provided further,* That section 5 of Title 41, shall not after September 18, 1940, be construed as requiring advertising for bids in connection with the procurement of transportation services when the services required can be procured from any common carrier lawfully operating in the territory where such services are to be performed. (As amended Dec. 12, 1945, ch. 573, § 1, 59 Stat. 606.)

* * * * *

AMENDMENTS

1945—Subsec. (a) amended by act Dec. 12, 1945, cited to text, which struck out "except that the foregoing provisions shall not apply to the transportation of military or naval property of the United States moving for military or naval and not for civil use or to the transportation of members of the military or naval forces of the United States (or property of such members) when such members are traveling on official duty;" following "or on its behalf".

EFFECTIVE DATE

Section 2 of act Dec. 12, 1945, cited to text, provided: "The amendment made by section 1 of this Act [Dec. 12, 1945, cited to text] shall take effect October 1, 1946: *Provided, however,* That any travel or transportation specifically contracted for prior to such effective date shall be paid for at the rate, fare, or charge in effect at the time of entering into such contract of carriage or shipment."

§ 65a. Readjustment of fares, rates, and charges to shippers.

The Interstate Commerce Commission, in the exercise of its power to prescribe just and reasonable rates, fares, and charges, shall give due consideration to the increased revenues which carriers will receive as a result of the enactment of section 65 of this title, so that such increased revenues will be reflected in appropriate readjustments in rates, fares, and charges to shippers. (Dec. 12, 1945, ch. 573, § 3, 59 Stat. 607.)

CODIFICATION

Section was not enacted as a part of either the Interstate Commerce Act or the Transportation Act of 1940.

§ 66. Government traffic; payment for transportation; deduction of overpayments.

CODIFICATION

Former section 66, act Sept. 18, 1940, ch. 722, title III, § 321, 54 Stat. 954, is now section 65 of this title.

CROSS REFERENCES

General provisions relating to liability of certifying officers for overpayments, see section 82c of Title 31, Money and Finance.

§ 67. Transferred.

CODIFICATION

Former section 67, act Sept 18, 1940, ch. 722, title III, § 322, 54 Stat 955, is now section 66 of this title.

Chapter 5.—INLAND WATERWAYS TRANSPORTATION

INLAND WATERWAYS CORPORATION

§ 151. Corporation created; government and direction by Secretary of Commerce.

CROSS REFERENCES

Financial control of Inland Waterways Corporation and Warrior River Terminal Company, see chapter 14 of Title 31, Money and Finance.

Chapter 6.—AIR COMMERCE

AIR COMMERCE ACT OF 1926

§ 177. Application of existing laws relating to foreign commerce.

* * * * *

(b) Designation of ports of entry; detail of officers; application of customs laws.

The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs laws to such extent and upon such conditions as he deems necessary. (As amended July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.)

* * * * *

CROSS REFERENCES

Ports and airports of entry, see notes under section 2 of Title 19, Customs Duties.

REPEALS

In subd. (3) of subsec. (b) words "and public health" following "administration of the customs" were repealed by act July 1, 1944, cited to text.

§ 181. Offenses; penalties.

* * * * *

(b) Further violations of law; penalties imposable, remission or mitigation; lien; collection; libel proceedings.

Any person who (1) violates any entry or clearance regulation made under section 177 (c) of this title, or (2) any immigration regulation made under such section, shall be subject to a civil penalty of $500 which may be remitted or mitigated by the Secretary of Commerce, or the Attorney General, respectively, in accordance with such proceedings as the Secretary of Commerce or Attorney General shall by regulation prescribe. Any person violating any customs regulation made under section 177 (b) of this title, or any provision of the customs or public-health laws or regulations thereunder made applicable to aircraft by regulation under such section shall be subject to a civil penalty of $500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture as provided for in such customs laws, which penalty and forfeiture may be remitted or mitigated by the Secretary of the Treasury. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien against the aircraft. Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and/or in case the penalty is a lien, by proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil suits in admiralty; except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds $20, and facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States, shall not be held in any way to

limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under this section as to the remission or mitigation of a civil penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, the Secretary or Attorney General shall give notice thereof to the United States attorney prosecuting the libel proceedings. (As amended July 1, 1944, ch. 373, title VI, § 611, 58 Stat. 714.)

* * * * *

REPEALS

In subsec. (b) (2) words "or public health" following "violating any customs" and following "in such customs", respectively, both in second sentence, were repealed by act July 1, 1944, cited to text.

PUBLIC AIRPORTS

§ 211. Lease of contiguous public lands for public airports; authority of Secretary of the Interior.

The Secretary of the Interior is authorized, in his discretion and under such regulations as he may prescribe, to lease for use as a public airport any contiguous public lands, unreserved and unappropriated, not to exceed two thousand five hundred and sixty acres in area, subject to valid rights in such lands under the public-land laws. (As amended Aug. 16, 1941, ch 354, 55 Stat. 621)

AMENDMENTS

1941—Act Aug 16, 1941, cited to text, amended section by striking out words "not to exceed six hundred and forty acres in area" and inserting in lieu thereof "not to exceed two thousand five hundred and sixty acres in area."

INTERNATIONAL TECHNICAL COMMITTEE OF AERIAL LEGAL EXPERTS

§ 231. Annual appropriation for expenses of participation by United States.

LATER SIMILAR PROVISIONS

Subsequent annual appropriation acts: June 28, 1941, ch. 258, title I, 55 Stat 272.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

§ 241. Advisory Committee for Aeronautics; establishment and duties.

OVERTIME COMPENSATION

Act Feb. 10, 1942, ch. 57, 56 Stat. 88, which related to overtime compensation for field employees of the National Advisory Committee for Aeronautics, set out as note under this section, was repealed by act May 7, 1943, ch. 93, § 5, 57 Stat. 77. For war overtime pay provisions, see sections 1401–1415 of Appendix to Title 50, War

Chapter 8.—INTERSTATE COMMERCE ACT, PART II; MOTOR CARRIERS

INTERSTATE COMMERCE ACT

Part IV of the Interstate Commerce Act, constituting chapter 13 of this title, was added by act May 16, 1942, ch. 318, § 1, 56 Stat. 284.

§ 301. Short title.

INTERSTATE COMMERCE ACT

Part IV of the Interstate Commerce Act, see section 1001 et seq. of this title.

§ 302. Application of provisions.

* * * * *

(c) Notwithstanding any provision of this section or of section 303 of this title, the provisions of this chapter, except the provisions of section 304 of this title relative to qualifications and maximum hours of service of employees and safety of operation and equipment, shall not apply—

(1) to transportation by motor vehicle by a carrier by railroad subject to chapter 1 of this title, or by a water carrier subject to chapter 12 of this title, or by a freight forwarder subject to chapter 13 of this title, incidental to transportation or service subject to such parts, in the performance within terminal areas of transfer, collection, or delivery services; but such transportation shall be considered to be and shall be regulated as transportation subject to chapter 1 of this title when performed by such carrier by railroad, as transportation subject to chapter 12 of this title, when performed by such water carrier, and as transportation or service subject to chapter 13 of this title when performed by such freight forwarder;

(2) to transportation by motor vehicle by any person (whether as agent or under a contractual arrangement) for a common carrier by railroad subject to chapter 1 of this title, an express company subject to chapter 1 of this title, a motor carrier subject to this chapter, a water-carrier subject to chapter 12 of this title, or a freight forwarder subject to chapter 13 of this title, in the performance within terminal areas of transfer, collection, or delivery service; but such transportation shall be considered to be performed by such carrier, express company, or freight forwarder as part of, and shall be regulated in the same manner as, the transportation by railroad, express, motor vehicle, or water, or the freight forwarder transportation or service, to which such services are incidental. (As amended May 16, 1942, ch. 318, § 2, 56 Stat. 300.)

AMENDMENTS

1942—Subsec. (c) was amended by act May 16, 1942, cited to text.

§ 304. Powers and duties of commission.

* * * * *

(e) Powers of Commission in case of emergency.

The Commission shall have authority with respect to motor carriers, to be exercised under similar circumstances and procedure, equivalent to the authority it has with respect to other carriers under section 1 (15) of this title, and shall have authority, to the extent necessary to facilitate the prosecution of the war and not in contravention of State laws and regulations with respect to sizes and weights of motor vehicles, to make reasonable directions with respect to equipment, service, and facilities of motor carriers, and to require the joint use of equipment, terminals, warehouses, garages, and other facilities; and motor carriers shall be subject to the same pen-

alties for failure to comply with action taken by the Commission under this paragraph as other carriers for failure to comply with action taken by the Commission under section 1 (15) of this title.

(f) Change, suspension, and waiver of orders, licenses, etc.

Notwithstanding any other applicable provision of this chapter and chapters 1 and 12 of this title, to the extent that it may be in the public interest, the Commission may modify, change, suspend or waive any order, certificate, permit, license, rule, or regulation issued under this chapter. (As amended Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title I, § 101, 56 Stat. 176.)

AMENDMENTS

1942—Subsecs. (e) and (f) were added by act Mar. 27, 1942, cited to text.

EXPIRATION OF ACT MAR. 27, 1942

Expiration of wartime amendments by act Mar. 27, 1942, cited to text, and restoration of prior provisions, see section 645 of Appendix to Title 50, War.

§ 305a. Joint Board, transportation requests.

REPEATED.—Act Apr. 5, 1941, ch. 40, § 1, 55 Stat. 114; act June 27, 1942, ch 450, § 1, 56, Stat. 413; act June 26, 1943, ch 145, title I, § 1, 57 Stat. 183; act June 27, 1944, ch. 266, title I, § 1, 58 Stat. 373; act May 3, 1945, ch. 106, title I, § 1, 59 Stat. 120.

§ 310a. Temporary authority.

(a) To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a common carrier or a contract carrier by motor vehicle, as the case may be. Such temporary authority, unless suspended or revoked for good cause, shall be valid for such time as the Commission shall specify, and shall create no presumption that corresponding permanent authority will be granted thereafter. (As amended Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title I, § 102, 56 Stat. 177.)

* * * * *

AMENDMENTS

1942—Subsec (a) were amended by act Mar 27, 1942, cited to text, which struck out "but for not more than an aggregate of one hundred and eighty days" after "specify" in second sentence.

EXPIRATION OF ACT MAR. 27, 1942

Expiration of wartime amendments by act Mar. 27, 1942, cited to text, and restoration of prior provisions, see section 645 of Appendix to Title 50, War

§ 319. Application of section 20 (11) and (12) of this title to common carriers by motor vehicle.

The provisions of section 20 (11) and (12) of this title, together with such other provisions of chapter 1 of this title (including penalties) as may be necessary for the enforcement of such provisions, shall apply with respect to common carriers by motor vehicle with like force and effect as in the case of those persons to which such provisions are specifically applicable. (As amended May 16, 1942, ch. 318, § 3, 56 Stat. 300; Aug. 7, 1942, ch. 552, § 1, 56 Stat. 746.)

AMENDMENTS

1942—Act Aug. 7, 1942, cited to text, amended section by inserting "part I" which is translated herein as "this title."

Act May 16, 1942, cited to text, amended section to read as follows: "The provisions of section 20 (11) and (12) of this title, together with such other provisions of chapter 1 of this title (including penalties) as may be necessary for the enforcement of such provisions, shall apply with respect to common carriers by motor vehicle with like force and effect as in the case of those persons to which such provisions are specifically applicable."

As originally enacted by act Aug. 9, 1935, cited to text, section read: "The provisions of section 20 (11) of this title shall apply with like force and effect to receipts or bills of lading of common carriers by motor vehicle."

Chapter 9.—CIVIL AERONAUTICS ACT

SUBCHAPTER II.—ORGANIZATION OF BOARD

Sec.
422a. Compensation for members of Civil Aeronautics Board and Administrator of Civil Aeronautics (New).

SUBCHAPTER II.—ORGANIZATION OF BOARD

§ 422a. Compensation for members of Civil Aeronautics Board and Administrator of Civil Aeronautics.

The salaries of the members of the Civil Aeronautics Board and the Administrator of Civil Aeronautics shall be at the rate of $10,000 each per annum. (June 28, 1941, ch. 258, title II, 55 Stat. 282.)

CODIFICATION

This section is not a part of the Civil Aeronautics Act of 1938, which constitutes the bulk of this chapter.

§ 425. General powers and duties of the Board.

MULTIPLE TAXATION OF AIR COMMERCE STUDY, REPORT TO CONGRESS

Act July 3, 1944, ch 398, 58 Stat. 723 as amended Dec. 23, 1944, ch 727, 58 Stat. 926, provided that the Civil Aeronautics Board should consult with the various States, Territories, and possessions with the view of eliminating multiple taxation of persons engaged in air commerce, and the Board should make a report to Congress on its conclusions within nine months.

SUBCHAPTER IV.—AIR CARRIER ECONOMIC REGULATION

§ 481. Certificate of public convenience and necessity.

WARTIME INCREASE OF PILOTS' FLYING HOURS

Act April 29, 1942, ch. 266, 56 Stat. 265, provided as follows:

"[SEC. 1] The maximum flying hours in interstate air transportation prescribed by paragraph (1) of section 401 (*l*) of the Civil Aeronautics Act of 1938, as amended (Title 49, § 481 (*l*) (1)), shall be one hundred hours of flying per month: *Provided*, That, to the extent the Civil Aeronautics Board finds, after consultation with the Secretary of War and the Secretary of the Navy or their designated representatives, that the maximum hereinabove prescribed is not required by reasons of the military needs of the armed forces of the United States, the Board may fix, from time to time, by regulation applicable to one or more air carriers, the maximum flying hours at less than one hundred hours: *Provided further*, That the Board, in accordance with such procedure as it may prescribe, may authorize the maximum flying hours hereinabove provided for to be exceeded to the extent necessary to complete a particular flight for military purposes

"SEC. 2. Every air carrier shall comply with the provisions of this Act and the regulations fixed by the Board hereunder. The powers of the Civil Aeronautics Board with respect to the enforcement of the Civil Aeronautics Act (Title 49, § 401 et seq.) shall be available to it in the

enforcement of this Act, and the penalties prescribed in section 902 (a) of that Act (Title 49, § 622 (a)) shall be applicable to violations of this Act or any regulation issued thereunder.

"SEC 3. This Act shall remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate."

§ 492. Pooling and other agreements.

* * * * *

(b) The Authority shall by order disapprove any such contract or agreement, whether or not previously approved by it, that it finds to be adverse to the public interest, or in violation of this chapter, and shall by order approve any such contract or agreement, or any modification or cancelation thereof, that it does not find to be adverse to the public interest, or in violation of this chapter; except that the Authority may not approve any contract or agreement between an air carrier not directly engaged in the operation of aircraft in air transportation and a common carrier subject to chapters 1, 8, 12, and 13 of this title governing the compensation to be received by such common carrier for transportation services performed by it. (As amended May 16, 1942, ch. 318, § 4 (b), 56 Stat. 301.)

AMENDMENTS

1942—Subsec. (b) was amended by act May 16, 1942, cited to text.

SUBCHAPTER X.—PROCEDURE

§ 643. Joint boards.

* * * * *

(b) Air carriers may establish reasonable through service and joint rates, fares, and charges with other common carriers; except that with respect to transportation of property, air carriers not directly engaged in the operation of aircraft in air transportation (other than companies engaged in the air express business) may not establish joint rates or charges, under the provisions of this subsection, with common carriers subject to chapters 1, 8, 12, and 13 of this title. In case of through service by air carriers and common carriers subject to chapters 1 or 8 of this title, it shall be the duty of the carriers parties thereto to establish just and reasonable joint rates, fares, or charges and just and reasonable classifications, rules, regulations, and practices affecting such joint rates, fares, or charges, or the value of the service thereunder, and just, reasonable, and equitable divisions of such joint rates, fares, or charges as between the carriers participating therein. Any air carrier, and any common carrier subject to said chapters, which is participating in such through service and joint rates, fares, or charges, shall include in its tariffs, filed with the Board or the Interstate Commerce Commission, as the case may be, a statement showing such through service and joint rates, fares, or charges. (As amended May 16, 1942, ch. 318, § 4 (a), 56 Stat. 300.)

* * * * *

AMENDMENTS

1942—Subsec. (b), first sentence, was amended by act May 16, 1942, cited to text.

Chapter 10.—TRAINING OF CIVIL AIRCRAFT PILOTS

Sec
758 Compensation for war training service (New).

§ 752. Training programs; rules and regulations; racial, etc., discrimination; facilities and personnel.

The Civil Aeronautics Authority is authorized, within the limits of available appropriations made by the Congress, to train pilots and technicians and mechanics or to conduct programs for such training, including studies and researches as to the most desirable qualifications for aircraft pilots and technicians and mechanics. Such training or programs shall be conducted pursuant to such regulations as such Administrator may from time to time prescribe, including regulations requiring students participating therein to maintain appropriate insurance and to pay such laboratory or other fees for ground-school training, not exceeding $40 per student, as the Administrator may deem necessary or desirable: *Provided*, That in the administration of this chapter, none of the benefits of training or programs shall be denied on account of race, creed, or color. Such training or programs may be carried out either through the use of the facilities and personnel of the Office of Administrator of Civil Aeronautics or by contracts with educational institutions or other persons (as defined in section 401 (27) of this title). (As amended July 24, 1942, ch. 522, 56 Stat. 704; June 10, 1943, ch. 121, § 1, 57 Stat. 150.)

AMENDMENTS

1943—Act June 10, 1943, cited to text, struck out "civilian" following "train" in first sentence.

1942—Act July 24, 1942, cited to text, substituted "Civil Aeronautics Authority" for "Administrator of Civil Aeronautics" and added "and technicians and mechanics" to first sentence

§ 757. Appropriations; expiration of chapter; training of aliens forbidden.

There is hereby authorized to be appropriated the sum of $5,675,000 for the purpose of carrying out the provisions of this chapter during the fiscal years 1939 and 1940 and not to exceed the sum of $7,000,000 during each subsequent fiscal year. This chapter shall expire on July 1, 1946, and all contracts, leases, or other obligations entered into under this chapter shall expire on or prior to such date: *Provided*, That no alien shall receive training under the provisions of this chapter. (As amended June 30, 1944, ch. 333, 58 Stat. 648.)

AMENDMENTS

1944—Act June 30, 1944, cited to text, amended section by striking out "July 1, 1944" and inserting in lieu thereof "July 1, 1946" in second sentence

1943 APPROPRIATION

Act June 10, 1943, ch. 121, § 2, 57 Stat. 150, provided: "Any appropriations heretofore made and available for obligation during the fiscal year ending June 30, 1943, for carrying out the provisions of the Civilian Pilot Training Act of 1939 (sections 751–757 of this title), shall be available for carrying out the provisions of such Act as amended hereby (affecting section 752 of this title) Any obligations entered into heretofore under such appropriations for purposes which are brought within the scope of such Act by this amendatory Act (Act June 10, 1943, ch 121) shall be deemed to be valid if otherwise properly incurred."

§ 758. Compensation for war training service.

Pay at a rate of $50 per month from and after December 15, 1942, to persons subject to service in the Army of the United States but not on active duty therein, while undergoing training under supervision of the Civil Aeronautics Administration War Training Service and during one or more periods while awaiting assignment between courses (not exceeding two months between any two courses), is authorized. (May 7, 1943, ch. 94, 57 Stat. 80.)

CODIFICATION

This section is not part of the "Civilian Pilot Training Act of 1939", which constitutes sections 751–757 of this chapter.

Chapter 12.—INTERSTATE COMMERCE ACT, PART III; WATER CARRIERS

INTERSTATE COMMERCE ACT

Part IV of the Interstate Commerce Act, constituting chapter 13 of this title, was added by act May 16, 1942, ch. 318, § 1, 56 Stat 284

§ 901. Short title.

INTERSTATE COMMERCE ACT

Part IV of the Interstate Commerce Act, see section 1001 et seq. of this title

§ 911. Temporary operations.

(a) To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service by a common carrier by water or a contract carrier by water, as the case may be. Such temporary authority shall be valid for such time as the Commission shall specify, and shall create no presumption that corresponding permanent authority will be granted thereafter. (As amended Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title I, § 103, 56 Stat. 177.)

* * * * *

AMENDMENTS

1942—Subsec. (a) was amended by act Mar 27, 1942, cited to text, which struck out "but for not more than an aggregate of one hundred and eighty days" after "specify" in second sentence.

EXPIRATION OF ACT MARCH 27, 1942

Expiration of wartime amendments by act Mar 27, 1942, cited to text, and restoration of prior provisions, see section 645 of Appendix to Title 50, War

Chapter 13.—INTERSTATE COMMERCE ACT, PART IV; FREIGHT FORWARDERS (New)

Sec
1001. Short title.
1002 Definitions and exemptions.
1003 General powers and duties of Commission
1004 Rates, charges, and practices
1005. Tariffs of freight forwarders
1006 Commission's authority over rates and practices.
1007 Motor carrier rates applicable to small parcel forwarding.
1008 Authority for assembling and distribution rates
1009. Adjustment period pending establishment of assembling and distribution rates.
1010. Permits.
1011. Relationships between freight forwarders and other persons
1012 Accounts, records, and reports.
1013. Bills of lading and delivery of property.
1014. Collection of rates and charges.
1015 Allowances to shippers for transportation service.
1016. Notices, orders, and service of processes.
1017. Enforcement and procedure.
1018. Carriers the services of which freight forwarders may utilize.
1019 Liability for past acts and omissions.
1020. Special powers during time of war or other emergency.
1021. Unlawful acts and penalties.
1022. Separability of provisions.

§ 1001. Short title.

This chapter may be cited as part IV of the Interstate Commerce Act. (Feb. 4, 1887, ch. 104, part IV, § 401, as added May 16, 1942, ch. 318, § 1, 56 Stat. 284.)

INTERSTATE COMMERCE ACT

Act Sept. 18 1940, ch 722, title I, § 1, 54 Stat 899, amended the Interstate Commerce Act, which constitutes chapters 1, 8, 12, and 13 of this title, by inserting before Part I thereof (chapter 1 of this title) the following provision entitled "Short Title": "This Act may be cited as the Interstate Commerce Act"

Parts I, II, and III of the Interstate Commerce Act, see sections 1 et seq., 301 et seq., and 901 et seq., respectively, of this title

EFFECTIVE DATE OF CHAPTER

Section 6 of act May 16, 1942, cited to text of sections of this chapter, provided as follows: "Part IV of the Interstate Commerce Act (Title 49, § 1001 et seq.) shall take effect on the date of enactment of this Act, except that section 405 (Title 49, § 1005) shall take effect sixty days after the date of enactment of this Act, and sections 404, 406, 413, 414, and 417 (Title 49, §§ 1004, 1006, 1013, 1014, and 1017, respectively), shall take effect ninety days after the date of enactment of this Act: *Provided, however,* That the Interstate Commerce Commission shall, if found by it to be necessary or advisable in the public interest, by general or special order, postpone the taking effect of any of the provisions of this part to such time, but not beyond the 1st day of September 1942, as the Commission shall prescribe"

§ 1002. Definitions and exemptions.

(a) For the purposes of this chapter—

(1) The term "person" includes an individual, firm, partnership, corporation, company, association, or joint-stock association, and includes a trustee, receiver, assignee, or personal representative thereof

(2) The term "Commission" means the Interstate Commerce Commission.

(3) The term "State" means a State of the United States or the District of Columbia.

(4) The term "United States" means the States of the United States and the District of Columbia.

(5) The term "freight forwarder" means any person which (otherwise than as a carrier subject to chapter 1, 8, or 12 of this title) holds itself out to the general public to transport or provide transportation of property, or any class or classes of property, for compensation, in interstate commerce, and which, in the ordinary and usual course of its undertaking, (A) assembles and consolidates or provides for assembling and consolidating shipments of such property, and performs or provides for the performance of break-bulk and distributing operations with respect to such consolidated shipments, and (B) assumes responsibility for the transportation of such property from point of receipt to point of destination, and (C) utilizes, for the whole or any part of the

transportation of such shipments, the services of a carrier or carriers subject to chapter 1, 8, or 12 of this title.

(6) The term "interstate commerce" means transportation (A) between a point in a State and a point in another State, whether or not such transportation takes place wholly within the United States; (B) between points within the same State but through any place outside thereof; or (C) from or to any point in the United States to or from any point outside thereof, but only insofar as such transportation takes place within the United States.

(7) The term "service subject to this chapter" means any or all of the service in connection with the transportation in interstate commerce which any person undertakes to perform or provide as a freight forwarder, or which such person is authorized or required by or under the authority of this part to perform or provide; but such term shall not include that part of the undertaking of any such person for the performance of which the services of an air carrier subject to sections 401-681 of this title are utilized, or for the performance of which transportation by motor vehicle exempted under the provisions of section 303 (b) (7a) of this title is utilized.

(8) Wherever reference is made to control (in referring to a relationship between any person or persons and another person or persons), such reference shall be construed to include actual as well as legal control, whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation, through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means; and to include the power to exercise control.

(b) The provisions of this chapter shall not apply (1) to service performed by or under the direction of a cooperative association, as defined in sections 1141–1141d and 1141e–1141j of Title 12, or by a federation of such cooperative associations, if such federation possesses no greater powers or purposes than cooperative associations so defined, or (2) where the property with respect to which service is performed consists of ordinary livestock, fish (including shellfish), agricultural commodities (not including manufactured products thereof), or used household goods, if the person performing such service engages in service subject to this chapter with respect to not more than one of the classifications of property above specified.

(c) The provisions of this chapter shall not be construed to apply (1) to the operations of a shipper, or a group or association of shippers, in consolidating or distributing freight for themselves or for the members thereof, on a nonprofit basis, for the purpose of securing the benefits of carload, truckload, or other volume rates, or (2) to the operations of a warehouseman or other shippers' agent, in consolidating or distributing pool cars, whose services and responsibilities to shippers in connection with such operations are confined to the terminal area in which such operations are performed. (Feb. 4, 1887, ch. 104, part IV, § 402, as added May 16, 1942, ch. 318, § 1, 56 Stat. 284.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1003. General powers and duties of Commission.

(a) It shall be the duty of the Commission to administer the provisions of this chapter, and to that end it shall have the authority to make and amend such rules and regulations and to issue such orders as may be necessary to carry out its provisions.

(b) The Commission shall have authority to establish reasonable requirements with respect to continuous and adequate service.

(c) The Commission shall have authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in such reasonable amount as the Commission may require, to be conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, for loss of or damage to property with respect to which a freight forwarder performs service subject to this chapter.

(d) The Commission shall have authority to prescribe reasonable rules and regulations governing the filing of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, in such reasonable amount as the Commission may require, conditioned to pay, within the amount of such surety bonds, policies of insurance, qualifications as a self-insurer, or other securities or agreements, any final judgment recovered against a freight forwarder on account of bodily injuries to or death of any person, or loss of or damage to property (except property referred to in subsection (c) of this section), resulting from the negligent operation, maintenance, or use of motor vehicles operated by or under the direction and control of such freight forwarder, in service subject to this chapter, in the performance of transfer, collection, or delivery services.

(e) The Commission shall have authority, for purposes of the administration of the provisions of this chapter, to inquire into and report on the management of the business of freight forwarders, and to inquire into and report on the management of the business of persons controlling, controlled by, or under a common control with freight forwarders, to the extent that the business of such persons is related to the management of the business of one or more such freight forwarders, and the Commission shall keep itself informed as to the manner and method in which the same are conducted. The Commission may obtain from such freight forwarders and persons such information as the Commission deems necessary to carry out the provisions of this chapter; and may transmit to Congress from time to time, such recommendations (including recommendations as to additional legislation) as the Commission may deem necessary.

(f) The Commission may investigate, either upon complaint or upon its own initiative, whether any

freight forwarder has failed to comply with any provision of this chapter or with any order, rule, regulation, or requirement issued or established pursuant thereto, and, after notice and hearing, take appropriate action to compel compliance therewith. Whenever the Commission is of opinion that any complaint does not state reasonable grounds for action on its part, it may dismiss such complaint. (Feb. 4, 1887, ch. 104, part IV, § 403, as added May 16, 1942, ch. 318, § 1, 56 Stat. 285.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1004. Rates, charges, and practices.

(a) It shall be the duty of every freight forwarder to provide and furnish, upon reasonable request therefor, the service subject to this chapter covered by its permit issued under this chapter, and to establish, observe, and enforce just and reasonable rates and charges therefor and just and reasonable classifications, regulations, and practices relating thereto and to the issuance, form, and substance of receipts and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation in service subject to this chapter, the facilities for such transportation, and all other matters relating to or connected with such transportation, and every unjust or unreasonable rate, charge, classification, regulation, or practice is prohibited and declared unlawful.

(b) It shall be unlawful for any freight forwarder, in service subject to this chapter, to make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, port district, gateway, transit point, locality, region, district, territory, or description of traffic in any respect whatsoever; or to subject any particular person, port, port district, gateway, transit point, locality, region, district, territory, or description of traffic to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever: *Provided,* That this subsection shall not be construed to apply to discriminations, prejudice, or disadvantage to the traffic of any carrier of whatever description.

(c) It shall be unlawful for any common carrier subject to chapter 1, 8, or 12 of this title to make, give, or cause any undue or unreasonable preference or advantage to any freight forwarder, whether or not such freight forwarder is controlled by such carrier, in any respect whatsoever; or to subject any freight forwarder, whether or not such freight forwarder is controlled by such carrier, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(d) Nothing in this chapter shall be construed to prohibit any freight forwarder from entering into an agreement with another freight forwarder for the joint loading of traffic between points in transportation subject to this chapter, except that the Commission may cancel, suspend, or require the modification of any such agreement which it finds, after reasonable opportunity for hearing, to be inconsistent with the national transportation policy declared in the Interstate Commerce Act. (Feb. 4, 1887, ch. 104, part IV, § 404, as added May 16, 1942, ch. 318, § 1, 56 Stat. 286.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

NATIONAL TRANSPORTATION POLICY

Declaration of national transportation policy, see note preceding section 1001 of this title.

§ 1005. Tariffs of freight forwarders.

(a) Every freight forwarder shall file with the Commission and print, and keep open to public inspection, tariffs showing its rates and charges for service subject to this chapter, and all classifications, rules, regulations, and practices with respect thereto. Such tariffs shall become effective only after thirty days' notice, and shall plainly state the points between which property will be transported, the classification of property, and, separately, all terminal charges, or other charges which the Commission shall require to be so stated, all privileges or facilities granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such rates or charges, or the value of the service rendered to the shipper or consignee.

(b) All rates and charges of freight forwarders for service subject to this chapter shall be stated in lawful money of the United States. The Commission shall by regulations prescribe the form and manner in which the tariffs to which this section applies shall be published, filed, and posted; and the Commission is authorized to reject any tariff filed with it which is not in accordance with this section and with such regulations. Any tariff so rejected by the Commission shall be void and its use shall be unlawful.

(c) No freight forwarder shall charge or demand or collect or receive a greater or less or different compensation for or in connection with service subject to this chapter than the rates or charges specified therefor in its tariffs lawfully in effect; and no freight forwarder shall refund or remit in any manner or by any device any portion of the rates or charges so specified, or extend to any person any privileges or facilities in connection with such service and affecting the value thereof except such as are specified in its tariffs: *Provided,* That the provisions of section 22 of this title (relating to transportation free or at reduced rates), insofar as such provisions relate to transportation or service in the case of property, shall apply with respect to freight forwarders, in the performance of service subject to this chapter, with like force and effect as in the case of the persons and service to which such provisions are specifically applicable.

(d) No change shall be made in any rate, charge, classification, regulation, or practice specified in any effective tariff of a freight forwarder for or in connection with service subject to this chapter, except after thirty days' notice of the proposed change, filed and posted in accordance with this section. Such notice shall plainly state the change proposed to be

made and the time when such change will take effect. The Commission may, in its discretion and for good cause shown, allow changes upon notice less than that herein specified, or modify the requirements of this section with respect to posting and filing of tariffs, either in particular instances or by general order applicable to special circumstances or conditions.

(e) No freight forwarder shall engage in service subject to this chapter unless the rates and charges for such service have been filed and published in accordance with the provisions of this section. (Feb. 4, 1887, ch. 104, part IV, § 405, as added May 16, 1942, ch. 318, § 1, 56 Stat. 287.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1006. Commission's authority over rates and practices.

(a) Any person may make complaint in writing to the Commission that anything done or omitted to be done by any freight forwarder is or will be in violation of this chapter. Every complaint shall state fully the facts complained of and the reasons for such complaint. If such freight forwarder shall not satisfy the complaint within a time specified by the Commission, or there shall be any reasonable ground for investigating said complaint, it shall be the duty of the Commission to investigate the matters complained of in such manner and by such means as it shall deem proper.

(b) Whenever, after hearing, upon complaint or in an investigation on its own initiative, the Commission shall be of opinion that any rate or charge demanded, charged, or collected for service subject to this chapter, or any classification, regulation, or practice relating thereto, is or will be unjust or unreasonable or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any provision of this chapter, it shall determine and prescribe the lawful rate or charge or the maximum or minimum, or maximum and minimum, rate or charge thereafter to be observed, or the lawful classification, regulation, or practice thereafter to be made effective.

(c) In any proceeding to determine the justness or reasonableness of any rate or charge of any freight forwarder, for service subject to this chapter, there shall not be taken in consideration or allowed as evidence or elements of value of the property of such forwarder either goodwill, earning power, or the permit under which such forwarder is operating; and in applying for and receiving a permit under this chapter any such forwarder shall be deemed to have agreed to the provisions of this subsection on its own behalf and on behalf of all transferees of such permit.

(d) In the exercise of its power to prescribe just and reasonable rates and charges of freight forwarders, and classifications, regulations, and practices relating thereto, the Commission shall give due consideration, among other factors, to the inherent nature of freight forwarding; to the effect of rates upon the movement of traffic by the freight forwarders for which the rates and charges are prescribed; to the need, in the public interest, of adequate and efficient freight-forwarder service at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable freight forwarders, under honest, economical, and efficient management, to provide such service.

(e) Whenever there shall be filed with the Commission, under this chapter, any tariff stating a new rate, charge, classification, regulation, or practice, the Commission may upon complaint or upon its own initiative at once, and, if it so orders, without answer or other formal pleading, but upon reasonable notice, enter upon an investigation concerning the lawfulness of such rate, charge, classification, regulation, or practice, and, pending such hearing and the decision thereon, the Commission, by filing with such tariff and delivering to the freight forwarder affected thereby, a statement in writing of its reasons for such suspension, may from time to time suspend the operation of such tariff and defer the use of such rate, charge, classification, regulations, or practice, but not for a longer period than seven months beyond the time when it would otherwise go into effect; and after hearing, whether completed before or after the rate, charge, classification, regulation, or practice goes into effect, the Commission may make such order with reference thereto as would be proper in a proceeding instituted after such rate, charge, classification, regulation, or practice had become effective. If the proceeding shall not have been concluded and an order made within the period of suspension, the proposed rate, charge, classification, regulation, or practice shall go into effect at the end of such period: *Provided, however*, That, subject to section 1005 (b), this subsection shall not apply to any initial tariff filed prior to the expiration of ninety days after May 16, 1942. At any hearing involving a change in a rate, charge, or classification, or in a rule, regulation, or practice, the burden of proof shall be upon the freight forwarder to show that the proposed changed rate, charge, classification, rule, regulation, or practice is just and reasonable.

(f) Whenever in any investigation under this chapter, or in an investigation instituted upon petition of the freight forwarder concerned, which petition is hereby authorized to be filed, there shall be brought in issue any rate, charge, classification, regulation, or practice of any freight forwarder, made or imposed by authority of any State, the Commission, before proceeding to hear and dispose of such issue, shall cause the State or States interested to be notified of the proceeding. The Commission may confer with the authorities of any State having regulatory jurisdiction over the class of persons subject to this chapter, with respect to the relationship between rate structures and practices of such persons subject to the jurisdiction of such State bodies and of the Commission; and to that end the Commission is authorized, under rules to be prescribed by it, to hold joint hearings with any such State regulatory bodies upon any matters wherein the Commission is empowered to act and where the rate-making authority of a State is or may be affected by the action taken by the Commission. The Commission is also

authorized to avail itself of the cooperation, services, records, and facilities of such State authorities in the enforcement of any provision of this chapter. Whenever in any such investigation the Commission, after full hearing, finds that any such rate, charge, classification, regulation, or practice causes any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce on the one hand and interstate commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce, which is hereby forbidden and declared to be unlawful, it shall prescribe the rate or charge, or the maximum or minimum, or maximum and minimum, thereafter to be charged, and the classification, regulation, or practice thereafter to be observed, in such manner as, in its judgment, will remove such advantage, preference, prejudice, or discrimination. Such rates, charges, classifications, regulations, and practices shall be observed while in effect by the freight forwarders parties to such proceeding affected thereby, the law of any State or the decision or order of any State authority to the contrary notwithstanding. (Feb. 4, 1887, ch. 104, part IV, § 406, as added May 16, 1942, ch. 318, § 1, 56 Stat. 288.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1007. Motor carrier rates applicable to small parcel forwarding.

In the establishment of rates or charges, classifications, rules, or regulations by common carriers by motor vehicle subject to chapter 8 of this title, consideration may be given to the type of property tendered for transportation by any freight forwarder engaged in service with respect to parcels which do not exceed seventy pounds in weight or one hundred inches in length and girth combined, with a view to affording, in the case of such transportation, rates or charges as low as may be consistent with the receiving of reasonably adequate compensation by the carriers transporting such property. (Feb. 4, 1887, ch. 104, part IV, § 407, as added May 16, 1942, ch. 318, § 1, 56 Stat. 289.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1008. Authority for assembling and distribution rates.

Nothing in this chapter and chapters 1, 8, and 12 of this title shall be construed to make it unlawful for common carriers subject to chapter 1, 8, or 11 of this title to establish and maintain assembling rates or charges and/or distribution rates or charges, and classifications, rules, and regulations with respect thereto, applicable to freight forwarders and others who employ or utilize the instrumentalities or services of such common carriers under like conditions, which differ from other rates or charges, classifications, rules, or regulations which contemporaneously apply with respect to the employment or utilization of the same instrumentalities or services, if such difference is justified by a difference in the respective conditions under which such instrumentalities or services are employed or utilized. For the purposes of this section (1) the term "assembling rates or charges" means rates or charges for the transportation of less-than-carload or less-than-truckload shipments into a point for further movement beyond as part of a carload or truckload shipment, and (2) the term "distribution rates or charges" means rates or charges for the transportation of less-than-carload or less-than-truckload shipments moving from a point into which such shipments have moved as a part of a carload or truckload shipment. The provisions of this section shall not be construed to authorize the establishment of assembling rates or charges or distribution rates or charges covering the line haul transportation between the principal concentration point and the principal break-bulk point. (Feb. 4, 1887, ch. 104, part IV, § 408, as added May 16, 1942, ch. 318, § 1, 56 Stat. 290.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1009. Adjustment period pending establishment of assembling and distribution rates.

(a) In order to provide a reasonable period of adjustment within which rates and charges may be established pursuant to the provisions of section 1008, nothing in this chapter and chapters 1, 8, and 12 of this title shall be construed to make it unlawful for freight forwarders and common carriers by motor vehicle subject to chapter 8 of this title to operate under joint rates or charges during a period of forty-five months from May 16, 1942, but not thereafter. The provisions of chapter 8 of this title shall apply with respect to such joint rates or charges and the divisions thereof, and with respect to the parties thereto, as though such joint rates or charges had been established under the provisions of such chapter 8, and the provisions of this chapter shall not apply with respect thereto: *Provided, however,* That—

(1) Joint rates or charges and concurrences, contained in tariffs heretofore filed with the Commission shall become effective, without notice, as of May 16, 1942, unless the parties thereto file notice with the Commission, within thirty days after May 16, 1942, canceling such joint rates or charges and concurrences;

(2) Joint rates or charges and concurrences, contained in tariffs heretofore offered for filing with the Commission, but rejected by the Commission, shall become effective, without notice, as of May 16, 1942, if filed with the Commission within thirty days after May 16, 1942;

(3) Joint rates or charges and concurrences, under which freight forwarders and common carriers by motor vehicle subject to chapter 8 of this title were actually operating on July 1, 1941, may become effective, without notice, as of May 16, 1942, if tariffs covering such joint rates or charges and concurrences are filed with the Commission within thirty days after May 16, 1942;

(4) No new or additional joint rate or charge may be established under authority of this section for service from any point of origin to any point of destination with respect to any particular commodity or class of traffic unless at least one rate or charge for service from such point of origin to such point of destination with respect to such commodity or class of traffic, established by an individual freight forwarder or by a freight forwarder jointly with a common carrier by motor vehicle, is already lawfully in effect; but for purposes of this paragraph the making of a change in a joint rate or charge which has been established, or which has become effective pursuant to this section, shall not be deemed to constitute the establishment of a new or additional joint rate or charge.

(5) Any joint rate or charge or concurrence established, or which becomes effective, pursuant to this subsection may at any time be canceled or withdrawn in accordance with the provisions of chapter 8 of this title;

(6) The filing of tariffs under paragraph (2) or (3) of this subsection may be in accordance with the requirements with respect to the form and manner of filing tariffs in effect under chapter 8 of this title prior to December 31, 1936;

(7) For the purpose of computing the period of thirty days prescribed in paragraph (1), (2), or (3) of this subsection, the date of mailing by registered mail shall be deemed the date of filing; and

(8) As used in this subsection the term "rates or charges" includes classifications, rules, and regulations with respect thereto.

(b) If the Commission shall find that the purposes of this section may be carried out within a shorter time than such period of forty-five months, it shall by order fix a date prior to the expiration of such period after which the joint rates or charges and concurrences referred to in this section shall no longer be lawfully in effect. (Feb. 4, 1887, ch. 104, part IV, § 409, as added May 16, 1942, ch. 318, § 1, 56 Stat. 290, and amended Nov. 12, 1943, ch. 299, §§ 1, 2, 57 Stat. 590; May 16, 1945, ch. 128, 59 Stat. 169.)

AMENDMENTS

1945—Act May 16, 1945, cited to text, amended section by striking out "thirty-six months" wherever appearing and inserting in lieu thereof "forty-five months"

1943—Act Nov 12, 1943, cited to text, amended section by striking out words "eighteen months" wherever appearing and inserting in lieu thereof "thirty-six months", and by amending par. (4) of subsec (a) generally

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1010. Permits.

(a) No person shall engage in service subject to this chapter unless such person holds a permit, issued by the Commission, authorizing such service; except that (1) any person engaged in service subject to this chapter when this section takes effect may continue to engage in such service for a period of one hundred and eighty days thereafter without a permit, and (2) if application for a permit is made to the Commission by such person within such period, such person may, under such regulations as the Commission shall prescribe, continue to engage in such service subject to this chapter until otherwise ordered by the Commission.

(b) Application for a permit shall be made in writing to the Commission, be verified under oath, and shall be in such form and contain such information and be accompanied by proof of service upon such interested parties as the Commission shall, by regulations, require.

(c) The Commission shall issue a permit to any qualified applicant therefor, authorizing the whole or any part of the service covered by the application, if the Commission finds that the applicant is ready, able, and willing properly to perform the service proposed, and that the proposed service, to the extent authorized by the permit, is or will be consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act; otherwise such application shall be denied. No such permit shall be issued to any common carrier subject to chapter 1, 8, or 12 of this title; but no application made under this section by a corporation controlled by, or under common control with, a common carrier subject to chapter 1, 8, or 12 of this title, shall be denied because of the relationship between such corporation and such common carrier.

(d) The Commission shall not deny authority to engage in the whole or any part of the proposed service covered by any application made under this section solely on the ground that such service will be in competition with the service subject to this chapter performed by any other freight forwarder or freight forwarders.

(e) Any permit issued under this section shall specify the nature or general description of the property with respect to which service subject to this chapter may be performed, and the territory within which, and the territories from which and to which, service subject to this chapter may be performed, under authority of such permit. At the time of issuance, and from time to time thereafter, there shall be attached to the exercise of the privileges granted by any such permit such reasonable terms, conditions, and limitations as are necessary to carry out the requirements of this chapter or those lawfully established by the Commission pursuant thereto; but no such terms, conditions, or limitations shall restrict the right of the freight forwarder to add to its equipment, facilities, or services within the scope of such permit, as the development of the business and the demands of the public shall require.

(f) Permits shall be effective from the date specified therein, and shall remain in effect until suspended or terminated as herein provided. Any such permit may, upon application of the holder thereof, in the discretion of the Commission, be amended or revoked, in whole or in part, or may upon complaint, or on the Commission's own initiative, after notice and hearing, be suspended, modified, or revoked, in whole or in part, for willful failure to comply with any provision of this chapter, or with any lawful order, rule, or regulation of the Commission promulgated thereunder, or with any term, condition, or

limitation of such permit: *Provided, however,* That no such permit shall be revoked (except upon application of the holder) unless the holder thereof fails to comply, within a reasonable time, not less than thirty days, to be fixed by the Commission, with a lawful order of the Commission, commanding obedience to the provision of this chapter, or to the rule or regulation of the Commission thereunder, or to the term, condition, or limitation of such permit, found by the Commission to have been violated by such holder: *Provided further,* That the right to engage in service subject to this chapter under authority of any permit or any application filed pursuant to the provisions of this section may be suspended by the Commission, upon reasonable notice of not less than fifteen days to the forwarder, but without hearing or other proceedings, for failure to comply, and until compliance, with the provisions of section 1005 (a) of this title or with any lawful order, rule, or regulation of the Commission promulgated thereunder or under the provisions of section 1003 (c) or (d) of this title.

(g) Any such permit, or any right to engage in service subject to this chapter pending disposition of any application made to the Commission for a permit, and any right to a permit when issued, may be transferred, in accordance with such rules and regulations as the Commission shall prescribe to insure compliance with the provisions of this chapter, if the Commission finds that, with respect to the service covered by such right or permit, the transferee thereof satisfies the conditions prescribed in subsection (c) with respect to the original issuance of permits: *Provided, however,* That if the proposed transfer would affect the interests of employees of a freight forwarder, the Commission shall require, as a prerequisite thereto, a fair and equitable arrangement to protect the interests of the employees affected.

(h) Permits issued under this chapter shall not authorize the holder thereof to conduct any direct railroad, water, or motor-carrier operations, except motor-vehicle operations in transportation which, pursuant to the provisions of section 302 (c) (1) of this title, is to be regulated as service subject to this chapter.

(i) No freight forwarder which is controlled by, or under common control with, a common carrier subject to chapter 1, 8, or 12 of this title shall abandon all or any portion of its service subject to this chapter unless and until there shall first have been obtained from the Commission a certificate that such abandonment is consistent with the public interest and the national transportation policy declared in the Interstate Commerce Act. Any such abandonment contrary to the provisions of this paragraph may be enjoined by any court of competent jurisdiction at the suit of the United States, the Commission, any commission or regulating body of the State or States affected, or any party in interest; and any such freight forwarder or any such carrier controlling or under common control with such freight forwarder which, or any director, officer, receiver, operating trustee, lessee, agent, or person acting for or employed by such freight forwarder or carrier who, knowingly authorizes, consents to, or permits any violation of the provisions of this subsection shall upon conviction thereof be punished by a fine of not more than $5,000. (Feb. 4, 1887, ch. 104, part IV, § 410, as added May 16, 1942, ch. 318, § 1, 56 Stat. 291.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

NATIONAL TRANSPORTATION POLICY

Declaration of national transportation policy, see note preceding section 1001 of this title

§ 1011. Relationships between freight forwarders and other persons.

(a) (1) It shall be unlawful for a freight forwarder, or any person controlling, controlled by, or under common control with a freight forwarder, to acquire control of a carrier subject to chapter 1, 8, or 12 of this title; except that this subsection shall not limit the right of any carrier subject to chapter 1, 8, or 12 of this title to acquire control of any other carrier subject to chapter 1, 8, or 12 of this title in accordance with the provisions of section 5 of this title

(2) It shall be unlawful to continue to maintain control accomplished or effectuated after this subsection takes effect and in violation of its provisions

(b) It shall be unlawful for any person whose principal business is that of manufacturing and selling and/or buying and selling articles or commodities, and whose business operations are of such a character that services of a freight forwarder or forwarders (or similar assembling, consolidating, and shipping operations performed by such person for itself) are commonly used in connection with the transportation of such articles or commodities, or for any person controlling, controlled by, or under common control with such person, to engage in service subject to this chapter: *Provided, however,* That the Commission shall have power to issue a permit, under section 1010 of this title, to any such person upon a finding that the proposed service will be consistent with the public interest and with the national transportation policy declared in the Interstate Commerce Act and that the applicant is otherwise qualified under section 1010 of this title: *And provided further,* That any such person who has been continuously engaged in business as a freight forwarder since October 1, 1941, and is on May 16, 1942, so engaged, shall have the same authority to continue to engage in service subject to this chapter, until otherwise ordered by the Commission, as is granted to other persons under the provisions of section 1010 (a) of this title.

(c) After the expiration of six months from May 16, 1942, it shall be unlawful for any director, officer, employee, or agent of any common carrier subject to chapter 1, 8, or 12 of this title or of any person controlling, controlled by, or under common control with such a common carrier, in his or their own personal pecuniary interest, to own, lease, control, or hold stock in, any freight forwarder, directly or indirectly; but this subsection shall not forbid or preclude the holding of a director's qualifying shares

of stock from which no personal pecuniary benefit is derived by the holder.

(d) The Commission is hereby authorized, upon complaint, or upon its own initiative without complaint, but after notice and hearing, to investigate and determine whether any person is violating the provisions of subsection (a), (b), or (c). If the Commission finds after such investigation that such person is violating any of such provisions, it shall by order require such person to take such action as may be necessary, in the opinion of the Commission, to prevent continuance of such violation. The provisions of this subsection shall be in addition to, and not in substitution for, any other enforcement provisions contained in, or applicable for purposes of enforcement of, this chapter.

(e) The district courts of the United States shall have jurisdiction upon the complaint of the Commission, alleging a violation of any of the provisions of subsection (a), (b), or (c) or disobedience of any any[1] order issued by the Commission thereunder by any person, to issue such writs of injunction or other proper process, mandatory or otherwise, as may be necessary to restrain such person from violation of such provision or to compel obedience to such order.

(f) The Commission may from time to time, for good cause shown, make such orders supplemental to any order made under the foregoing provisions of this section as it may deem necessary or appropriate.

(g) Nothing in this chapter and chapters 1, 8, and 12 of this title shall be construed to make it unlawful for any common carrier subject to chapter 1, 8, or 12 of this title, or any person controlling such a common carrier, to have or to acquire control of a freight forwarder or freight forwarders; and, in any case where such control exists, no rate, charge, classification, rule, regulation, or practice of the common carrier or of any freight forwarder controlled by such common carrier, or under common control with such common carrier, shall be held to be unlawful under any provision of this chapter and chapters 1, 8, and 12 of this title because of the relationship between such common carrier and such freight forwarder. (Feb. 4, 1887, ch. 104, part IV, § 411, as added May 16, 1942, ch. 318, § 1, 56 Stat. 293.)

[1] So in original. Probably should omit second "any."

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1012. Accounts, records, and reports.

(a) For purposes of administration of the provisions of this chapter, the Commission is hereby authorized to require annual, periodical, or special reports from freight forwarders, and to prescribe the manner and form in which such reports shall be made, and to require from such forwarders specific, full, true, and correct answers to all questions upon which the Commission may deem information to be necessary. Such annual reports shall give an account of the affairs of the freight forwarder in such form and detail as may be prescribed by the Commission. The Commission may, in its discretion, for purposes of administration of the provisions of this chapter, prescribe a uniform system of accounts applicable to freight forwarders, and the period of time within which they shall have such uniform system of accounts, and the manner in which such accounts shall be kept. The Commission may also require any such forwarder to file with it a true copy of any contract or agreement between such forwarder and any person in relation to transportation facilities, service, or traffic affected by the provisions of this chapter.

(b) Such annual reports shall contain all the required information for the period of twelve months ending on the 31st day of December in each year, unless the Commission shall specify a different date, and shall be made out under oath and filed with the Commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the Commission. Such periodical or special reports as may be required by the Commission under subsection (a) hereof shall also be under oath, whenever the Commission so requires.

(c) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by freight forwarders, with respect to service subject to this chapter, and the length of time such accounts, records, and memoranda shall be preserved, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money; and it shall be unlawful for freight forwarders to keep any accounts, books, records, and memoranda contrary to any rule, regulation, or order of the Commission with respect thereto.

(d) The Commission or its duly authorized special agents, accountants, or examiners shall at all times have access to and authority, under its order, to inspect and examine any and all lands, buildings, or equipment of freight forwarders, and shall have authority to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of freight forwarders, and such accounts, books, records, memoranda, correspondence, and other documents of any person controlling, controlled by, or under common control with any freight forwarder, as the Commission deems relevant to such person's relation to or transactions with such freight forwarder. Freight forwarders and persons shall submit their accounts, books, records, memoranda, correspondence, and other documents for the inspection and copying authorized by this subsection, and freight forwarders shall submit their lands, buildings, and equipment for examination and inspection, to any duly authorized special agent, accountant, or examiner of the Commission upon demand and the display of proper credentials.

(e) The Commission may issue orders specifying such operating, accounting, or financial papers, records, books, correspondence, or documents of freight forwarders as may after a reasonable time be destroyed, and prescribing the length of time the same shall be preserved.

(f) As used in this section the words "keep" and "kept" shall be construed to mean made, prepared, or compiled, as well as retained. (Feb. 4, 1887, ch.

104, part IV, § 412, as added May 16, 1942, ch. 318, § 1, 56 Stat. 294.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1013. Bills of lading and delivery of property.

The provisions of section 20 (11) and (12) of this title, together with such other provisions of chapter 1 of this title (including penalties) as may be necessary for the enforcement of such provisions, shall apply with respect to freight forwarders, in the case of service subject to this chapter, with like force and effect as in the case of those persons to which such provisions are specifically applicable, and the freight forwarder shall be deemed both the receiving and delivering transportation company for the purposes of such section 20 (11) and (12). When the services of a common carrier by motor vehicle subject to chapter 8 of this title are utilized by a freight forwarder for the receiving of property from a consignor in service subject to this chapter, such carrier may, with the consent of the freight forwarder, execute the bill of lading or shipping receipt for the freight forwarder. When the services of a common carrier by motor vehicle subject to chapter 8 of this title are utilized by a freight forwarder for the delivery of property to the consignee named in the freight forwarder's bill of lading, shipping receipt, or freight bill, the property may, with the consent of the freight forwarder, be delivered on the freight bill, and receipted for on the delivery receipt, of the freight forwarder. (Feb. 4, 1887, ch. 104, part IV, § 413, as added May 16, 1942, ch. 318, § 1, 56 Stat. 295.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title

§ 1014. Collection of rates and charges.

In the case of service subject to this chapter, it shall be unlawful for a freight forwarder, or a common carrier by motor vehicle subject to chapter 8 of this title whose services are utilized by a freight forwarder, to deliver or relinquish possession of property to the consignee named in the bill of lading, shipping receipt, or freight bill of the freight forwarder until all tariff rates and charges thereon have been paid, except under such rules and regulations as the Commission may from time to time prescribe to govern the settlement of all such rates and charges and to prevent unjust discrimination or undue preference or prejudice: *Provided*, That the provisions of this section shall not be construed to prohibit any such forwarder or carrier from extending credit in connection with rates and charges on freight transported for the United States, for any department, bureau, or agency thereof, or for any State, Territory, or political subdivision thereof, or for the District of Columbia. (Feb. 4, 1887, ch. 104, part IV, § 414, as added May 16, 1942, ch. 318, § 1, 56 Stat. 296.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1015. Allowances to shippers for transportation service.

If the owner of property transported in service subject to this chapter directly or indirectly renders any service connected therewith, or furnishes any instrumentality used therein, the charge and the allowance therefor, to such owner, shall be published in tariffs filed in the manner provided in this chapter and shall be no more than is just and reasonable and the Commission may, after hearing on a complaint or on its own initiative, determine what is a reasonable charge as the maximum to be paid by the freight forwarder or forwarders for the services so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order. (Feb. 4, 1887, ch. 104, part IV, § 415, as added May 16, 1942, ch. 318, § 1, 56 Stat. 296.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1016. Notices, orders, and service of processes.

(a) It shall be the duty of every freight forwarder to file with the Commission a designation in writing of the name and post-office address of an agent upon whom or which service of notices or orders may be made under this chapter. Such designation may from time to time be changed by like writing similarly filed. Service of notices or orders in proceedings under this chapter may be made upon such forwarder by personal service upon it or upon an agent so designated by it, or by mail addressed to it or to such agent at the address filed. In default of such designation, service of any notice or order may be made by posting in the office of the Secretary of the Commission. Whenever notice or order is served by mail, as provided herein, the date of mailing shall be considered as the time of service.

In proceedings before the Commission involving the lawfulness of rates, charges, classifications, or practices, service of notice upon an attorney in fact of a freight forwarder who has filed a tariff in behalf of such freight forwarder shall be deemed to be due and sufficient service upon the freight forwarder.

(b) The Commission may suspend, modify, or set aside its orders upon such notice and in such manner as it shall deem proper.

(c) Except as otherwise provided in this part, all orders of the Commission shall take effect within such reasonable time, not less than thirty days, as the Commission may prescribe and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended, modified, or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction.

(d) It shall be the duty of every freight forwarder, its agents, and employees to observe and comply with such orders so long as the same shall remain in effect. (Feb. 4, 1887, ch. 104, part IV, § 416, as added May 16, 1942, ch. 318, § 1, 56 Stat. 296.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1017. Enforcement and procedure.

(a) The provisions of sections 12 and 17 of this title, together with such other provisions of chapter 1 of this title (including penalties) as may be necessary for the enforcement of such provisions, and of sections 46-48 of this title and 32 and 33 of Title 15, shall apply with full force and effect in the administration and enforcement of this chapter.

(b) If any freight forwarder fails to comply with or operates in violation of any provision of this chapter, or any rule, regulation, requirement, or order thereunder, or of any term or condition of any permit, the Commission or the Attorney General of the United States (or, in case of such an order, any party injured by the failure to comply therewith or by the violation thereof) may apply to any district court of the United States having jurisdiction of the parties for the enforcement of such provision of this chapter or of such rule, regulation, requirement, order, term, or condition; and such court shall have jurisdiction to enforce obedience thereto by a writ or writs of injunction or other process, mandatory or otherwise, restraining such freight forwarder and any officer, agent, employee, or representative thereof from further violation of such provision of this chapter or of such rule, regulation, requirement, order, term, or condition, and enjoining obedience thereto.

(c) The Commission shall enter of record a written report of hearings conducted upon complaint, or upon its own initiative without complaint, stating its conclusions, decision, and order; and shall furnish a copy of such report to all parties of record. The Commission may provide for the publication of such reports in the form best adapted for public information and use, and such authorized publications shall, without further proof or authentication, be received as competent evidence of such reports in any court of competent jurisdiction.

(d) The copies of classifications and tariffs of rates and charges, and of all contracts, agreements, and arrangements of freight forwarders filed with the Commission under this chapter, and the statistics, tables, and figures contained in the annual or other reports of freight forwarders made to the Commission under this chapter, shall be preserved as public records in the custody of the secretary of the Commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings; and copies of and extracts from any of said classifications, tariffs, contracts, agreements, arrangements, or reports, made public records as aforesaid, certified by the secretary, under the Commission's seal, shall be received in evidence with like effect as the originals. (Feb. 4, 1887, ch. 104, part IV, § 417, as added May 16, 1942, ch. 318, § 1, 56 Stat. 297, and amended Aug. 7, 1942, ch. 552, § 2, 56 Stat. 746.)

AMENDMENTS

1942—Subsec. (b) was amended by act Aug 7, 1942, cited to text, which substituted "freight forwarder" for "carrier" wherever latter appeared.

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1018. Carriers the services of which freight forwarders may utilize.

It shall be unlawful, except in the performance within terminal areas of transfer, collection, or delivery services, for freight forwarders to employ or utilize the instrumentalities or services of any carriers other than common carriers by railroad, motor vehicle, or water, subject to this chapter and chapters 1, 8, and 12 of this title; express companies subject to this chapter and chapters 1, 8, and 12 of this title; air carriers subject to sections 401–681 of this title; common carriers by motor vehicle engaged in transportation exempted under the provisions of section 303 (b) (7a) of this title; common carriers by motor vehicle exempted under the provisions of section 304 (a) (4a) of this title; or common carriers by water engaged in transportation exempted under the provisions of section 903 (b) of this title. (Feb. 4, 1887, ch. 104, part IV, § 418, as added May 16, 1942, ch. 318, § 1, 56 Stat. 297.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1019. Liability for past acts and omissions.

No person shall be subject to any punishment or liability under the provisions of this chapter and chapters 1, 8, and 12 of this title on account of any act done or omitted to be done, prior to the effective date of this chapter, in connection with the establishment, charging, collection, receipt, or payment of rates of freight forwarders, or joint rates or divisions between freight forwarders and common carriers by motor vehicle subject to this chapter and chapters 1, 8, and 12 of this title. (Feb. 4, 1887, ch. 104, part IV, § 419, as added May 16, 1942, ch. 318, § 1, 56 Stat. 298.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1020. Special powers during time of war or other emergency.

The provisions of section 1 (15), (16), and (17) of this title shall be applicable, in the case of service subject to this chapter, with respect to freight forwarders and other persons, and the service, equipment, and facilities of freight forwarders, with like force and effect as in the case of the carriers and other persons, and the service, equipment, and facilities, to which such provisions are specifically applicable. (Feb. 4, 1887, ch. 104, part IV, § 420, as added May 16, 1942, ch. 318, § 1, 56 Stat. 298.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title

§ 1021. Unlawful acts and penalties.

(a) Any person who knowingly and willfully violates any provision of this chapter, or any rule, regulation, requirement, or order thereunder, or any term or condition of any permit, for which no penalty is otherwise provided, shall be deemed guilty of

a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $100 for the first offense and not more than $500 for any subsequent offense. Each day of such violation shall constitute a separate offense.

(b) Any freight forwarder or any officer, agent, employee, or representative thereof who, by any device or means, shall knowingly and willfully assist, or shall willingly suffer or permit, any person to obtain service subject to this chapter at less than the rates or charges lawfully in effect, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for the first offense and not more than $2,000 for any subsequent offense.

(c) Any person who shall by any device or means, whether with or without the consent or connivance of any freight forwarder or its officer, agent, employee, or representative, knowingly and willfully obtain service subject to this chapter at less than the rates or charges lawfully in effect, or shall knowingly and willfully, directly or indirectly, by false claim, false billing, false representation, or other device or means, obtain or attempt to obtain any allowance, refund, or repayment in connection with or growing out of such service, whether with or without the consent or connivance of such forwarder or its officer, agent, employee, or representative, whereby the compensation of such forwarder for such service, either before or after payment, shall be less than the rates or charges lawfully in effect, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 for the first offense and not more than $2,000 for any subsequent offense.

(d) Any freight forwarder, or any officer, agent, employee, or representative thereof, who shall willfully fail or refuse to make a report to the Commission as required under this chapter, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the Commission so to do, or to keep accounts, records, and memoranda in the form and manner prescribed by the Commission, or shall knowingly and willfully falsify, destroy, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file with the Commission any false report, account, record, or memorandum, or shall knowingly and willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the freight forwarder, or shall knowingly and willfully keep any accounts, records, or memoranda contrary to the rules, regulations, or orders of the Commission with respect thereto, shall be guilty of a misdemeanor and upon conviction thereof shall be subject for each offense to a fine of not more than $5,000. As used in this subsection, the word "keep" shall be construed to mean make, prepare, or compile, as well as retain.

(e) Any special agent, accountant, or examiner of the Commission who knowingly and willfully divulges any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of this chapter, except as he may be directed by the Commission or by a court or judge thereof, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than $500 or imprisonment for not exceeding six months, or both.

(f) It shall be unlawful for any freight forwarder or any officer, agent, employee, or representative of such forwarder, or for any other person authorized by such forwarder or any such person to receive information, knowingly and willfully to disclose to, or permit to be acquired by, any person other than the shipper or consignee, without the consent of such shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to such forwarder in service subject to this chapter, which information may be or is used to the detriment or prejudice of such shipper or consignee, or which may or does improperly disclose his business transactions to a competitor; and it shall also be unlawful for any person to solicit or knowingly and willfully receive any such information which may be or is so used. Any person violating any provisions of this subsection shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $100 for the first offense and not more than $500 for any subsequent offense. Each day of such violation shall constitute a separate offense. Nothing in this chapter shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the Government of the United States or of any State, Territory, or District thereof, in the exercise of his powers, or to any officer or other duly authorized person seeking such information for the prosecution of persons charged with or suspected of crimes, or to another freight forwarder, or its duly authorized agent, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of such forwarders.

(g) The provisions of sections 41, 42, and 43 of this title shall apply to service subject to this chapter, and to freight forwarders and shippers in respect to such service, and shall apply for purposes of enforcement of this chapter; and the provisions of such sections 41, 42, and 43 shall be considered to apply in addition to, and not to the exclusion of, the provisions of this chapter. (Feb. 4, 1887, ch. 104, part IV, § 421, as added May 16, 1942, ch. 318, § 1, 56 Stat. 293.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

§ 1022. Separability of provisions.

If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the other provisions of this chapter, and the application of such provision to any other person or circumstances, shall not be affected thereby. (Feb 4, 1887, ch. 104, part IV, § 422, as added May 16, 1942, ch. 318, § 1, 56 Stat. 300.)

EFFECTIVE DATE

Effective date of chapter, see note under section 1001 of this title.

TITLE 50.—WAR

Chap. Sec.
14. Wartime Voting By Land And Naval Forces (New)..... 301

Chapter 3.—ALIEN ENEMIES

§ 23. Jurisdiction of United States courts and judges.

CROSS REFERENCES

Enemies denied access to courts of United States, see Proc. No. 2561, set out under section 1554 of Title 10, Army.

Chapter 4.—ESPIONAGE

§ 38. Jurisdiction of courts-martial and military commissions.

CROSS REFERENCES

Enemies denied access to courts of United States, see Proc No 2561, set out under section 1554 of Title 10, Army.

Chapter 4A.—PHOTOGRAPHING, SKETCHING, MAPPING, ETC., DEFENSIVE INSTALLATIONS

CROSS REFERENCES

Photographic regulations in Canal Zone, see section 1337 of Title 48, Territories and Insular Possessions.

§ 45. Photographing, etc., defensive installations regulated; penalties.

CROSS REFERENCES

Photographing, sketching, mapping, etc., military or naval properties as unlawful for duration, see section 781 of Appendix to this title.

Chapter 5.—ARSENALS, ARMORIES, ARMS, AND WAR MATERIAL GENERALLY

ARSENALS, ARMORIES, ARMS, AND WAR MATERIALS

§ 80. Procurement of war material; mobilization of industries.

POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex Ord. No. 9280, following section 601 of Appendix to this title

ACQUISITION AND DEVELOPMENT OF STRATEGIC RAW MATERIALS

§ 98c. Use of materials acquired.

OPTICAL GLASS

The Procurement Division of the Treasury Department was authorized to make use of optical glass acquired pursuant to sections 98–98f of this title for the manufacture of binoculars, by sale or other disposition for war production purposes to such buyers or users in such amounts as may be requested by Chairman of War Production Board, by Ex. Ord. No 9242, Sept. 11, 1942, 7 F. R. 7213.

§ 98e. Appropriation.

For the procurement, transportation, maintenance, rotation, and storage of the materials to be acquired under this subchapter, there is authorized to be appropriated the sum of $100,000,000, out of any money in the Treasury not otherwise appropriated, during the fiscal years June 30, 1939, to and including June 30, 1943, to be expended under the joint direction of the Secretary of War and the Secretary of the Navy. Any funds received prior to or after May 28, 1941, on account of sales or other dispositions of materials under the provisions of sections 98–98f of this title shall be deposited to the credit, and be available for expenditure for the purposes, of any appropriation available at the time of such deposit, for carrying out the provisions of sections 98–98e of this title. (As amended May 28, 1941, ch. 135, 55 Stat. 206.)

AMENDMENTS

1941—Act May 28, 1941, cited to text, added sentence beginning "Any funds received prior to or after May 28, 1941."

§ 99. Prohibition or curtailment of exportation of military equipment or supplies; penalties.

Section, act July 2, 1940, 10:55 a. m., E. S. T., ch. 508, § 6, 54 Stat. 714, now constitutes section 701 of Appendix to this title.

Chapter 6.—WILFUL DESTRUCTION, ETC., OF WAR OR NATIONAL-DEFENSE MATERIAL

§ 101. Definition of war terms.

The words "war material", as used in sections 101–106 of this title shall include arms, armament, ammunition, livestock, forage, forest products and standing timber suitable therefor, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States or any associate nation, in connection with the conduct of war. (As amended Dec. 24, 1942, ch. 824, 56 Stat. 1087.)

* * * * *

AMENDMENTS

1942—Act Dec 24, 1942, cited to text, amended first paragraph by inserting "forage, forest products and standing timber suitable therefor."

§ 104. Definition of national-defense terms.

The words "national-defense material", as used in sections 101–106 of this title, shall include arms, armament, ammunition, livestock, stores of clothing, food, foodstuffs, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for the use of the United States in connection with the national defense or for use in or in connection with the producing, manufacturing, repairing, storing, mining, extracting, distributing, loading, unloading, or transporting of any of the materials or other articles hereinbefore mentioned or any part or ingredient

thereof. (As amended Aug. 21, 1941, ch. 388, 55 Stat. 655.)

* * * * *

AMENDMENTS

1941—Act Aug 21, 1941, cited to text, amended first paragraph by adding at end thereof "or for use in or in connection with the producing, * * * or any part or ingredient thereof"

Chapter 8.—EXPLOSIVES; MANUFACTURE, DISTRIBUTION, STORAGE, USE, AND POSSESSION REGULATED

§ 121. Definitions.

As used in sections 121–142 of this title—

(1) The terms "explosive" and "explosives" shall mean gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion. The term "explosive" or "explosives" shall not include cartridges for small arms or shotguns, or such fireworks or signalling devices as are designated by the Director, nor shall such terms include ships' signal or emergency equipment.

(2) The term "ingredients" shall mean phosphorus and active oxidizing chemicals that can be combined with one or more reducing materials to produce an explosive.

(3) The term "person" shall include executive departments, independent establishments, and other agencies of the United States, the District of Columbia, Territories, and insular possessions of the United States, States, and municipalities and other political subdivisions thereof; and individuals, partnerships, associations, societies, and corporations.

(4) The term "Director" shall mean the Director of the Bureau of Mines. (Oct. 6, 1917, ch. 83, § 1, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 863.)

AMENDMENTS

1941—Prior to amendment by act Dec 26, 1941, cited to text, provisions on this subject were contained in sections 2, 3, and 4 of act Oct 6, 1917, also cited.

GENERAL HISTORY OF SECTIONS 121–142

Sections 121-142 of this title are from the Federal Explosives Act The text of that act, originally enacted by act Oct 6, 1917, ch 83, 40 Stat. 385, was "amended to read as follows" by act Dec. 26, 1941, ch 633, § 2, 55 Stat 863, amounting to a general revision of the entire act and frequently resulting in a redistribution of the subject matter of the original act into differently numbered sections of the revised act. Notes under the various sections indicate such redistribution of subject matter

The title of said act Oct 6, 1917, was amended by act Dec 26, 1941, ch. 633, § 1, 55 Stat. 863, to read as follows: "An Act to regulate the manufacture, distribution, storage, use, and possession of explosives, to authorize regulations for the safe manufacture, distribution, storage, use, and possession of the same, and for other purposes"

SHORT TITLE OF SECTIONS 121–142

Section 21 of act Oct 6, 1917, ch 83, as added in general amendment by act Dec 26, 1941, ch 633, § 2, 55 Stat. 863, provided as follows: "This Act (Title 50, §§ 121–142) shall be known as the Federal Explosives Act"

§ 122. Unauthorized manufacture, distribution, possession, acquisition, etc., of explosives or ingredients.

No person shall manufacture, distribute, store, sell, issue, give, or otherwise dispose of explosives or ingredients unless such person is licensed under sections 121–142 of this title.

Except as provided in section 124 of this title, no person shall distribute, sell, issue, give, or otherwise dispose of explosives or ingredients to a person who is not licensed under sections 121–142 of this title.

Except as provided in section 124 of this title, no person shall possess, purchase, accept, receive, acquire, or use explosives or ingredients unless such person is licensed under sections 121–142 of this title. (Oct. 6, 1917, ch. 83, § 2, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864.)

AMENDMENTS

1941—Amendment by act Dec 26, 1941, cited to text, generally, see note under section 121 of this title.

Provisions of the subject of section 2 of act Oct. 6, 1917, cited to text, prior to its amendment by act Dec 26, 1941, also cited, are now contained in sections 121 and 123 of this title.

§ 123. Same; exceptions generally.

The purchase or possession of ingredients when purchased or held in small quantities and not used or intended to be used in the manufacture of explosives shall not be subject to the provisions of sections 121–142 of this title. Sections 121–142 of this title shall not apply to explosives or ingredients which are in transit upon vessels, railroad cars, or conveyances in conformity with statutory law or with the rules and regulations of the Interstate Commerce Commission, or regulations of the Secretary of Commerce, or to explosives or ingredients which are in transit upon aircraft in conformity with statutory law or with the rules and regulations of the Civil Aeronautics Board Sections 121–142 of this title shall not be construed to prevent the manufacture under the authority of the United States of explosives for, or their sale to or possession by, the military or naval service of the United States or the Federal Bureau of Investigation. Sections 121–142 of this title shall not apply to arsenals, navy yards, depots or other establishments owned by, or operated by or on behalf of, the United States. The Director may, however, cooperate with the heads of departments having jurisdiction over such establishments. Nothing in sections 121–142 of this title shall be construed to modify or otherwise affect in any way the authority of the Federal Bureau of Investigation with respect to the investigation of explosions, accidents, or fires. (Oct. 6, 1917, ch. 83, § 3, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864; Nov. 24, 1942, ch. 641, 56 Stat. 1022.)

AMENDMENTS

1942—Act Nov 24, 1942, cited to text, amended second sentence of section by addition of all words after "Secretary of Commerce."

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in sections 2, 5, and 6 of act Oct. 6, 1917, also cited Provisions on the subject of former section 3 of the latter act are now contained in section 121 of this title

§ 124. Same; exceptions in case of mines, quarries, etc.

A superintendent, foreman, or other duly authorized employee at a mine, quarry, or other work, may, when licensed so to do, sell or issue to any employee under him such amount of explosives or ingredients as may be required by that employee in the performance of his duties. The employee may purchase or accept the explosives or ingredients so sold or issued, but the person so selling or issuing the same shall see that any unused explosives or ingredients are returned and that no explosives or ingredients are taken by the employee to any point not necessary to the carrying on of his duties. (Oct. 6, 1917, ch 83, § 4, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864.)

AMENDMENTS

1941—Amendment by act Dec 26, 1941, cited to text, generally, see note under section 121 of this title

Prior to amendment by act Dec 26, 1941, cited to text, provisions on this subject were contained in section 5 of act Oct. 6, 1917, also cited Provisions on the subject of former section 4 of the latter act are now contained in section 121 of this title.

§ 125. Application of prohibitory provisions; manufacture for, sale to, or possession by military or naval service.

Section has been omitted from the Code For similar provisions, see section 123 of this title.

Section 2 of act Oct 6, 1917, ch 83, as amended by act Dec 26, 1941, ch 633, § 2, 55 Stat 863, constitutes section 122 of this title.

§ 126. Records by licensees of disposition of explosives or ingredients.

Each person licensed to sell, issue, or otherwise dispose of explosives or ingredients shall keep a complete, itemized, and accurate record showing each person to whom and the purpose for which explosives or ingredients are sold, issued, or otherwise disposed of; the quantity and kind of explosives or ingredients sold, issued, or otherwise disposed of; and the date of such sale, issuance, or other disposition, and such other information as the Director by regulation may require. The record shall be sworn to and furnished to the Director or his authorized representatives whenever requested. (Oct. 6, 1917, ch. 83, § 5, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 864.)

AMENDMENTS

1941—Amendment by act Dec 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 9 of act Oct 6, 1917, also cited. Provisions on the subject of former section 5 of the latter act are now contained in sections 123 and 124 of this title.

§ 127. Licenses authorized to be issued.

The Director is hereby authorized to issue licenses as follows:

(a) Manufacturer's license, authorizing the manufacture, possession, and sale of explosives and ingredients.

(b) Vendor's license, authorizing the purchase, possession, and sale of explosives or ingredients.

(c) Purchaser's license, authorizing the purchase, possession, and use of explosives and ingredients.

(d) Foreman's license, authorizing the purchase and possession of explosives and ingredients and the sale and issuance of explosives and ingredients to employees as provided in section 124 of this title.

(e) Analyst's, educator's, inventor's, and investigator's licenses, authorizing the purchase, manufacture, possession, testing, and disposal of explosives and ingredients.

Nothing contained in sections 121–142 of this title shall be construed as requiring a license under sections 121–142 of this title for the exportation or importation of explosives or ingredients, license for which is required under the provisions of sections 409, 410, and 441–457 of Title 22, or the Act of Congress approved July 2, 1940 (ch. 508, 54 Stat. 712), or any proclamation or regulation issued pursuant thereto: *Provided, however*, That in all such cases the exporter or importer shall duly notify the Director of the character and quantity of the explosives or ingredients so exported or imported, and any other information the Director or any of his agents may from time to time require. No license under sections 121–142 of this title shall be required for the exportation of explosives or ingredients of explosives which constitute defense articles within the meaning of section 411 of Title 22, and which, under authority of section 412 (a) (2) of Title 22 have been sold, transferred, exchanged, leased, loaned, or otherwise disposed of to the government of any country whose defense the President deems vital to the defense of the United States. (Oct. 6, 1917, ch. 83, § 6, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 865.)

REFERENCES IN TEXT

The "Act of Congress approved July 2, 1940 (ch 508, 54 Stat 712)," referred to in this section, is distributed in the Code as follows: sections 189a and 653 of Title 5, Executive Departments and Government Officers and Employees, section 621a, and notes under sections 291, 292b, 369, 481, 481a, and 602 of Title 10, Army; and sections 701, 1171, and 1172 of Appendix to this title.

AMENDMENTS

1941—Amendment by act Dec 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec 26, 1941, cited to text, provisions on this subject were contained in section 10 of act Oct. 6, 1917, also cited Provisions on the subject of former section 6 of the latter act are now contained in section 123 of this title

§ 128. Licensing agents; applications for licenses; fees, records, and removal of agents; revocation of licenses.

The Director may designate as licensing agents persons authorized by law to administer oaths and may authorize such agents to issue vendor's, purchaser's, and foreman's licenses; and wherever possible the Director shall select as licensing agents qualified officers or employees of the several States or of political subdivisions or public bodies thereof. Applications for vendor's, purchaser's, and foreman's licenses may be made to the licensing agent in the district within which the explosives or ingredients are to be sold or used. Such agents may collect a fee of 25 cents for each license issued, and shall be entitled to no other compensation from the United States for their services.

Licensing agents shall keep an accurate record of all licenses issued, in manner and form to be prescribed by the Director, and shall make reports from time to time as the Director may require. The Director shall furnish to the agents the necessary blanks and blank records. The Director may revoke the authority of licensing agents, and all licenses issued by them shall be subject to revocation by the Director as provided in section 129 of this title. (Oct. 6, 1917, ch. 83, § 7, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 865.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec 26, 1941, cited to text, provisions on this subject were contained in section 12 of act Oct. 6, 1917, also cited.

§ 129. Term and renewal of license; qualifications of license applicants; revocation of license.

The Director shall provide for the renewal of licenses issued under sections 121–142 of this title. No license shall be valid for more than one year. All licenses outstanding on the termination of a war in which the United States may be engaged or on the day set by Presidential proclamation for the suspension of the operation of the provisions of sections 121–142 of this title shall expire on such termination or on that day.

The Director or a licensing agent may refuse to issue a license when in his opinion, based on facts of which he has knowledge or reliable information, the applicant (a) is not sufficiently reliable and experienced to be authorized to manufacture or handle explosives and ingredients; or (b) is disloyal or hostile to the United States, or if the applicant is a firm, association, society, or corporation, its officers, directors, or controlling shareholders or members are disloyal or hostile to the United States.

When the Director has reason to believe on like grounds that any licensee is disloyal or hostile to the United States, he may revoke all licenses issued to such licensee. If after notice and an opportunity to be heard, the Director finds that a licensee has violated any of the provisions of sections 121–142 of this title or of the regulations issued hereunder, the Director may revoke all licenses issued to such licensee.

An applicant to whom a license is refused by the Director or any licensee whose license is revoked by the Director may within thirty days after notification of the rejection of his application or the revocation of his license apply to the Council of National Defense for such license or the cancelation of such revocation. The Council shall make its order upon the Director either to grant or to withhold the license, or shall affirm or reverse the revocation.

An applicant to whom a license is refused by a licensing agent may within thirty days after notification of the rejection of his application apply to a regional officer for such license and the officer shall grant or withhold the license. The Director shall designate officials of the Bureau of Mines stationed in the field to pass on such appeals. If a regional officer upholds a licensing agent, the applicant may appeal to the Director. (Oct. 6, 1917, ch. 83, § 8, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 865.)

AMENDMENTS

1941—Amendment by act Dec 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 11 of act Oct 6, 1917, also cited, and in act July 1, 1918, ch. 113, § 1, 40 Stat. 671. Provisions on the subject of former section 8 of said act Oct. 6, 1917, are now contained in section 131 of this title.

TRANSFER OF FUNCTIONS

The functions, duties and powers vested in the Council of National Defense by this section were transferred to Secretary of Interior by Ex. Ord. No. 9287, Dec 24, 1942, 7 F. R. 10897, set out under section 601 of appendix to this title.

§ 130. Applications for licenses; necessity; contents.

Unless the explosives and ingredients are to be purchased or accepted pursuant to section 124 of this title, any person desiring to manufacture, distribute, store, sell, issue, give, possess, purchase, accept, receive, acquire, or use explosives or ingredients shall make application for a license under sections 121–142 of this title. The applicant under oath shall state his name; place of birth; whether a citizen of the United States, whether native-born or naturalized citizen of the United States; if a naturalized citizen, the date and place of naturalization; if a firm, association, society, or corporation, the names, nationality, and addresses of its officers and directors, and the nationality of the controlling stockholders or members; business in which engaged; the amount and kind of explosives or ingredients which during the past six months have been acquired, disposed of, or used by him; the amount and kind of explosives or ingredients now on hand; whether sales, if any, have been made to jobbers, wholesalers, retailers, or consumers; the kind of license to be issued, and the kind and amount of explosives or ingredients which the license will authorize to be manufactured or handled; and such further information as the Director may from time to time require. (Oct. 6, 1917, ch. 83, § 9, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 866.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title

Prior to amendment by act Dec 26, 1941, cited to text, provisions on this subject were contained in section 12 of act Oct 6, 1917, also cited. Provisions on the subject of former section 9 of the latter act are now contained in section 126 of this title.

§ 131. Information to be furnished by licensee or applicant upon request.

A licensee or an applicant for license under sections 121–142 of this title shall furnish such information regarding himself and his business, so far as such business relates to or is connected with explosives or ingredients, at such time and in such manner as the Director or his authorized representative may request. Licensees and applicants who are regularly engaged in the manufacture of explosives or ingredients prior to the date upon which the provisions of sections 121–142 of this title are made operative by a proclamation of the President shall

not be compelled to disclose secret processes, costs, or other data unrelated to the distribution of explosives or ingredients. (Oct. 6, 1917, ch. 83, § 10, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 866.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec 26, 1941, cited to text, provisions on this subject were contained in section 8 of act Oct 6, 1917, also cited Provisions on the subject of former section 10 of the latter act are now contained in section 127 of this title.

§ 132. False representations as to license; refusal to exhibit license.

No person shall represent himself as having a license issued under sections 121–142 of this title, when he has not such a license, or as having a license different in form or in conditions from the one which he in fact has, or without proper authority make, cause to be made, issue or exhibit anything purporting or pretending to be such license, or intended to mislead any person into believing it is such a license, or refuse to exhibit his license to any law-enforcement officer, Federal or State, or to a representative of the Bureau of Mines. (Oct. 6, 1917, ch. 83, § 11, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 14 of act Oct. 6, 1917, also cited Provisions on the subject of former section 11 of the latter act are now contained in section 129 of this title.

§ 133. Markings on manufacturing or storage premises.

Every person licensed under sections 121–142 of this title to manufacture or store explosives shall clearly mark and define the premises on which his plant or magazine may be and shall conspicuously display thereon the words "Explosives—Keep Off". (Oct. 6, 1917, ch. 83, § 12, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867.)

AMENDMENTS

1941—Amendment by act Dec 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 16 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 12 of the latter act are now contained in sections 128 and 130 of this title.

§ 134. Cancellation of license for violation of law.

PRESENT PROVISIONS

Section is now omitted from the Code For similar provisions, see section 129 of this title.

§ 135. Exclusion of public from manufacturing or storage premises; discharge of firearms, etc.

No person, without the consent of the owner or his authorized agents, except law-enforcement officers, the Director and persons designated by him in writing, shall knowingly be in or upon any plant or premises on which explosives are manufactured or stored, or knowingly be in or upon any magazine premises on which explosives are stored. No person shall discharge any firearms or throw, or without the consent of the owner, place any explosives or inflammable bombs at, on, or against any such plant or magazine premises, or cause the same to be done. This section shall not be construed to prohibit the discharge of firearms by law-enforcement officers or others in the lawful performance of their official duties, or to prevent the proof-firing of weapons, projectiles, ammunitions, or explosives or the testing of fuses, detonators, or other materials upon the premises. (Oct. 6, 1917, ch. 83, § 13, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867.)

AMENDMENTS

1941—Amendment by act Dec 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 17 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 13 of the latter act are now contained in section 138 of this title.

§ 136. Investigations of explosions and fires.

The Director is hereby authorized to investigate all explosions and fires which may occur in mines, quarries, factories, warehouses, magazines, houses, cars, boats, conveyances, and all places in which explosives or ingredients are manufactured, transported, stored, or used. The Director is authorized to investigate all explosions, accidents, or fires, in which there is reason to believe that explosives were involved. The Director may in his discretion report his findings in such manner as he may deem fit to the proper Federal or State authorities to the end that if such explosion has been brought about by a willful act the person or persons causing such act may be proceeded against and brought to justice; or, if the explosion has been brought about by accidental means, that precautions may be taken to prevent similar accidents from occurring. In the prosecution of such investigations the employees under the direction of the Director are hereby granted the authority to enter the premises where such explosion or fire has occurred, to examine plans, books, and papers, to administer oaths to, and to examine all witnesses and persons concerned, without let or hindrance on the part of the owner, lessee, operator, or agent thereof. (Oct. 6, 1917, ch. 83, § 14, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec 26, 1941, cited to text, provisions on this subject were contained in section 20 of act Oct 6, 1917, also cited. Provisions on the subject of former section 14 of the latter act are now contained in section 132 of this title.

CROSS REFERENCES

Federal Bureau of Investigation, authority to investigate explosions, fires, etc., unaffected, see section 123 of this title.

§ 137. Supervision by Secretary of the Interior; cooperation with other agencies in administering chapter.

The Director shall exercise the authority conferred upon him by sections 121–142 of this title under the supervision of the Secretary of the Interior. The head of any executive department or independent establishment of the Federal Government may

cooperate with the Director in the administration and enforcement of sections 121–142 of this title and may assign employees to operate under the direction of the Director. The officers and employees of the District of Columbia, and of the Territories and island possessions of the United States and of the municipalities and other political subdivisions thereof, shall cooperate with the Director in the administration and enforcement of sections 121–142 of this title. The Director may cooperate with the officers and employees of the several States and of the municipalities and other political subdivisions thereof. When such officers and employees act under the direction of the Director, their acts done in the administration and enforcement of sections 121–142 of this title shall be deemed to be fully authorized. (Oct. 6, 1917, ch. 83, § 15, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 867.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec 26, 1941, cited to text, provisions on this subject were contained in section 21 of act Oct 6, 1917, also cited. Provisions on the subject of former section 15 of the latter act are now contained in section 139 of this title.

§ 138. Officers and employees for administration of chapter; appointment and employment.

To administer sections 121–142 of this title the Secretary of the Interior may employ such number of employees of the various classes recognized by sections 661–663, 664–673, and 674 of Title 5 as may be appropriated for by the Congress. The Secretary may appoint as officers or employees persons who volunteer to serve without pay. The Secretary may delegate to subordinates the power to employ. (Oct 6, 1917, ch. 83, § 16, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868.)

AMENDMENTS

1941—Amendment by act Dec 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec 26, 1941, cited to text, provisions on this subject were contained in section 13 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 16 of the latter act are now contained in section 133 of this title.

§ 139. Same; disclosure of information obtained in course of duty.

Without authority from the applicant for a license, from the licensee or from the Director no officer or employee or licensing agent engaged in the administration or enforcement of sections 121–142 of this title shall divulge any information obtained in the course of his duties under sections 121–142 of this title regarding the business of any licensee or applicant for a license. (Oct. 6, 1917, ch. 83, § 17, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, generally, see note under section 121 of this title.

Prior to amendment by act Dec. 26, 1941, cited to text, provisions on this subject were contained in section 15 of act Oct. 6, 1917, also cited. Provisions on the subject of former section 17 of the latter act are now contained in section 135 of this title.

§ 140. Rules and regulations.

The Director may issue rules and regulations to effectuate the purposes of sections 121–142 of this title, subject to the approval of the Secretary of the Interior. (As amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868.)

AMENDMENTS

1941—Amendment by act Dec. 26, 1941, cited to text, see note under section 121 of this title.

§ 141. Penalties for violations of chapter.

Any person violating any of the provisions of sections 121–142 of this title or any rules or regulations made thereunder shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5,000 or by imprisonment not more than one year, or by both such fine and imprisonment. (As amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868.)

AMENDMENTS

1941—Amendment by act Dec 26, 1941, cited to text, see note under section 121 of this title.

§ 142. Laws to be operative only during war or national emergency.

The provisions of sections 121–142 of this title and the regulations issued hereunder shall become operative only upon a declaration of war or of the existence of a state of war by the Congress, or upon the issuance by the President of a proclamation declaring that there exists a state of war or a national emergency requiring the application of the provisions of sections 121–142 of this title to provide for the national defense and security and shall remain operative until the termination of the war, or until such proclamation is revoked by the President. (Oct. 6, 1917, ch. 83, § 20, as amended Dec. 26, 1941, ch. 633, § 2, 55 Stat. 868.)

AMENDMENTS

1941—Amendment by act Dec 26, 1941, cited to text, generally, see note under section 121 of this title.

Provisions on the subject of section 20 of act Oct. 6, 1917, cited to text, prior to its amendment by act Dec 26, 1941, also cited, are now contained in section 136 of this title.

§ 143. Agencies available for enforcement of law.

Section is now omitted from the Code. For similar provisions, see section 137 of this title

A new section 21, relating to short title, was added to act Oct 6, 1917, cited to text, by act Dec. 26, 1941, ch 633, § 2, 55 Stat 868, and is set out in note under section 121 of this title.

Chapter 11.—ACQUISITION OF AND EXPENDITURES ON LAND FOR NATIONAL-DEFENSE PURPOSES

Sec.
171a Same; real property for war purposes (New).

§ 171a. Same; real property for war purposes.

The Secretary of War, the Secretary of the Navy, or any other officer, board, commission, or governmental corporation authorized by the President, may acquire by purchase, donation, or other means of transfer, or may cause proceedings to be instituted in any court having jurisdiction of such proceedings, to acquire by condemnation, any real property, temporary use thereof, or other interest therein, together with any personal property located thereon

or used therewith, that shall be deemed necessary, for military, naval, or other war purposes, such proceedings to be in accordance with sections 257 and 258 of Title 40, or any other applicable Federal statute, and may dispose of such property or interest therein by sale, lease, or otherwise, in accordance with section 1171 (b) of Appendix to this title. Upon or after the filing of the condemnation petition, immediate possession may be taken and the property may be occupied, used, and improved for the purposes of this section and section 171 of this title, notwithstanding any other law. Property acquired by purchase, donation, or other means of transfer may be occupied, used, and improved, for the purposes of this section prior to the approval of title by the Attorney General as required by sections 723 of Title 33, 255 of Title 40, and 175 of this title. (July 2, 1917, ch. 35, § 2, as added Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title II, § 201, 56 Stat. 177.)

CROSS REFERENCES

Termination of authority granted by this section, see section 632a of Appendix to this title.

§ 175. Opinion of Attorney General as to validity of title; acquisition by United States of jurisdiction over lands.

CROSS REFERENCES

Acquisition of land and interests therein without compliance with this section, see sections 767 and 771 of Appendix to this title.

Exception in case of strategic network of highways, see section 114 of Title 23, Highways

Chapter 12.—VESSELS IN TERRITORIAL WATERS OF UNITED STATES

Sec.

191a Same; transfer of Secretary of Treasury's powers to Secretary of Navy when Coast Guard operates as part of Navy (New).

191b. Effect of sections 191a 191c on certain laws relating to Canal Zone (New).

191c. Control of anchorage and movement of vessels to insure safety of naval vessels (New).

§ 191. Secretary of Treasury and Governor of Canal Zone authorized to regulate anchorage, movement, etc., of vessels.

CROSS REFERENCES

Authority conferred by second paragraph of this section not affected by sections 191a–191c of this title, see section 191b of this title

Carrying or possessing explosives or dangerous weapons on vessels seized, forfeited, or upon which guard has been placed under this chapter, see sections 503, 504 of Title 18, Criminal Code and Criminal Procedure

§ 191a. Same; transfer of Secretary of Treasury's powers to Secretary of Navy when Coast Guard operates as part of Navy.

When the Coast Guard operates as a part of the Navy pursuant to section 1 of Title 14, the powers conferred on the Secretary of the Treasury by section 191 of this title, shall vest in and be exercised by the Secretary of the Navy. (Nov. 15, 1941, ch. 471, § 2, 55 Stat. 763.)

§ 191b. Effect of sections 191a–191c on certain laws relating to Canal Zone.

Nothing in sections 191a–191c of this title shall be construed as affecting the authority conferred upon the Governor of The Panama Canal by the second paragraph of section 191 of this title, notwithstanding the provisions of section 191a of this title; nor shall anything in sections 191a–191c of this title be construed as affecting the powers and authority conferred by section 1306 of Title 48. (Nov. 15, 1941, ch. 471, § 4, 55 Stat. 763.)

§ 191c. Control of anchorage and movement of vessels to insure safety of naval vessels.

In addition to those duties now imposed by law on the Coast Guard by virtue of section 471 of Title 33, section 45 of Title 14, and section 191 of this title, it shall be the duty of the captain of the port, Coast Guard district commander, or other officer of the Coast Guard designated by the Commandant thereof, or the Governor of the Panama Canal in the case of the territory and waters of the Canal Zone, to so control the anchorage and movement of any vessel, foreign or domestic, in the territorial waters of the United States, as to insure the safety or security of such United States naval vessels as may be present in his jurisdiction: *Provided*, That in territorial waters of the United States where immediate action is required, or where representatives of the Coast Guard are not present, or not present in sufficient force to exercise effective control of shipping as provided herein, the senior naval officer present in command of any naval force may control the anchorage or movement of any vessel, foreign or domestic, to the extent deemed necessary to insure the safety and security of his command. (Nov. 15, 1941, ch. 471, § 1, 55 Stat. 763.)

§ 192. Seizure and forfeiture of vessels for failure to observe regulations.

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than $10,000. (As amended Nov. 15, 1941, ch. 471, § 3, 55 Stat. 763.)

AMENDMENTS

1941—Act Nov. 15, 1941, cited to text, struck out "by the Secretary of the Treasury or the Governor of the Panama Canal" preceding "under the provisions of this chapter"

Chapter 14.—WARTIME VOTING BY LAND AND NAVAL FORCES (New)

SUBCHAPTER I.—RIGHT TO VOTE

Sec.

301. Right to vote in Presidential, Vice Presidential, and Congressional elections.

302 Poll taxes, etc.

303 Voting in accordance with State law.

304–315 Repealed

SUBCHAPTER II.—STATE BALLOTS

Sec.
321. State enactment of absentee voting legislation recommended.
322. Waiver of application for ballot; use of post cards as applications
323. Post cards; printing and delivering; contents.
324. Same; function.
325. Information regarding elections.
326. Cooperation with States, transmission, delivery, and return of post cards, ballots, envelopes, and voting instructions.
327. Distribution of ballots, envelopes and voting instructions; extension of State's time limit; waiver of registration; reduction in size and weight of ballots, etc.

SUBCHAPTER III—FEDERAL BALLOTS

331. United States War Ballot Commission.
332. Persons subject to this subchapter.
333. Official Federal war ballots, and explanations.
334. Balloting; administration of oath.
335 Administration.
336. Lists of candidates.
337. Distribution and collection of ballots for members of armed forces and others.
338. Distribution and collection of ballots for merchant marine.
339. Transmission of ballots.
340. Reports.
341. Validity of ballots.
342. Voting safeguards.
343. Penalties.
344. Taking of polls prohibited.
345. Appropriate State officials.
346. Officials and agencies acting for Secretary of State.
347. Construction of chapter.

SUBCHAPTER IV—GENERAL PROVISIONS

351 Appropriation.
352. Free postage for post cards, ballots, and envelopes.
353. Definitions
354. Separability of provisions.

CROSS REFERENCES

Selective Training and Service Act, voting by persons inducted under, see section 308 of Appendix to this title

SUBCHAPTER I.—RIGHT TO VOTE

§ 301. Right to vote in Presidential, Vice Presidential, and Congressional elections.

In time of war, notwithstanding any provision of State law relating to the registration of qualified voters, every individual absent from the place of his residence and serving in the land or naval forces of the United States, including the members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, and the Women's Army Auxiliary Corps,[1] who is or was eligible to register for and is qualified to vote at any election under the law of the State of his residence, shall be entitled, as provided in this chapter, to vote for electors of President and Vice President of the United States, United States Senators, and Representatives in Congress. (Sept. 16, 1942, ch. 561, § 1, 56 Stat. 753.)

[1] Women's Army Auxiliary Corps now Women's Army Corps, see sections 1551-1555 of Appendix to this title.

CROSS REFERENCES

Pernicious political activity affecting members of armed forces, see sections 61v-61x of Title 18, Criminal Code and Criminal Procedure.

§ 302. Poll taxes, etc.

No person in military service in time of war shall be required, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof. (Sept. 16, 1942, ch. 561, § 2, 56 Stat. 753.)

§ 303. Voting in accordance with State law.

Nothing in this chapter shall be deemed to restrict the right of any member of the armed forces of the United States or of any other person to vote in accordance with the law of the State of his residence. (Sept. 16, 1942, ch. 561, title I, § 3, 56 Stat. 753, as amended Apr. 1, 1944, ch. 150, 58 Stat. 136.)

APPLICATION FOR BALLOT

Section 3 of act Sept 16, 1942, cited to text, formerly section 303 of this title, prior to amendment by act Apr. 1, 1944 § 1, cited to text, read as follows:

"Every member of the land or naval forces of the United States absent from the place of his residence may make request of the secretary of state of the State of his residence for a ballot suitable for use in voting in accordance with the provisions of this chapter. The Secretary of War and the Secretary of the Navy shall cause to be printed and distributed to such members of the land and naval forces an adequate number of post cards which shall be used by each such member in making such request All such post cards shall be transmitted free of postage in the United States mails Upon one side of such post card the following shall be printed:

"_____ (Date)

"Secretary of State of: _____

"Being on active duty in the armed forces of the United States and desiring to vote in the coming election, I hereby apply for an official war ballot.

"My home address is _____,
"(number and street)
in the city town, or village of _____,
in the county of _____, in the State of _____, and my voting district or precinct to the best of my knowledge is _____. I desire that the ballot be sent to me at the following address:

_____

_____

"(Signed)

"Signature certified by:

_____

"(To be signed by any commissioned officer)

"Upon the other side of such post card shall be printed the following:

"FREE
"(Official War Ballot)

"Secretary of State of: _____

_____
"(City)

_____
"(State)

"In each year in which an election for Senators and Representatives in Congress is to be held, such post cards shall be made available on February 1, or as soon thereafter as practicable, and from time to time thereafter, prior to the holding of the election."

§§ 304–315. Repealed. Apr. 1, 1944, ch. 150, 58 Stat. 136.

PRESENT PROVISIONS

Sections were from act Sept. 16, 1942, ch. 561, §§ 4–15, 56 Stat. 753–757 Present provisions on the subject of these sections are contained in sections 321–354 of this title.

SUBCHAPTER II.—STATE BALLOTS

§ 321. State enactment of absentee voting legislation recommended.

The Congress hereby expresses itself as favoring, and recommends to the several States the immediate enactment of, appropriate legislation to enable each person absent from the place of his residence and serving in the armed forces of the United States or in the merchant marine of the United States, or serving in the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots or the United Service Organizations and attached to and serving with the armed forces of the United States, who is eligible to vote in any election district or precinct, to vote by absentee ballot in any primary, special, or general election held in his election district or precinct in time of war; and in order to afford ample opportunity for such persons to vote for Federal, State, and local officials and to utilize the absentee balloting procedures of the various States to the greatest extent possible, the following provisions are enacted. (Sept. 16, 1942, ch. 561, title II, § 201, as added Apr. 1, 1944, ch. 150, 58 Stat. 136.)

§ 322. Waiver of application for ballot; use of post cards as applications.

It is recommended that the several States, when possible, waive the application for a ballot and authorize the proper election officials to send an official ballot to every voter serving in the armed forces of the United States or in the merchant marine of the United States, or serving in the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots or the United Service Organizations and attached to and serving with the armed forces of the United States. If an application is necessary then it is recommended that the several States, in order to avoid expense, duplication of effort, and loss of time, shall accept, as applications for absentee ballots under such States' absentee balloting laws and as applications for registration under such States' election laws, the form of post card (when duly executed by a person to whom this chapter is applicable) provided pursuant to section 323 of this title and section 303 of this title prior to its amendment. (Sept. 16, 1942, ch. 561, title II, § 202, as added Apr. 1, 1944, ch. 150, 58 Stat. 137.)

§ 323. Post cards; printing and delivering; contents.

In order to afford an opportunity for persons to whom this subchapter is applicable to vote for Federal, State, and local officials and to utilize State absentee balloting procedures to the greatest extent possible, the United States War Ballot Commission provided for in subchapter III shall cause to be printed and delivered to the Secretaries of War and Navy and the Administrator of the War Shipping Administration an adequate number of post cards for use in accordance with the provisions of this subchapter. The Secretaries of War and Navy and the Administrator of the War Shipping Administration shall, wherever practicable and compatible with military operations, cause such post cards to be delivered to each person to whom this subchapter is applicable for use for any general election at which electors for President and Vice President or Senators and Representatives in Congress are to be voted for, such delivery to be made outside of the United States not later than August 15 prior to the election, and within the United States not later than September 15 prior to the election. The post cards referred to shall also, wherever practicable and compatible with military operations, be made available to such persons at appropriate times for use in general elections other than those referred to above and for primary and special elections.

Upon one side of the post card shall be printed the following:

Secretary of state or other appropriate official within the State of _____

I am in the armed forces ( ); in the merchant marine ( ); or in the American Red Cross ( ), the Society of Friends ( ), the Women's Auxiliary Service Pilots ( ), or the United Service Organizations ( ), and attached to and serving with the armed forces. I hereby request an absentee ballot to vote in the coming _____ (primary, general, or special) election.

(1) I am a citizen of the United States.

(2) The date of my birth was _____

(3) For _____ years preceding this election my home residence has been in the State of _____

(4) For _____ years preceding this election my home residence has been in the (city, town, or village of) _____ in the county of _____ at (street and number, if any, or rural route) _____

(5) My voting district to the best of my knowledge is _____.

(6) My choice of party PRIMARY ballot is _____
(Fill in only in case of primary ballot)

Please send the ballot to me at the following address:

_____

_____

_____
(PRINT your name and serial number plainly above)

_____
(WRITE your usual signature above)

Subscribed and sworn to before me this _____ day of _____, 19__.

_____
(Commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, or other person authorized to administer and attest this oath, writes here his name and rank or title)

Upon the other side of the post card shall be printed the following:

FREE OF POSTAGE
INCLUDING AIR MAIL
(War Ballot)

Secretary of state of _____,

_____,
(City)

_____.
(State)

In lieu of and interchangeably with the post cards referred to, the Secretaries of War and Navy may continue to deliver and make available, and the persons to whom this subchapter is applicable may continue to use, post cards provided under section 303 of this title prior to its amendment until the existing supply thereof is exhausted. In the event of any such delivery or making available to members of the armed forces of post cards provided under section 303 of this title prior to its amendment, the Secretaries of War and Navy shall authorize changes in the text thereof to provide that the applicant shall print thereon his name and serial number, in addition to normal signature, and shall designate his party affiliation in the case of application for primary ballot. (Sept. 16, 1942, ch. 561, title II, § 203, as added Apr. 1, 1944, ch. 150, 58 Stat. 137.)

§ 324. Same; function.

Such post cards may be used, if State law permits, as applications for ballots under State absentee balloting laws, as applications for registration under State absentee balloting laws, or as sources of information to implement State absentee balloting laws. (Sept. 16, 1942, ch. 561, title II, § 204, as added Apr. 1, 1944, ch. 150, 58 Stat. 138.)

§ 325. Information regarding elections.

The Commission shall, at appropriate times, furnish the Secretaries of War and Navy and the Administrator of the War Shipping Administration with any information received from a secretary of state as to the dates of elections in such State, including general, special, and primary elections. The Secretaries of War and Navy and the Administrator of the War Shipping Administration shall, whenever practicable and compatible with military operations, cause such information to be made available to persons to whom this subchapter is applicable. (Sept. 16, 1942, ch. 561, title II, § 205, as added Apr. 1, 1944, ch. 150, 58 Stat. 138.)

§ 326. Cooperation with states; transmission, delivery, and return of post cards, ballots, envelopes, and voting instructions.

(a) It shall, wherever practicable and compatible with military operations, be the duty of the Secretary of War, the Secretary of the Navy, and the Administrator of the War Shipping Administration, respectively, to cooperate with appropriate State officers and agencies in transmitting to and from persons to whom this subchapter is applicable, making applications therefor to their several States, such absentee ballots, and envelopes to be used in connection therewith, as may be provided under the laws of the several States for the use of such applicants, and to cooperate in the execution by such applicants of oaths in connection with such ballots.

(b) The Secretaries of War and Navy and other appropriate authorities shall, so far as practicable and compatible with military operations, take all reasonable measures to facilitate transmission, delivery, and return of post cards, ballots, envelopes, and instructions for voting procedure, mailed to and by persons to whom this subchapter is applicable pursuant to the laws of the several States, whether transmitted by air or by regular mail. Ballots executed outside the United States shall be returned by air, whenever practicable and compatible with military operations. (Sept. 16, 1942, ch. 561, title II, § 206, as added Apr. 1, 1944, ch. 150, 58 Stat. 139.)

§ 327. Distribution of ballots, envelopes and voting instructions; extension of State's time limit; waiver of registration; reduction in size and weight of ballots, etc.

(a) It is recommended that the secretary of state of each of the several States, upon receipt of any such post-card application, promptly forward it to the proper county, city, or other election official or officials in order that the request for an absentee ballot may be acted upon as expeditiously as possible.

(b) It is recommended that the several States cooperate, to the end that county, city, or other election officials be authorized and instructed, upon receipt of an application made upon such a post card, to mail promptly to the voter making the application, if legally permissible under the laws of the State, a suitable absentee ballot, including therewith a self-addressed envelope for the use of the voter in returning the ballot and any instructions to govern the use of such ballot and envelope.

(c) It is recommended, so that the envelope in which the ballot is sent to the voter, and the envelope supplied for the return of the ballot, may be identified by the Post Office Department and other authorities as carrying an election ballot, that there be printed or stamped in a conspicuous place on each such envelope the words "Official Election War Ballot". It is further recommended that, in the case of States in which no provision is made, either on the envelope or separately, for sending with the absentee ballots a printed form to be used by a voter for the purpose of establishing his legal right to vote, appropriate action be taken to have printed and enclosed with absentee ballots mailed in response to applications received on the post cards hereinbefore referred to, a form for the signature and oath or affirmation of the voter; and it is suggested that a form substantially as follows would be appropriate for such purpose:

OATH OF ELECTOR FOR VOTING IN THE GENERAL ELECTION TO BE HELD IN 19__

I do hereby swear (or affirm) that—

(1) I am a citizen of the United States;

(2) The date of my birth was_____;

(3) For _____ years preceding this election my home residence has been in the State of_____;

(4) For _____ years preceding this election my home residence has been in the (city, town, or village, if any) of _____, in the county of _____, at (street and number, if any, or rural route) _____;

(5) I am (check appropriate blank)—

(a) in the armed forces of the United States _____ ( );

(b) in the merchant marine of the United States _____ ( );

(c) in the American Red Cross ( ), the Society of Friends ( ), the Women's Aux-

iliary Service Pilots ( ), or the United Service Organizations ( ), attached to and serving with the armed forces of the United States; and

(6) I have not voted and do not intend to vote in this election at any address other than the above; and that I have not received or offered, do not expect to receive, have not paid, offered, or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote.

Voter must write his usual signature here and oath must be administered and attested.

Subscribed and sworn to before me this _____ day of _____, 19__

Commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, or other person authorized to administer and attest this oath, shall write his name here.

Officer or other person signing above shall print his rank, rating, or title clearly here.

(d) It is recommended that, in States where the voters' absentee ballot will not be available for mailing to the voter forty-five days prior to any primary, general or special election, such States cause to be made such changes in the election laws of their States as will lengthen such time; and that all States waive registration of all men and women in the military service who, by reason of such services, have been deprived of an opportunity to register.

(e) It is further recommended that the several States, in order to reduce the weight and bulk for air transport of absentee voting material being sent to persons to whom this chapter is applicable, reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure. (Sept. 16, 1942, ch. 561, title II, § 207, as added Apr. 1, 1944, ch. 150, 58 Stat. 139.)

SUBCHAPTER III.—FEDERAL BALLOTS

§ 331. United States War Ballot Commission.

(a) There is established a United States War Ballot Commission (referred to in this chapter as the Commission), which shall be composed of the Secretary of War, the Secretary of the Navy, and the Administrator of the War Shipping Administration, to serve for the duration of the war and six months thereafter.

(b) The Commission may receive assistance from other Federal departments and agencies in carrying out the purposes of this chapter.

(c) It shall be the duty of the Commission, in performing its functions under this chapter, to consult with State officials. As soon as practicable after any election to which the provisions of this subchapter apply, the Commission shall report to the Congress on the administration of this chapter, including the reports received by the Commission from the secretaries of state of the several States. (Sept. 16, 1942, ch. 561, title III, § 301, as added Apr. 1, 1944, ch. 150, 58 Stat. 140.)

§ 332. Persons subject to this subchapter.

(a) Subject to the provisions of subsection (b), the provisions of this subchapter shall apply with respect to the following:

(1) Members of the armed forces and the merchant marine of the United States, outside the United States.

(2) Persons serving with the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, and the United Service Organizations, outside the United States who are attached to and serving with the armed forces of the United States.

(3) Members of the armed forces, inside the United States.

(b) The provisions of this subchapter shall apply to, and the ballot provided for by this subchapter may be used by—

(1) an individual referred to in paragraph (1), (2), or (3) of subsection (a), if he is a citizen of a State whose Governor has certified, prior to July 15 of the year in which the election is to be held, (A) that such State has made no provision for procedure which will enable the citizens thereof to whom subsection (a) applies to vote by State absentee ballot, and (B) that the use of ballots provided for by this subchapter is authorized by the laws of such State; or

(2) an individual referred to in paragraph (1) or (2) of subsection (a), if he is a citizen of a State whose Governor has certified, prior to July 15 of the year in which the election is to be held, that the use of ballots provided for by this subchapter is authorized by the laws of such State, even though the Governor thereof does not make the certification referred to in clause (A) of paragraph (1), but only if such individual states in his oath that, prior to September 1, he made application for a State absentee ballot but, as of October 1, has not received it. No individual who is not included under paragraph (1) or (2) of this subsection shall be entitled to use, or be furnished, a ballot under this subchapter. Certifications referred to in this subsection shall be made to the Commission. (Sept. 16, 1942, ch. 561, title III, § 302, as added Apr. 1, 1944, ch. 150, 58 Stat. 140.)

§ 333. Official Federal war ballots, envelopes, and explanations.

(a) The Commission shall cause to be prepared and printed for use in voting in general elections under this subchapter an adequate number of official Federal war ballots. Each ballot shall be printed in the following form insofar as the offices enumerated are appropriate to the particular election:

OFFICIAL FEDERAL WAR BALLOT

Instruction.—To vote, write in the name of the candidate of your choice for each office.

ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

(A vote for President includes a vote for Vice President of the same party, and shall be deemed to be a vote for the candidates by name for Presidential and Vice Presidential electors of his party in your State)

Write in the name of your choice for President. [ ]

UNITED STATES SENATOR

(ONLY if a Senator is to be elected in your State)

Write in the name of your choice for Senator. [ ]

UNITED STATES SENATOR, UNEXPIRED TERM

(ONLY if a Senator is to be elected in your State for an unexpired term)

Write in the name of your choice for Senator. [ ]

REPRESENTATIVE IN CONGRESS FOR YOUR DISTRICT

Write in the name of your choice for Representative in Congress for your District. [ ]

REPRESENTATIVE AT LARGE IN CONGRESS

(ONLY in the States entitled thereto)

Vote for one or two as the case may be

Write in the name or names of your choice for Representative at Large. [ ]

A vote for a Presidential candidate by name shall be deemed to be a vote for the candidates by name for Presidential and Vice Presidential electors of his party in the voter's State. No ballot shall be invalid by reason of mistake or omission in writing in the name of the candidate where the candidate intended by the voter is plainly identifiable. Where, because of any defect in marking, a ballot is held invalid as to any particular candidate for office, it shall remain valid as to the other candidates for office.

(b) The Commission shall also cause to be prepared and printed an appropriate number of official inner envelopes for use in sealing the official Federal war ballots. Each envelope shall be gummed ready for sealing. Upon one side of the envelope shall be printed:

OFFICIAL FEDERAL WAR BALLOT FOR GENERAL ELECTION

Name of voter_____

(PRINT your name plainly here)

Home residence:

Street and number (if any) or rural route_____

_____

(PRINT street and number or rural route plainly here)

City or town (if any)_____

(PRINT city or town plainly here)

County _____

(PRINT county plainly here)

Upon the other side of such envelope shall be printed the following oath, at the top of which shall be set forth the date of the election:

OATH OF ELECTOR FOR VOTING IN THE GENERAL ELECTIONS TO BE HELD IN 19__

I do hereby swear (or affirm) that:

(1) I am a citizen of the United States;

(2) The date of my birth was _____;

(3) For _____ years preceding this election my home residence has been in the State of _____;

(4) For _____ years preceding this election my home residence has been in the (city, town, or village) of _____ in the county of _____ at (street and number, if any, or rural route) _____;

(5) I am (check appropriate item):

(a) in the armed forces outside of the United States _____ ( );

(b) in the merchant marine outside of the United States _____ ( );

(c) serving with the American Red Cross ( ), the Society of Friends ( ), the Women's Auxiliary Service Pilots ( ), or the United Service Organizations ( ), outside the United States, and am attached to and serving with the armed forces of the United States;

(6) (Note: Check this item only if true)

I have, prior to September 1, applied for a State ballot for this election, but, as of October 1, have not received it _____ ( );

and that I have not voted and do not intend to vote in this election at any address other than the above; and that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote.

_____

(Voter MUST WRITE his usual signature here and oath MUST be administered and attested)

Personally appeared before me the above named voter to me known and known to me to be the person who, after being duly sworn, subscribed the foregoing oath. In witness whereof I have set my hand this _____ day of _____, 19____

_____

Commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, or other person authorized to administer and attest this oath

(c) The Commission shall also cause to be prepared and printed an appropriate number of official outer envelopes for use in returning to the appropriate secretaries of state official Federal war ballots and official inner envelopes. Upon such outer envelope the following shall be printed:

FREE OF ALL POSTAGE
INCLUDING AIR MAIL
(Official Federal War Ballot)

TO THE SECRETARY OF STATE OF THE STATE SHOWN BELOW

Voter's home residence:

Street and number (if any) or rural route

_____

(PRINT clearly)

City or town_____

(PRINT clearly)

County_____

(PRINT clearly)

State _____

(PRINT clearly)

(d) The Commission shall also cause to be prepared and printed an adequate number of copies of instructions for voting procedure for use in accordance with the provisions of this title.

(e) Ballots, instructions for voting procedure, and envelopes for use outside the United States shall be suitable for air mailing.

(f) Where the Commission determines that the transmission abroad of any material required to be prepared and printed by the provisions of this section is inexpedient because of transportation difficulties or for other reasons arising from the conduct of the war, the Commission is authorized to arrange for such material to be printed outside the United States. (Sept. 16, 1942, ch. 561, title III, § 303, as added Apr. 1, 1944, ch. 150, 58 Stat. 141.)

§ 334. Balloting; administration of oath.

(a) Any person voting under the provisions of this subchapter shall secretly mark the ballot, place it in the official inner envelope, and securely seal the same. He shall then fill in and subscribe the oath printed upon the official inner envelope. After the oath has been duly attested, the voter shall then place the official inner envelope in the official outer envelope, fill in the blanks on such outer envelope, and deliver it to a person designated by proper authority to receive executed ballots for transmission to the appropriate secretary of state.

(b) Any commissioned officer, noncommissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the Administrator of the War Shipping Administration is authorized to administer and attest such oaths as are required by this chapter. (Sept. 16, 1942, ch. 561, title III, § 304, as added Apr. 1, 1944, ch. 150, 58 Stat. 143.)

§ 335. Administration.

(a) The Secretaries of War and Navy shall be responsible for the administration of this subchapter with respect to members of the armed forces and civilians attached to and serving with the armed forces and entitled to vote thereunder. The Administrator of the War Shipping Administration shall be responsible for the administration of this subchapter with respect to members of the merchant marine of the United States entitled to vote thereunder.

(b) In each year in which a general election for Senators and Representatives in Congress is to be held, the Commission shall furnish well in advance of the election an adequate number of ballots, envelopes, and copies of instructions for voting procedure to the Secretaries of War and Navy and to the Administrator of the War Shipping Administration. (Sept. 16, 1942, ch. 561, title III, § 305, as added Apr. 1, 1944, ch. 150, 58 Stat. 143.)

§ 336. Lists of candidates.

The secretary of state of each State shall furnish the Commission such information as the Commission shall request for compiling a list of candidates and their parties in any general election for President and Vice President or for Senators and Representatives in Congress. The Commission shall transmit to the Secretaries of War and Navy and the Administrator of the War Shipping Administration, at such times as it deems to be appropriate for balloting under this subchapter, lists of candidates compiled from the information so received, even if incomplete. The Secretaries of War and Navy and the Administrator of the War Shipping Administration shall, in ample time for balloting under this subchapter, transmit such lists to all units of the armed forces and to members of the merchant marine of the United States, to the extent that such transmission is practicable and compatible with military operations. Incomplete lists of candidates so furnished, or failure to furnish such lists, shall be no bar to balloting under the provisions of this subchapter. No list of candidates furnished under this subchapter shall include information as to a candidate other than his name, address, party affiliation, and office for which nominated. (Sept. 16, 1942, ch. 561, title III, § 306, as added Apr. 1, 1944, ch. 150, 58 Stat. 144)

§ 337. Distribution and collection of ballots for members of armed forces and others.

(a) The Secretaries of War and Navy, insofar as practicable and compatible with military operations, shall cause ballots, envelopes, instructions for voting procedure and lists of candidates, promptly after receipt thereof from the Commission, to be distributed to members of the armed forces and to civilians attached to and serving with the armed forces and entitled to vote under this subchapter, who desire to vote under this subchapter, and shall cause executed ballots to be collected and transmitted to the secretaries of state of the several States.

(b) Wherever practicable and compatible with military operations, the appropriate commanding officer shall be required—

(1) to cause lists of candidates to be posted and otherwise made available at conspicuous and convenient places, and to cause copies of instructions for voting procedure and all other necessary information to be furnished to members of his unit and civilians attached to and serving with such unit and entitled to vote under this subchapter;

(2) to use his best efforts to assure that every person in or attached to and serving with his unit, who is entitled and desires to vote under this subchapter, has an opportunity to mark his ballot in secret before the latest date which should afford a reasonable opportunity for the return of executed ballots;

(3) to destroy, as soon as practicable after the completion of voting within his unit, all official Federal war ballots in his custody remaining unused.

(c) It shall be unlawful for any commissioned, noncommissioned, warrant, or petty officer in the armed forces of the United States (1) to attempt to influence any member of the armed forces to vote or not to vote for any particular candidate, or (2) to require any member of the armed forces to march to any polling place or place of voting, but nothing in this chapter shall be deemed to prohibit free discussion regarding political issues or candidates for public office (Sept. 16, 1942, ch. 561, title III, § 307, as added Apr. 1, 1944, ch. 150, 58 Stat. 144.)

§ 338. Distribution and collection of ballots for merchant marine.

The Administrator of the War Shipping Administration shall cause ballots, envelopes, instructions for voting procedure, and lists of candidates for voting in general elections to be made available to members of the merchant marine of the United States upon request. The Administrator shall provide a convenient place for marking such ballots in secret, and shall cause executed ballots to be collected and transmitted to the appropriate secretaries of state or to appropriate representatives of the War and Navy Departments for such transmission. The Secretaries of War and Navy shall arrange, so far as practicable, for the receipt of such ballots and their transmission to the appropriate secretaries of state together with the ballots of members of the armed forces. The Administrator may delegate to the Secretary of War or the Secretary of the Navy, with the consent of such Secretary, any function of the Administrator under this subchapter. (Sept. 16, 1942, ch. 561, title III, § 308, as added Apr. 1, 1944, ch. 150, 58 Stat. 145.)

§ 339. Transmission of ballots.

(a) The Secretaries of War and Navy and other appropriate authorities shall, so far as practicable and compatible with military operations, take all reasonable measures to facilitate transmission, delivery, and return of ballots, envelopes, instructions for voting procedure, and lists of candidates, transmitted to and from persons to whom this subchapter is applicable, whether transmitted by air or by regular mail. Ballots executed outside the United States shall be transmitted by air, whenever practicable and compatible with military operations.

(b) The secretary of state of any State, upon receiving any ballot cast under this subchapter, shall at an appropriate time transmit it to the appropriate election officials of the district, precinct, county, or other voting unit of the voter's residence. Such officials shall take oath that they will not disclose to anyone (unless required by law) how any absentee shall have voted. Such officials shall determine that the oath required under sections 334 and 335 of this title has been executed and that it is in order, pursuant to section 341 of this title, to open the official inner envelope; whereupon such officials shall compile a voting list of the names appearing on all such inner envelopes received from the secretary of state. No person other than such appropriate election officials shall open any official outer or inner envelope purporting to contain a ballot cast under this subchapter. (Sept. 16, 1942, ch. 561, title III, § 309, as added Apr. 1, 1944, ch. 150, 58 Stat. 145.)

§ 340. Reports.

(a) The Secretaries of War and Navy and the Administrator of the War Shipping Administration shall report to the Commission on balloting under this subchapter, including the number of ballots received, distributed, executed, and transmitted to the secretaries of state of the several States, together with any comments thereon or explanation thereof.

(b) Each secretary of state shall prepare a report of all ballots received by him and transmitted to the various election officials, and within thirty days after the last day for counting absentee ballots in any election in which ballots are cast under the provisions of this subchapter, each secretary of state shall transmit such report to the Commission. (Sept. 16, 1942, ch. 561, title III, § 310, as added Apr. 1, 1944, ch. 150, 58 Stat. 145.)

§ 341. Validity of ballots.

(a) The Commission shall have no powers or functions with respect to the determination of the validity of ballots cast under the provisions of this subchapter; such determination shall be made by the duly constituted election officials of the appropriate districts, precincts, counties, or other voting units of the several States and this decision shall be final to the same extent as in the case of ballots cast by others in person. Votes cast under the provisions of this subchapter shall be cast, canvassed, counted, and certified in each State by its proper canvassing boards in the same manner, as nearly as may be practicable, as the votes cast within its borders are canvassed, counted, and certified.

(b) No official Federal war ballot shall be valid if—

1. the voter has also voted in person or by absentee ballot in accordance with the procedure provided by State law; or

2. the date of the oath of elector is later than the date of the holding of the election; or

3. such ballot is received by the appropriate election official of the district, precinct, county, or other voting unit of the State of the voter's residence later than the hour for the closing of the polls on the date of the holding of the election, except that any extension of time for the receipt of absentee ballots permitted by State laws shall apply to ballots cast under this subchapter.

(c) All ballot envelopes received by a secretary of state at a date or time too late for proper delivery, and all ballot envelopes not delivered to polling places or to the proper officials shall not be opened but shall be endorsed with the date of reception and shall be retained by the secretary until the time has expired for contesting the election, when they shall be destroyed without examination. (Sept. 16, 1942, ch. 561, title III, § 311, as added Apr. 1, 1944, ch. 150, 58 Stat. 146.)

§ 342. Voting safeguards.

Every individual concerned with the administration of this subchapter shall take all necessary steps to prevent fraud, to protect voters against coercion of any sort, and to safeguard the integrity and secrecy of ballots cast hereunder. (Sept. 16, 1942, ch. 561, title III, § 312, as added Apr. 1, 1944, ch. 150, 58 Stat. 146.)

§ 343. Penalties.

The provisions of law prohibiting offenses against the elective franchise shall apply in the case of elections and voting conducted pursuant to the provisions of this subchapter: *Provided, however,* That no act done in good faith by a member of the armed forces of the United States, in the exercise of his judgment as to what was practicable and compatible with military operations, shall constitute a violation of any such provision of law. (Sept. 16, 1942, ch. 561, title III, § 313, as added Apr. 1, 1944, ch. 150, 58 Stat. 146.)

§ 344. Taking of polls prohibited.

(a) No person within or without the armed forces of the United States shall poll any member of such forces, either within or without the United States, either before or after he shall have executed any ballot either under the provisions of this subchapter or under any State law, with reference to his choice of or his vote for any candidate for any of the offices authorized to be voted for by the use of the aforesaid ballot nor state, publish, or release any result of any purported poll taken from or among the members of the armed forces of the United States or including within it the statement of choice for or of votes cast by any member of the armed forces of the United States for any of the offices authorized to be voted for by the use of the aforesaid ballot.

(b) The word "poll" is defined as any request for information, either verbal or written, which by its language or form of expression requires or implies the necessity of an answer, where the request is made with the intent of compiling the result of the answers obtained, either for the personal use of the person making the request, or for the purpose of reporting the same to any other person, persons, political party, unincorporated association or corporation, or for the purpose of publishing the same orally, by radio, or in written or printed form.

(c) Any person not a member of the armed forces of the United States who violates the provisions of this section, either within or outside of the United States, shall, upon conviction thereof, be fined not more than $1,000 or imprisoned for not more than one year, or both. (Sept. 16, 1942, ch. 561, title III, § 314, as added Apr. 1, 1944, ch. 150, 58 Stat. 146.)

§ 345. Appropriate State officials.

Wherever, in any State, an official other than the secretary of state is the appropriate State official to carry out any function vested in the secretary of state under this subchapter, the term "secretary of state" shall mean such other official. (Sept. 16, 1942, ch. 561, title III, § 315, as added Apr. 1, 1944, ch. 150, 58 Stat. 147.)

§ 346. Officials and agencies acting for secretary of state.

Each secretary of state may utilize the services of such State and local officials and agencies for such purposes and to such extent as he may deem appropriate in the exercise of his powers and duties under this subchapter. (Sept. 16, 1942, ch. 561, title III, § 316, as added Apr. 1, 1944, ch. 150, 58 Stat. 147.)

§ 347. Construction of chapter.

The provisions of this chapter shall be construed liberally in order to effectuate its purposes. (Sept. 16, 1942, ch. 561, title III, § 317, as added Apr. 1, 1944, ch. 150, 58 Stat. 147.)

SUBCHAPTER IV.—GENERAL PROVISIONS

§ 351. Appropriation.

There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter. (Sept. 16, 1942, ch. 561, title IV, § 401, as added Apr. 1, 1944, ch. 150, 58 Stat. 147.)

§ 352. Free postage for post cards, ballots, and envelopes.

Post cards, ballots, and envelopes referred to in this chapter shall be transmitted free of postage, including air-mail postage, in the United States mails. (Sept. 16, 1942, ch. 561, title IV, § 402, as added Apr. 1, 1944, ch. 150, 58 Stat. 147.)

§ 353. Definitions.

As used in this chapter—

(1) the term "United States" used geographically includes only the territorial limits of the several States of the United States and the District of Columbia; and

(2) the term "members of the merchant marine of the United States" means persons employed as officers or members of crews of vessels documented under the laws of the United States and persons enrolled for such employment with the United States War Shipping Administration, but does not include those in service or enrolled for service on the Great Lakes or the inland waterways. (Sept. 16, 1942, ch. 561, title IV, § 403, as added Apr. 1, 1944, ch. 150, 58 Stat. 148.)

§ 354. Separability of provisions.

If any provision of this chapter or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the chapter and the applicability of such provision to other persons or circumstances shall not be affected thereby. (Sept. 16, 1942, ch. 561, title IV, § 404, as added Apr. 1, 1944, ch. 150, 58 Stat. 148.)

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PROCLAMATIONS AND EXECUTIVE ORDERS RESPECTING WAR AND NEUTRALITY; DECLARATIONS OF WAR BY UNITED STATES

I. PROCLAMATIONS OF STATE OF WAR

War between Germany-Italy and Yugoslavia—Proc. No. 2473
War between Hungary and Yugoslavia—Proc. No. 2477
War between Bulgaria and Yugoslavia and Greece—Proc No 2479
War between United States and Hungary, Bulgaria, and Rumania—Proc. No. 2563

III. MISCELLANEOUS PROCLAMATIONS AND EXECUTIVE ORDERS

Unlimited National Emergency—Proc No 2487
Establishment of President's War Relief Control Board and Definition of its Functions and Duties—Ex Ord No 9205

IV. DECLARATIONS OF WAR BY UNITED STATES (New)

War between United States and Japan—Res Dec. 8, 1941, ch 561
War between United States and Germany—Res. Dec. 11, 1941, ch. 564
War between United States and Italy—Res. Dec. 11, 1941, ch. 565
War between United States and Bulgaria—Res June 5, 1942, ch 323
War between United States and Hungary—Res June 5, 1942, ch 324
War between United States and Rumania—Res June 5, 1942, ch. 325

I. PROCLAMATIONS OF STATE OF WAR

Proc. No 2473 Proclamation of State of War Between Germany-Italy and Yugoslavia

Proc. No. 2473, Apr. 10, 1941, 6 F. R 1905, 55 Stat. 1627, provided in part:

Now, therefore, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that, Germany and Italy having wantonly attacked Yugoslavia, a state of war exists between Germany and Italy, on the one hand, and Yugoslavia, on the other hand, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution (Title 22, §§ 441–457), as made effective by this proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions

Proc No 2477 Proclamation of State of War Between Hungary and Yugoslavia

Proc No 2477, Apr. 15, 1941, 6 F. R. 1995, 55 Stat. 1631, provided in part:

Now, therefore, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said

joint resolution, do hereby proclaim that, Hungary having without justification attacked Yugoslavia, a state of war exists between Hungary and Yugoslavia and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution (Title 22, §§ 441–457), as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

PROC NO. 2479 PROCLAMATION OF STATE OF WAR BETWEEN BULGARIA AND YUGOSLAVIA AND GREECE

Proc No. 2479, April 24, 1941, 6 F. R. 2133, 55 Stat. 1636, provided in part.

Now, therefore, I, FRANKLIN D ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that, Bulgaria having without justification attacked Yugoslavia and Greece, a state of war exists between Bulgaria, on the one hand, and Yugoslavia and Greece, on the other hand, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution (Title 22, §§ 441-457), as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and, the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

PROC NO 2563 PROCLAMATION OF STATE OF WAR BETWEEN UNITED STATES AND HUNGARY, BULGARIA, AND RUMANIA

Proc. No 2563, July 17, 1942, 7 F. R. 5535, 56 Stat. 1970, provided in part:

Now, therefore, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby make proclamation to all whom it may concern that a state of war exists between the United States and Hungary, Rumania, and Bulgaria

And acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the United States Code, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States toward all natives, citizens, denizens, or subjects of Hungary, Rumania, and Bulgaria, being of the age of fourteen years and upward, who shall be within the United States or within any territories in any way subject to the jurisdiction of the United States and not actually naturalized, shall be as follows:

All natives, citizens, denizens, or subjects of Hungary, Rumania, and Bulgaria are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof; and to refrain from actual hostility or giving information, aid, or comfort to the enemies of the United States or interfering by word or deed with the defense of the United States or the political processes and public opinions thereof; and to comply strictly with the regulations which may be from time to time promulgated by the President.

All natives, citizens, denizens, or subjects of Hungary, Rumania, and Bulgaria, being of the age of fourteen years or upward, who shall be within the United States and not actually naturalized, who fail to conduct themselves as so enjoined, in addition to all other penalties prescribed by law, shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by sections 23 and 24 of Title 50 of the United States Code and as prescribed in regulations duly promulgated by the President.

And pursuant to the authority vested in me as aforesaid I hereby declare and prescribe the following regulation, which I find necessary in the premises and for the public safety:

Any native, citizen, denizen, or subject of Hungary, Rumania, or Bulgaria, of the age of fourteen years and upward, and not actually naturalized, who, in the judgment of the Attorney General or the Secretary of War, as the case may be, is aiding, or about to aid, the enemy, or who may be at large to the danger of the public peace or safety, or who, in the judgment of the Attorney General or the Secretary of War, as the case may be, is violating, or is about to violate any regulation adopted and promulgated by the President, or any criminal law of the United States or of the States or Territories thereof, shall be subject to summary arrest as an alien enemy and to confinement in a place of detention, as may be directed by the President or by any executive officer hereafter designated by the President of the United States.

And pursuant to the authority vested in me, I hereby charge the Attorney General with the duty of executing the above regulation and all regulations hereafter adopted and promulgated regarding the conduct of natives, citizens, denizens or subjects of Hungary, Rumania, and Bulgaria within continental United States, Puerto Rico, and the Virgin Islands, and the Secretary of War with the duty of executing the above regulation and all regulations hereafter adopted and promulgated regarding the conduct of natives, citizens, denizens, or subjects of Hungary, Rumania, and Bulgaria in Alaska, the Canal Zone, the Hawaiian Islands, and the Philippine Islands. Each of them is specifically directed to cause the apprehension of any native, citizen, denizen, or subject of Hungary, Rumania, or Bulgaria who in the judgment of each is subject to apprehension as an alien enemy under such regulations In carrying out such regulations within the continental United States, Puerto Rico, and the Virgin Islands, the Attorney General is authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies, and municipalities thereof and of the District of Columbia as he may select for the purpose. Similarly the Secretary of War in carrying out such regulations in Alaska, the Canal Zone, the Hawaiian Islands, and the Philippine Islands is authorized to use such agents, agencies, officers, and departments of the United States and of the territories, dependencies, and municipalities thereof as he may select for the purpose. All such agents, agencies, officers, and departments are hereby granted full authority for all acts done by them in the execution of such regulations when acting by direction of the Attorney General or the Secretary of War, as the case may be.

For the purposes of entry into and departure from the United States, paragraph (8) of proclamation No 2525 of December 7, 1941, shall be applicable to natives, citizens, denizens, or subjects of the countries herein mentioned.

This proclamation and the regulations contained herein and hereafter adopted shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

III. MISCELLANEOUS PROCLAMATIONS AND EXECUTIVE ORDERS

PROC. NO. 2487. UNLIMITED NATIONAL EMERGENCY

Proc No. 2487, May 27, 1941, 6 F. R. 2617, 55 Stat. 1647, provided in part:

Whereas on September 8, 1939, because of the outbreak of war in Europe a proclamation (Proc. No. 2352, set out in note under this division of this Appendix) was issued

declaring a limited national emergency and directing measures "for the purpose of strengthening our national defense within the limits of peacetime authorizations",

Whereas a succession of events makes plain that the objectives of the Axis belligerents in such war are not confined to those avowed at its commencement, but include overthrow throughout the world of existing democratic order, and a worldwide domination of peoples and economies through the destruction of all resistance on land and sea and in the air, and

Whereas indifference on the part of the United States to the increasing menace would be perilous, and common prudence requires that for the security of this nation and of this hemisphere we should pass from peacetime authorizations of military strength to such a basis as will enable us to cope instantly and decisively with any attempt at hostile encirclement of this hemisphere, or the establishment of any base for aggression against it, as well as to repel the threat of predatory incursion by foreign agents into our territory and society.

Now, therefore, I, FRANKLIN D ROOSEVELT, President of the United States of America, do proclaim that an unlimited national emergency confronts this country, which requires that its military, naval, air and civilian defenses be put on the basis of readiness to repel any and all acts or threats of aggression directed toward any part of the Western Hemisphere.

I call upon all the loyal citizens engaged in production for defense to give precedence to the needs of the nation to the end that a system of government that makes private enterprize possible may survive.

I call upon all our loyal workmen as well as employers to merge their lesser differences in the larger effort to insure the survival of the only kind of government which recognizes the rights of labor or of capital.

I call upon loyal state and local leaders and officials to cooperate with the civilian defense agencies of the United States to assure our internal security against foreign directed subversion and to put every community in order for maximum productive effort and minimum of waste and unnecessary frictions

I call upon all loyal citizens to place the nation's needs first in mind and in action to the end that we may mobilize and have ready for instant defensive use all of the physical powers, all of the moral strength and all of the material resources of this nation.

EX ORD NO 9205 ESTABLISHMENT OF PRESIDENT'S WAR RELIEF CONTROL BOARD AND DEFINITION OF ITS FUNCTIONS AND DUTIES

Ex Ord No. 9205, July 25, 1942, 7 F. R. 5803, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, as President of the United States of America and Commander-in-Chief of the Army and Navy, because of emergencies affecting the national security and defense, and for the purpose of controlling in the public interest charities for foreign and domestic relief, rehabilitation, reconstruction, and welfare arising from war-created needs, it is hereby ordered as follows·

1 The President's Committee on War Relief Agencies, appointed by me on March 13, 1941, is hereby continued and established as the President's War Relief Control Board, hereinafter referred to as the Board. The Chairman of the Board shall be responsible to the President

2 The Board is hereby authorized and empowered—

(a) to control, in the interest of the furtherance of the war purpose, all solicitations, sales of or offers to sell merchandise or services, collections and receipts and distribution or disposition of funds and contributions in kind for the direct or implied purpose of (1) charities for foreign and domestic relief, rehabilitation, reconstruction and welfare arising from war-created needs in the United States or in foreign countries, (2) refugee relief, (3) the relief of the civilian population of the United States affected by enemy action, or (4) the relief and welfare of the armed forces of the United States or of their dependents; *Provided*, that the powers herein conferred shall apply only to activities concerned directly with war relief and welfare purposes and shall not extend to local charitable activities of a normal and usual character nor in any case to intra-state activities other than those immediately affecting the war effort;

(b) (1) to provide for the registration or licensing of persons or agencies engaged in such activities and for the renewal or cancellation of such registration or licenses; (2) to regulate and coordinate the times and amounts of fund-raising appeals, (3) to define and promulgate ethical standards of solicitation and collection of funds and contributions in kind· (4) to require accounts of receipts and expenditures duly and reliably audited, and such other records and reports as the Board may deem to be in the public interest; (5) to eliminate or merge such agencies in the interests of efficiency and economy; and (6) to take such steps as may be necessary for the protection of essential local charities; and

(c) to prescribe such rules and regulations not inconsistent with law as the Board may determine to be necessary or desirable to carry out the purposes of this Order.

3 The provisions of section 2 of this Order shall not apply to (a) the American National Red Cross or (b) established religious bodies which are not independently carrying out any of the activities specified in section 2 of this Order

4 Under the authority given me by Section 13 of the Joint Resolution of Congress approved November 4, 1939 (54 Stat 8, 11) and Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law No 354, 77th Congress (50 App § 601 et seq)), and pursuant to the suggestion of the Secretary of State, it is ordered that the administration of any and all of the provisions of Section 8 (b) of the said Joint Resolution relating to the solicitation and collection of funds and contributions for relief purposes, heretofore by me vested in the Secretary of State, be and it hereby is transferred to the said Board All rules and regulations and forms which have been issued by the Secretary of State pursuant to the provisions of said Section 8 (b) and which are in effect shall continue in effect until modified, superseded, revoked or repealed by the Board.

5 Any and all matters within the jurisdiction of said Board which may be affected with a question relating to the foreign policy of the Government of the United States in connection with the administration of the powers vested in the Board by this Order shall be determined only after conference with the Secretary of State, to the end that any action with respect to such matters shall be consistent with the foreign policy of the United States

6 For the purpose of economy in administration, the Board is authorized to utilize the services of available and appropriate personnel of the Department of State and other Government departments and agencies and such other services, equipment, and facilities as may be made available by these departments and agencies

7 For the purpose of effectively carrying out the provisions of this Order, the Board may require that all war relief and welfare policies, plans, programs, procedures and methods of voluntary agencies be coordinated and integrated with those of the several Federal departments, establishments and agencies and the American Red Cross; and all these organizations shall furnish from time to time such information as the Board may consider necessary for such purposes.

8. The Board shall from time to time submit to the President such reports and recommendations regarding war charities, relief and welfare in foreign countries and in the United States and the relationship of public and private organizations, resources and programs in these and related fields, as the public interest may require.

9. The members of the Board shall serve as such without compensation, but shall be entitled to necessary transportation, subsistence, and other expenses incident to the performance of their duties.

10. This Order shall remain in force during the continuance of the present war and for six months after the termination thereof, unless revoked by Presidential order.

IV. DECLARATIONS OF WAR BY UNITED STATES (New)

War Between United States and Japan

Res. Dec. 8, 1941, 4:10 p. m., E. S. T., ch. 561, 55 Stat. 795, provided as follows:

"Whereas the Imperial Government of Japan has committed unprovoked acts of war against the Government and the people of the United States of America: Therefore be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Imperial Government of Japan which has thus been thrust upon the United States is hereby formally declared: and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial Government of Japan; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States."

War Between United States and Germany

Res. Dec. 11, 1941, 3.05 p. m., E. S. T., ch. 564, 55 Stat. 796, provided as follows:

"Whereas the Government of Germany has formally declared war against the Government and the people of the United States of America: Therefore be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Government of Germany which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Government of Germany; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States."

War Between United States and Italy

Res Dec. 11, 1941, 3·06 p m, E S T., ch. 565, 55 Stat. 797, provided as follows:

"Whereas the Government of Italy has formally declared war against the Government and the people of the United States of America. Therefore be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Government of Italy which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Government of Italy; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States."

War Between United States and Bulgaria

Res. June 5, 1942, ch. 323, 56 Stat. 307, provided as follows:

"Whereas the Government of Bulgaria has formally declared war against the Government and the people of the United States of America: Therefore be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Government of Bulgaria which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Government of Bulgaria; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States."

War Between United States and Hungary

Res. June 5, 1942, ch. 324, 56 Stat. 307, provided as follows:

"Whereas the Government of Hungary has formally declared war against the Government and the people of the United States of America: Therefore be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Government of Hungary which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Government of Hungary; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States."

War Between United States and Rumania

Res. June 5, 1942, ch. 325, 56 Stat. 307, provided as follows:

"Whereas the Government of Rumania has formally declared war against the Government and the people of the United States of America: Therefore be it

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war between the United States and the Government of Rumania which has thus been thrust upon the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Government of Rumania; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States."

TRADING WITH THE ENEMY ACT OF 1917

ACT OCT. 6, 1917, CH. 106, 40 STAT. 411

Sec.
6a. Incurment of expenses by Office of Alien Property Custodian (New).

Cross References

Confirmation of certain acts, etc., made under provisions of sections 1–31 of this Appendix, see section 617 of this Appendix

§ 3. Acts prohibited.

Presidential Powers Transferred

All powers conferred upon the President by subsec. (a) of this section were delegated to the Secretary of the Treasury by Memorandum of the President dated Feb. 12, 1942, 7 F R 1409

Transfer of President's powers under subsec. (a) to Alien Property Custodian, see Ex. Ord. No. 9095, set out in note under section 6 of this Appendix.

§ 5. Suspension of provisions relating to ally of enemy; regulation of transaction in foreign exchange of gold or silver.

* * * * *

(b) (1) During the time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) investigate, regulate, or prohibit, any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or securities, and

(B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest,

by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this subdivision either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this subdivision, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person; and the President may, in the manner hereinabove provided, take other and further measures not inconsistent herewith for the enforcement of this subdivision.

(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this subdivision or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this subdivision, or any rule, regulation, instruction, or direction issued hereunder.

(3) As used in this subdivision the term "United States" means the United States and any place subject to the jurisdiction thereof, including the Philippine Islands, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction in all cases, civil or criminal, arising under this subdivision in the Philippine Islands and concurrent jurisdiction with the district courts of the United States of all cases, civil or criminal, arising upon the high seas: *Provided, however,* That the foregoing shall not be construed as a limitation upon the power of the President, which is hereby conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this subdivision, for any or all of the terms used in this subdivision. Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this subdivision the term "person" means an individual, partnership, association, or corporation. (As amended Dec. 18, 1941, ch. 593, title III, § 301, 55 Stat. 839.)

AMENDMENTS

1941—Act Dec 18, 1941, cited to text, amended first sentence of subsec (b)

PRESIDENTIAL POWERS TRANSFERRED

All powers conferred upon the President by subsec. (b) of this section were delegated to the Secretary of the Treasury by Memorandum of the President dated Feb. 12, 1942, 7 F R 1409.

Transfer of President's powers under subsec. (b) to Alien Property Custodian, see Ex. Ord No. 9095, set out in note under section 6 of this Appendix.

REGULATION OF CONSUMER CREDIT

Ex Ord. No 8843, Aug 9, 1941, 6 F R. 4035–4037, provided:

Whereas a large volume of credit is being devoted to financing and refinancing purchases of consumers' goods and services through extensions of credit that usually are made to individuals and to a large extent are on an instalment payment basis; and

Whereas the conditions under which such credit is available have an important influence upon the volume and timing of demand, not only for the particular goods and services purchased on credit but also for goods and services in general; and

Whereas liberal terms for such credit tend to stimulate demand for consumers' durable goods the production of which requires materials, skills, and equipment needed for national defense; and

Whereas the extension of such credit in excessive volume tends to generate inflationary developments of increasing consequence as the limits of productive capacity are approached in more and more fields and to hinder the accumulation of savings available for financing the defense program; and

Whereas the public interest requires control of the use of instalment credit for financing and refinancing purchases of consumers' durable goods the production of which absorbs resources needed for national defense, in order (a) to facilitate the transfer of productive resources to defense industries, (b) to assist in curbing unwarranted price advances and profiteering which tend to result when the supply of such goods is curtailed without corresponding curtailment of demand, (c) to assist in restraining general inflationary tendencies, to support or supplement taxation imposed to restrain such tendencies, and to promote the accumulation of savings available for financing the defense program, (d) to aid in creating a backlog of demand for consumers' durable goods, and (e) to restrain the development of a consumer debt structure that would repress effective demand for goods and services in the post-defense period; and

Whereas in order to prevent evasion or avoidance of this order and such regulations as may be prescribed to effectuate its purposes, means should also be available for regulating the use of other instalment credit and other

forms of credit usually extended to consumers or on consumers' durable goods; and

Whereas it is appropriate that such credit be controlled and regulated through an existing governmental agency which has primary responsibilities with respect to the determination and administration of national credit policies:

Now, therefore, by virtue of the authority vested in me by section 5 (b) of the Act of October 6, 1917, as amended (this section), and by virtue of all other authority vested in me, and in order, in the national emergency declared by me on May 27, 1941 (Proc. No. 2487, set out in note preceding section 1 of this Appendix), to promote the national defense and protect the national economy, it is hereby ordered as follows:

ADMINISTRATION

SECTION 1 (a) The Board of Governors of the Federal Reserve System (hereinafter called the Board) is hereby designated as the agency through which transfers of credit between and payments by or to banking institutions (as defined herein pursuant to section 5 (b) of the aforesaid act) (this section) which constitute, or arise directly or indirectly out of, any extension of credit of a type set out in section 2 (a) of this order shall be investigated, regulated and prohibited.

(b) The Board shall, whenever it deems such action to be necessary or appropriate, take any lawful steps herein authorized and such other lawful steps as are within its power to carry out the purposes of this order, and may, in administering this order, utilize the services of the Federal Reserve Banks and any other agencies, Federal or State, which are available and appropriate.

(c) In order to facilitate the coordination of the Board's functions under this order with other phases of the program for national defense and for protecting the national economy, there shall be a committee consisting of the Secretary of the Treasury, the Federal Loan Administrator, and the Administrator of the Office of Price Administration and Civilian Supply, or such alternate as each shall designate, and such other members as the President shall subsequently appoint The Board shall maintain liaison with the committee, and in formulating policies with respect to down-payments, maturities, terms of repayment, and other such questions of general policy shall consult with the committee and take into consideration any suggestions or recommendations it may make.

REGULATIONS

SECTION 2 (a) Whenever the Board shall determine that such action is necessary or appropriate for carrying out the purposes of this order, the Board shall prescribe regulations with respect to transfers and payments which constitute, or arise directly or indirectly out of, any extension of instalment credit for the purpose of purchasing or carrying any consumers' durable good except a residential building in its entirety; and the Board may in addition, to the extent deemed by it to be desirable and feasible in order to prevent evasion of such regulations as may be so prescribed or in order to control forms of credit the use of which might defeat the purposes of this order and such regulations, prescribe regulations with respect to transfers and payments which constitute, or arise directly or indirectly out of, (1) any other extension of instalment credit, or (2) any other extension of credit for the purpose of purchasing or carrying any consumers' durable good, or (3) any other extension of credit in the form of a loan other than a loan made for business purposes to a business enterprise or for agricultural purposes to a person engaged in agriculture Such regulations may be prescribed by the Board at such times and with such effective dates as the Board shall deem to be in accordance with the purposes of this order.

(b) Such regulations may from time to time, originally or by amendment, regulate or prohibit such transfers and payments or exempt them from regulation or prohibition and may classify them according to the nature of the transactions or goods or persons involved or upon such other basis as may reasonably differentiate such transfers and payments for the purposes of regulations under this order, and may be made applicable to one or more of the classes so established; and, without limiting the generality of the foregoing, such regulations may require transactions or persons or classes thereof to be registered or licensed; may prescribe appropriate limitations, terms, and conditions for such registrations or licenses; may provide for suspension of any such registration or license for violation of any provision thereof or of any regulation, rule, or order prescribed hereunder, may prescribe appropriate requirements as to the keeping of records and as to the form, contents, or substantive provisions of contracts, liens, or any relevant documents; may prohibit solicitations by banking institutions which would encourage evasion or avoidance of the requirements of any regulation, license, or registration under this order; and may from time to time make appropriate provisions with respect to—

(1) The maximum amount of credit which may be extended on, or in connection with any purchase of, any consumers' durable good;

(2) The maximum maturity, minimum periodic payments, and maximum periods between payments, which may be stipulated in connection with extensions of credit;

(3) The methods of determining purchase prices or market values or other bases for computing permissible extensions of credit or required down-payments; and

(4) Special or different terms, conditions, or exemptions with respect to new or used goods, minimum original cash payments, temporary credits which are merely incidental to cash purchases, payment or deposits usable to liquidate credits, and other adjustments or special situations

(c) On and after the effective date of any regulation prescribed by the Board with respect to any extension of credit of a type set out in section 2 (a), and notwithstanding the provisions of any other proclamation, order, regulation, or license under the aforesaid Act, all transfers and payments which are in violation of such regulation shall be and hereby are prohibited to the extent specified in such regulation.

(d) Neither this order nor any regulation issued thereunder shall affect the right of any person to enforce any contract, except that after the effective date of any such regulation every contract which is made in connection with any extension of credit and which violates, or the performance of which would violate, any provision of such regulation (other than a provision designated therein as being for administrative purposes), and every lien, pledge, seller's interest in a conditional sale, or other property interest, subject to the provisions of such contract or created in connection therewith, shall be unenforceable by the person who extends such credit or by any person who acquires any right of such person in such contract; provided that such disability shall not apply to any person who extends such credit, or acquires such right for value, in good faith and without knowing or having reason to know the facts by reason of which the making or performance of such contract was or would be such a violation.

REPORTS

SECTION 3 Reports concerning the kinds, amounts, and characteristics of any extensions of credit subject to this order, concerning transfers and payments which arise out of any such extensions of credit, or concerning circumstances related to such extensions of credit or such transfers or payments or to the regulation thereof, shall be filed on such forms, under oath or otherwise, at such times and from time to time, and by such persons, as the Board may prescribe by rule, regulation, or order as necessary or appropriate for enabling the Board to perform its functions under this order. The Board may require any person to furnish, under oath or otherwise, complete information relative to any transaction within the scope of this order, including the production of any books of account, contracts, letters, or other papers, in connection therewith in the custody or control of such person.

DEFINITIONS

SECTION 4. For the purposes of this order, unless the context otherwise requires, the following terms shall have the following meanings, provided that the Board may in its regulations give such terms more restricted meanings:

(a) "Person" has the meaning set forth in section 5 (b) of the Act of October 6, 1917, as amended (this section).

(b) "Transfers and payments" means "transfers of credit between and payments by or to banking institutions"

(c) "Banking institution" means any person engaged as principal, agent, broker, or otherwise, in the business of making or holding extensions of credit and includes, without limitation, any bank, any loan company, and finance company, or any other person engaged in the business of making or holding extensions of credit whether as a vendor of consumers' durable goods or otherwise.

(d) "Consumers' durable good" includes any good, whether new or used, which is durable or semi-durable and is used or usable for personal, family or household purposes, and any service connected with the acquisition of any such good or of any interest therein.

(e) "Extension of credit" means any loan or mortgage, any instalment purchase contract, any conditional sales contract, or any sale or contract of sale under which part or all of the price is payable subsequent to the making of such sale or contract, any rental-purchase contract, or any contract for the bailment or leasing of property under which the bailee or lessee either has the option of becoming the owner thereof or obligates himself to pay as compensation a sum substantially equivalent to or in excess of the value thereof; any contract creating any lien or similar claim or property to be discharged by the payment of money; any purchase, discount, or other acquisition of, or any extension of credit upon the security of, any obligation or claim arising out of any of the foregoing; and any transaction or series of transactions having a similar purpose or effect

(f) An extension of credit is an extension of "instalment credit" if the obligor undertakes to repay the credit in two or more scheduled payments or undertakes to make two or more scheduled payments or deposits usable to liquidate the credit, or if the extension of credit has a similar purpose or effect, or if it is for the purpose of financing a business enterprise which makes such extensions of credit.

(g) An extension of credit is "for the purpose of purchasing or carrying any consumers' durable goods" if it is directly or indirectly for the purpose of financing or refinancing the purchase of any consumers' durable good or is directly or indirectly secured by any consumers' durable good or if the extension of credit has a similar purpose or effect, or if it is for the purpose of financing a business enterprise which makes such extensions of credit

PENALTIES

SECTION 5 Whoever willfully violates or knowingly participates in the violation of this order or of any regulation prescribed hereunder, shall be subject to the penalties applicable with respect to violations of section 5 (b) of the said Act of October 6, 1917, as amended (this section).

REGULATIONS ISSUED

Regulations supplementing Ex Ord No 8843 relating to consumer credit were issued on Aug 21, 1941, by the Board of Governors of the Federal Reserve System and are set forth in 6 F. R 4443–4447.

§ 6. Alien property custodian; general powers and duties.

TRANSFER OF FUNCTIONS

The Office of the Alien Property Custodian was abolished and the functions and personnel thereof were transferred to the Department of Justice by Ex. Ord No 6694, eff July 1, 1934

EX ORD NO 9095 WORLD WAR II ALIEN PROPERTY CUSTODIAN

Ex Ord No 9095, March 11, 1942, 7 F. R 1971, as amended Ex Ord No 9193, July 6, 1942, 7 F. R 5205, Ex Ord No 9567, June 8, 1945, 10 F. R. 6917, provided:

By virtue of the authority vested in me by the Constitution, by the First War Powers Act, 1941 (section 601 et seq. of this Appendix), by the Trading with the enemy Act of October 6, 1917, as amended (section 1 et seq. of this Appendix), and as President of the United States, it is hereby ordered as follows:

Executive Order No. 9095 of March 11, 1942, is amended to read as follows:

1 There is hereby established in the Office for Emergency Management of the Executive Office of the President the Office of Alien Property Custodian, at the head of which shall be an Alien Property Custodian appointed by the President The Alien Property Custodian shall receive compensation at such rate as the President shall approve and in addition shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties Within the limitation of such funds as may be made available for that purpose, the Alien Property Custodian may appoint assistants and other personnel and delegate to them such functions as he may deem necessary to carry out the provisions of this Executive Order

2 The Alien Property Custodian is authorized and empowered to take such action as he deems necessary in the national interest, including, but not limited to, the power to direct, manage, supervise, control or vest, with respect to.

(a) any business enterprise within the United States which is a national of a designated enemy country and any property of any nature whatsoever owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to or which is evidence of ownership or control of any such business enterprise, and any interest of any nature whatsoever in such business enterprise held by an enemy country or national thereof,

(b) any other business enterprise within the United States which is a national of a foreign country and any property of any nature whatsoever owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to or which is evidence of ownership or control of any such business enterprise, and any interest of any nature whatsoever in such business enterprise held by a foreign country or national thereof, when it is determined by the Custodian and he has certified to the Secretary of the Treasury that it is necessary in the national interest, with respect to such business enterprise, either (i) to provide for the protection of the property, (ii) to change personnel or supervise the employment policies, (iii) to liquidate, reorganize, or sell, (iv) to direct the management in respect to operations, or (v) to vest,

(c) any other property or interest within the United States of any nature whatsoever owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, a designated enemy country or national thereof *Provided, however,* That with respect to any such country or national other than Germany or Japan or any national thereof, such property or interest shall not include cash, bullion, moneys, currencies, deposits, credits, credit instruments, foreign exchange, and securities except to the extent that the Alien Property Custodian determines that such cash, bullion, moneys, currencies, deposits, credits, credit instruments, foreign exchange, and securities are necessary for the maintenance or safeguarding of other property belonging to the same designated enemy country or the same national thereof and subject to vesting pursuant to section 2 hereof,

(d) any patent, patent application, design patent, design patent application, copyright, copyright application, trademark or trademark application or right related thereto in which any foreign country or national thereof has any interest and any property of any nature whatsoever (including, without limitation, royalties and license fees) payable or held with respect thereto, and any interest of any nature whatsoever held therein by any foreign country or national thereof;

(e) any ship or vessel or interest therein, in which any foreign country or national thereof has an interest, and

(f) any property of any nature whatsoever which is in the process of administration by any person acting under judicial supervision or which is in partition, libel, condemnation or other similar proceedings and which is

payable or deliverable to, or claimed by, a designated enemy country or national thereof. When the Alien Property Custodian determines to exercise any power and authority conferred upon him by this section with respect to any of the foregoing property over which the Secretary of the Treasury is exercising any control and so notifies the Secretary of the Treasury in writing, the Secretary of the Treasury shall release all control of such property, except as authorized or directed by the Alien Property Custodian.

3 Subject to the provisions of this Executive Order, all powers and authority conferred upon me by sections 3 (a) and 5 (b) of the Trading with the enemy Act, as amended, are hereby delegated to the Secretary of the Treasury or any person, agency, or instrumentality designated by him; *provided, however,* that when any property or interest, not belonging to a foreign government or central bank, shall be vested by the Secretary of the Treasury, such property or interest shall be vested in, and dealt with by, the Alien Property Custodian upon the terms directed by the Secretary of the Treasury. Except as otherwise provided herein, this Executive Order shall not be deemed to modify or amend Executive Order No 8389, as amended, or the President's Proclamation of July 17, 1941, or Executive Order No 8839, as amended, or the regulations, rulings, licenses and other action taken thereunder, or in connection therewith.

4 Without limitation as to any other powers or authority of the Secretary of the Treasury or the Alien Property Custodian under any other provision of this Executive Order, the Secretary of the Treasury and the Alien Property Custodian are authorized and empowered, either jointly or severally, to prescribe from time to time, regulations, rulings, and instructions to carry out the purposes of this Executive Order. The Secretary of the Treasury and the Alien Property Custodian each shall make available to the other all information in his files to enable the other to discharge his functions, and shall keep each other currently informed as to investigations being conducted with respect to enemy ownership or control of business enterprises within the United States.

5. The Alien Property Custodian is authorized to issue appropriate regulations governing the service of process or notice upon any person within any designated enemy country or any enemy-occupied territory in connection with any court or administrative action or proceeding within the United States. The Alien Property Custodian also is authorized to take such other and further measures in connection with representing any such person in any such action or proceeding as in his judgment and discretion is or may be in the interest of the United States If, as a result of any such action or proceeding, any such person obtains, or is determined to have, an interest in any property (including money judgments), such property, less an amount equal to the costs and expenses incurred by the Alien Property Custodian in such action or proceeding, shall be subject to the provisions of Executive Order No. 8389, as amended, *provided, however,* that this shall not be deemed to limit the powers of the Alien Property Custodian under section 2 of this Order; and *provided further,* that the Alien Property Custodian may vest an amount of such property equal to the costs and expenses incurred by the Alien Property Custodian in such action or proceeding.

6. To enable the Alien Property Custodian to carry out his functions under this Executive Order, there are hereby delegated to the Alien Property Custodian or any person, agency, or instrumentality designated by him all powers and authority conferred upon me by section 5 (b) of the Trading with the enemy Act, as amended, including, but not limited to, the power to make such investigations and require such reports as he deems necessary or appropriate to determine whether any enterprise or property should be subject to his jurisdiction and control under this Executive Order. The powers and authority conferred upon the Alien Property Custodian by Executive Order No 9142 shall be administered by him in conformity with the provisions of this Executive Order.

7. In the exercise of the authority herein delegated, the Alien Property Custodian shall be subject to the provisions of Executive Order No. 8839 of July 30, 1941, and shall designate a representative to the Board of Economic Warfare in accordance with section 6 thereof

8 All records and other property (including office equipment) of the Treasury Department which are used primarily in the administration of powers and duties to be exercised by the Alien Property Custodian, and such personnel as is used primarily in the administration of such powers and duties and which was hired by the Treasury Department after September 1, 1941 (including officers whose chief duties relate to the administration of such powers and duties), as the Secretary of the Treasury and the Alien Property Custodian shall jointly certify for transfer, shall be transferred to the Office of the Alien Property Custodian In the event of disagreement concerning the transfer of any personnel, records, or property, the determination shall be made by the Director of the Bureau of the Budget, pursuant to the formula here prescribed Any personnel transferred pursuant to this Executive Order shall be transferred without loss of such Civil Service status or eligibility therefor as they may have

9. This Executive Order shall not be deemed to modify or amend Executive Order No 8843 of August 9, 1941, and the regulations, rulings, licenses and other action taken thereunder. Any and all action heretofore taken by the Secretary of the Treasury or the Alien Property Custodian, or by any person, agency, or instrumentality designated by either of them, pursuant to sections 3 (a) and 5 (b) of the Trading with the enemy Act, as amended, or pursuant to prior Executive Orders, and any and all action heretofore taken by the Board of Governors of the Federal Reserve System pursuant to Executive Order No 8843 of August 9, 1941, are hereby confirmed and ratified

10. For the purpose of this Executive Order

(a) The term "designated enemy country" shall mean any foreign country against which the United States has declared the existence of a state of war (Germany, Italy, Japan, Bulgaria, Hungary and Rumania) and any other country with which the United States is at war in the future The term "national" shall have the meaning prescribed in section 5 of Executive Order No 8389, as amended, *provided, however,* that persons not within designated enemy countries (even though they may be within enemy-occupied countries or areas) shall not be deemed to be nationals of a designated enemy country unless the Alien Property Custodian determines: (i) that such person is controlled by or acting for or on behalf of (including cloaks for) a designated enemy country or a person within such country; or (ii) that such person is a citizen or subject of a designated enemy country and within an enemy-occupied country or area, or (iii) that the national interest of the United States requires that such person be treated as a national of a designated enemy country For the purpose of this Executive Order any determination by the Alien Property Custodian that any property or interest of any foreign country or national thereof is the property or interest of a designated enemy country or national thereof shall be final and conclusive as to the power of the Alien Property Custodian to exercise any of the power or authority conferred upon me by section 5 (b) of the Trading with the enemy Act, as amended.

(b) The term "business enterprise within the United States" shall mean any individual proprietorship, partnership, corporation or other organization primarily engaged in the conduct of a business within the United States, and any other individual proprietorship, partnership, corporation or other organization to the extent that it has an established office within the United States engaged in the conduct of business within the United States.

11. The Secretary of the Treasury or the Alien Property Custodian, as the case may be, shall, except as otherwise agreed to by the Secretary of State, consult with the Secretary of State before vesting any property or interest pursuant to this Executive Order, and the Secretary of the Treasury shall consult with the Secretary of State before issuing any Order adding any additional foreign countries to section 3 of Executive Order No. 8389, as amended.

12 Any orders, regulations, rulings, instructions, licenses or other actions issued or taken by any person, agency or instrumentality referred to in this Executive

Order, shall be final and conclusive as to the power of such person, agency or instrumentality to exercise any of the power or authority conferred upon me by sections 3 (a) and 5 (b) of the Trading with the enemy Act, as amended; and to the extent necessary and appropriate to enable them to perform their duties and functions hereunder, the Secretary of the Treasury and the Alien Property Custodian shall be deemed to be authorized to exercise severally any and all authority, rights, privileges and powers conferred on the President by sections 3 (a) and 5 (b) of the Trading with the enemy Act of October 6, 1917, as amended, (sections 1–31 of this title) and by sections 301 and 302 of Title III of the First War Powers Act, 1941, approved December 18, 1941 (sections 616 and 617 of this Appendix) No person affected by any order, regulation, ruling, instruction, license or other action issued or taken by either the Secretary of the Treasury or the Alien Property Custodian shall be entitled to challenge the validity thereof or otherwise excuse his actions, or failure to act, on the ground that pursuant to the provisions of this Executive Order, such order, regulation, ruling, instruction, license or other action was within the jurisdiction of the Alien Property Custodian rather than the Secretary of the Treasury or vice versa.

13. Any regulations, rulings, instructions, licenses, determinations or other actions issued, made or taken by any agency or person referred to in this Executive Order, purporting to be under the provisions of this Executive Order or any other proclamation, order or regulation, issued under sections 3 (a) or 5 (b) of the Trading with the enemy Act, as amended, shall be conclusively presumed to have been issued, made or taken after appropriate consultation as herein required and after appropriate certification in any case in which a certification is required pursuant to the provisions of this Executive Order.

EX ORD NO 9142 TRANSFER OF CERTAIN FUNCTIONS, PROPERTY AND PERSONNEL FROM DEPARTMENT OF JUSTICE TO ALIEN PROPERTY CUSTODIAN

EX. Ord No. 9142, April 21, 1942, 7 F. R. 2985, provided:

1. All authority, rights, privileges, powers, duties, and functions transferred or delegated to the Department of Justice, to be administered under the supervision of the Attorney General, by Executive Order No. 6694 of May 1, 1934, or vested in, transferred or delegated to, the Attorney General or the Assistant Attorney General in charge of the Claims Division of the Department of Justice, by Executive Order No 8136 of May 15, 1939, are hereby transferred to the Alien Property Custodian provided for by Executive Order No 9095, dated March 11, 1942.

2. Subject to the provisions of paragraph 5 hereof, all property of the Alien Property Division of the Department of Justice, including records, files, supplies, furniture, and equipment, and all funds, securities, choses in action, real estate, patents, trade marks, copyrights, and all other property of whatsoever kind, held or administered by the Attorney General under and pursuant to the Trading with the Enemy Act, as amended, are hereby transferred to the Alien Property Custodian, to be administered and disposed of under his supervision and direction.

3. All administrative or general or other expenses of the Office of the Alien Property Custodian in the administration of the Trading with the Enemy Act, as amended, including the administration of Executive Order No 9095, may be paid out of any funds or other property transferred to the Alien Property Custodian hereunder, whether or not such expenses relate to the property transferred hereunder, or were incurred before or after March 11, 1942

4. The personnel of the Alien Property Division of the Department of Justice is hereby transferred to the Office of the Alien Property Custodian without loss of such civil service status or eligibility therefor as they may have.

5 All litigation in which the Alien Property Custodian or the Office of the Alien Property Custodian is interested shall be conducted under the supervision of the Attorney General. The Department of Justice and the Attorney General shall from time to time render such advice on legal matters to the Alien Property Custodian and the Office of the Alien Property Custodian as the Attorney General and the Alien Property Custodian may from time to time agree upon. For the purpose of defraying such expenses as may be incurred by the Department of Justice or the Attorney General in the rendering of advice as aforesaid or in the conduct of litigation in which the Alien Property Custodian or the Office of Alien Property Custodian is interested, including expenses for salaries of personnel and all other charges, the Alien Property Custodian may from time to time make available out of the funds or other property in his possession or control such funds as the Attorney General and the Alien Property Custodian may from time to time agree to be necessary therefor. Nothing in this order shall be construed to require the Department of Justice to surrender possession of any files and records relating to any litigation heretofore or hereafter conducted by it.

6. This order shall not be construed as modifying or limiting in any way the authority heretofore granted to the Federal Bureau of Investigation.

7. This order shall remain in force during the continuance of the present war and for six months after the termination thereof.

8 All prior Executive orders insofar as they are in conflict herewith are hereby superseded.

EX. ORD NO. 9325—PAYMENT OF EXPENSES OF THE OFFICE OF ALIEN PROPERTY CUSTODIAN

EX Ord No 9325, April 7, 1943, 8 F. R. 1682, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, particularly by Title III of the First War Powers Act, 1941 [sections 616–618 of this Appendix], it is hereby ordered as follows:

1. Until it is otherwise provided, the Alien Property Custodian is authorized and empowered to pay out of any funds lawfully in his custody or under his control all necessary expenses incurred by the Office of Alien Property Custodian in carrying out the powers and duties vested in him pursuant to Title III of the First War Powers Act, 1941 [sections 616–618 of this Appendix], and the applicable orders issued thereunder Such expenses shall be allocated and recovered as provided in section 2 hereof.

2. The Alien Property Custodian is authorized to retain, allocate and recover, as a charge against any specific property or any other property of which the former owner of the specific property was divested, expenses attributable to such specific property with respect to which he has exercised or may hereafter exercise any power heretofore or hereafter conferred upon him. In addition to such expenses, the Alien Property Custodian is authorized to retain, allocate and recover at such time or times as he may deem practicable, as a charge against money or property in his custody or under his control, such amounts as may be necessary in connection with the general administrative expenses of the Office of Alien Property Custodian which have been or may be paid and which are not practicably allocable to a specific property.

3 The power and authority herein granted shall not be limited by the filing of a claim or the institution of a suit relating to any property subject to the authority of the Alien Property Custodian.

4 This order shall not be construed as a limitation upon or in derogation of any powers heretofore granted

5. The Office of Alien Property Custodian shall submit to the Bureau of the Budget (a) prior to April 30, 1943, an estimate of general administrative expenses for the remainder of the current fiscal year, (b) prior to the end of the current and of each subsequent fiscal year, at such time as may be specified by the Director of the Bureau of the Budget, an estimate of such expenses for the succeeding fiscal year, and (c) any supplemental estimates of such expenses if and as the need arises. After April 30, 1943, no general administrative expenses authorized to be paid pursuant to this order shall be incurred or paid by the Office of Alien Property Custodian beyond the amounts approved by the Director of the Bureau of the Budget upon submissions as above set forth.

§ 6a. Incurment of expenses by Office of Alien Property Custodian.

After June 30, 1945, the Office of Alien Property Custodian shall not incur any obligations for the expenses of said Office except pursuant to a further

annual authorization by the Congress specifically therefor. (Dec. 22, 1944, ch. 660, title I, § 101, 58 Stat. 855.)

CODIFICATION

This section was not enacted as a part of the Trading With the Enemy Act of 1917.

REPORT TO CONGRESS ON EXPENSES

Act Dec 22, 1944, ch 660, title I, § 101, provided in part: "On or before April 1, 1945, the Alien Property Custodian shall make a report to the Appropriations Committees of the Senate and the House of Representatives giving detailed information on all administrative and nonadministrative expenses incurred in connection with the activities of the Office of Alien Property Custodian."

CROSS REFERENCES

Reestablishment of Office, see note and Ex Ord No 9095 set out under section 6 of this Appendix.

§§ 7–10, 12, 23–27, 29, 30.

TRANSFER OF FUNCTIONS

The Office of Alien Property Custodian which was abolished and its functions and personnel transferred to the Department of Justice by Ex. Ord. No. 6694, May 1, 1934, was re-established in the Office for Emergency Management by Ex. Ord. No. 9095, Mar. 11, 1942, 7 F. R 1971, as amended by Ex Ord No. 9193, July 6, 1942, 7 F. R. 5205, and all powers, duties, and functions transferred or delegated to the Department of Justice by said Ex Ord No 6694 were retransferred to Office of Alien Property Custodian by Ex Ord No. 9142, Apr. 21, 1942, 7 F. R 2985.

SELECTIVE TRAINING AND SERVICE ACT OF 1940

ACT SEPT. 16, 1940, 3:08 P. M., E. S. T., CH. 720, 54 STAT. 885

Sec.

303a Medical and burial expenses of registrants (New).
304a Preinduction physical examination (New).
305a. Deferment of persons employed by the Federal Government (New).
305b Monthly reports to Congress by Director of Selective Service (New).
309a. Program of work of national importance for conscientious objectors, pay and allowances (New).
310a. Travel expenses (New).
310b. Selective Service Medal; Congressional declaration of gratitude; persons entitled to medal; form and design; appropriations (New).

CROSS REFERENCES

Prostitution near military camps unlawful, see section 518a of Title 18, Criminal Code and Criminal Procedure.

§ 302. Registration of male citizens and alien residents; age limitations.

Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and sixty-five, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder. (As amended Dec. 20, 1941, ch. 602, § 1, 55 Stat. 844.)

REGISTRATION DATES

The President called for registration of male citizens and alien residents under the terms of the Selective Training and Service Act of 1940 as amended, on the following dates: United States on Sept. 16, 1940, by Proc. No. 2425; Hawaii on Oct. 26, 1940 by Proc. No. 2430; Puerto Rico on Nov. 20, 1940 by Proc. No 2431; Alaska on Jan 22, 1941 by Proc. No. 2442; United States and Territories on July 1, 1941 by Proc. No. 2486; United States and the Territories of Alaska and Hawaii, and in Puerto Rico on Feb. 16, 1942 by Proc. No. 2535; United States and the Territories of Alaska and Hawaii, and in Puerto Rico on April 27, 1942, by Proc. No. 2541; United States and the Territories of Alaska and Hawaii and in Puerto Rico on June 30, 1942, by Proc. No. 2558; United States, Alaska, Hawaii and Puerto Rico, for 18 year olds, on Dec. 11th, 18th, and 26th, 1942, and thereafter all others on their eighteenth birthday, by Proc No 2572.

The President called for registration of all male citizens of the United States outside Continental United States, the Territory of Alaska, the Territory of Hawaii, and Puerto Rico born after Dec. 31, 1898, and prior to Jan 1, 1926 between Nov 16, 1943, and Dec. 31, 1943, and all persons born after Jan. 1, 1926, on the day they attain their eighteenth birthday by Proc No 2597, Oct. 26, 1943, 8 F. R 14596.

§ 303. Persons liable for training and service; number; term; status after completion of term; pay; allowances; and benefits; place of employment.

(a) Except as otherwise provided in this Act [sections 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix], every male citizen of the United States, and every other male person residing in the United States, who is between the ages of eighteen and forty-five at the time fixed for his registration, shall be liable for training and service in the land or naval forces of the United States: *Provided*, That any citizen or subject of a neutral country shall be relieved from liability for training and service under this Act [said sections] if, prior to his induction into the land or naval forces, he has made application to be relieved from such liability in the manner prescribed by and in accordance with rules and regulations prescribed by the President, but any person who makes such application shall thereafter be debarred from becoming a citizen of the United States: *Provided further*, That no citizen or subject of any country who has been or who may hereafter be proclaimed by the President to be an alien enemy of the United States shall be inducted for training and service under this Act [said sections] unless he is acceptable to the land or naval forces. The President is authorized from time to time, whether or not a state of war exists, to select and induct into the land and naval forces of the United States for training and service, in the manner provided in this Act, such number of men as in his judgment is required for such forces in the national interest: *Provided*, That within the limits of the quota determined under section 4 (b) (section 304 (b) of this Appendix) for the subdivision in which he resides, any person, regardless of race or color, between the ages of eighteen and forty-five, shall be afforded an opportunity to volunteer for induction into the land or naval forces of the United States for the training and service prescribed in subsection (b), but no person who so volunteers shall be inducted for such training and service so long as he is deferred after classification: *Provided further*, That no man shall be inducted for training and service under this Act [said sections] unless and until he is acceptable to the land or naval forces for such training and service and his physical and mental fitness for such training and service has been satisfactorily determined: *Provided further*, That no men shall be inducted for such training and

service until adequate provision shall have been made for such shelter, sanitary facilities, water supplies, heating and lighting arrangements, medical care, and hospital accommodations, for such men, as may be determined by the Secretary of War or the Secretary of the Navy, as the case may be, to be essential to public and personal health: *Provided further*, That except in time of war there shall not be in active training or service in the land forces of the United States at any one time under subsection (b) more than nine hundred thousand men inducted under the provisions of this Act [said sections]. The men inducted into the land or naval forces for training and service under this Act [said sections] shall be assigned to camps or units of such forces: *Provided further*, That no man, without his consent, shall be inducted for training and service under this Act [said sections] after he has attained the forty-fifth anniversary of the day of his birth: *And provided further*, That no man under nineteen years of age who is inducted into the land or naval forces under the provisions of this Act [sections 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix] shall be ordered into actual combat service until after he has been given at least six months of military training of such character and to the extent necessary to prepare such inductee for combat duty; this proviso shall not be construed as preventing the assignment of enlisted men of the Navy or Coast Guard and the reserve components thereof to duty for training on combat vessels of the Navy or Coast Guard and at naval bases beyond the continental limits of the United States.

* * * * *

(c) Each such man, after the completion of his period of training and service under subsection (b), shall be transferred to a reserve component of the land or naval forces of the United States; and until he attains the age of forty-five, or until the expiration of a period of ten years after such transfer, or until he is discharged from such reserve component, whichever occurs first, he shall be deemed to be a member of such reserve component and shall be subject to such additional training and service as may now or hereafter be prescribed by law: *Provided*, That any man who completes at least twelve months' training and service in the land forces under subsection (b), and who thereafter serves satisfactorily in the Regular Army or in the active National Guard for a period of at least two years, shall, in time of peace, be relieved from any liability to serve in any reserve component of the land or Naval forces of the United States and from further liability for the training and service under subsection (b), but nothing in this subsection shall be construed to prevent any such man, while in a reserve component of such forces, from being ordered or called to active duty in such forces. The active military service or training and service of any person pursuant to section 2 of the Service Extension Act of 1941 (section 352 of this appendix) shall be credited against the service in a reserve component required by this section or section 4 of the Service Extension Act of 1941 (section 354 of this Appendix). (As amended Aug. 18, 1941, ch. 362, § 5, 55 Stat. 627; Dec. 20, 1941, ch 602, §§ 2, 9, 55 Stat 844, 846; Nov. 13, 1942, ch. 638, §§ 1, 5, 56 Stat. 1018, 1019; May 9, 1945, ch. 112, § 2, 59 Stat. 166.)

* * * * *

AMENDMENTS

1945—Subsec. (a) amended by act May 9, 1945, cited to text, which added last proviso.

1942—Subsec. (a) was amended by act Nov. 13, 1942, §§ 1, 5, cited to text. Said section 1 amended so much of first sentence as precedes the first proviso. Said section 5 added the last proviso.

1941—Subsec. (a) was amended by act Dec 20, 1941, §§ 2, 9, cited to text Said section 2 amended the first sentence Said section 9 amended the first proviso of the second sentence by substituting "forty-five" for "thirty-six"

Subsec. (c) was amended by res. Aug 18, 1941, cited to text, which added last sentence

SUSPENSION IN PART

The limitation on the number of men who may be in active training and service at any one time was temporarily suspended by section 359 of this Appendix

EXTENSION BY PRESIDENT

By Ex Ord No 8862, Aug 21, 1941, 6 F R 4319, the President extended the period of active military service for eighteen months.

STATUS AND TERM OF SERVICE OF PERSONS INDUCTED INTO NAVY, MARINE CORPS, OR COAST GUARD

Act Dec 20, 1941, ch 602, § 8, 55 Stat 846, provided as follows: "Persons inducted under the Selective Training and Service Act of 1940 who are inducted into or assigned to the Navy, Marine Corps, or Coast Guard, shall be members of the Navy, Marine Corps, or Coast Guard, as the case may be, and in time of war their periods of service or training and service may be extended by the President for such additional time as he may deem necessary in the interest of national defense: *Provided*, That the periods of service or training and service under section 3 (b) of such Act (section 303 (b) of this Appendix) of men who are detained under this section shall be terminated not later than six months after the termination of the war which authorized their detention, unless such men voluntarily extend their periods of service or training and service."

CROSS REFERENCES

Declaration that national interest is imperiled, see section 351 of this Appendix

Extension of term of service during war, see section 732 of this Appendix

Mustering-out pay, see sections 691–691g, of Title 38, Pensions, Bonuses, and Veterans' Relief

Servicemen's Readjustment Act of 1944, see sections 693–697e of Title 38, Pensions, Bonuses, and Veterans' Relief

Suspension of territorial ban on use of Army, see section 731 of this Appendix.

§ 303a. Medical and burial expenses of registrants.

Under such rules or regulations as may be prescribed by the Director of Selective Service, expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation, and burial, of the remains of registrants who suffer death, while acting under orders issued under the selective-service law but such burial expenses shall not exceed $150 in any one case. (June 28, 1944, ch. 301, title I, § 1, 58 Stat. 544; July 17, 1945, ch. 319, § 1, 59 Stat. 485.)

CODIFICATION

Section is from the National War Agency Appropriation Act of 1945, and was not enacted as a part of the Selective Service and Training Act of 1940.

§ 304. Manner of selecting men for training and service; quotas.

(a) The selection of men for training and service under section 3 (section 303 of this Appendix) (other than those who are voluntarily inducted pursuant to this Act [sections 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix]) shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from the men who are liable for such training and service and who at the time of selection are registered and classified but not deferred or exempted: *Provided,* That in the selection and training of men under this Act [said sections], and in the interpretation and execution of the provisions of this Act [said sections], there shall be no discrimination against any person on account of race or color: *Provided further,* That in the classification of registrants within the jurisdiction of any local board, the registrants of any particular registration may be classified, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after the registrants of any prior registration or registrations; and in the selection for induction of persons within the jurisdiction of any local board and within any particular classification, persons who were registered at any particular registration may be selected, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after persons who were registered at any prior registration or registrations. (As amended Dec. 20, 1941, ch. 602, § 3, 55 Stat. 845.)

* * * * *

AMENDMENTS

1941—Act Dec 20, 1941, cited to text, added last proviso to subsec. (a).

§ 304a. Preinduction physical examination.

Any registrant within the categories herein defined when it appears that his induction will shortly occur shall, upon request, be ordered by his local board in accordance with schedules authorized by the Secretary of War, the Secretary of the Navy, and the Director of Selective Service, to any regularly established induction station for a preinduction physical examination, subject to reexaminations.

The commanding officer of such induction station where such physical examination is conducted under this provision shall issue to the registrant a certificate showing his physical fitness or lack thereof, and this examination shall be accepted by the local board, subject to periodic reexamination. Those registrants who are classified as I–A at the time of such physical examination and who are found physically qualified for military service as a result thereof, shall remain so classified and report for induction in regular order. (Dec. 5, 1943, ch. 342, § 5, 57 Stat. 599.)

REPEALS

Section 7 of act Dec. 5, 1943, cited to text, provided: "Except as provided in this Act, all laws and parts of laws in conflict with the provisions of this Act are hereby suspended to the extent of such conflict for the period in which this Act shall be in force."

§ 305. Exceptions, exemptions, or deferments from training and service.

(a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, and persons in other categories to be specified by the President, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 (section 302 of this Appendix) and shall be relieved from liability for training and service under section 3 (b) (section 303 (b) of this Appendix).

(b) In time of peace, the following persons shall be relieved from liability for training and service under section 3 (b) (303 (b) of this Appendix) and from the liability to serve in any Reserve component of the land or naval forces imposed by this Act [sections 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix]:

(1) Any person who shall have satisfactorily served as an officer or enlisted man for at least three consecutive years in the Regular Army, Navy, Marine Corps, or Coast Guard before or after or partially before and partially after the time fixed for registration under section 2 (302 of this Appendix), or any enlisted man who has been or is hereafter honorably discharged from the Regular Army or the Coast Guard for the convenience of the Government within six months prior to the completion of his regular three-year period of enlistment: *Provided,* That any person who has had such prior service and who has already been inducted for service may upon application be discharged and shall not be liable for further training and service in time of peace

(2) Any person who as a member of the active National Guard shall have satisfactorily served as an officer or enlisted man for at least one year in active Federal service in the Army of the United States, and subsequent thereto for at least two consecutive years in the Regular Army or in the active National Guard, before or after or partially before and partially after the time fixed for registration under section 2 (302 of this Appendix); or

any person who as a member of the Naval Reserve or Marine Corps Reserve shall have satisfactorily served for at least three consecutive years on active duty before or after or partially before and partially after the time fixed for such registration; or any person who as a member of the Naval Reserve or Marine Corps Reserve shall have satisfactorily served for at least one year on active duty and for at least two consecutive years in the Regular Navy or Marine Corps or with an organized unit of the Naval Reserve or Marine Corps Reserve, before or after or partially before and partially after the time fixed for such registration.

(3) Any person who is an officer or enlisted man in the active National Guard at the time fixed for registration under section 2 (302 of this Appendix), and who shall have satisfactorily served therein for at least six consecutive years, before or after or partially before and partially after the time fixed for such registration.

(4) Any person who is an officer in the Officers' Reserve Corps on the eligible list at the time fixed for registration under section 2 (302 of this Appendix), and who shall have satisfactorily served therein on the eligible list for at least six consecutive years, before or after or partially before and partially after the time fixed for such registration.

(5) Any person who is an officer or an enlisted man in the organized Naval Reserve or the organized Marine Corps Reserve at the time fixed for registration under section 2 (302 of this Appendix), and who shall have satisfactorily served therein for at least six consecutive years, before or after or partially before and partially after the time fixed for such registration or any person who is an officer or an enlisted man in the Naval Merchant Marine Reserve or Volunteer Naval Reserve or Volunteer Marine Corps Reserve at the time fixed for registration under section 2 (302 of this Appendix), and who shall have satisfactorily served therein for at least eight consecutive years, before or after or partially before and partially after the time fixed for such registration.

(c) (1) The Vice President of the United States, the Governors, and all other State officials chosen by the voters of the entire State, of the several States and Territories, members of the legislative bodies of the United States and of the several States and Territories, judges of the courts of record of the United States and of the several States and Territories and the District of Columbia, shall, while holding such offices, be deferred from training and service under this Act [said sections] in the land and naval forces of the United States.

* * * * *

(e) (1) The President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act [said sections] in the land and naval forces of the United States of any or all categories of those men whose employment in industry, agriculture, or other occupations or employment, or whose activity in other endeavors, is found in accordance with section 10 (a) (2) (section 310 (a) (2) of this Appendix) to be necessary to the maintenance of the national health, safety, or interest. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act [said sections] in the land and naval forces of the United States (1) of any or all categories of those men in a status with respect to persons dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those men found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of men is advisable because of their status with respect to persons dependent upon them for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the land or naval forces of the United States shall be taken into consideration but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the grounds for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service under this Act [said sections] in the land and naval forces of the United States of any or all categories of those men who have wives or children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service shall be made in the case of any individual except upon the basis of the status of such individual, and no such deferment shall be made of individuals by occupational groups or of groups of individuals in any plant or institution. Rules and regulations issued pursuant to this subsection shall include provisions requiring that there be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those men who have been classified by such local board.

(2) Anything in this Act [said sections] to the contrary notwithstanding, the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment, by age group, or groups, from training and service under this Act [said sections] in the land and naval forces of the United States, of those men whose age or ages are such that he finds their deferment to be advisable in the national interest: *Provided*, That the President may, upon finding that it is in the national interest, terminate the deferment by age group or groups of any or all of the men so deferred.

(f) Any person eighteen or nineteen years of age who, while pursuing a course of instruction at a high school or similar institution of learning, is ordered to report for induction under this Act [said sections] during the last half of one of his academic years at such school or institution, shall, upon his request, have his induction under this Act [said

sections] postponed until the end of such academic year, without regard to the date during the calendar year on which such academic year ends, or until he ceases to pursue such course of instruction, whichever is the earlier. The induction of any such person shall not be postponed under this subsection beyond the date which would constitute the end of his academic year if he continued to pursue such course of instruction.

* * * * *

(i) Notwithstanding any other provisions of law, no person between the ages of eighteen and twenty-one shall be discharged from service in the land or naval forces of the United States while this Act [said sections] is in effect because such person entered such service without the consent of his parent or guardian.

(j) No individual who has been convicted of any crime which may not be punished by death or by imprisonment for a term exceeding one year shall, by reason solely of such conviction, be relieved from liability for training and service under this Act [said sections].

(k) Every registrant found by a selective service local board, subject to appeal in accordance with section 10 (a) (2) (310 (a) (2) of this Appendix), to be necessary to and regularly engaged in an agricultural occupation or endeavor essential to the war effort, shall be deferred from training and service in the land and naval forces so long as he remains so engaged and until such time as a satisfactory replacement can be obtained: *Provided*, That should any such person leave such occupation or endeavor, except for induction into the land or naval forces under this Act [said sections], his selective service local board, subject to appeal in accordance with section 10 (a) (2) (310 (a) (2) of this Appendix), shall reclassify such registrant in a class immediately available for military service, unless prior to leaving such occupation or endeavor he requests such local board to determine, and such local board, subject to appeal in accordance with section 10 (a) (2) (310 (a) (2) of this Appendix), determines, that it is in the best interest of the war effort for him to leave such occupation or endeavor for other work.

(*l*) In the case of any registrant whose principal place of employment is located outside the appeal board area in which the local board having jurisdiction over the registrant is located, any occupational deferment under subsection (c) (2) or subsection (e) of this section existing at the date of enactment of this subsection shall within thirty days after such date, and any such occupational deferment made after the date of enactment of this subsection shall within ten days after such deferment is made, be submitted for review and decision to the selective service appeal board having jurisdiction over the area in which is located the principal place of employment of the registrant. Such decision of the appeal board shall be final unless modified or changed by the President, and such decision shall be made public. The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from, training and service under this Act [said sections]; and the determination of the President shall be final.

(m) Notwithstanding the provisions of section 4 (b) (section 304 (b) of this Appendix), under such rules and regulations as the President may prescribe, on the basis of the best inventory information available to him at the time of allocating calls, without affecting the usual regular and orderly flow of the Nation's manpower into the armed forces as required for service therein, and in accordance with the requisitions of the land and naval forces and with the other provisions of this Act [said sections], registrants shall, on a Nation-wide basis within the Nation and a State-wide basis within each State, be ordered to report to induction stations in such a manner that registrants, regardless of their occupations or the activities in which they may be engaged, who were married prior to December 8, 1941, who have maintained a bona fide family relationship with their families since that date and who have a child or children under eighteen years of age, will be inducted after the induction of other registrants not deferred, exempted, relieved from liability, or postponed from induction under this Act or the rules and regulations prescribed thereunder who are available for induction and are acceptable to the land and naval forces. The term "child" as used in this section means a legitimate child born prior to September 15, 1942, a stepchild, adopted child, foster child, or a person who is in the relationship of child to the registrant, who became such prior to December 8, 1941, who is less than eighteen years of age, or who by reason of mental or physical defects is incapable of self-support, who is unmarried, and with whom the registrant has maintained a bona fide family relationship in their home since December 7, 1941, or since the date of birth if such date of birth is later than December 7, 1941: *Provided*, That no individuals shall be called for induction, ordered to report to induction stations, or be inducted because of their occupations, or by occupational groups, or by groups in any plant or institutions, except pursuant to a requisition by the land or naval forces for persons in needed medical professional and specialist categories. (As amended May 29, 1941, ch. 155, 55 Stat. 211; Aug. 16, 1941, ch. 355, §§ 1, 2, 55 Stat. 621; Dec. 20, 1941, ch. 602, §§ 4–6, 55 Stat. 845; June 23, 1942, ch. 443, title I, § 201 (a), 56 Stat. 386; Nov. 13, 1942, ch. 638, §§ 2, 4, 56 Stat. 1019; July 9, 1943, ch. 211, 57 Stat. 391; Dec. 5, 1943, ch. 342, § 1, 57 Stat. 596.)

AMENDMENTS

1943—Subsec. (f) was amended by act July 9, 1943, cited to text.

Subsecs. (*l*) and (m) were added by act Dec. 5, 1943, cited to text.

1942—Subsec. (e) (1) was amended by act June 23, 1942, cited to text.

Subsec (f) was amended by act Nov. 13, 1942, § 2, cited to text, by restricting its provisions to students in high schools and omitting all mention of college students

Subsecs (i), (j), and (k) were added by act Nov. 13, 1942, § 4, cited to text.

1941—Subsec (a) was amended by act Dec. 20, 1941, § 4, cited to text.

Subsec. (b) (1) was amended by act Aug 18, 1941, cited to text, which inserted words "or any enlisted man who has been * * * regular three-year period of enlistment."

Subsec. (c) (1) was amended by act Dec. 20, 1941, § 4, cited to text.

Subsec. (e) was amended by acts Aug. 1, 1941, and Dec. 20, 1941, §§ 5, 6, both cited to text.

REPEALS

Section 7 of act Dec. 5, 1943, cited to text, provided: "Except as provided in this Act, all laws and parts of laws in conflict with the provisions of this Act are hereby suspended to the extent of such conflict for the period in which this Act shall be in force"

§ 305a. Deferment of persons employed by the Federal Government—(a) Consideration of requests for deferment.

In the classification, reclassification, or deferment, under section 5 (c) (2) or section 5 (e) of the Selective Training and Service Act of 1940, as amended (sections 305 (c) (2) and 305 (e) of this Appendix), of persons employed in or under the Federal Government, no consideration shall be given to the fact that any such person is so employed, unless a request for the deferment of such person shall have been made (1) in accordance with the provisions of Executive Order Numbered 9309, dated March 6, 1943, in the case of persons employed in the executive branch of the Government, or (2) in accordance with the provisions of subsection (b) of this section in the case of persons employed in the judicial or legislative branches of the Government.

(b) Committees of judicial and legislative branches to make requests for deferment.

There is hereby established (1) a committee in the judicial branch of the Government to consist of such persons in the judicial branch of the Government as may be appointed to such committee by the Chief Justice of the United States, and (2) a committee in the legislative branch of the Government to consist of three Members of the Senate, to be appointed by the President of the Senate, and three Members of the House of Representatives to be appointed by the Speaker of the House. The committees established under this subsection shall have powers and duties with respect to officers and employees in their respective branches of the Government corresponding to the powers and duties of the committees established pursuant to Executive Order Numbered 9309, and shall make all requests for selective-service occupational deferment of officers or employees in their respective branches of the Government; and no request for the occupational deferment of any such officer or employee shall be considered by any local board unless it has been made by one of such committees. In exercising their functions under this section such committees shall, as far as practicable, follow the procedures and standards set forth in such Executive Order Numbered 9309 [set out as a note under this section]; and the provisions of such Executive order, insofar as they are not inconsistent with this subsection, shall be deemed to apply with respect to persons employed in the judicial and legislative branches of the Government, except that this section shall not be deemed to confer upon the Chairman of the War Manpower Commission or the Review Committee on Deferment of Government Employees any jurisdiction with respect to such persons.

(c) Monthly reports to Congress on deferments.

Beginning sixty days after the date of enactment of this Act [Apr. 8, 1943], the Director of Selective Service shall make monthly reports to the Congress showing, as nearly currently as is practicable, the names and positions of the persons who have been deferred or placed in any class or subdivision of a class under such sections 5 (c) (2) or 5 (e) (sections 305 (c) (2) and 305 (e) of this Appendix) because of their employment in or under the Federal Government, and showing whether or not requests for the deferment of such persons have been made in accordance with such Executive order or subsection (b) of this section; and such Director shall obtain from the selective-service local boards, and from the several departments and agencies of the Federal Government, such information as may be necessary for this purpose.

(d) Government Printing Office and Library of Congress as agencies of executive branch.

For the purposes of this section and Executive Order Numbered 9309 [set out as a note under this section], the Government Printing Office and the Library of Congress shall each be deemed to be an agency in the executive branch of the Government. (Apr. 8, 1943, ch. 33, 57 Stat. 57.)

CODIFICATION

Section was not enacted as part of the Selective Training and Service Act of 1940, as amended

EX ORD NO 9309—CONTROLLING GOVERNMENT REQUESTS FOR THE SELECTIVE SERVICE DEFERMENT OF FEDERAL EMPLOYEES

EX ORD NO 9309, March 6, 1943, 8 F R 2911, provided

By virtue of the authority vested in me by the Constitution and statutes (including the Selective Training and Service Act of 1940, as amended) (sections 301–318 of this Appendix) as President of the United States, and in order to further the prosecution of the war by conserving and most effectively utilizing manpower and by systematizing the handling of necessary, selective service occupational deferment of employees in the Executive branch of the Federal Government, it is ordered as follows

I. LIMITATIONS ON RIGHT TO REQUEST OCCUPATIONAL DEFERMENT

1 No agency shall request the selective service deferment of any employee on occupational grounds except in accordance with the provisions of this Order No employee shall initiate a request for his own deferment on occupational grounds or advocate the making of such a request on his own behalf.

2. No such request shall be made unless it is determined, in the manner herein provided, that the employee's civilian services are essential in that the loss thereof would substantially impair activities essential to the war effort (including necessary supporting activities and the maintenance of the national health, safety, and interest). In determining whether such an employee's services are thus essential, consideration shall be given to all relevant factors, including the actual effectiveness of the employee, the difficulty of replacing him, his age, his qualifications, his assignment to duties outside the continental United States and the length of his service in the position he occupies or in positions with comparable duties.

3. No such request shall be made for a period longer than is deemed to be absolutely necessary nor for a period of more than six months

II ESTABLISHMENT OF COMMITTEES

1. The Chairman of the War Manpower Commission (hereinafter referred to as the Chairman) shall designate with the approval of the President a chairman and two members of a War Manpower Commission committee to be known as the Review Committee on Deferment of Government Employees (hereinafter referred to as the Review Committee). Such Committee shall be subject to the supervision and direction of the Chairman.

2 The head of each agency shall designate a Committee on Deferment of Government Employees (hereinafter referred to as an Agency Committee), of three to five members possessing a comprehensive view of the needs of the agency For the purposes of this Order the Government of the District of Columbia shall be deemed to be an agency Each Agency Committee shall be subject to the supervision and direction of the head of the agency

3 When authorized by the Review Committee, the head of any agency may also designate regional committees whenever the number and geographical distribution of the personnel of the agency make such action desirable Within their respective areas such regional committees shall have the authority and responsibility of an Agency Committee; and as used in this Order the term "Agency Committee" shall include a regional committee established under this section.

III. DESIGNATION OF KEY POSITIONS

1 Each Agency Committee, with the approval of the head of the agency, shall submit to the Review Committee for its approval a list of those positions in the agency deemed necessary to carry out activities essential to the war effort or to necessary supporting activities All such positions approved by the Review Committee shall be known as "key positions" The Review Committee, either on its own motion or upon recommendation made by the Agency Committee and approved by the head of the agency, may revise the list of key positions of that agency as conditions warrant

2 Key positions shall be limited to positions involving serious difficulty of replacement because a scarcity of available qualified personnel exists and because any incumbent of the position must have had, in order to perform the duties effectively, an extended period of training or specialized experience. The designation of key positions shall be further governed by the following criteria:

a The work is of a responsible administrative, executive, or supervisory character in activities directly related to the war effort, or to the essential maintenance of orderly government (including the maintenance of the health, morale, and security of the Nation); or

b. The work is a part of the actual production, transportation, or handling of war materials, equipment, or commodities, or of the maintenance or operation of war equipment, or of the transportation of war personnel; or

c The work is of a professional, semi-professional, or highly specialized character, requiring extended training, in an occupation where a known scarcity of manpower exists; or

d. The work usually requires male employees because of peculiar circumstances or requisite physical abilities, including the occupations of seamen, investigatory agents, forest rangers, border patrolmen, prison guards, and other comparable occupations wherein replacement within necessary age limits is difficult.

IV. REQUESTS FOR DEFERMENT

1. In accordance with the provisions of this Order, and subject to the limitations set forth in Part I hereof, an Agency Committee may, in cases not covered by the Replacement Schedule procedure set forth in paragraph 5 of this Part, prepare and submit to the appropriate local selective service board a request for the occupational deferment of—

a Any employee of the agency who occupies a key position and whose civilian services are essential within the meaning of paragraph 2 of Part I hereof.

b Any employee of the agency not occupying a key position whose civilian services are essential within the meaning of paragraph 2 of Part I hereof, if unusual and special circumstances such as the employee's unique fitness for the work or unique familiarity with a specific project in the course of completion make such deferment request necessary No request for deferment shall be made under this subparagraph except with the prior specific approval of the Review Committee.

2. Subject to the conditions set forth in this Order, the Agency Committees shall make all requests for selective service occupational deferment of employees of their respective agencies, and shall prepare and submit such requests to local selective service boards in accordance with selective service regulations

3 In preparing the prescribed selective service form for submitting a request for occupational deferment to the local selective service board, the Agency Committee shall enter on such form the words "Government Request," and shall also indicate thereon the name of the agency and the subordinate part thereof in which the registrant is employed.

4 In any case in which a Government request for deferment is denied by a local selective service board, the Agency Committee concerned shall at once file an appeal from such action The appeal shall stay the induction of the employee affected until final decision in the case

5. The Chairman, upon his own motion or upon recommendation made by an Agency Committee and approved by the head of the agency, shall determine, after consultation with the Review Committee, those manufacturing, servicing, operating, and transporting activities of an agency or part thereof with respect to which deferment problems can be best met through use of manning tables and replacement schedules He shall thereupon direct the head of the agency concerned to prepare and use, with respect to those activities or organizations, manning tables and replacement schedules, in accordance with the regulations prescribed by the Chairman. Such agency or part thereof shall thereafter be exempt from the provisions of Part III of this Order (providing for the designation of key positions) and the provisions of this Order governing the making of requests for deferment of employees to the extent and in the respects provided in the regulations of the Chairman

V VOLUNTARY ENTRANCE INTO ARMED FORCES

1. Unless an Agency Committee has requested or would request deferment of an employee under this Order, the agency, upon his request, shall grant him a release to enter the armed forces voluntarily in a commissioned or enlisted status

2. If an Agency Committee has requested or would request deferment of an employee under this Order, the agency shall deny him such a release unless it is determined that:

a The employee is likely to be assigned to active combat service; or

b The employee's skills and ability probably will be utilized equally or more effectively in the armed forces.

3 In the case of an employee who is in a deferred classification, or who is not subject to induction, for reasons unrelated to his occupation, such a release shall be granted or denied without regard to such reasons, in accordance with the provisions of paragraphs 1 and 2 of this Part

4. When an Agency Committee denies release of an employee, such action shall upon his request be reviewed by the Review Committee. The Agency Committee shall be notified of the final decision, and if the denial is affirmed, such committee shall immediately notify the employee's local selective service board

VI DEPENDENCY—OCCUPATIONAL RECLASSIFICATION

Agency Committees may make requests for the selective service reclassification from Class III–A to Class III–B of employees other than those engaged in occupations designated by the Chairman as non-deferable. Such requests shall be made in accordance with standards, to be prescribed by the Chairman, for determining the relationship of employees' activities to the war effort, which standards shall conform, as nearly as may be, to the standards applicable to such reclassification in the case of persons not in the Federal service.

VII GENERAL PROVISIONS

1. Under regulations to be prescribed by the Chairman, the Agency Committee in each agency shall supervise the preparation and maintenance, on a current basis, of adequate statistics on the selective service status of its male employees, and on related matters, which shall be summarized and reported to the Review Committee at periodic intervals.

2 Heads of agencies shall issue special instructions to insure that an employee will immediately report through proper channels any change in his selective service status or the receipt of notice to report for induction.

3 Each agency shall plan and carry out an orderly program of replacement and training occasioned by the entry or prospective entry of employees into the armed forces, on the basis of the information provided for in paragraph 1 of this Part of this Order.

4 The Chairman shall from time to time make recommendations to the Director of the Bureau of the Budget, based on information and experience acquired in the administration of this Order, for the effective utilization of the services of Government employees with respect to the conservation of manpower.

5 Under regulations to be prescribed by the Chairman, the several agencies shall submit to the Review Committee periodic reports concerning all action taken under this Order. The Review Committee shall currently review such reports and shall consult with Agency Committees with respect to any departures from this Order. The Review Committee may also designate representatives to attend meetings of Agency Committees Such representatives shall at all times have full access to all records of such Committees.

6 The Chairman shall report to the President, at intervals of not more than three months, with respect to the administration of this Order and shall make recommendations to the President with respect to such modifications of this Order as he may deem advisable.

7 The Chairman may suspend the authority of any Agency Committee to submit requests for deferment if the Agency Committee submits requests in violation of this Order.

8 A request for deferment of an employee may be cancelled by the Review Committee if it determines that the request was made in violation of this Order.

9. The Chairman shall furnish copies of this Order to all local selective service boards

10 The Chairman may delegate any of his duties and powers under this Order to any officer or employee of the War Manpower Commission and may utilize the services of any Federal officer, employee, or agency

11. The Chairman shall prescribe such regulations as may be necessary to carry out the purposes of this Order, including such additional criteria for the designation of key positions as he may deem necessary.

§ 305b. Monthly reports to Congress by Director of Selective Service.

The Director of Selective Service shall obtain full and complete information from the various agencies, departments, and branches of the Federal Government, and from other sources, concerning requests for deferment, deferments, exemptions, rejections, discharges, inductions, enlistments, replacement schedules, and other matters with respect to registrants, whether or not they are members of the armed forces, or whether or not they are Government or private employees; and he shall report that information, together with the manner in which the provisions of the Selective Training and Service Act of 1940, as amended (section 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix), are being administered, to the Senate and House Committees on Military Affairs monthly or at such intervals as the Committees may designate from time to time. (Dec. 5, 1943, ch. 342, § 6, 57 Stat. 599.)

REPEALS

Section 7 of act Dec. 5, 1943, cited to text, provided: "Except as provided in this Act, all laws and parts of laws in conflict with the provisions of this Act are hereby suspended to the extent of such conflict for the period in which this Act shall be in force."

§ 308. Service and health certificates; employment and reemployment provisions; voting during service.

(a) Any person inducted into the land or naval forces under this Act [sections 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix] for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 3 (b) (303 (b) of this Appendix) shall be entitled to a certificate to that effect upon the completion of such period of training and service, which shall include a record of any special proficiency or merit attained In addition, each such person who is inducted into the land or naval forces under this Act [said sections] for training and service shall be given a physical examination at the beginning of such training and service; and upon the completion of his period of training and service under section 3 (b) (303 (b) of this Appendix), each such person shall be given another physical examination and, upon the written request of the person concerned, shall be given a statement of medical record by the War Department: *Provided,* That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary of War or the Secretary of the Navy would prove injurious to the physical or mental health of the person to whom it pertains.

(b) In the case of any such person who, in order to perform such training and service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within ninety days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than one year—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such

person should be restored to such position or to a position of like seniority, status, and pay.

(As amended July 28, 1942, ch. 529, § 2, 56 Stat. 724; Dec. 8, 1944, ch. 548, § 1, 58 Stat 798.)

* * * * *

AMENDMENTS

1944—Subsec (b) amended by act Dec 8, 1944, cited to text, which substituted "ninety" for "forty" preceding "days after he", and added "or from hospitalization continuing after discharge for a period of not more than one year" following "relieved from such training and service".

1942—Subsec (a) was amended by act July 28, 1942, cited to text, which omitted provision for statement of injuries, illnesses or disabilities incurred during period of service.

CROSS REFERENCES

Reemployment benefits extended to persons who enter service after May 1, 1940, see section 357 of this Appendix

Restoration to civilian employment of members of merchant marine, see section 1471 et seq of this Appendix.

Voting by members of land or naval forces during time of war, see section 301 et seq of this title.

§ 309. Conscription of industry; power of President to take possession of plants.

* * * * *

The power of the President under the foregoing provisions of this section to take immediate possession of any plant upon a failure to comply with any such provisions, and the authority granted by this section for the use and operation by the United States or in its interests of any plant of which possession is so taken, shall also apply as hereinafter provided to any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required for the war effort or which may be useful in connection therewith. Such power and authority may be exercised by the President through such department or agency of the Government as he may designate, and may be exercised with respect to any such plant, mine, or facility whenever the President finds, after investigation, and proclaims that there is an interruption of the operation of such plant, mine, or facility as a result of a strike or other labor disturbance, that the war effort will be unduly impeded or delayed by such interruption, and that the exercise of such power and authority is necessary to insure the operation of such plant, mine, or facility in the interest of the war effort: *Provided*, That whenever any such plant, mine, or facility has been or is hereafter so taken by reason of a strike, lock-out, threatened strike, threatened lock-out, work stoppage, or other cause, such plant, mine, or facility shall be returned to the owners thereof as soon as practicable, but in no event more than sixty days after the restoration of the productive efficiency thereof prevailing prior to the taking of possession thereof: *Provided further*, That possession of any plant, mine, or facility shall not be taken under authority of this section after the termination of hostilities in the present war, as proclaimed by the President, or after the termination of the War Labor Disputes Act [sections 1501–1511 of this Appendix]; and the authority to operate any such plant, mine, or facility under the provisions of this section shall terminate at the end of six months after the termination of such hostilities as so proclaimed. (As amended June 25, 1943, ch. 144, § 3, 57 Stat. 164.)

AMENDMENTS

1943—Act June 25, 1943, cited to text, added last paragraph

CROSS REFERENCES

Termination of amendment by act June 25, 1943, six months after war, see section 1510 of this Appendix.

Terms of employment at, and interference with, Government-operated plants, see sections 1504–1506 of this Appendix.

§ 309a. Program of work of national importance for conscientious objectors; pay and allowances.

Such amounts as may be necessary shall be available for the planning, directing, and operation of a program of work of national importance under civilian direction, either independently or in cooperation with governmental or nongovernmental agencies, and the assignment and delivery thereto of individuals found to be conscientiously opposed to participation in work of the land or naval forces, which cooperation with other agencies may include the furnishing of funds to and acceptance of money, services, or other forms of assistance from such nongovernmental agencies for the more effectual accomplishment of the work; and including also the pay and allowances of such individuals at rates not in excess of those paid to persons inducted into the Army under the Selective Service System, and such privileges as are accorded such inductees. (July 12, 1943, ch. 221, title VII, § 1, 57 Stat. 518; June 28, 1944, ch. 301, title I, § 1, 58 Stat. 544; July 17, 1945, ch. 319, § 1, 59 Stat. 485)

CODIFICATION

This section is from the War Manpower Commission Appropriation Act, 1944, and therefore is not a part of the Selective Training and Service Act of 1940.

§ 310. Administrative provisions.

(a) * * *

* * * * *

(2) to create and establish a Selective Service System, and shall provide for the classification of registrants and of persons who volunteer for induction under this Act [sections 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix] on the basis of availability for training and service, and shall establish within the Selective Service System civilian local boards, civilian appeal boards, and such other agencies, including agencies of appeal, as may be necessary to carry out the provisions of this Act [said sections]. There shall be created one or more local boards in each county or political subdivision corresponding thereto of each State, Territory, and the District of Columbia. Each local board shall consist of three or more members to be appointed by the President, from recommendations made by the respective Governors or comparable executive officials. No member of any such local board shall be a member of the land or naval forces of the United States, but each member of any such local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction under rules and regula-

tions prescribed by the President. Such local boards, under rules and regulations prescribed by the President, shall have power within their respective jurisdictions to hear and determine, subject to the right of appeal to the appeal boards herein authorized all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this Act [said sections] of all individuals within the jurisdiction of such local boards. The decisions of such local boards shall be final except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe Appeal boards within the Selective Service System shall be composed of civilians who are citizens of the United States. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President as provided in the last sentence of section 5 (*l*) of this Act (section 305 (*l*) of this Appendix). No person who is an officer, member, agent, or employee of the Selective Service System, or of any such local or appeal board or other agency, shall be excepted from registration, or deferred from training and service, as provided for in this Act [said sections], by reason of his status as such officer, member, agent, or employee.

(3) to appoint, by and with the advice and consent of the Senate, and fix the compensation of at a rate not in excess of $10,000 per annum, a Director of Selective Service who shall be directly responsible to him and to appoint and fix the compensation of such other officers, agents, and employees as he may deem necessary to carry out the provisions of this Act [said sections]: *Provided*, That any officer on the active or retired list of the Army, Navy, Marine Corps, or Coast Guard, or of any reserve component thereof or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this Act [said sections] (except to offices or positions on local boards or appeal boards established or created pursuant to section 10 (a) (2)) may serve in and perform the functions of such office or position without loss of or prejudice to his status as such officer in the Army, Navy, Marine Corps, or Coast Guard or reserve component thereof, or as such officer or employee in any department or agency of the United States: *Provided further*, That any person so appointed, assigned, or detailed to a position the compensation in respect of which is at a rate in excess of $5,000 per annum shall be appointed, assigned, or detailed by and with the advice and consent of the Senate: *Provided further*, That the President may appoint necessary clerical and stenographic employees for local boards and fix their compensation without regard to the Classification Act of 1923, as amended (sections 661–663, 664–673, and 674 of Title 5).

* * * * *

(b) The President is authorized to delegate to the Director of Selective Service only, any authority vested in him under this Act (except section 9 [section 309 of this Appendix]). The Director of Selective Service may delegate and provide for the delegation of any authority so delegated to him by the President and any other authority vested in him under this Act [said sections], to such officers, agents, or persons as he may designate or appoint for such purpose or as may be designated or appointed for such purpose pursuant to such rules and regulations as he may prescribe.

* * * * *

(e) In order to assist in the determination of whether or not men should be deferred from training and service because they are physically, mentally, or morally deficient or defective, and to delay as long as possible the induction of men living with their families, the President is authorized and directed forthwith to appoint a commission of five qualified physicians, of whom one only shall be an Army officer and one only a Navy officer, and the three remaining members shall be qualified civilian physicians not employed by the Federal Government, who shall examine the physical, mental, and moral qualification requirements for admission to the Army, Navy, and Marine Corps, and recommend to the President any changes therein which they believe can be made without impairing the efficiency of the armed services. The commission shall especially consider the establishment of special standards for men who will be inducted only for limited service. The Director of Selective Service shall cause to be reexamined those men, including those previously discharged from the armed services because of physical disability, who may qualify under any new standards established. (As amended Dec. 5, 1943, ch. 342, §§ 2–4, 57 Stat. 597, 598.)

AMENDMENTS

1943—Act Dec 5, 1943, cited to text, amended section as follows: subsec. (a) (2) was amended by the addition of words "civilian appeal boards" following "civilian local boards", by omitting "civilian" between words "other agencies", by omitting, "appeal boards and" between words "including agencies of appeal" in the first sentence, by adding words "and is taken" following "where an appeal is authorized" in the sixth sentence, by omitting words "and agencies of appeal" following "Appeal boards" in the seventh sentence, and by inserting a new sentence immediately following the seventh sentence which reads "The decision of such appeal boards * * * of the Act"; subsec. (a) (3) was amended by omitting words "or agencies of appeal" following "appeal boards" within parenthesis, and by omitting words "and without regard to the provisions of civil-service laws" following "Classification Act of 1923" in last proviso; subsec (b) was amended generally to read as now set out; and subsec (e) was added

REPEALS

Section 7 of act Dec. 5, 1943, cited to text, provided: "Except as provided in this Act, all laws and parts of laws in conflict with the provisions of this Act are hereby suspended to the extent of such conflict for the period in which this Act shall be in force."

EX ORD NO 9279 FUNCTIONS OF SELECTIVE SERVICE SYSTEM TRANSFERRED TO WAR MANPOWER COMMISSION

As amended by Ex Ord Nos 9409, 9410, Dec. 23, 1943, 7 F R 17319; Ex Ord No 9605, Aug 29, 1945, 10 F R 11101.

Ex Ord. No 9279, Dec. 5, 1942, 7 F. R 10177, provided: In order to promote the most effective mobilization and utilization of the national manpower and to eliminate so far as possible waste of manpower due to disruptive recruitment and undue migration of workers, and by virtue of the authority vested in me by the Constitution and Statutes, including the First War Powers Act, 1941,

and the Selective Training and Service Act of 1940, as amended, as President of the United States, and as Commander in Chief of the Army and the Navy, it is hereby ordered as follows:

1. Revoked. Ex. Ord No 9409.

2. Revoked. Ex. Ord. No. 9410.

3. The Secretary of War and the Secretary of the Navy shall, after consultation with the Chairman, determine the number of men required to be selected each month in order to fulfill the total respective requirements of the Army and Navy as approved by the President. The Chairman shall furnish the required number of men through the Selective Service System.

4. Revoked. Ex. Ord. No 9605.

5. Insofar as the effective prosecution of the war requires it, the Chairman shall take all lawful and appropriate steps to assure that (a) all hiring, rehiring, solicitation, and recruitment of workers in or for work in any establishment, plant, facility, occupation, or area designated by the Chairman as subject to the provisions of this section shall be conducted solely through the United States Employment Service or in accordance with such arrangements as the Chairman may approve; and (b) no employer shall retain in his employ any worker whose services are more urgently needed in any establishment, plant, facility, occupation, or area designated as more essential by the Chairman pursuant to this section.

6 The Secretary of War and the Secretary of the Navy shall take such steps as may be necessary to assure that all training programs for the armed forces (including their reserve components) and the Women's Army Auxiliary Corps, which are carried on in non-Federal educational institutions, conform with such policies or regulations as the Chairman, after consultation with the Secretary of War and the Secretary of the Navy, prescribes as necessary to insure the efficient utilization of the Nation's educational facilities and personnel for the effective prosecution of the war.

7. The Chairman shall (a) issue such policies, rules, regulations, and general or special orders as he deems necessary to carry out the provisions of this Order, (b) take steps to prevent and relieve gross inequities or undue hardships arising from the exercise of the provisions of Section 5 of this Order insofar as he finds so doing will not interfere with the effective prosecution of the war, and (c) establish such procedures (including appeals) as are necessary to assure a hearing to any person claiming that any action, taken by any local or regional agent or agency of the War Manpower Commission pursuant to Section 5 of this Order and said Executive Order No 9139, is unfair or unreasonable as applied to him.

8. (a) The Chairman may perform the functions and duties and exercise the powers, authority, and discretion conferred upon him by this Order or any other Order of the President through such officers, agents, and persons and in such manner as he shall determine.

(b) The Chairman may avail himself of the services and facilities of such Executive departments and agencies as he determines may be of assistance in carrying out the provisions of this Order. He may accept the services and facilities of State and local agencies

9 Subject to appeal to the President or to such agent or agency as the President may designate, each Executive department and agency shall so utilize its facilities, services, and personnel and take such action, under authority vested in it by law, as the Chairman, after consultation with such department or agency, determines necessary to promote compliance with the provisions of this Order or of policies, directives, or regulations prescribed under said Executive Order No 9139.

10. The Chairman shall appoint a Management-Labor Policy Committee to be selected from the fields of labor, agriculture, and industrial management, and shall consult with the members thereof in carrying out his responsibilities. The Chairman may appoint such other advisory committees composed of representatives of governmental or private groups or both as he deems appropriate.

11 The Chairman shall be ex officio an additional member of the Economic Stabilization Board established by Executive Order No. 9250, dated October 3, 1942.

12 All prior Executive Orders, insofar as they are in conflict herewith, are amended accordingly. All prior regulations, rulings, and other directives relating to the Selective Service System shall remain in effect, except insofar as they are in conflict with this Order or are hereafter amended by regulations, rulings, or other directives issued by or under the direction of the Chairman.

13. This Order shall take effect immediately and shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941.

EX. ORD NO. 9410—DELEGATION OF CERTAIN FUNCTIONS OF THE PRESIDENT TO THE DIRECTOR OF SELECTIVE SERVICE

Ex Ord No. 9410, Dec 23, 1943, 8 F R 17319, provided:

By virtue of the authority vested in me by the Constitution and the Statutes, including the Selective Training and Service Act of 1940, as amended (sections 301 et seq of this Appendix), and the First War Powers Act, 1941 (sections 601 et seq of this Appendix), as President of the United States, and as Commander in Chief of the Army and the Navy, it is hereby ordered as follows:

1. Paragraphs 2 (a), 2 (b), and 2 (c) of Executive Order No 9279 of December 5, 1942 are hereby revoked; and the Selective Service System shall hereafter be a separate agency which shall be administered under the supervision and direction of the Director of Selective Service (hereinafter referred to as the Director).

2. The functions, powers, and duties of the President under the provisions of the Selective Training and Service Act of 1940, as amended (sections 301 et seq. of this Appendix), which were transferred by paragraph 2 (b) of Executive Order No. 9279 of December 5, 1942, and the functions, powers, and duties of the President under the provisions of Public Law 197, 78th Congress approved December 5, 1943 (sections 304a, 305, 305b, 310 of this Appendix), except those under sections 3 and 4 of the said public law (section 310 of this Appendix), are hereby delegated to the Director. The functions, powers, and duties delegated by this paragraph may be exercised by the Director and such other officers, agents, and persons as he may designate or appoint.

3. The Director shall consult with the Chairman of the War Manpower Commission (a) on all matters arising in the administration of the Selective Training and Service Act of 1940, as amended (sections 301 et seq of this Appendix), including all matters with respect to rules, regulations, and other instructions of general application (irrespective of the form thereof) relating to the classification or deferment of registrants, which may affect the execution of the Chairman's responsibilities for the most effective utilization and mobilization of the Nation's manpower, and (b) on all matters necessary to assure that the administration of the said Act is coordinated with the administration of the policies and programs of the Chairman of the War Manpower Commission

4. So far as they may be in conflict herewith, all prior Executive orders are amended accordingly; and except so far as they may be in conflict herewith all regulations, rulings, and other directives relating to Selective Service made by or under the direction of the President, the Chairman of the War Manpower Commission, or the Director are hereby ratified, approved, and confirmed

5. This order shall be effective as of December 5, 1943.

BUREAU OF SELECTIVE SERVICE ESTABLISHED

Administrative Order No 26 of the War Manpower Commission, dated Dec. 5, 1942, 7 F. R. 10512, provided:

"There is hereby established in the War Manpower Commission a Bureau of Selective Service which shall include the Selective Service System created and established for the purpose of carrying out the provisions of the Selective Training and Service Act of 1940, as amended (sections 301–318 of this Appendix), and transferred to the War Manpower Commission by Executive Order No 9279 dated December 5, 1942 The Director of Selective Service shall act as the Chief of the Bureau of Selective Service, subject to the direction and supervision of the Executive Director.

"Subject to the direction and supervision of the Executive Director, the Chief of the Bureau of Selective Service, acting under the title of Director of Selective Service, shall perform the functions, powers, and duties held by the Director of Selective Service prior to Executive Order No. 9279, including authority delegated to him by the President under the provisions of the Selective Training and Service Act of 1940, as amended (sections 301–318 of this Appendix), all of which authority, functions, powers and duties were transferred to the Chairman of the War Manpower Commission by Executive Order No. 9279.

"All delegations of any functions, powers and duties of the Director of Selective Service heretofore made by him to officers, agents and persons of the Selective Service System are ratified and confirmed, and such officers, agents and persons shall exercise the functions, powers and duties exercised by them on December 5, 1942, subject to the order of the Chief of the Bureau of Selective Service

"The Chief of the Bureau of Selective Service is authorized to delegate any authority granted to him under this Order

"All existing rules, regulations, rulings, orders and procedures promulgated and established by the Director of Selective Service are hereby contained in full force and effect until modified, amended or rescinded by appropriate action."

§ 310a. Travel expenses.

The travel of persons engaged in the administration of the Selective Service System, including commissioned, warrant, or enlisted personnel of the Army, Navy, Marine Corps, or their reserve components, including not to exceed $5,000 for attendance at meetings of societies or associations for the purpose of obtaining or imparting information concerning functions of the Selective Service System and reimbursement at not to exceed 3 cents per mile of employees or others rendering service to the Government for expenses incurred by them in performance of official travel in privately owned automobiles within the limits of their official stations, may be ordered by the Director or by such persons as he may authorize: *Provided further,* That no person traveling hereunder shall be allowed travel expenses on the mileage basis unless such expenses are authorized by regulation of the service to which he belongs. (Oct 8, 1940, ch. 756, title I, 54 Stat 971; Apr 5, 1941, ch. 40, § 1, 55 Stat. 117, as amended Apr. 28, 1942, ch. 247, title III, 56 Stat. 237; July 12, 1943, ch. 221, title VII, § 1, 57 Stat. 519; June 28, 1944, ch. 301, title I, 58 Stat. 544; July 17, 1945, ch 319, § 1, 59 Stat. 485.)

AMENDMENTS

1945—Act July 17, 1945, cited to text, amended section generally.

1944—Act June 28, 1944, cited to text, amended section by increasing the per diem rates from $6 to $7.

1942—Act April 28, 1942, cited to text, amended section by adding the proviso.

CODIFICATION

Section is from Title IV, Military Appropriation Act of 1941, and was not enacted as a part of the Selective Service and Training Act of 1940

§ 310b. Selective Service Medal; Congressional declaration of gratitude; persons entitled to medal; form and design; appropriations.

Congress declares that many members of local boards, boards of appeal, Government appeal agents, local board examining physicians and dentists, members of medical advisory boards, and reemployment committeemen and other uncompensated personnel of the Selective Service System have, in a manner which is an example of patriotism, served the United States in the administration of the Selective Training and Service Act of 1940, as amended (sections 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix). This service has been voluntary and uncompensated and in many cases has resulted in great sacrifices on the part of these citizens.

The Congress further declares that in accordance with the historic policy of the United States to recognize and publicly acknowledge the gratitude of the people and Government of the United States for patriotic service, that uncompensated personnel of the Selective Service System who have given faithful service should be awarded a certificate and medal in recognition of their patriotic service.

There may be awarded in the name of the Congress of the United States to such uncompensated personnel of the Selective Service System who have faithfully served more than two years and such others who have served faithfully as may be selected by the Director of Selective Service a certificate and a medal for faithful service in the administration of the Selective Training and Service Act of 1940, as amended (said sections).

The medal authorized by this Act (this section) shall be known as the Selective Service Medal and shall be in such form and of such design and material as shall be prescribed by the Director of Selective Service.

The appropriations for the Selective Service System shall be available for the payment of all expenses incident to the creation and awarding of the certificates and medals authorized by this Act (this section). (July 2, 1945, ch. 219, §§ 1–4, 59 Stat. 312.)

CODIFICATION

Section is comprised of sections 1–4 of act July 2, 1945, cited to text.

Section was not enacted as a part of the Selective Training and Service Act of 1940.

§ 312. Pay and allowances.

(a)–(c). Repealed June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

(As amended Mar. 28, 1942, ch. 206, 56 Stat. 190; June 16, 1942, ch. 413, § 19, 56 Stat 369, eff. June 1, 1942.)

* * * * *

CODIFICATION

Present provisions on the subject of former subsecs. (a) and (c) are contained in sections 109 and 114, respectively, of Title 37, Pay and Allowances.

AMENDMENTS

1942—Act Mar. 28, 1942, cited to text, inserted words "of the seventh grade."

§ 315. Definitions.

* * * * *

(a) The term "between the ages of eighteen and forty-five" shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the forty-fifth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

(b) The term "United States", when used in a geographical sense, shall be deemed to mean the

several States, the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(c) Stricken out. June 23, 1942, ch. 443, title II, § 201 (b), 56 Stat. 387.

(As amended Dec. 20, 1941, ch. 602, § 7, 55 Stat. 845; June 23, 1942, ch. 443, title II, § 201 (b), 56 Stat. 387; Nov. 13, 1942, ch. 638, § 3, 56 Stat. 1019; July 1, 1944, ch. 376, 58 Stat. 720.)

* * * * *

AMENDMENTS

1944—Subsec. (b) amended by act July 1, 1944, cited to text, which substituted a comma for "and" preceding "Puerto Rico" and added ", and the Virgin Islands.".

1942—Subsec. (a) was amended by act Nov. 13, 1942, cited to text, by lowering age limit to eighteen.

Subsec. (c), defining "dependent", was stricken out by act June 23, 1942, cited to text Present provisions for the determination of dependency are contained in section 305 (e) (1) of this Appendix.

1941—Subsec. (a) was amended by act Dec 20, 1941, cited to text.

§ 316. Suspension of conflicting laws; expiration of act; appropriations.

* * * * *

(b) All the provisions of this Act (sections 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix), except the provisions of sections 3 (c), 3 (d), 8 (g), and 12 [sections 303 (c), 303 (d), 308 (g) and 312], shall become inoperative and cease to apply on and after May 15, 1946, or the date of the termination of hostilities in the present war, or on such earlier date as may be specified in a concurrent resolution of the two Houses of Congress for that purpose, except as to offenses committed prior to such date, unless this Act [said sections] is continued in effect by the Congress. As used in this section the term "date of the termination of hostilities in the present war" means the date proclaimed by the President as the date of such termination or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier. (As amended May 9, 1945, ch. 112, § 1, 59 Stat. 166.)

* * * * *

AMENDMENTS

1945—Subsec. (b) amended by act May 9, 1945, cited to text, which substituted "May 15, 1946, * * * for that purpose,", for "May 15, 1945,", and added second sentence.

SERVICE EXTENSION ACT OF 1941 (New)

RES. AUG. 18, 1941, CH. 362, 55 STAT. 626–628

Sec

351. Declaration of national peril.
352. Extension of periods of service; limitations.
353 Insurance for persons whose period of military service is extended.
354. Release from service; certificate of service; member of reserve component.
355 Amendment of section 303 (c) of this Appendix.
356. Authority to order retired personnel of Regular Army to active duty
357 Extension of reemployment benefits under section 308 of this Appendix.
358 Repealed.
359. Suspension of provisions limiting number of men in active training and service.
360 Enlistments in the Army of the United States
361. Amendment of section 401 of this Appendix
362. Short title.

§ 351. Declaration of national peril.

The Congress, acting in accordance with and solely for the purpose of carrying into effect the provisions of section 3 (b) of the Selective Training and Service Act of 1940 (303 (b) of this Appendix), declares that the national interest is imperiled. (Aug. 18, 1941, ch. 362, § 1, 55 Stat. 626.)

§ 352. Extension of periods of service; limitations.

The President is authorized, subject, however, to the condition hereinafter stated, to extend, for such periods of time as may be necessary in the interests of national defense, the periods of service, training and service, enlistment, appointment, or commission, of any or all persons inducted for training and service under said Act (sections 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix), members and units of the reserve components of the Army of the United States (including the National Guard of the United States), retired personnel and enlisted men of the Regular Army, and any other members of the Army, who are now, or who may hereafter be, in or subject to active military service, or training and service: *Provided*, That extension of the periods of active military service, or training and service, in the case of any person subject to the provisions of this section, shall not, without his consent, exceed eighteen months in the aggregate; except that whenever the Congress declares that it is in the interests of national defense to further extend such periods of active military service and training and service, such periods may be further extended by the President, in the case of any such persons, for such time as may be necessary in the interests of national defense: *Provided further*, That the authority conferred is subject to the condition that the delegation of such authority may be revoked at any time by concurrent resolution of the Congress. (Aug. 18, 1941, ch. 362, § 2, 55 Stat. 626.)

EXTENSION BY PRESIDENT

By Ex. Ord No 8862, Aug. 21, 1941, 6 F. R 4219, the President extended the period of active military service for eighteen months.

CROSS REFERENCES

Extension of term of service during war, see section 732 of this Appendix.

§ 353. Insurance for persons whose period of military service is extended.

Any person whose period of active military service or training and service is extended under section 2 (352 of this Appendix) and who was (a) ordered to active Federal service under Public Resolution Numbered 96, Seventy-sixth Congress (sections 401–405 of this Appendix), or (b) inducted under the Selective Training and Service Act of 1940, as amended (sections 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix), prior to the enactment of this Act [Aug. 18, 1941], shall, notwithstanding the limitation in section 602 (a) of the National Service Life Insurance Act of 1940 (section 802 of Title 38), upon the time within which application for National Service Life Insurance may be made, be granted insurance under such section without further medical examination if application therefor is filed within

one hundred and twenty days after the date of enactment of this Act [Aug. 18, 1941]. (Aug. 18, 1941, ch. 362, § 3, 55 Stat. 626.)

§ 354. Release from service; certificate of service; member of reserve component.

The Secretary of War shall, when not in conflict with the interests of national defense, release from active military service those persons who apply therefor through the regular military channels and state their reasons for such release, and whose retention in active military service would, in the judgment of the Secretary of War, subject them or their wives or other dependents to undue hardship if retained on active military service. Any person so released who, in the judgment of those in authority over him, has served satisfactorily shall be entitled to a certificate to that effect, which shall be in the same form and have the same force and effect as a certificate issued under the provisions of section 8 of the Selective Training and Service Act of 1940, as amended (section 308 of this Appendix). Any person so released shall be transferred to, or remain in, as the case may be, a reserve component of the land forces for the same period and with the same rights, duties, and liabilities as any person transferred to a reserve component of the land forces under the provisions of section 3 (c) of such Act (section 303 (c) of this Appendix). (Aug. 18, 1941, ch. 362, § 4, 55 Stat. 627.)

§ 355. Amendment of section 303 (c) of this Appendix.

Section 3 (c) of the Selective Training and Service Act of 1940, as amended (section 303 (c) of this Appendix), is amended by adding at the end thereof the following: "The active military service or training and service of any person pursuant to section 2 of the Service Extension Act of 1941 (section 352 of this Appendix) shall be credited against the service in a reserve component required by this section or section 4 of the Service Extension Act of 1941 (section 354 of this Appendix)." (Aug. 18, 1941, ch. 362, § 5, 55 Stat. 627.)

§ 356. Authority to order retired personnel of Regular Army to active duty.

The President is hereby authorized to order retired personnel of the Regular Army to active duty and to employ them as he shall deem necessary in the interests of national defense. (Aug. 18, 1941, ch. 362, § 6, 55 Stat. 627.)

§ 357. Extension of reemployment benefits under section 308 of this Appendix.

Any person who, subsequent to May 1, 1940, and prior to the termination of the authority conferred by section 2 of this joint resolution (section 352 of this Appendix), shall have entered upon active military or naval service in the land or naval forces of the United States shall be entitled to all the reemployment benefits of section 8 of the Selective Training and Service Act of 1940, as amended, (section 308 of this Appendix) to the same extent as in the case of persons inducted under said Act (sections 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix): *Provided,* That the provisions of section 8 (b) (A) of said Act (section 308 (b) (A) of this Appendix) shall be applicable to any such person without regard to whether the position which he held shall have been covered into the classified civil service during the period of his military or naval service. (Aug. 18, 1941, ch. 362, § 7, 55 Stat. 627, as amended Dec. 8, 1944, ch. 548, § 3, 58 Stat. 799.)

AMENDMENTS

1944—Act Dec 8, 1944, cited to text, amended section by inserting "as amended" immediately following "Selective Service and Training Act of 1940".

§ 358. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Section was from res Aug 18, 1941, ch 362, § 8, 55 Stat 627

Present provisions relating to pay and allowances generally, see Title 37, Pay and Allowances

§ 359. Suspension of provisions limiting number of men in active training and service.

During the existence of the authority conferred by section 2 of this joint resolution (section 352 of this Appendix) and for six months thereafter the limitation on the number of men who may be in active training and service at any one time under section 3 (b) of the Selective Training and Service Act of 1940 (section 303 (b) of this Appendix) is hereby suspended: *Provided,* That the Secretary of War shall report to the Congress each month the number of men in active training and service in the land forces under section 3 (b) of said Act (section 303 (b) of this Appendix). (Aug. 18, 1941, ch. 362, § 9, 55 Stat. 628.)

§ 360. Enlistments in the Army of the United States.

During the existence of the authority conferred by section 2 of this joint resolution (section 352 of this Appendix) enlistments in the Army of the United States, without regard to component, are hereby authorized in the manner provided by the concluding paragraph of section 127a of the National Defense Act, as amended (section 634 of Title 10). (Aug. 18, 1941, ch. 362, § 10, 55 Stat 628.)

§ 361. Amendment of section 401 of this Appendix.

Section 1 of Public Resolution Numbered 96, Seventy-sixth Congress, approved August 27, 1940 (section 401 of this Appendix), is hereby amended (1) by inserting after "June 30, 1942," the following: "or six months after the termination of the authority conferred by section 2 of the Service Extension Act of 1941 (section 352 of this Appendix), whichever is the later" and (2) by adding at the end thereof the following: "Notwithstanding the foregoing provisions of this section the President is authorized to order the same member or the same unit into the active military service of the United States for more than one period, except that in the case of any such member any active military service under authority of this resolution in excess of twelve months shall be deemed an extension of active military service within the meaning of section 2 of the Service Extension Act of 1941 (section 352 of this Appendix)." (Aug. 18, 1941, ch. 362, § 11, 55 Stat. 628.)

§ 362. Short title.

This joint resolution [sections 351–357, 359–362 of this Appendix] may be cited as the "Service Extension Act of 1941". (Aug. 18, 1941, ch. 362, § 12, 55 Stat. 628.)

ARMY RESERVE AND RETIRED PERSONNEL SERVICE LAW OF 1940

RES. AUG. 27, 1940, CH. 689, 54 STAT. 858

§ 401. Ordering reserve forces and retired personnel of Army to active service; term; place of employment.

During the period ending June 30, 1942, or six months after the termination of the authority conferred by section 2 of the Service Extension Act of 1941 [section 352 of this Appendix], whichever is the later the President is hereby authorized from time to time to order into the active military service of the United States for a period of twelve consecutive months each, any or all members and units of any or all reserve components of the Army of the United States (except that any person in the National Guard of the United States under the age of 18 years so ordered into the active military service shall be immediately issued an honorable discharge from the National Guard of the United States), and retired personnel of the Regular Army, with or without their consent, to such extent and in such manner as he may deem necessary for the strengthening of the national defense: *Provided*, That the members and units of the reserve components of the Army of the United States ordered into active Federal service under this authority shall not be employed beyond the limits of the Western Hemisphere except in the territories and possessions of the United States, including the Philippine Islands. Notwithstanding the foregoing provisions of this section the President is authorized to order the same member or the same unit into the active military service of the United States for more than one period, except that in the case of any such member any active military service under authority of this resolution in excess of twelve months shall be deemed an extension of active military service within the meaning of section 2 of the Service Extension Act of 1941 (section 352 of this Appendix). (As amended Aug 18, 1941, ch. 362, § 11, 55 Stat. 628.)

AMENDMENTS

1941—Res. Aug. 18, 1941, cited to text, inserted words "or six months after the termination of the authority conferred by section 2 of the Service Extension Act of 1941, whichever is the later," and added last sentence.

CROSS REFERENCES

Extension of term of service during war, see section 732 of this Appendix.

Suspension of territorial ban on use of Army, see section 731 of this Appendix.

§ 402. Laws and regulations governing personnel called to active service.

PAY OF PERSONS INDUCTED IN ERRONEOUS RANK OR GRADE

Act Feb. 6, 1942, ch. 42, 56 Stat. 50, provided as follows: "(SEC. 1.) Persons inducted into the land forces of the United States, as a part of the National Guard of the United States under Public Resolution Numbered 96, approved August 27, 1940 (sections 401–405 of this Appendix), in grades or ranks to which not entitled under laws and regulations in effect at the time of said induction or call, shall, notwithstanding an administrative determination to the contrary, be entitled to the pay and allowances of the rank or grade in which inducted or called for the period during which they in fact served in said erroneous rank or grade, to be paid out of the appropriation available on the date of the enactment hereof for pay of the Army: *Provided*, That the Secretary of War determines that the induction or call of said persons in said erroneous grade or rank was without fault on the part of said persons so inducted or called.

"SEC. 2 Payments heretofore erroneously made to such persons described in section 1 hereof are hereby ratified and validated and credit therefor shall be allowed by the Comptroller General of the United States in the accounts of disbursing officers making said payments: *Provided*, That any amounts collected from any person on account of payments which are herein validated shall be refunded to said person upon the presentation of a claim therefor to the Comptroller General of the United States who is authorized and directed to certify said claim to the Secretary of the Treasury for payment out of any funds available for pay of the Army."

§ 403. Service and health certificates; reemployment after completion of service; resignation of personnel with dependents.

(a) Any member of any reserve component of the land or naval forces who is on active duty or who may be assigned to active duty and who, in the judgment of those in authority over him, satisfactorily completes such active duty, and any person so ordered into the active military service of the United States who, in the judgment of those in authority over him, satisfactorily completes the period of service required under this joint resolution, shall be entitled to a certificate to that effect upon the completion of such active duty or such period of service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is assigned to such active duty or ordered into such active military service shall be given a physical examination at the beginning of such active duty or service; and upon the completion of the period of such active duty or service, each such person shall be given another physical examination and, upon the written request of the person concerned, shall be given a statement of medical record by the War Department: *Provided*, That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary of War or the Secretary of the Navy would prove injurious to the physical or mental health of the person to whom it pertains.

(b) In the case of any such person who, in order to perform such active duty or such service, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within ninety days after he is relieved from such active duty or service or from hospitalization continuing after discharge for a period of not more than one year—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status and pay.

(As amended July 28, 1942, ch. 529, § 1, 56 Stat. 723, Dec 8, 1944, ch 548, § 2, 58 Stat 799.)

* * * * *

AMENDMENTS

1944—Subsec. (b) amended by act Dec 8, cited to text, which substituted "ninety" for "forty" preceding "days after he", and added "or from hospitalization continuing after discharge for a period of not more than one year" following "relieved from such active duty or service".

1942—Subsec (a) was amended by act July 28, 1942, cited to text, which effected many changes

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

ARTICLE I—GENERAL PROVISIONS

Sec.
514. Extension of benefits to citizens serving with forces of war allies (New).
515. Notice of benefits of act to persons in and persons entering military service (New)
516 Extension of benefits to persons ordered to report for induction or military service (New).
517. Effect of act on rights, remedies, etc, pursuant to written agreements entered after commencement of military service (New).

ARTICLE II.—GENERAL RELIEF

526. Maximum rate of interest (New)
527 Limitations prescribed by internal revenue laws as affected by period of service (New)

ARTICLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENTS, LEASES

533 Settlement of cases involving stayed proceedings to foreclose mortgage on, resume possession of, or terminate contract for purchase of, personal property (New)
534. Termination of leases by lessees (New).
535 Protection of assignor of life insurance policy; enforcement of storage liens; penalties (New).
536. Extension of benefits to dependents (New).

ARTICLE V—TAXES AND PUBLIC LANDS

574 Residence for tax purposes (New)

ARTICLE VII—FURTHER RELIEF (New)

590. Stay of enforcement obligations, liabilities, taxes, etc.

§ 501. Short title.

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT AMENDMENTS OF 1942

Act Oct. 6, 1942, ch 581, § 1, 56 Stat 769, provided: "That this Act (affecting sections 513–517, 525, 526, 530–535, 540-554, 560, 569, 572, 574, and 590 of this Appendix) may be cited as the Soldiers' and Sailors' Civil Relief Act Amendments of 1942."

ARTICLE I.—GENERAL PROVISIONS

§ 511. Definitions.

AMENDMENTS

1942—Subsec. (1) was amended by act May 14, 1942, ch. 312, § 19, 56 Stat. 282, which amendatory act was repealed by act July 1, 1943, ch 187, § 5, 57 Stat. 371, effective September 30, 1943.

§ 513. Protection of persons secondarily liable.

(1) Whenever pursuant to any of the provisions of this Act [sections 501–548, 560–590 of this Appendix] the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may, in the discretion of the court, likewise be granted to sureties, guarantors, endorsers, accommodation makers, and others, whether primarily or secondarily subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

(2) When a judgment or decree is vacated or set aside in whole or in part, as provided in this Act [said sections], the same may, in the discretion of the court, likewise be set aside and vacated as to any surety, guarantor, endorser, accommodation maker, or other person whether primarily or secondarily liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

(3) Whenever, by reason of the military service of a principal upon a criminal bail bond the sureties upon such bond are prevented from enforcing the attendance of their principal and performing their obligation the court shall not enforce the provisions of such bond during the military service of the principal thereon and may in accordance with principles of equity and justice either during or after such service discharge such sureties and exonerate the bail.

(4) Nothing contained in this Act [said sections] shall prevent a waiver in writing of the benefits afforded by subsections (1) and (2) of this section by any surety, guarantor, endorser, accommodation maker, or other person whether primarily or secondarily liable upon the obligation or liability, except that after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 (Oct. 6, 1942) no such waiver shall be valid unless it is executed as an instrument separate from the obligation or liability in respect of which it applies, and no such waiver shall be valid after the beginning of the period of military service if executed by an individual who subsequent to the execution of such waiver becomes a person in military service, or if executed by a dependent of such individual, unless executed by such individual or dependent during the period specified in section 106 (section 516 of this Appendix). (As amended Oct. 6, 1942, ch. 581, §§ 2, 3, 56 Stat. 769.)

AMENDMENTS

1942—Subsec (1) was amended by act Oct 6, 1942, § 2 (a), cited to text, which substituted "accommodation makers, and others, whether primarily or secondarily" for "and others"

Subsec. (2) was amended by act Oct 6, 1942, § 2 (b), cited to text, which substituted "accommodation maker, or other person whether primarily or secondarily" for "or other person".

Subsecs. (3) and (4) were added by act Oct. 6, 1942, § 3, cited to text.

§ 514. Extension of benefits to citizens serving with forces of war allies.

Persons who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this Act remains in force and who immediately prior to such service were citizens of the United States shall, except in those cases provided for in section 512 (section 572 of this Appendix), be entitled to the relief and benefits afforded by this Act if such service is similar to military service as defined in this Act, unless they are dishonorably discharged therefrom, or it appears that they do not intend to resume United States citizenship. (Oct. 17, 1940, ch. 888, § 104, as added Oct. 6, 1942, ch 581, § 4, 56 Stat. 770.)

§ 515. Notice of benefits of act to persons in and persons entering military service.

The Secretary of War and the Secretary of the Navy shall make provision, in such manner as each may deem appropriate for his respective Department, to insure the giving of notice of the benefits accorded by this Act [sections 501–548, 560–590 of this Appendix] to persons in and to persons entering military service. The Director of Selective Service shall cooperate with the Secretary of War and the Secretary of the Navy in carrying out the provisions of this section. (Oct. 17, 1940, ch. 888, § 105, as added Oct. 6, 1942, ch 581, § 4, 56 Stat. 770.)

§ 516. Extension of benefits to persons ordered to report for induction or military service.

Any person who has been ordered to report for induction under the Selective Training and Service Act of 1940, as amended (sections 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix), shall be entitled to the relief and benefits accorded persons in military service under articles I, II, and III of this Act (sections 510–517, 520–527, and 530–536 of this Appendix) during the period beginning on the date of receipt of such order and ending on the date upon which such person reports for induction; and any member of the Enlisted Reserve Corps who is ordered to report for military service shall be entitled to such relief and benefits during the period beginning on the date of receipt of such order and ending on the date upon which he reports for such service. (Oct 17, 1940, ch. 888, § 106, as added Oct. 6, 1942, ch. 581, § 4, 56 Stat. 770.)

§ 517. Effect of act on rights, remedies, etc., pursuant to written agreements entered after commencement of military service.

Nothing contained in this Act [sections 501–548, 560–590 of this Appendix] shall prevent—

(a) the modification, termination, or cancelation of any contract, lease, or bailment or any obligation secured by mortgage, trust deed, lien, or other security in the nature of a mortgage, or

(b) the repossession, retention, foreclosure, sale, forfeiture, or taking possession of property which is security for any obligation or which has been purchased or received under a contract, lease, or bailment,

pursuant to a written agreement of the parties thereto (including the person in military service concerned, or the person to whom section 106 (section 516 of this Appendix) is applicable, whether or not such person is a party to the obligation), or their assignees, executed during or after the period of military service of the person concerned or during the period specified in section 106 (section 516 of this Appendix). (Oct. 17, 1940, ch. 888, § 107, as added Oct. 6, 1942, ch. 581, § 4, 56 Stat. 770.)

ARTICLE II.—GENERAL RELIEF

§ 525. Statutes of limitations as affected by period of service.

The period of military service shall not be included in computing any period now or hereafter to be limited by any law, regulation, or order for the bringing of any action or proceeding in any court, board, bureau, commission, department, or other agency of government by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action or the right or privilege to institute such action or proceeding shall have accrued prior to or during the period of such service, nor shall any part of such period which occurs after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 (Oct. 6, 1942) be included in computing any period now or hereafter provided by any law for the redemption of real property sold or forfeited to enforce any obligation, tax, or assessment. (As amended Oct. 6, 1942, ch. 581, § 5, 56 Stat. 770.)

§ 526. Maximum rate of interest.

No obligation or liability bearing interest at a rate in excess of 6 per centum per annum incurred by a person in military service prior to his entry into such service shall, during any part of the period of military service which occurs after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 (Oct. 6, 1942), bear interest at a rate in excess of 6 per centum per annum unless, in the opinion of the court, upon application thereto by the obligee, the ability of such person in military service to pay interest upon such obligation or liability at a rate in excess of 6 per centum per annum is not materially affected by reason of such service, in which case the court may make such order as in its opinion may be just. As used in this section the term "interest" includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) in respect of such obligation or liability. (Oct. 17, 1940, ch. 888, § 206, as added Oct. 6, 1942, ch. 581, § 656 Stat. 771.)

§ 527. Limitations prescribed by internal revenue laws as affected by period of service.

Section 205 of this Act (section 525 of this Appendix) shall not apply with respect to any period of limitation prescribed by or under the internal revenue laws of the United States. (Oct. 17, 1940, ch. 888, § 207, as added Oct. 21, 1942, 4:30 p. m., E. W. T., ch. 619, title V, § 507 (b) (2) (B), 56 Stat. 964.)

ARTICLE III.—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENTS, LEASES

AMENDMENTS

Article heading was amended by act Oct. 6, 1942, ch. 581, § 7, 56 Stat 771. Article was formerly entitled "Rent, Installment Contracts, Mortgages".

§ 530. Eviction or distress during military service; stay; penalty for noncompliance; allotment of pay for payment.

* * * * *

(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than three months, as provided in this Act [sections 501–548, 560–590 of this Appendix], or it may make such other order as may be just. Where such stay is granted or other order is made by the court, the owner of the premises shall be entitled, upon application therefor, to relief in respect of such premises similar to that granted persons in military service in sections 301, 302, and 500 of this Act (sections 531, 532, and 560 of this Appendix) to such extent and for such period as may appear to the court to be just.

(3) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (1) hereof, or attempts so to do, shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by fine not to exceed $1,000, or both. (As amended Oct. 6, 1942, ch. 581, § 8, 56 Stat. 771.)

* * * * *

AMENDMENTS

1942—Subsec (2) was amended by act Oct 6, 1942, § 8 (a), cited to text, which added last sentence

Subsec (3) was amended by act Oct. 6, 1942, § 8 (b), cited to text, which inserted "or attempts so to do,".

§ 531. Installment contracts for purchase of property.

(1) No person who has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price, or a deposit or installment under the contract, lease, or bailment, from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment thereunder due or for any other breach of the terms thereof occurring prior to or during the period of such military service, except by action in a court of competent jurisdiction.

(2) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in subsection (1) of this section or in section 107 (section 517 of this Appendix), or attempts so to do, shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed $1,000, or both.

(3) Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this Act [said sections] unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties. (As amended Oct. 6, 1942, ch. 581, § 9 (a, c, d), 56 Stat. 771.)

AMENDMENTS

1942—Subsec (1) was amended by act Oct 6, 1942, § 9 (a), cited to text.

Subsec (2) was amended by act Oct 6, 1942, § 9 (d), cited to text, substituted "of this section or in section 107, or attempts so to do," for "hereof"

Subsec (3) was amended by act Oct 6, 1942, § 9 (c), cited to text, which deleted "except as provided in section 303", preceding "on application".

§ 532. Mortgages, trust deeds, etc.

(1) The provisions of this section shall apply only to obligations secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him which obligations originated prior to such person's period of military service.

(2) In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other breach of the terms thereof occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on his behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service—

(a) stay the proceedings as provided in this Act [sections 501–548, 560–590 of this Appendix]; or

(b) make such other disposition of the case as may be equitable to conserve the interests of all parties.

(3) No sale, foreclosure, or seizure of property for nonpayment of any sum due under any such obligation, or for any other breach of the terms thereof, whether under a power of sale, under a judgment entered upon warrant of attorney to confess judgment contained therein, or otherwise, shall be valid if made after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 (Oct. 6, 1942) and during the period of military service or within three months thereafter, except pursuant to an agreement as provided in section 107 (section 517 of this Appendix), unless upon an order previously granted by the court and a return thereto made and approved by the court.

(4) Any person who shall knowingly cause to be made any sale, foreclosure, or seizure of property, defined as invalid by subsection (3) hereof, or attempts so to do, shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed $1,000, or both. (As amended Oct. 6, 1942, ch. 581, §§ 9 (b, c), 10, 56 Stat. 771, 772.)

AMENDMENTS

1942—Subsec. (1) was amended by act Oct 6, 1942, § 9 (b), cited to text, which deleted "originating prior to the date of approval of this Act and" following "obligations" and inserted matter at end of subsection following "him"

Subsec. (2) was amended by act Oct. 6, 1942, § 9 (c), cited to text, which deleted "except as provided in section 303," preceding "on application"

Subsec (3) was amended generally by act Oct 6, 1942, § 10, cited to text.

Subsec. (4) was added by act Oct 6, 1942, § 10, cited to text.

§ 533. Settlement of cases involving stayed proceedings to foreclose mortgage on, resume possession of, or terminate contract for purchase of, personal property.

Where a proceeding to foreclose a mortgage upon or to resume possession of personal property, or to rescind or terminate a contract for the purchase thereof, has been stayed as provided in this Act, the court may, unless in its opinion an undue hardship would result to the dependents of the person in military service, appoint three disinterested parties to appraise the property and, based upon the report of the appraisers, order such sum, if any, as may be just, paid to the person in military service or his dependent, as the case may be, as a condition of foreclosing the mortgage, resuming possession of the property, or rescinding or terminating the contract. (Oct. 17, 1940, ch. 888, § 303, as added Oct. 6, 1942, ch. 581, § 12, 56 Stat. 772.)

REPEALS

Former section 533, from act Oct. 17, 1940, ch 888, § 303, 54 Stat. 1183, was repealed by act Oct. 6, 1942, ch 581, § 11, 56 Stat 772

§ 534. Termination of leases by lessees.

(1) The provisions of this section shall apply to any lease covering premises occupied for dwelling, professional, business, agricultural, or similar purposes in any case in which (a) such lease was executed by or on the behalf of a person who, after the execution of such lease, entered military service, and (b) the premises so leased have been occupied for such purposes, or for a combination of such purposes, by such person or by him and his dependents.

(2) Any such lease may be terminated by notice in writing delivered to the lessor (or his grantee) or to the lessor's (or his grantee's) agent by the lessee at any time following the date of the beginning of his period of military service. Delivery of such notice may be accomplished by placing it in an envelope properly stamped and duly addressed to the lessor (or his grantee) or to the lessor's (or his grantee's) agent and depositing the notice in the United States mails. Termination of any such lease providing for monthly payment of rent shall not be effective until thirty days after the first date on which the next rental payment is due and payable subsequent to the date when such notice is delivered or mailed. In the case of all other leases, termination shall be effected on the last day of the month following the month in which such notice is delivered or mailed and in such case any unpaid rental for a period preceding termination shall be proratably computed and any rental paid in advance for a period succeeding termination shall be refunded by the lessor (or his assignee). Upon application by the lessor to the appropriate court prior to the termination period provided for in the notice, any relief granted in this subsection shall be subject to such modifications or restrictions as in the opinion of the court justice and equity may in the circumstances require.

(3) Any person who shall knowingly seize, hold, or detain the personal effects, clothing, furniture, or other property of any person who has lawfully terminated a lease covered by this section, or in any manner interfere with the removal of such property from the premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts so to do, shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed $1,000, or both. (Oct. 17, 1940, ch. 888, § 304, as added Oct. 6, 1942, ch. 581, § 12, 56 Stat. 772.)

§ 535. Protection of assignor of life insurance policy; enforcement of storage liens; penalties.

(1) Where any life insurance policy on the life of a person in military service has been assigned prior to such person's period of military service to secure the payment of any obligation of such person, no assignee of such policy (except the insurer in connection with a policy loan) shall, during the period of military service of the insured or within one year thereafter, except upon the consent in writing of the insured made during such period or when the premiums thereon are due and unpaid or upon the death of the insured, exercise any right or option by virtue of such assignment unless upon leave of court granted upon an application made therefor by such assignee. The court may thereupon refuse to grant such leave unless in the opinion of the court the ability of the obligor to comply with the terms of the obligation is not materially affected by reason of his military service. For the purpose of this subsection premiums which are guaranteed under the provisions of article IV of this Act (section 540–548 of this Appendix) shall not be deemed to be due and unpaid.

(2) No person shall exercise any right to foreclose or enforce any lien for storage of household goods, furniture, or personal effects of a person in military service during such person's period of military service and for three months thereafter except upon an order previously granted by a court upon application therefor and a return thereto made and approved by the court. In such proceeding the court may, after hearing, in its discretion, on its own motion, and shall, on application to it by such person in military

service or some person on his behalf, unless in the opinion of the court the ability of the defendant to pay the storage charges due is not materially affected by reason of his military service—

(a) stay the proceedings as provided in this Act [sections 501–548, 560–590 of this Appendix]; or

(b) make such other disposition of the case as may be equitable to conserve the interest of all parties.

The enactment of the provisions of this subsection shall not be construed in any way as affecting or as limiting the scope of section 302 of this Act (section 332 of this Appendix).

(3) Any person who shall knowingly take any action contrary to the provisions of this section, or attempts so to do, shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed $1,000, or both. (Oct. 17, 1940, ch. 888, § 305, as added Oct. 6, 1942, ch. 581, § 12, 56 Stat. 773.)

§ 536. Extension of benefits to dependents.

Dependents of a person in military service shall be entitled to the benefits accorded to persons in military service under the provisions of this article upon application to a court therefor, unless in the opinion of the court the ability of such dependents to comply with the terms of the obligation, contract, lease, or bailment has not been materially impaired by reason of the military service of the person upon whom the applicants are dependent. (Oct. 17, 1940, ch. 888, § 306, as added Oct. 6, 1942, ch. 581, § 12, 56 Stat. 773.)

ARTICLE IV.—INSURANCE

§ 540. Definitions.

As used in this article [sections 540–548 of this Appendix]—

(a) The term "policy" shall include any contract of life insurance or policy on a life, endowment, or term plan, including any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association, which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount as premiums if the insured engages in the military service of the United States as defined in section 101 of article I of this Act (section 511 of this Appendix) or which does not contain any limitation or restriction upon coverage relating to engagement in or pursuit of certain types of activities which a person might be required to engage in by virtue of his being in such military service, and (1) which is in force on a premium-paying basis at the time of application for benefits hereunder, and (2) which was made and a premium paid thereon before the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 (Oct. 6, 1942) or not less than thirty days before the date the insured entered into the military service. The provisions of this Act [sections 501–548, 560–590 of this Appendix] shall not be applicable to policies or contracts of life insurance issued under the War Risk Insurance Act, as amended (see Title 38, §§ 287, 357, 502, 575), the World War Veterans Act, as amended (see Title 38, § 421 et seq.), or the National Service Life Insurance Act of 1940, as amended (Title 38, § 801 et seq.).

(b) The term "premium" shall include the amount specified in the policy as the stipend to be paid by the insured at regular intervals during the period therein stated.

(c) The term "insured" shall include any person in the military service of the United States as defined in section 101, article I, of this Act (section 511 of this Appendix), whose life is insured under and who is the owner and holder of and has an interest in a policy as above defined.

(d) The term "insurer" shall include any firm, corporation, partnership, or association chartered or authorized to engage in the insurance business and to issue a policy as above defined by the laws of a State of the United States or the United States. (As amended Oct. 6, 1942, ch. 581, § 13, 56 Stat. 773.)

§ 541. Persons entitled to benefits of article; applications; amount of insurance protected.

The benefits and privileges of this article [sections 540–548 of this Appendix] shall apply to any insured, when such insured, or a person designated by him, or, in case the insured is outside the continental United States (excluding Alaska and the Panama Canal Zone), a beneficiary, shall make written application for protection under this article [said sections], unless the Administrator of Veterans' Affairs in passing upon such application as provided in this article [said sections] shall find that the policy is not entitled to protection hereunder. The Veterans' Administration shall give notice to the military and naval authorities of the provisions of this article, and shall include in such notice an explanation of such provisions for the information of those desiring to make application for the benefits thereof. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Veterans' Administration. The total amount of insurance on the life of one insured under policies protected by the provisions of this article shall not exceed $10,000. If an insured makes application for protection of policies on his life totaling insurance in excess of $10,000, the Administrator is authorized to have the amount of insurance divided into two or more policies so that the protection of this article may be extended to include policies for a total amount of insurance not to exceed $10,000, and a policy which affords the best security to the Government shall be given preference. (As amended Oct. 6, 1942, ch. 581, § 13, 56 Stat. 774.)

§ 542. Form of application; reports to Veterans' Administration by insurer; policy deemed modified upon application for protection.

Any writing signed by the insured and identifying the policy and the insurer, and agreeing that his rights under the policy are subject to and modified by the provisions of this article [sections 540–548 of this Appendix], shall be sufficient as an application for the benefits of this article, but the Veterans' Administration may require the insured and insurer to execute such other forms as may be deemed

advisable. Upon receipt of the application of the insured the insurer shall furnish such report to the Veterans' Administration concerning the policy as shall be prescribed by regulations. The insured who has made application for protection under this article and the insurer shall be deemed to have agreed to such modification of the policy as may be required to give this article full force and effect with respect to such policy. (As amended Oct. 6, 1942, ch. 581, § 13, 56 Stat. 774.)

§ 543. Determination of policies entitled to protection; notice to parties; lapse of policies for nonpayment of premiums, etc.

The Administrator of Veterans' Affairs shall find whether the policy is entitled to protection under this article [sections 540–548 of this Appendix] and shall notify the insured and the insurer of such finding. Any policy found by the Administrator of Veterans' Affairs to be entitled to protection under this article shall not, subsequent to date of application, and during the period of military service of the insured or during two years after the expiration of such service, lapse or otherwise terminate or be forfeited for the nonpayment of a premium becoming due and payable, or the nonpayment of any indebtedness or interest. (As amended Oct. 6, 1942, ch. 581, § 13, 56 Stat. 775.)

§ 544. Rights and privileges of insured during period of protection.

No dividend or other monetary benefit under a policy shall be paid to an insured or used to purchase dividend additions while a policy is protected by the provisions of this article [sections 540–548 of this Appendix] except with the consent and approval of the Veterans' Administration. If such consent is not procured, such dividends or benefits shall be added to the value of the policy to be used as a credit when final settlement is made with the insurer. No cash value, loan value, or withdrawal of dividend accumulation, or unearned premium, or other value of similar character shall be available to the insured while the policy is protected under this article [said sections] except upon approval by the Veterans' Administration. The insured's right to change a beneficiary designation or select an optional settlement for a beneficiary shall not be affected by the provisions of this article [said sections] (As amended Oct. 6, 1942, ch. 581, § 13, 56 Stat. 775.)

§ 545. Deduction of unpaid premiums upon settlement of policies maturing during protection.

In the event of maturity of a policy as a death claim or otherwise before the expiration of the period of protection under the provisions of this article [sections 540–548 of this Appendix], the insurer in making settlement will deduct from the amount of insurance the premiums guaranteed under this article, together with interest thereon at the rate fixed in the policy for policy loans. If no rate of interest is specifically fixed in the policy, the rate shall be the rate fixed for policy loans in other policies issued by the insurer at the time the policy brought under the Act was issued. The amount deducted by reason of the protection afforded by this article [said sections] shall be reoprted by the insurer to the Administrator of Veterans' Affairs. (As amended Oct. 6, 1942, ch. 581, § 13, 56 Stat. 775.)

§ 546. Guaranty of premiums and interest by United States; settlement of amounts due upon expiration of protection; subrogation of United States.

Payment of premiums and interest thereon at the rate specified in section 405 hereof (section 545 of this Appendix) becoming due on a policy while protected under the provisions of this article [sections 540–548 of this Appendix] is guaranteed by the United States, and if the amount so guaranteed is not paid to the insurer prior to the expiration of the period of insurance protection under this article [said sections], the amount then due shall be treated by the insurer as a policy loan on such policy, but if at the expiration of said period the cash surrender value is less than the amount then due, the policy shall then cease and terminate and the United States shall pay the insurer the difference between such amount and the cash surrender value. The amount paid by the United States to an insurer on account of applications approved under the provisions of this article, as amended [said sections], shall become a debt due to the United States by the insured on whose account payment was made and, notwithstanding any other Act, such amount may be collected either by deduction from any amount due said insured by the United States or as otherwise authorized by law. (As amended Oct. 6, 1942, ch. 581, § 13, 56 Stat. 775.)

§ 547. Regulations; finality of determinations; annual reports to Congress by Veterans' Administrator.

The Administrator of Veterans' Affairs is hereby authorized and directed to provide by regulations for such rules of procedure and forms as he may deem advisable in carrying out the provisions of this article. The findings of fact and conclusions of law made by the Administrator of Veterans' Affairs in administering the provisions of this article shall be final, and shall not be subject to review by any other official or agency of the Government. The Administrator of Veterans' Affairs shall report annually to the Congress on the administration of this article. (As amended Oct. 6, 1942, ch. 581, § 13, 56 Stat. 775.)

§ 548. Law governing applications for protection prior to Oct. 6, 1942.

(1) The provisions of this article [sections 540–548 of this Appendix] in force immediately prior to the enactment of the Soldiers' and Sailors' Civil Relief Act amendments of 1942 (Act Oct. 6, 1942, which, among other things, amended this article generally) (hereinafter in this section called "such provisions") shall remain in full force and effect with respect to all valid applications for protection executed prior to the date of enactment of the Soldiers' and Sailors' Civil Relief Act amendments of 1942 (Oct. 6, 1942) and all policies to which such applications pertain shall continue to be entitled to the protection granted thereby.

(2) Any insurer under a policy accepted under such provisions shall, subject to the approval of the

Administrator of Veterans' Affairs and upon complete surrender by it to the United States, within ninety days after the date of enactment of the Soldiers' and Sailors' Civil Relief Act amendments of 1942 (Oct. 6, 1942), of all certificates issued in accordance with such provisions together with all right to payment thereunder, be entitled to the guarantee of unpaid premiums and interest thereon and the mode of settlement for such policies as provided by this article, as amended. The privileges and benefits granted by the foregoing sentence shall be in lieu of the method of settlement, and the requirement for accounts and reports prescribed by such provisions. In the event any such insurer fails to surrender within the said ninety days all such certificates and rights to payment, the accounts, reports, and settlements required to be made by such insurer under such provisions shall continue to be made as required and shall be governed by such provisions. (As amended Oct. 6, 1942, ch. 581, § 13, 56 Stat. 776.)

PROVISIONS IN FORCE PRIOR TO 1942 AMENDMENTS

Prior to act Oct 6, 1942, cited to text, this article consisted of sections 400–414 of act Oct. 17, 1940, cited to text, constituting sections 540–554 of this Appendix

§§ 549–554. Omitted by amendment act Oct. 6, 1942, § 13.

CODIFICATION

Sections 549–554 were omitted from this article in the general amendment thereof by act Oct 6, 1942, ch. 581, § 13, 56 Stat 773. They were from sections 409–414, respectively, of act Oct. 17, 1940, ch. 888, 54 Stat. 1185, 1186.

ARTICLE V.—TAXES AND PUBLIC LANDS

§ 560. Taxes respecting personalty, money, credits, or realty; sale of property to enforce collection; redemption of property sold; penalty for nonpayment; notice of rights to beneficiaries of section.

(1) The provisions of this section shall apply when any taxes or assessments, whether general or special (other than taxes on income), whether falling due prior to or during the period of military service, in respect of personal property, money, or credits, or real property owned and occupied for dwelling, professional, business, or agricultural purposes by a person in military service or his dependents at the commencement of his period of military service and still so occupied by his dependents or employees are not paid.

(2) No sale of such property shall be made to enforce the collection of such tax or assessment, or any proceeding or action for such purpose commenced, except upon leave of court granted upon application made therefor by the collector of taxes or other officer whose duty it is to enforce the collection of taxes or assessments. The court thereupon, unless in its opinion the ability of the person in military service to pay such taxes or assessments is not materially affected by reason of such service, may stay such proceedings or such sale, as provided in this Act [sections 501–548, 560–590 of this Appendix], for a period extending not more than six months after the termination of the period of military service of such person.

* * * * *

(5) Repealed. Oct. 6, 1942, ch. 581, § 14 (b), 56 Stat. 776.

(As amended Oct. 6, 1942, ch. 581, § 14, 56 Stat. 776.)

AMENDMENTS

1942—Subsecs. (1) and (2) were amended by act Oct. 6, 1942, § 14 (a), cited to text.

§ 569. Distribution of information concerning benefits of article; forms.

The Secretary of the Interior shall issue through appropriate military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article [sections 560–574 of this Appendix] except as to sections 500, 513, and 514 hereof (sections 560, 573 and 574 of this Appendix) and shall furnish forms to be distributed in like manner to those desiring to make application for its benefits, except as to said sections. (As amended Oct. 6, 1942, ch. 581, § 15, 56 Stat. 776.)

AMENDMENTS

1942—Act Oct. 6, 1942, cited to text, substituted "sections 500, 513, and 514" for "section 500" and "sections" for "section" at end of section.

§ 572. Extension of benefits to persons serving with war allies of United States.

Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this Act remains in force shall be entitled to the relief and benefits afforded by sections 501 to 511, inclusive (sections 561–571 of this Appendix), if such service is similar to military service as defined in this Act (sections 501–548, 560–590 of this Appendix), and if they are honorably discharged and resume United States citizenship or die in the service of the allied forces or as a result of such service. (As amended Oct. 6, 1942, ch. 581, § 16, 56 Stat. 776.)

AMENDMENTS

1942—Act Oct. 6, 1942, cited to text, substituted "sections 501 to 511, inclusive" for "this article".

§ 573. Income taxes; collection deferred; interest; statute of limitations.

EXTENSION OF DUE DATE UNDER OTHER LAWS

Section 507 (b) (2) (A) of the Revenue Act of 1942, act Oct. 21, 1942, 4:30 p m., E W. T., ch. 619, title V, 56 Stat. 964, provided as follows:

"The amendments made by this section (adding sections 3804 and 3805 of Title 26, and adding section 527 of this Appendix) shall not be construed to shorten any period fixed under the provisions of section 513 of the Soldiers' and Sailors' Civil Relief Act of 1940 (this section) within which any act may be done, except that any action or proceeding authorized under section 3804 (d) (1) of the Internal Revenue Code, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted without regard to the period so fixed."

§ 574. Residence for tax purposes.

(1) For the purposes of taxation in respect of any person, or of his personal property, income, or gross income, by any State, Territory, possession, or political subdivision of any of the foregoing, or by the District of Columbia, such person shall not be deemed to have lost a residence or domicile in any

State, Territory, possession, or political subdivision of any of the foregoing, or in the District of Columbia, solely by reason of being absent therefrom in compliance with military or naval orders, or to have acquired a residence or domicile in, or to have become resident in or a resident of, any other State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, while, and solely by reason of being, so absent. For the purposes of taxation in respect of the personal property, income, or gross income of any such person by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia, of which such person is not a resident or in which he is not domiciled, compensation for military or naval service shall not be deemed income for services performed within, or from sources within, such State, Territory, possession, political subdivision, or District, and personal property shall not be deemed to be located or present in or to have a situs for taxation in such State, Territory, possession, or political subdivision, or district: *Provided*, That nothing contained in this section shall prevent taxation by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia in respect of personal property used in or arising from a trade or business, if it otherwise has jurisdiction. This section shall be effective as of September 8, 1939, except that it shall not require the crediting or refunding of any tax paid prior to October 6, 1942.

(2) When used in this section, (a) the term "personal property" shall include tangible and intangible property (including motor vehicles), and (b) the term "taxation" shall include but not be limited to licenses, fees, or excises imposed in respect to motor vehicles or the use thereof: *Provided*, That the license, fee, or excise required by the State, Territory, possession, or District of Columbia of which the person is a resident or in which he is domiciled has been paid. (Oct. 17, 1940, ch. 888, § 514, as added Oct. 6, 1942, ch. 581, § 17, 56 Stat. 777, and amended July 3, 1944, ch. 397, § 1, 58 Stat. 722.)

AMENDMENTS

1944—Act July 3, 1944, cited to text, amended section by adding "personal" preceding "property" in first sentence, "personal property", preceding "income or gross income", "and personal property shall * * * other has jurisdiction" following "or District" in second sentence, and substituted "October 6, 1942" for "the date of the enactment of the Soldiers' and Sailors' Civil Relief Act amendments of 1942" in the third sentence.

CREDITING OR REFUNDING TANGIBLE PERSONAL PROPERTY TAX

Section 2 of act July 3, 1944, cited to text, provided: "Nothing contained in this Act [this section] shall be construed to require the crediting or refunding of any tax in respect of tangible personal property (including licenses, fees, or excise imposed in respect of motor vehicles or the use thereof) paid prior to the date of its enactment. [July 3, 1944]."

ARTICLE VI.—ADMINISTRATIVE REMEDIES

§ 581. Certificates of service; persons reported missing.

(1) In any proceeding under this Act [sections 501–548, 560–590 of this Appendix] a certificate signed by The Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army of the United States, signed by the Chief of the Bureau of Navigation of the Navy Department as to persons in the United States Navy or in any other branch of the United States service while serving pursuant to law with the United States Navy, and signed by the Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be prima facie evidence as to any of the following facts stated in such certificate:

That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, the dates within which he was in military service, the monthly pay received by such person at the date of issuing the certificate, the time when and the place where such person died in or was discharged from such service.

(2) It shall be the duty of the foregoing officers to furnish such certificate on application, and any such certificate when purporting to be signed by any one of such officers or by any person purporting upon the face of the certificates to have been so authorized shall be prima facie evidence of its contents and of the authority of the signer to issue the same.

(3) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction: *Provided*, That no period herein limited which begins or ends with the death of such person shall be extended hereby beyond a period of six months after the time when this Act [said sections] ceases to be in force. (As amended Jan. 20, 1942, ch. 10, § 1, 56 Stat. 10.)

AMENDMENTS

1942—Act Jan. 20, 1942, cited to text and constituting section 622 of Title 34, Navy, redesignated "Major General Commandant of the Marine Corps" to be "Commandant of the Marine Corps".

ARTICLE VII.—FURTHER RELIEF (New)

§ 590. Stay of enforcement of obligations, liabilities, taxes, etc.

(1) A person may, at any time during his period of military service or within six months thereafter, apply to a court for relief in respect of any obligation or liability incurred by such person prior to his period of military service or in respect of any tax or assessment whether falling due prior to or during his period of military service. The court, after appropriate notice and hearing, unless in its opinion the ability of the applicant to comply with the terms of such obligation or liability or to pay such

tax or assessment has not been materially affected by reason of his military service, may grant the following relief:

(a) In the case of an obligation payable under its terms in installments under a contract for the purchase of real estate, or secured by a mortage or other instrument in the nature of a mortgage upon real estate, a stay of the enforcement of such obligation during the applicant's period of military service and, from the date of termination of such period of military service or from the date of application if made after such service, for a period equal to the period of the remaining life of the installment contract or other instrument plus a period of time equal to the period of military service of the applicant, or any part of such combined period, subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination of the period of military service or from the date of application, as the case may be, in equal installments during such combined period at such rate of interest on the unpaid balance as is prescribed in such contract, or other instrument evidencing the obligation, for installments paid when due, and subject to such other terms as may be just.

(b) In the case of any other obligation, liability, tax, or assessment, a stay of the enforcement thereof during the applicant's period of military service and, from the date of termination of such period of military service or from the date of application if made after such service, for a period of time equal to the period of military service of the applicant or any part of such period, subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination of such period of military service or the date of application, as the case may be, in equal periodic installments during such extended period at such rate of interest as may be prescribed for such obligation, liability, tax, or assessment, if paid when due, and subject to such other terms as may be just.

(2) When any court has granted a stay as provided in this section no fine or penalty shall accrue during the period the terms and conditions of such stay are complied with by reason of failure to comply with the terms or conditions of the obligation, liability, tax, or assessment in respect of which such stay was granted. (Oct. 17, 1940, ch. 888, § 700, as added Oct. 6, 1942, ch. 581, § 18, 56 Stat. 777.)

FIRST WAR POWERS ACT, 1941 (New)

ACT DECEMBER 18, 1941, CH. 593, 55 STAT. 838

TITLE I.—COORDINATION OF EXECUTIVE BUREAUS IN THE INTEREST OF THE MORE EFFICIENT CONCENTRATION OF THE GOVERNMENT

Sec.

601. Coordination of executive bureaus, offices, etc., by President for national defense and to prosecute the war; issuance of regulations.
602. Same; consolidation of offices; transfer of duties, personnel, and records.
603. Expenditure of appropriations for bureaus, offices, etc.
604. Presidential recommendation to Congress for elimination of certain bureaus, offices, etc.
605. Suspension of conflicting laws; restoration of duties and powers to bureaus, offices, etc., upon termination of sections.

TITLE II.—CONTRACTS

611. War contracts exempt from certain restrictions upon authorization by President.

TITLE III.—TRADING WITH THE ENEMY

616. Amendment of section 5 of this Appendix and section 95a of Title 12.
617. Confirmation of certain acts, etc., made under sections 1–31 of this Appendix.
618. Censorship of communications; penalties and forfeitures.

TITLE IV—TIME LIMIT AND SHORT TITLE

621 Termination of sections 601–605, and 611 of this Appendix.
622 Short title.

TITLE I.—COORDINATION OF EXECUTIVE BUREAUS IN THE INTEREST OF THE MORE EFFICIENT CONCENTRATION OF THE GOVERNMENT

§ 601. Coordination of executive bureaus, offices, etc., by President for national defense and to prosecute the war; issuance of regulations.

For the national security and defense, for the successful prosecution of the war, for the support and maintenance of the Army and Navy, for the better utilization of resources and industries, and for the more effective exercise and more efficient administration by the President of his powers as Commander in Chief of the Army and Navy, the President is hereby authorized to make such redistribution of functions among executive agencies as he may deem necessary, including any functions, duties, and powers hitherto by law conferred upon any executive department, commission, bureau, agency, governmental corporation, office, or officer, in such manner as in his judgment shall seem best fitted to carry out the purposes of this title (sections 601–605 of this Appendix), and to this end is authorized to make such regulations and to issue such orders as he may deem necessary, which regulations and orders shall be in writing and shall be published in accordance with the Federal Register Act of 1935 (sections 301–310, 311–314 of Title 44): *Provided*, That the termination of this title (sections 601–605 of this Appendix), shall not affect any act done or any right or obligation accruing or accrued pursuant to this title (sections 601–605 of this Appendix) and during the time that this title (sections 601–605 of this Appendix), is in force: *Provided further*, That the authority by this title (sections 601–605 of this Appendix), granted shall be exercised only in matters relating to the conduct of the present war: *Provided further*, That no redistribution of functions shall provide for the transfer, consolidation, or abolition of the whole or any part of the General Accounting Office or of all or any part of its functions. (Dec. 18, 1941, ch. 593, title I, § 1, 55 Stat. 838.)

TRADING WITH ENEMY ACT AMENDMENT

Section 301 of act Dec. 18, 1941, cited to text, amended the Trading With Enemy Act and is set out at section 5 of this Appendix and section 95a of Title 12, Banks and Banking.

CROSS REFERENCES

Administration of Federal Government Services in Alaska during war, see Ex. Ord. No. 9181, set out preceding section 21 of Title 48, Territories and Insular Possessions.

Reorganization Plans for government departments and bureaus, see notes under section 133t of Title 5, Executive Departments and Government Officers and Employees

Termination of section, see section 621 of this Appendix.

EXECUTIVE ORDERS COORDINATING BUREAUS, OFFICES, ETC.

Ex. Ord. Nos.

9069. Consolidation of Agencies Within Department of Agriculture
9070. Consolidation of Housing Agencies and Functions Into National Housing Agency
9071. Transfer of Functions of Federal Loan Agency to Department of Commerce
9082. Reorganization of Army and Transfer of Functions Within War Department
9083. Redistribution of Maritime Functions
9096. Navy Department and Naval Service Reorganization
9126 Hydrographic Office and Naval Observatory Functions Transfer to Chief of Naval Operations
9177. Emergency Purchases of War Material Abroad
9198. Transfer of Merchant Marine Training Functions
9232. Transfer of Certain Functions of Work Projects Administration to Bureau of Census
9247. Transfer of Certain Employment Service and Training Functions to War Manpower Commission
9262 Secretary of Navy Authorized to Exercise Certain Additional Powers and Functions
9280 Delegating Authority With Respect to Nation's Food Program
9287 Transferring Certain Functions From Council of National Defense to Secretary of Interior
9302. Transferring to Commissioner of Internal Revenue Certain Functions Relating to Taxes and Penalties for Violation of National Prohibition Act
9310 Transferring Nutrition Functions of Office of Defense Health and Welfare Services to Department of Agriculture
9312. Defining the Foreign Information Activities of Office of War Information
9315. Transferring Certain Functions From the President to the Secretary of Agriculture
9322. War Food Administration
9327. Handling of Governmental Problems in Congested Production Areas
9330. Transferring Certain Central Administrative Services of the Office for Emergency Management
9332 Establishing Solid Fuels Administrator for War
9338. Abolishing the Office of Defense Health and Welfare Services and Transferring Its Functions to the Federal Security Agency
9339 Transfer of Civil Air Patrol From Office of Civilian Defense to Department of War
9347. Office of War Mobilization
9357. Transferring Functions of Public Works Administration to the Federal Works Administrator
9361 Supplementing Executive Order Establishing Office of War Mobilization and Providing for the Unifying of Foreign Economic Affairs
9363 Redistribution of Certain Functions of the Secretary of War and the Judge Advocate General With Respect to Certain Court Martial Cases
9380. Foreign Economic Administration
9385 Foreign Food Procurement and Development
9406. Transfer of Functions Respecting Necessity Certificates from Secretaries of War and Navy to Chairman of War Production Board
9417. War Refugee Board
9418. Authorizing the War Food Administration To Place Orders With Other Agencies for Materials or Services To Be Obtained by Contract or Otherwise
9423. Transfer of War Relocation Authority to the Department of the Interior
9425. Surplus War Property Administration Established
9427. Retraining and Reemployment Administration
9440. Authorizing the Reconstruction Finance Corporation To Place Orders With Other Agencies for Materials or Services To Be Obtained by Contract or Otherwise
9475 Transferring the Functions and Responsibilities of the Rubber Director
9495. Extension of Executive Order No. 9177 to the United States Maritime Commission and the Administration of the War Shipping Administration
9541. Transferring the Office of Surplus Property of the Procurement Division of the Department of the Treasury to the Department of Commerce
9577. Termination of the War Food Administration and Transferral of its Functions to the Secretary of Agriculture
9592 Extension of Executive Order No 9001 to Contracts of the Office of War Information and the Office of Alien Property Custodian
9596 Revoking Executive Order No 9528 Which Provided a Change in the Order of Succession of Officers to Act as Secretary of the Navy
9608 Termination of the Office of War Information
9614 Termination of the War Refuge Board
9617. Transfer of Certain Agencies and Functions to the Department of Labor
9621. Termination of the Office of Strategic Services and Disposition of its Functions
9630. Redistribution of Foreign Economic Functions and Functions With Respect to Surpus Property in Foreign Areas
9638. Creation of the Civilian Production Board and Termination of the War Production Board
9649. Termination of the Office of Fishery Coordination
9674. Liquidation of War Agencies

EX ORD. NO. 9069 CONSOLIDATION OF AGENCIES WITHIN DEPARTMENT OF AGRICULTURE

Ex Ord. No. 9069, Feb. 23, 1942, 7 F. R 1409, provided:

1. (a) The Surplus Marketing Administration (including the Federal Surplus Commodities Corporation as an agency of the Department of Agriculture), the Agricultural Marketing Service (except the Agricultural Statistics Division), and the Commodity Exchange Administration of the Department of Agriculture and their functions, personnel, property, and records are consolidated into an agency to be known as the Agricultural Marketing Administration of the Department of Agriculture, which agency shall be administered under the direction and supervision of such officer as the Secretary of Agriculture shall designate.

(b) The Agricultural Statistics Division of the Agricultural Marketing Service, Department of Agriculture, and its functions and the personnel, property, and records used primarily in the administration of its functions are transferred to the Bureau of Agricultural Economics of the Department of Agriculture.

2. The Agricultural Adjustment Administration, the Soil Conservation Service, the Federal Crop Insurance Corporation, and the Sugar Division of the Department of Agriculture and their functions, personnel, property, and records are consolidated into an agency to be known as the Agricultural Conservation and Adjustment Administration of the Department of Agriculture, which agency shall be administered under the direction and supervision of such officer as the Secretary of Agriculture shall designate

3. The Bureau of Animal Industry, the Bureau of Dairy Industry, the Bureau of Plant Industry, the Bureau of Agricultural Chemistry and Engineering, the Bureau of Entomology and Plant Quarantine, the Bureau of Home Economics, the Office of Experiment Stations, and the Beltsville Research Center of the Department of Agriculture and their functions, personnel, property, and records are consolidated into an agency to be known as the Agricultural Research Administration of the Department of Agriculture, which agency shall be administered under the direction and supervision of such officer as the Secretary of Agriculture shall designate.

4. All libraries administered by agencies of the Department of Agriculture and all units of the Department pro-

viding library and bibliographical service and their functions, personnel, property, and records are consolidated and shall be administered through such facilities of the Department as the Secretary of Agriculture shall designate

5. So much of the unexpended balances, appropriations, allocations, or other funds available (or to be made available) for the use of any agency in the exercise of any function transferred or consolidated by this order or for the use of the head of any agency in the exercise of any function so transferred or consolidated, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred for use in connection with the exercise of the function so transferred or consolidated. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer.

6. This order shall remain in force during the continuance of the present war and for six months after termination thereof.

EX ORD. NO 9070. CONSOLIDATION OF HOUSING AGENCIES AND FUNCTIONS INTO NATIONAL HOUSING AGENCY

Ex Ord No 9070, Feb 24, 1942, 7 F R. 1529, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress) (sections 601–605 of this Appendix), and as President of the United States, it is hereby ordered as follows:

1. The following agencies, functions, duties, and powers are consolidated into a National Housing Agency and shall be administered as hereinafter provided under the direction and supervision of a National Housing Administrator:

(a) The Federal Housing Administration and its functions, powers, and duties, including those of the Administrator thereof.

(b) All functions, powers, and duties of the Federal Home Loan Bank Board and of its members.

(c) The Home Owners Loan Corporation and the functions, powers, and duties of its Board of Directors.

(d) The Federal Savings and Loan Insurance Corporation and the functions, powers, and duties of its Board of Trustees.

(e) The United States Housing Authority and its functions, powers, and duties, including those of the Administrator thereof.

(f) All functions, powers, and duties relating to defense housing of (1) the Federal Works Administrator under the act of October 14, 1940, entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes," as amended (sections 1521–1523 of Title 42), and under acts making appropriations to carry out the purposes of said act, (2) the War Department and the Navy Department with respect to housing units for persons (with families) engaged in national defense activities (except housing units located on military or naval reservations, posts, or bases) under Title IV of the Naval Appropriation Act for the fiscal year 1941 (section 1171 of this Appendix), and (3) any agencies heretofore designated (including the Federal Works Agency and the Farm Security Administration) to provide temporary shelter in defense areas under the Urgent Deficiency Appropriation Act, 1941 (section 60a of Title 2, sections 721–728 of Title 15, note under section 1523 of Title 42), and the Additional Urgent Deficiency Appropriation Act, 1941 (note under section 1523 of Title 42), and the Third Supplemental National Defense Appropriation Act, 1942 (section 222 of Title 5, section 412 note of Title 22, section 41 note of Title 24, section 529h of Title 31, sections 498c–4, 498c–5 and note, section 1523 note of Title 42).

(g) All functions, powers, and duties of the Farm Security Administration relating to such housing projects as such Administration determines are for families not deriving their principal income from operating or working upon a farm.

(h) The Defense Homes Corporation and its functions, powers, and duties, including those of its officers and Board of Directors.

(i) All functions, powers, and duties of the Federal Loan Administrator, the Federal Works Administrator, and the head of any department or other agency relating to the administration or supervision of the agencies, functions, powers, and duties transferred hereunder.

(j) All functions, powers, and duties of the Division of Defense Housing Coordination established by Executive Order No 8632 of January 11, 1941, and of the Coordinator of Defense Housing: *Provided*, That such Division and such Coordinator shall continue to exercise such functions, powers, and duties until the appointment or designation of the National Housing Administrator.

(k) All powers, rights, privileges, duties, and functions transferred to the Federal Works Administrator by Executive Order No. 8186 of June 29, 1939:

Provided, That with respect to any functions, powers, and duties enumerated in sub-paragraphs (f) and (g) above, any agency now engaged in the construction or management of any project shall continue such activities on behalf of the National Housing Agency until such time as the National Housing Administrator shall determine that it is expedient for the Federal Public Housing Authority, herein provided for, to discharge such functions, powers, and duties with respect to such project through its own facilities.

2 The National Housing Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of $12,000 a year unless the Congress shall otherwise provide Pending such appointment, an existing officer of the Government designated by the President shall act as National Housing Administrator.

3 There shall be three main constituent units in the National Housing Agency. Each such unit shall be administered by a commissioner acting under the direction and supervision of the National Housing Administrator. The unit administering the Federal Housing Administration and its functions, powers, and duties shall be known as the Federal Housing Administration, and the Federal Housing Administrator shall serve as Federal Housing Commissioner. The unit administering the functions, powers, and duties of the Federal Home Loan Bank Board and its members shall be known as the Federal Home Loan Bank Administration, and the Chairman of the Federal Home Loan Bank Board shall serve as Federal Home Loan Bank Commissioner The United States Housing Authority and its functions, powers, and duties shall be administered as the Federal Public Housing Authority, one of the main constituent units, and the Administrator of the United States Housing Authority shall serve as Federal Public Housing Commissioner. The agencies, functions, powers, and duties enumerated in sub-paragraphs (c), (d), and (k) of paragraph 1 shall be administered in the Federal Home Loan Bank Administration, and those enumerated in sub-paragraphs (f) and (g) shall be administered in the Federal Public Housing Authority. The agency, functions, powers, and duties enumerated in sub-paragraph (h) of paragraph 1 shall also be administered by the Federal Public Housing Commissioner. The Administrator of the National Housing Agency may centralize in the office of the National Housing Administrator such budget, personnel, legal, procurement, research, planning, or other administrative services or functions common to the said constituent units as he may determine.

4 The capital stock of the Defense Homes Corporation shall be transferred from the Federal Loan Administrator to the National Housing Administrator, and the Federal Loan Administrator and the Defense Homes Corporation shall take all necessary action to effectuate such transfer and carry out the purposes hereof

5. The Central Housing Committee is hereby abolished, and all of its assets, contracts, property (including office equipment and records), and unexpended balances of funds available for its use are hereby transferred to the National Housing Agency.

6. All assets, contracts, and property (including office equipment and records) of any agency hereby consolidated, and all assets, contracts, and property (including office equipment and records) which other agencies, including departments, have been using primarily in the

administration of any function, power, or duty hereby consolidated or transferred, are hereby transferred, respectively, with such agency, function, power or duty.

7. Except as provided in paragraph 8, hereof, (1) all personnel of any agency hereby consolidated, and (2) all personnel of other agencies, including departments, who have been engaged primarily in the administration of any function, power, or duty hereby consolidated or transferred and who within thirty days after the appointment or designation of the National Housing Administrator are jointly certified for transfer by said Administrator and the head of the department or agency to which such personnel is attached, shall be transferred, respectively, with such agency, functions, power or duty; but any personnel transferred with functions, powers, or duties pursuant to this paragraph who are found by the National Housing Administrator to be in excess of the personnel necessary for the administration of such functions, powers, and duties shall be re-transferred under existing law to other positions in the Government or separated from the service

8 The following personnel are not transferred hereunder: (1) The Directors and Officers of the Defense Homes Corporation, (2) the members of the Federal Home Loan Bank Board other than the Chairman, (3) the Directors of the Home Owners' Loan Corporation, and (4) the Trustees of the Federal Savings and Loan Insurance Corporation. The offices of the foregoing personnel excepted from transfer by this paragraph (except in the case of the Defense Homes Corporation) are hereby vacated for the duration of this order: *Provided,* That the offices of the members of the Federal Home Loan Bank Board shall not be vacated until sixty days from the date of this order The personnel of the Division of Defense Housing Coordination and of the Central Housing Committee are not transferred hereunder, except that the National Housing Administrator, within 60 days after his appointment or designation, may take over such of this personnel as are needed During such period, all personnel of such Division and of such Committee may be retained by them in connection with the winding up of their affairs

9 So much of the unexpended balances of appropriations, authorizations, allocations, or other funds (not otherwise transferred hereunder) available for the use of any agency in the exercise of any function, power, or duty consolidated by this order, or for the use of the head of any department or agency in the exercise of any such function, power, or duty, as the Director of the Bureau of the Budget shall determine (with the approval of the President), shall be transferred, respectively, to the National Housing Agency or the main constituent unit therein concerned, for its use in connection with the exercise of the functions, powers, or duties, respectively, to be administered by it hereunder. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, authorizations, allocations, or other funds prior to transfer.

10. All housing now owned by the United States and located on a military or naval reservation, post, or base is hereby transferred to the jurisdiction of the War or Navy Department, respectively, having jurisdiction of such reservation, post or base: *Provided,* That with respect to all housing developed by the War or Navy Department under Title II of Public 671, approved June 28, 1940 (section 1262a of Title 10, section 546e of Title 34, sections 1151–1161 of this Appendix, and sections 1501–1505 of Title 42), the Federal Public Housing Authority shall take all necessary steps to transfer such jurisdiction and carry out the purpose hereof, including the transfer of title to the United States and including repayment (out of any funds available therefor) of the cost of such housing for reimbursement of the Bond Account from which funds were transferred to pay such costs.

11. The Director of the Bureau of the Budget shall allocate to the National Housing Agency, from appropriations, authorizations, allocations, or other funds available for the administrative expenses of the Federal Loan Agency and the Federal Works Agency (relating to the administration of the agencies and functions transferred therefrom hereunder) and of the agencies and functions, powers, and duties consolidated hereunder, such sums, and in such proportions, as he may find necessary for the administrative expenses of the National Housing Agency. None of the agencies established or consolidated hereunder shall incur any obligations for administrative expenses except pursuant to appropriations, allocations, or other authorizations of funds specifically available now or hereafter for administrative expenses.

12 The National Housing Administrator may appoint necessary personnel and make necessary expenditures to carry out the functions, powers, and duties of the National Housing Agency. The Administrator and the Commissioners hereunder may delegate their respective functions, powers, and duties to such agencies, officials, or personnel as they may designate, respectively. Until the appointment or designation of a National Housing Administrator, the Commissioners respectively shall exercise such of the functions, powers, and duties of the National Housing Administrator as relate to the agencies, functions, powers, and duties to be administered by such Commissioners respectively.

13. Nothing herein shall impair or affect any outstanding obligations or contracts of any agency consolidated hereunder or of the United States of America (including its pledge of faith to the payment of all annual contributions now or hereafter contracted for pursuant to the United States Housing Act, as amended) (sections 1401–1406, 1407–1430 of Title 42), or of any Insurance Funds created under the National Housing Act (section 371 et seq. of Title 12).

14. All orders, rules, regulations, permits, or other privileges made, issued or granted by or in respect of any agency, function, power, or duty consolidated hereunder shall continue in effect to the same extent as if such consolidation had not occurred until modified, superseded, or repealed, except that the regulations of January 11, 1941, relating to defense housing coordination shall hereby be revoked upon the appointment or designation of the National Housing Administrator.

15 All unexpended balances of appropriations, authorizations, allocations, or other funds transferred under this order shall be used only for the respective purposes and in the administration of the respective functions for which such funds were made available.

16. Transfers of available funds under this order shall include funds available for the fiscal year ending June 30, 1943.

17 This order shall become effective as of the date hereof and shall be in force and effect so long as Title I of the First War Powers Act, 1941 (sections 601–605 of this Appendix), remains in force.

Ex. Ord. No 9071. Transfer of Functions of Federal Loan Agency to Department of Commerce

Ex Ord. No. 9071, Feb. 24, 1942, 7 F. R 1531, provided:

Whereas by an Executive order issued this date (Ex Ord No. 9070, set out in note above) under Title I of the First War Powers Act (sections 601–605 of this Appendix) several agencies were transferred from the Federal Loan Agency to the National Housing Agency established by such order, and it is deemed advisable that the remaining functions of the Federal Loan Agency be administered in the Department of Commerce,

Now, therefore, by virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (sections 601–605 of this Appendix), it is hereby ordered as follows:

TRANSFER OF FUNCTIONS

Sec. 1. All functions, powers, and duties of the Federal Loan Agency and of the Federal Loan Administrator which relate to the Reconstruction Finance Corporation, Electric Home and Farm Authority, RFC Mortgage Company, Federal National Mortgage Association, Disaster Loan Corporation, Export-Import Bank of Washington, Defense Plant Corporation, Rubber Reserve Company, Metals Reserve Company, Defense Supplies Corporation, and War Insurance Corporation, together with all other func-

tions, powers, and duties not transferred by the Executive order establishing the National Housing Agency (Ex. Ord. No. 9070, set out in note above), are transferred to the Department of Commerce and shall be administered under the direction and supervision of the Secretary of Commerce.

TRANSFER OF RECORDS, PROPERTY, AND PERSONNEL

SEC. 2. All records and property (including office equipment) and all personnel of the Federal Loan Agency used in the administration of the functions transferred by this order are transferred to the Department of Commerce for use in the administration of the functions transferred by this order.

TRANSFER OF FUNDS

SEC. 3 So much of the unexpended balances of the appropriations, allocations, or other funds available or to be made available for the use of the Federal Loan Agency in the exercise of any function transferred by this order, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the Department of Commerce for use in connection with the exercise of the functions so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer.

EFFECTIVE AND TERMINATION DATES

SEC. 4. This order shall become effective as of the date hereof and shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941 (sections 601-605 of this Appendix).

EX ORD NO 9082 REORGANIZATION OF ARMY AND TRANSFER OF FUNCTIONS WITHIN WAR DEPARTMENT

EX ORD No. 9082, Feb. 28, 1942, 7 F. R 1609, provided:

Under and by virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress) (sections 601–605 of this Appendix), and as Commander-in-Chief of the Army and Navy and as President of the United States, it is hereby ordered as follows:

1. The Army of the United States is reorganized to provide under the Chief of Staff a ground force, under a Commanding General, Army Ground Forces; an air force, under a Commanding General, Army Air Forces; and a service of supply command, under a Commanding General, Services of Supply; and such overseas departments, task forces, base commands, defense commands, commands in theaters of operations, and other commands as the Secretary of War may find to be necessary for the national security.

2. The functions, duties, and powers of the chiefs of the following-named branches of the Army of the United States are transferred to the Commanding General, Army Ground Forces: Infantry, Cavalry, Field Artillery, and Coast Artillery Corps (except those relating to procurement, storage, and issue).

3. The functions, duties, and powers of the Commanding General, General Headquarters Air Force (Air Force Combat Command) and of the Chief of the Air Corps are transferred to the Commanding General, Army Air Forces.

4. The functions, duties, and powers of the Chief of Coast Artillery relating to procurement, storage, and issue are transferred to the Commanding General, Services of Supply.

5 Any officers holding offices the functions, duties, and powers of which are transferred by this order shall be reassigned to suitable duties but shall continue to hold their respective offices until vacated.

6. The Secretary of War is authorized and directed to prescribe such functions, duties, and powers of the commanders of the various forces and commands of the Army of the United States and the agencies of the War Department and to issue from time to time such detailed instructions regarding personnel, funds, records, property, routing of correspondence, and other matters as may be necessary to carry out the provisions of this order. Such duties by the Secretary of War are to be performed subject always to the exercise by the President directly through the Chief of Staff of his functions as Commander-in-Chief in relation to strategy, tactics, and operations.

7. This order shall become effective on March 9, 1942, and shall remain in force during the continuance of the present war and for six months after the termination thereof.

EX. ORD. No 9083 REDISTRIBUTION OF MARITIME FUNCTIONS

Ex Ord No 9083, Feb 28, 1942, 7 F. R 1609, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (sections 601–605 of this Appendix), approved December 18, 1941, and in order to expedite the prosecution of the war effort, it is hereby ordered as follows:

TRANSFER OF FUNCTIONS OF BUREAU OF MARINE INSPECTION AND NAVIGATION

SECTION 1. As provided in Sections 2 and 3 of this order, there are transferred to the Bureau of Customs and the United States Coast Guard all functions of: the Bureau of Marine Inspection and Navigation, the office of the director thereof, the offices of supervising inspectors, principal traveling inspectors, traveling inspectors, local inspectors, assistant inspectors, shipping commissioners, deputy shipping commissioners, and the Board of Supervising Inspectors, the Boards of Local Inspectors, the Marine Casualty Investigation Board, the Marine Boards, and those functions of the Secretary of Commerce which pertain thereto.

FUNCTIONS TRANSFERRED TO BUREAU OF CUSTOMS

SEC 2 Those functions of the Bureau, Offices and Boards specified in Section 1, and of the Secretary of Commerce, pertaining to registry, enrollment, and licensing of vessels, including the issuance of commissions to yachts, the assignment of signal letters, and the preparation of all reports and publications in connection therewith; measurement of vessels, administration of tonnage duties, and collection of tolls; entrance and clearance of vessels and aircraft, regulation of vessels in the coasting and fishing trades, and limitation of the use of foreign vessels in waters under the jurisdiction of the United States; recording of sales, conveyances, and mortgages of vessels; protection of steerage passengers, all other functions of such Bureau, Offices and Boards which are now performed by the Bureau of Customs on behalf thereof; and the power to remit and mitigate fines, penalties and forfeitures incurred under the laws governing these functions, are transferred to the Commissioner of Customs, to be exercised by him under the direction and supervision of the Secretary of the Treasury.

FUNCTIONS TRANSFERRED TO U S COAST GUARD

SEC 3 Those functions of the Bureau, Offices and Boards specified in Section 1, and of the Secretary of Commerce, pertaining to approval of plans for the construction, repair, and alteration of vessels, approval of materials, equipment, and appliances; classification of vessels; inspection of vessels and their equipment and appliances; issuance of certificates of inspection, and of permits indicating the approval of vessels for operations which may be hazardous to life or property, administration of load line requirements; enforcement of other provisions for the safety of life and property on vessels, licensing and certificating of officers, pilots, and seamen; suspension and revocation of licenses and certificates; investigation of marine casualties; enforcement of manning requirements, citizenship requirements, and requirements for the mustering and drilling of crews; control of log books; shipment, discharge, protection, and welfare of merchant seamen; enforcement of duties of shipowners and officers after accidents; promulgation and enforcement of rules for lights, signals, speed, steering, sailing, passing, anchorage, movement, and towlines of vessels and lights and signals on bridges; numbering of undocumented vessels; prescription and enforcement of regulations for outfitting and operation of motorboats; licensing of motorboat operators; regulation of regattas and marine parades; all other

functions of such Bureau, Offices and Boards which are not specified in Section 2; and all other functions of the Secretary of Commerce pertaining to shipping which are not specified in Section 2, including the remission and mitigation of fines, penalties and forfeitures incurred under the laws governing these functions and those incurred under Public Law 351 of the 77th Congress (Title 47, § 353 note), are transferred to the Commandant of the United States Coast Guard, to be exercised by him under the direction and supervision of the Secretary of the Navy

TRANSFER OF FUNCTIONS FROM BUREAU OF CUSTOMS

SEC 4 Those functions relating to the award of numbers to undocumented vessels, now vested in the Collectors of Customs, are transferred to the Commandant of the Coast Guard to be exercised by him under the direction and supervision of the Secretary of the Navy.

TRANSFER OF TRAINING FUNCTIONS FROM MARITIME COMMISSION

SEC. 5 Those functions of the United States Maritime Commission pertaining to establishing, developing, and operating the United States Maritime Service and the cadet and cadet officer training program; the prescribing of extension and correspondence courses, including the printing, publishing, and purchasing of textbooks, equipment and supplies required for such courses; the examination, inspection, rating, and certification of civilian nautical schools; the furnishing, maintaining, and repairing of vessels for the State Marine or Nautical Schools and administering grants of funds for the support of such schools and the jurisdiction over vessels, apparel, charts, books, and instruments loaned to such schools, are transferred to the Commandant of the United States Coast Guard, to be exercised by him under the direction and supervision of the Secretary of the Navy

(Functions transferred by this section to Commandant of the United States Coast Guard were transferred to the Administrator of War Shipping Administration by Ex Ord No 9198, also set out under this section)

AUTHORITY TO WAIVE NAVIGATION AND VESSEL INSPECTION LAWS

SEC 6 The authority vested in the Secretary of Commerce by Executive Order No 8976 (set out preceding section 1 of Title 46), December 12, 1941, to waive compliance with the navigation and vessel inspection laws is transferred to the Secretary of the Navy and the Secretary of the Treasury, who shall exercise such authority with respect to the functions transferred to the United States Coast Guard and the Bureau of Customs, respectively.

TRANSFER OF RECORDS, PROPERTY AND PERSONNEL

SEC 7 All records and property (including office equipment and floating equipment) of the Bureau of Marine Inspection and Navigation, the Department of Commerce, the Collectors of Customs, and the United States Maritime Commission used primarily in the administration of functions transferred by this order, and all personnel used primarily by these agencies in the administration of such functions are transferred to the respective agencies concerned, for use in the administration of the functions transferred by this order

TRANSFER OF FUNDS

SEC. 8 So much of the unexpended balances of appropriations, allocations, or other funds available or to be made available for the use of any agency in the exercise of any function transferred by this order, or for the use of the head of any agency in the exercise of any function so transferred, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the agency concerned for use in connection with the exercise of the function so transferred In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this order shall be restricted to the purposes for which such monies were appropriated

EFFECTIVE AND TERMINATION DATES

SEC 9. This order shall become effective on March 1, 1942, and remain in force until the termination of Title I of the First War Powers Act, 1941 (sections 601–605 of this Appendix).

EX. ORD No 9096. NAVY DEPARTMENT AND NAVAL SERVICE REORGANIZATION

Ex Ord No 9096, Mar. 12, 1942, 7 F. R. 2075, as amended by Ex. Ord. No. 9528, Mar. 2, 1945, 10 F. R. 2491; Ex Ord. No 9596, Aug. 14, 1945, 10 F. R. 10071, set out as a note under this section was revoked by Ex Ord No. 9635, set out as a note under section 411 of Title 5, Executive Departments and Government Officers and Employees.

EX. ORD No 9126 HYDROGRAPHIC OFFICE AND NAVAL OBSERVATORY FUNCTIONS TRANSFER TO CHIEF OF NAVAL OPERATIONS

Ex Ord No 9126, Apr. 4, 1942, 7 F R 2753, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress) (sections 601–605 of this Appendix), and for the more effective exercise and more efficient administration of my powers as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1 The duties and functions of the Hydrographic Office and Naval Observatory, Bureau of Navigation, Navy Department, are hereby transferred to the cognizance and jurisdiction of the Chief of Naval Operations under the direction of the Secretary of the Navy.

2. All personnel, together with the whole of the records and public property now under the cognizance of the Bureau of Navigation in the Hydrographic Office and the Naval Observatory are assigned and transferred to the Office of Chief of Naval Operations

EX ORD No. 9177 EMERGENCY PURCHASES OF WAR MATERIAL ABROAD

Ex Ord No 9177, May 30, 1942, 7 F R 4195, provided:

1. The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation are each authorized to exercise the functions, powers and duties heretofore vested in the Secretary of the Navy by that provision of an act approved June 30, 1914 (38 Stat 399; 34 U S C § 568), which reads as follows:

"*Provided*, That hereafter the Secretary of the Navy is hereby authorized to make emergency purchases of war material abroad: *And provided further*, That when such purchases are made abroad, this material shall be admitted free of duty"

2 The Commissioner of Customs, with the approval of the Secretary of the Treasury shall issue regulations governing the entry and admission free of duty of articles as to which an officer or the agency designated in section 1 of this order shall make a certificate to him in the following form:

"The procurement of this material constituted an emergency purchase of war material abroad and it is accordingly requested that such material be admitted free of duty pursuant to the Act of June 30, 1914 (34 U. S. C. § 568) and Executive Order No. 9177"

3 The authority herein conferred, including the authority to execute the certificate set forth in section 2 of this order, may be exercised by the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of Agriculture, and the Board of Directors of the Reconstruction Finance Corporation, respectively, or in their discretion and by their direction, respectively, may be exercised also by and through any officer or officers or civilian officials of their respective departments and agency designated by them for those purposes, or, in the case of the Secretary of Agriculture by and through such corporations in the Department of Agriculture as are under the direction and supervision of the Secretary of Agriculture and in the case of the Reconstruction Finance Corporation, by and through one or more of its subsidiary corporations. The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Secretary of Agriculture, and the Board of

Directors of the Reconstruction Finance Corporation may authorize such officer or officers or civilian officials of their respective departments or agency or such corporation or corporations subsidiary to the Reconstruction Finance Corporation or under the direction and supervision of the Secretary of Agriculture to make further delegations of such powers and authority within their respective departments and agency, and within such corporation or corporations

4 This order shall become effective as of the date hereof, shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941, and shall authorize or ratify any emergency purchase of war materials abroad heretofore or hereafter made by or for the account of any of the said departments, the said agency, or such corporations, and any such war material so purchased may be entered, or withdrawn from warehouse, for consumption free of duty during the effective period of this order

5 Any provision of any Executive Order, and any provision, rule, or regulation of any officer, department, board, commission, bureau, agency or instrumentality of the Government of the United States conflicting with this order are superseded to the extent of such conflict.

EX. ORD No 9198. TRANSFER OF MERCHANT MARINE TRAINING FUNCTIONS

Ex Ord No 9198, July 11, 1942, 7 F R. 5383, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 approved December 18, 1941 (sections 601-605 of this Appendix), and in order to expedite the prosecution of the war effort, it is hereby ordered as follows·

1 The functions transferred to the Commandant of the United States Coast Guard by Section 5 of Executive Order No 9083 are transferred to the Administrator of War Shipping Administration.

2. All records, property (including office equipment, floating equipment, and real property), and personnel of the United States Coast Guard as the Director of the Bureau of the Budget shall determine to have been used primarily in the administration of the functions transferred by this order shall be transferred to the Administrator of the War Shipping Administration for use in the administration of such functions: *Provided,* That no officers or men of the regular Coast Guard shall be so transferred and *Provided, further,* That no officers or men of the Coast Guard Reserve now on active duty shall be so transferred without their consent

3. So much of the unexpended balances of appropriations, allocations, or other funds available or to be made available for the use of the United States Coast Guard in the exercise of the functions transferred by this order as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the Administrator of the War Shipping Administration for use in connection with the exercise of the functions so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided,* That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this order shall be restricted to the purposes for which such monies were appropriated

EX ORD NO 9232 TRANSFER OF CERTAIN FUNCTIONS OF WORK PROJECTS ADMINISTRATION TO BUREAU OF CENSUS

Ex Ord. No 9232, Aug. 20, 1942, 7 F R 6667, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354—77th Congress) (sections 601-605 of this Appendix), it is hereby ordered as follows:

1. The functions, records, property (including office equipment), personnel, and administration of the Sample Surveys Section of the Work Projects Administration, Federal Works Agency, are transferred to the Bureau of the Census, Department of Commerce.

2 This order shall become effective August 24, 1942.

EX. ORD. NO. 9247. TRANSFER OF CERTAIN EMPLOYMENT SERVICE AND TRAINING FUNCTIONS TO WAR MANPOWER COMMISSION

Ex Ord No. 9247, Sept 17, 1942, 7 F R. 7379, provided:

By virtue of the authority vested in me by the First War Powers Act, 1941 (section 95a of Title 12, sections 601-605, 611, 616-618, 621, 622 of this Appendix), and for the purpose of enabling the Chairman of the War Manpower Commission more effectively to carry out the responsibility vested in him by Executive Order No. 9139, dated April 18, 1942, of assuring the most effective mobilization and utilization of the national manpower, it is hereby ordered as follows:

1 The following agencies, functions, duties, and powers are transferred to the War Manpower Commission in the Office for Emergency Management of the Executive Office of the President and shall be administered under the supervision and direction of the Chairman of the Commission

(a) The United States Employment Service and all functions, duties, and powers of the Social Security Board in the Federal Security Agency relating to employment service

(b) The National Youth Administration in the Federal Security Agency, and its functions, duties, and powers

(c) The Apprenticeship Training Service in the Office of the Federal Security Administrator, and its functions, duties, and powers, including those relating to the program to encourage apprentice training in national defense industries

(d) The Training Within Industry Service in the Office of the Federal Security Administrator, and its functions, duties, and powers

The Apprenticeship Training Service and the National Youth Administration shall be preserved as organizational entities within the War Manpower Commission.

2 The following functions, duties, and powers are transferred to the Chairman of the War Manpower Commission:

(a) All functions, duties, and powers of the Federal Security Administrator relating to the administration of any agency or function transferred by paragraph 1 of this order.

(b) All functions, duties, and powers of the Federal Security Administrator relating to the following matters administered by the Office of Education· loans to students in technical and professional fields (national defense); education and training, defense workers (national defense), and visual aids for war training (national defense)

3 All records and property (including office equipment, contracts, agreements, and leased office space) used primarily in the administration of any agency, function, duty, or power transferred by this order, and all personnel used primarily in the administration of such agencies, functions, duties, and powers (including officers whose chief duties relate to such administration) are transferred to the War Manpower Commission for use in the administration of the agencies, functions, duties, and powers transferred by this order. So much of the unexpended balances of appropriations, allocations, or other funds available for the use of any agency in the exercise of any function, duty, or power transferred by this order or for the use of the head of any agency in the exercise of any function, duty, or power so transferred, as the Director of the Bureau of the Budget shall determine, shall be transferred to the War Manpower Commission, for use in connection with the exercise of functions, duties, and powers so transferred In determining the amounts to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer

4 In order to maintain, to the maximum extent consistent with the effective prosecution of the war, the essential coordination and integration of public employment service and unemployment compensation functions, and to avoid any necessity for establishing duplicate public employment office facilities, the Chairman of the War Manpower Commission is directed to provide for making available to agencies charged with the administration

of unemployment compensation laws, such services, information, and facilities by the United States Employment Service and its public employment offices as the Chairman of the War Manpower Commission finds will not be inconsistent with the effective prosecution of the war and as the Social Security Board finds necessary for the proper and efficient administration of such unemployment compensation laws.

EX. ORD. NO. 9262. SECRETARY OF NAVY AUTHORIZED TO EXERCISE CERTAIN ADDITIONAL POWERS AND FUNCTIONS

Ex. Ord. No. 9262, Nov. 5, 1942, 7 F. R. 9105, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat 838) (section 601 et seq of this Appendix), as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby ordered as follows:

1. The Secretary of the Navy is hereby authorized to perform and exercise the same functions, powers, and duties, on behalf of the Navy Department, as are authorized to be performed and exercised by the Secretary of War, on behalf of the War Department, by the provisions of subdivisions (a) and (b) of section 1 of the act entitled "An Act to expedite the strengthening of the national defense", approved July 2, 1940 (54 Stat 712), as continued in effect by Public Law 580, 77th Congress, approved June 5, 1942 (sections 1171 of this Appendix).

2. Any provision of any Executive order, and any provision, rule, or regulation of any officer, department, board, commission, bureau, agency or instrumentality of the Government of the United States conflicting with this order are superseded to the extent of such conflict.

3 This order shall become effective as of the date hereof, and shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941 (section 601 et seq of this Appendix).

EX. ORD NO 9280. DELEGATING AUTHORITY WITH RESPECT TO NATION'S FOOD PROGRAM

Ex Ord No 9280, Dec 5, 1942, 7 F R 10179, provided:

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order to assure an adequate supply and efficient distribution of food to meet war and essential civilian needs, it is hereby ordered as follows:

1. The Secretary of Agriculture (hereinafter referred to as the "Secretary") is authorized and directed to assume full responsibility for and control over the Nation's food program In exercising such authority, he shall:

a. Ascertain and determine the direct and indirect military, other governmental, civilian, and foreign requirements for food, both for human and animal consumption and for industrial uses.

b. Formulate and carry out a program designed to furnish a supply of food adequate to meet such requirements, including the allocation of the agricultural productive resources of the Nation for this purpose.

c. Assign food priorities and make allocations of food for human and animal consumption to governmental agencies and for private account, for direct and indirect military, other governmental, civilian, and foreign needs.

d. Take all appropriate steps to insure the efficient and proper distribution of the available supply of food.

e. Purchase and procure food for such Federal agencies, and to such extent, as he shall determine necessary or desirable, and promulgate policies to govern the purchase and procurement of food by all other Federal agencies: *Provided*, That nothing in this subsection shall limit the authority of the armed forces to purchase or procure food outside the United States or in any theater of war as such purchase and procurement shall be required by military or naval operations, or the authority of any other authorized agency to purchase or procure food outside the United States for rehabilitation or relief purposes abroad. Existing methods for the purchase and procurement of food by other Federal agencies shall continue until otherwise determined by the Secretary pursuant to this Executive Order.

2 The Secretary shall recommend to the Chairman of the War Production Board the amounts and types of non-food materials, supplies, and equipment necessary for carrying out the food program Following consideration of these recommendations, the Chairman of the War Production Board shall allocate stated amounts of non-food materials, supplies, and equipment to the Secretary for carrying out the food program; and the War Production Board, through its priorities and allocation powers, shall direct the use of such materials, supplies, and equipment for such specific purposes as the Secretary may determine.

3. Whenever the available supply of any food is insufficient to meet both food and industrial needs, the Chairman of the War Production Board and the Secretary shall jointly determine the division to be made of the available supply of such food. In the event of any difference of view between the Chairman of the War Production Board and the Secretary, such difference shall be submitted for final determination to the President or to such agent or agency as the President may designate.

4. The Secretary, after determining the need and the amount of food available for civilian rationing, shall, through the Office of Price Administration, exercise the priorities and allocation powers conferred upon him by this Executive Order for civilian rationing, with respect to (a) the sale, transfer, or other disposition of food by any person who sells at retail to any person, and (b) the sale, transfer, or other disposition of food by any person to an ultimate consumer, as is currently provided for in War Production Board Directive No. 1, dated January 24, 1942, and existing supplements thereto; and with respect to (c) the sale, transfer, or other disposition of food by any person at such other levels of distribution as he may determine, and in the administration or enforcement of any such priorities or allocation authority for civilian rationing, the Office of Price Administration, subject to the provisions of this Executive Order, is hereby authorized to exercise all the functions, duties, powers, authority, or discretion conferred upon the Price Administrator by Section 3 of Executive Order 9125 of April 7, 1942. The Secretary, before determining the time, extent, and other conditions of civilian rationing, shall consult with the Price Administrator.

5. In discharging his responsibility under this Executive Order with respect to the exportation of food, the Secretary shall collaborate with the other agencies concerned with the foreign aspects of the food program in the determination of plans, policies and procedures for the feeding of the peoples in foreign countries and the production and stockpiling of food for use abroad. With respect to the issuance of the directives for the importation of food heretofore issued to the Board of Economic Warfare by the Chairman of the War Production Board under Executive Order No. 9128 of April 13, 1942, the Secretary shall issue those directives which relate to the importation of food for human and animal consumption, and the Chairman of the War Production Board and the Secretary shall jointly issue those directives which relate to the importation of food for industrial uses. The Chairman of the War Production Board shall continue to issue all other directives which relate to the importation of materials, supplies, and equipment required for the war production program and the civilian economy. Schedules of priorities heretofore prepared and issued by the Chairman of the War Production Board under Executive Order 9054 of February 7, 1942, for the importation by overseas transportation of food for human or animal consumption and for industrial uses shall be similarly issued, and transmitted to the Administrator of War Shipping Administration for his guidance.

6. In discharging his responsibility under this Executive Order, the Secretary shall, in the event of a shortage of domestic transportation service, and after consultation with the War Production Board for the purpose of adjusting the relative demands for the movement of food for human or animal consumption and the movement of commodities for other purposes, prepare schedules of priorities for the domestic movement of food, which the

Office of Defense Transportation shall take into consideration in determining traffic movements.

7. (a) To advise and consult with him in carrying out the provisions of this Executive Order, the Secretary shall appoint a committee composed of representatives of the State, War, and Navy Departments, the Office of Lend-Lease Administration, the Board of Economic Warfare, the War Production Board, and such other agencies as the Secretary may determine to be concerned with the food program. The Food Requirements Committee of the War Production Board established by the Chairman of the War Production Board by memorandum dated June 4, 1942 is abolished effective as of the date of appointment of said advisory committee The Secretary shall receive from the members of such advisory committee estimates of food requirements, and consult with such committee prior to the making of food allocations under Section 1 (c) of this Executive Order Such committee shall perform such other functions in connection with the food program as the Secretary may determine The Secretary may, in his discretion, appoint such other advisory committees composed of representatives of governmental or private groups interested in the food program as he deems appropriate

b Section 1 of Executive Order No 9024, dated January 16, 1942, is amended to provide that the Secretary shall be a member of the War Production Board.

8 The Secretary, in carrying out the responsibilities imposed on him by this Executive Order, may, subject to the provisions of this Executive Order, exercise the following powers in addition to the powers heretofore vested in him.

a The power conferred upon the Department of Agriculture with respect to contracts by Executive Order No 9023 of January 14, 1942

b The power conferred upon the President by Title III of the Second War Powers Act, 1942 (section 633 of this Appendix) insofar as it relates to priorities and allocations of (1) all food for human or animal consumption or for other use in connection with the food program, but excluding that food which has been determined to be available to the War Production Board for industrial purposes pursuant to Section 3 of this Executive Order; (2) those portions of non-food materials, supplies, and equipment which have been allocated by the War Production Board under Section 2 of this Order for carrying out the food program; (3) any other material or facility, when the Secretary determines that it is necessary, in order to carry out the provisions of this Executive Order, to exercise the priorities or allocation power with respect thereto: *Provided*, That in order to avoid overlapping and conflicting action, prior to taking action pursuant to item (3) hereof, the Secretary shall inform the Chairman of the War Production Board of the action proposed to be taken, and in the event that the Chairman of the War Production Board shall object, the issue shall be determined by the President or such agent or agency as he may designate Contracts or orders, relating to the materials and facilities specified in this sub-section, made by the Secretary, or by any other officer or agency of the Government at the Secretary's direction, and subcontracts and suborders which the Secretary shall deem necessary or appropriate to the fulfilment of any such contract or order, are hereby declared to be necessary and appropriate to promote the defense of the United States The Secretary may assign priorities with respect to deliveries under any such contract, order, subcontract or suborder, and he may require acceptance of and performance of any such contract, order, subcontract or suborder, in preference to other contracts or orders for the purpose of assuring such priority. Allocations of materials and facilities under this sub-section may be made by the Secretary in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate in the public interest, to promote the national defense, and to carry out the provisions of this Executive Order.

c. The powers under the Act of October 10, 1940 (54 Stat. 1090), as amended by the Act of July 2, 1942 (56 Stat. 467) (section 711 of this Appendix and the Act of October 16, 1941) (55 Stat 742), as amended by Title VI of the Second War Powers Act, 1942, (section 721 of this Appendix), heretofore vested in the War Production Board by Executive Order No. 8942 of November 19, 1941, Executive Order No 9024 of January 16, 1942, and Executive Order No. 9040 of January 24, 1942, with respect to the requisitioning of food for human or animal consumption.

d. The powers of acquisition of property under the Act of July 2, 1917 (40 Stat. 241), as amended by Title II of the Second War Powers Act, 1942 (section 711 and note of this Appendix).

e The powers of taking over and operating facilities under section 120 of the National Defense Act of 1916 (39 Stat. 213) (50 U S C. A § 80) and section 9 of the Selective Training and Service Act of 1940 (54 Stat 892) (section 309 of this Appendix).

f. The powers with respect to antitrust prosecutions vested in the Chairman of the War Production Board by Section 12 of the Act of June 11, 1942, Public Law 603, 77th Congress (section 1112 of this Appendix).

g The power of inspection and audit of the war contractors (including the power of subpoena) under Title XIII of the Second War Powers Act, 1942 (section 643-643c of this Appendix).

9. The Secretary is authorized to delegate any or all functions, responsibilities, powers (including the power of subpoena), authorities, or discretions conferred upon him by this Executive Order to such person or persons within the Department of Agriculture as he may designate or appoint for that purpose. The Secretary may, except as otherwise provided herein, delegate to any appropriate Federal, state, or local governmental agency, officer, or employee, in such manner and for such periods of time as he shall deem advisable, the execution of any of the provisions of this Executive Order together with any powers of the Secretary under this Executive Order To the fullest extent compatible with efficiency the Secretary shall utilize existing facilities and services of other governmental departments and agencies and may accept the services and facilities of any state or local governmental agency in carrying out his responsibilities defined hereunder.

10 As used herein, the term "food" shall mean all commodities and products, simple, mixed, or compound, or complements to such commodities or products that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which such commodities or products may be put, and at all stages of processing from the raw commodity to the product thereof in a vendible form for immediate human or animal consumption, but exclusive of such commodities and products as the Secretary shall determine For the purposes of this Executive Order, the term "food" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, hemp, flax fiber, and such other agricultural commodities and products as the President may designate.

11 In the event of any difference of view arising between the Secretary and any other officer or agency of the Government, in the administration of the provisions of this Executive Order, such difference of view shall be submitted for final decision to the President or such agent or agency as the President may designate

12 The personnel, property, records, unexpended balances of appropriations, allocations, and other funds of the War Production Board primarily concerned with and available for, as determined by the Director of the Bureau of the Budget, the discharge of any of the functions, responsibilities, powers, authorities, and discretions that are vested in the Secretary by this Executive Order are hereby transferred to the Department of Agriculture. In determining the amounts transferred hereunder, allowance shall be made for the liquidation of obligations previously incurred against such balances of appropriations, allocations, or other funds transferred.

13 To facilitate the effective discharge of the Secretary's responsibility under this Executive Order, the following changes are made within the Department of Agriculture:

a. The Agricultural Conservation and Adjustment Administration (except the Sugar Agency), the Farm Credit Administration, the Farm Security Administration, and their functions, personnel, and property; the functions,

personnel, and property of the Division of Farm Management and Costs of the Bureau of Agricultural Economics concerned primarily with the planning of current agricultural production, the functions, personnel, and property of the Office of Agricultural War Relations concerned primarily with the production of food; and the functions, personnel, and property established in or transferred to the Department by this Executive Order that are concerned primarily with the production of food, are consolidated into an agency to be known as the Food Production Administration of the Department of Agriculture. The Food Production Administration shall be under the direction and supervision of a Director of Food Production appointed by the Secretary.

b. The Agricultural Marketing Administration, the Sugar Agency of the Agricultural Conservation and Adjustment Administration, and their functions, personnel, and property; the functions, personnel, and property of the Bureau of Animal Industry of the Agricultural Research Administration concerned primarily with regulatory activities, the functions, personnel, and the property of the Office of Agricultural War Relations concerned primarily with the distribution of food, and the functions, personnel, and property established in or transferred to the Department of Agriculture by this Executive Order that are concerned primarily with the distribution of food are consolidated into an agency to be known as the Food Distribution Administration of the Department of Agriculture The Food Distribution Administration shall be under the direction and supervision of a Director of Food Distribution appointed by the Secretary

c. So much of the unexpended balances of appropriations, allocations, or other funds available (or to be made available) for the use of any agency in the exercise of any function transferred or consolidated by subsections a. and b. of this section or for the use of the head of any agency in the exercise of any function so transferred or consolidated, as the Director of the Bureau of the Budget shall determine, shall be transferred for use in connection with the exercise of the function so transferred or consolidated. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such balances of appropriations, allocations, or other funds prior to the transfer.

14 Any provision of any Executive Order or proclamation conflicting with this Executive Order is superseded to the extent of such conflict All prior directives, rules, regulations, orders, and similar instruments heretofore issued by any Federal agency which affect the subject matter of this Executive Order shall continue in full force and effect unless and until withdrawn or superseded by or under the direction of the Secretary under the authority of this Order. Nothing in this Order shall be construed to limit the powers exercised by the Economic Stabilization Director under Executive Order 9250 dated October 3, 1942, as amended Nothing in this Order shall be construed to limit the power now exercised by the Price Administrator under the Emergency Price Control Act of 1942, Public Law 421, 77th Congress, as amended (sections 901–946 of this Appendix), or the Act of October 2, 1942, Public Law 729, 77th Congress (sections 961–971 of this Appendix).

TRANSFER OF FUNCTIONS

All powers, duties, and functions vested in Secretary of Agriculture by Ex Ord. No 9280, Dec 5, 1942, 7 F R 10179, and Ex Ord No. 9250, Oct 3, 1942, 7 F R. 7871, with respect to Nation's wartime food program were transferred to and vested in the War Food Administration by Ex Ord. 9322, March 26, 1943, 8 F R 3807, as amended by Ex Ord. 9334, Apr. 19, 1943, 8 F. R. 5423, set out as note under this section.

EX ORD NO 9287 TRANSFERRING CERTAIN FUNCTIONS FROM COUNCIL OF NATIONAL DEFENSE TO SECRETARY OF INTERIOR

Ex Ord No. 9287, Dec 24, 1942, 7 F. R. 10900, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838) (sections 601-605 of this Appendix), it is ordered that all of the functions, duties, and powers vested in the Council of National Defense by section 8 of the Federal Explosives Act of October 6, 1917 (40 Stat. 385), as amended by the act of December 26, 1941 (55 Stat. 863) (section 121 et seq of Title 50), be, and they are hereby, transferred to and vested in the Secretary of the Interior, to be exercised by him or by such officers or employees of the Department of the Interior as he shall from time to time designate.

EX ORD NO 9302 TRANSFERRING TO COMMISSIONER OF INTERNAL REVENUE CERTAIN FUNCTIONS RELATING TO TAXES AND PENALTIES FOR VIOLATION OF NATIONAL PROHIBITION ACT

Ex. Ord No. 9302, Feb 9, 1943, 8 F R 1871, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838) (sections 601–605 of this Appendix), and as President of the United States, it is ordered as follows:

1. The functions, duties, and powers of the Attorney General and of the Department of Justice with respect to (a) the determination of Internal Revenue taxes and penalties (exclusive of the determination of liability guaranteed by permit bonds) arising out of violations of the National Prohibition Act (Title 27) occurring prior to the repeal of the Eighteenth Amendment to the Constitution, and (b) the compromise, prior to reference to the Attorney General for suit, of liability for such taxes and penalties, (see note under section 132 of Title 5) are hereby transferred to the Commissioner of Internal Revenue, Department of the Treasury: *Provided*, That any compromise of such liability shall be effected in accordance with the provisions of section 3761 of the Internal Revenue Code

2. All files and records of the Department of Justice used primarily in the administration of the functions transferred by this order are hereby made available to the Commissioner of Internal Revenue for use in the administration of such functions

EX ORD. NO. 9310. TRANSFERRING NUTRITION FUNCTIONS OF OFFICE OF DEFENSE HEALTH AND WELFARE SERVICES TO DEPARTMENT OF AGRICULTURE

Ex Ord No 9310, Mar 6, 1943, 8 F. R 2913, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (sections 601-605 of this Appendix), as President of the United States, and in order to enable the Secretary of Agriculture more effectively to carry out his responsibilities with respect to the Nation's food program, it is hereby ordered:

1 The functions, powers, and duties, with respect to nutrition, (a) of the Office of Defense Health and Welfare Services in the Office for Emergency Management of the Executive Office of the President (including all functions, powers, and duties of the Nutrition Division of the Office of Defense Health and Welfare Services), and (b) of the Director of the Office of Defense Health and Welfare Services, are transferred to the Department of Agriculture and shall be administered under the supervision and direction of the Secretary of Agriculture through such agency or agencies in the Department as the Secretary shall designate.

2 The personnel, property, and records used primarily in the administration of the functions, powers, and duties transferred by this Order are transferred to the Department of Agriculture So much of the unexpended balances of appropriations, allocations, and other funds available for the use of the Office of Defense Health and Welfare Services in discharging the functions, powers, and duties transferred by this Order, as the Director of the Bureau of the Budget shall determine, shall be transferred to the Department of Agriculture for use in connection with the exercise of the functions, powers and duties so transferred In determining the amounts to be transferred hereunder, allowance shall be made for the liquidation of obligations previously incurred against such appropriations, allocations, or other funds.

EX. ORD. NO 9312 DEFINING THE FOREIGN INFORMATION ACTIVITIES OF OFFICE OF WAR INFORMATION

Ex Ord. No. 9312, Mar. 9, 1943, 8 F. R. 3021, provided: Under and by virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354—77th Congress), (sec-

tions 601–605 of this Appendix), and as Commander in Chief of the Army and Navy and as President of the United States, it is hereby ordered as follows:

1. The Office of War Information will plan, develop, and execute all phases of the federal program of radio, press, publication, and related foreign propaganda activities involving the dissemination of information. The program for foreign propaganda in areas of actual or projected military operations will be coordinated with military plans through the planning agencies of the War and Navy Departments, and shall be subject to the approval of the Joint Chiefs of Staff Parts of the foreign propaganda program which are to be executed in a theater of military operations will be subject to the control of the theater commander. The authority, functions and duties of the Office of War Information shall not extend to the Western Hemisphere, exclusive of the United States and Canada

2. The military order of June 13, 1942, establishing the Office of Strategic Services, is hereby modified to the extent necessary to make this order effective

EX. ORD No 9315. TRANSFERRING CERTAIN FUNCTIONS FROM THE PRESIDENT TO THE SECRETARY OF AGRICULTURE

Ex. Ord. No. 9315, Mar 15, 1943, 8 F R. 3279, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, approved December 18, 1941 (55 Stat. 838) (sections 601–605 of this Appendix), and deeming that such action will facilitate the prosecution of the war, it is ordered that all of the functions, duties, and powers vested in the President by section 4 of the act of June 29, 1936, 49 Stat. 2035, 2036, bc, and they are hereby, transferred to and vested in the Secretary of Agriculture

EX. ORD NO 9322 WAR FOOD ADMINISTRATION

Ex Ord No 9322, Mar 26, 1943, 8 F R 3807, as amended by Ex Ord. No 9334, Apr 19, 1943, 8 F. R 5423; Ex. Ord No 9392, Oct 28, 1943, 8 F. R. 14783, provided:

By virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly by the First War Powers Act, 1941 (sections 601–622 of this Appendix), as President of the United States and Commander in Chief of the Army and Navy, and in order to assure an adequate supply and efficient distribution of food to meet war and essential civilian needs, it is hereby ordered as follows

Section 1 The Food Production Administration (except the Farm Credit Administration), the Food Distribution Administration, the Commodity Credit Corporation, and the Extension Service, together with all their powers, functions, and duties, are hereby consolidated within the Department of Agriculture into War Food Administration, to be administered under the direction and supervision of a War Food Administrator. The Administrator shall be appointed by the President and shall be directly responsible to him.

Section 2. All powers, functions, and duties of the Secretary of Agriculture (a) under Executive Order No. 9280 of December 5, 1942 (set out under section 601 of this Appendix), (b) under Title IV of Executive Order No. 9250 of October 3, 1942 (set out as note under section 901 of this Appendix), (c) which relate to labor and manpower under orders of the Economic Stabilization Director or the Chairman of the War Manpower Commission, (d) which relate to or which have heretofore been exercised through or in connection with the agencies, including corporations, consolidated by section 1 of this order, and (e) which relate to personnel, property and records transferred by section 3 of this order, are transferred to and shall be exercised and performed by the War Food Administrator (in addition to the powers, functions, and duties conferred upon him by Executive Order No. 9328 of April 8, 1943 (set out as note under section 901 of this Appendix)). The War Food Administrator shall be the Chairman or shall designate the Chairman of the interdepartmental committee set up by section 7 (a) of Executive Order No. 9280 (set out under section 601 of this Appendix), and shall be the United States member of the Combined Food Board The War Food Administrator may designate a representative to serve as his deputy on the Combined Food Board The War Food Administrator and the Secretary of Agriculture shall continue as members of the War Production Board

Section 3. For use in connection with the exercise or performance of the powers, functions, and duties consolidated and transferred by this order, so much of the unexpended balances of appropriations, allocations, and other funds available to the Department of Agriculture for such purposes, as the Director of the Bureau of the Budget shall determine, and all of the personnel, property, and records used primarily in the administration of such powers, functions, and duties, are hereby transferred to the War Food Administration

Section 4 In addition to the powers and authority granted by this order, and in order to carry out its purposes, the Secretary of Agriculture and the War Food Administrator, to the extent necessary to enable them to perform their respective duties and functions, shall each have authority to exercise any and all of the powers vested in the other by statute or otherwise; and the exercise of any such power by either of them shall be deemed to be authorized and in accordance with this order, and shall not be subject to challenge by any third party affected by the exercise of the power on the ground that the action taken was within the jurisdiction of the Secretary of Agriculture rather than the War Food Administrator, or vice versa.

Section 5. Any provision of any Executive order or proclamation conflicting with this Executive order is superseded to the extent of such conflict All prior directives, rules, regulations, orders, and similar instruments heretofore issued by any Federal agency relating to matters concerning which authority is vested in the War Food Administrator by this order shall continue in full force and effect unless and until modified or revoked by orders or directives issued by or under the direction of the War Food Administrator pursuant to authority vested in him

EX ORD. NO. 9327. HANDLING OF GOVERNMENTAL PROBLEMS IN CONGESTED PRODUCTION AREAS

Ex Ord No 9327, Apr 7, 1943, 8 F R 4685, provided:

By virtue of the authority conferred on me by the Constitution and statutes and especially by the First War Powers Act, 1941 (sections 601–622 of this Appendix), in order to promote the successful prosecution of the war by providing for the more effective handling of governmental problems in Congested Production Areas, it is hereby ordered:

1. For the purposes of this order a Congested Production Area is an area which, by reason of a large increase in population and activity due to the war, is lacking in adequate services or facilities

2. There is established a Committee for Congested Production Areas (herein referred to as the Committee), consisting of the Director of the Bureau of the Budget, as Chairman, and one member designated by the President from each of the following departments and agencies: Department of War, Department of the Navy, War Production Board, Federal Works Agency, National Housing Agency, and War Manpower Commission The Committee shall meet from time to time at the call of the Chairman, and any action or decision taken or approved by the majority in attendance at any meeting shall be deemed to be the action of the Committee The Chairman and each member or his designated alternate shall have one vote.

3. In order to deal effectively with problems arising out of congestion in Congested Production Areas, it shall be the duty and responsibility of the Committee

(a) To designate those areas which are to be considered Congested Production Areas for the purposes of this order and to modify or terminate such designations as it may deem advisable;

(b) To cooperate with and supplement the efforts of State and local governments with respect to such problems in such areas;

(c) To coordinate the activities of all Federal agencies insofar as they affect problems arising out of congestion in such areas;

(d) To prescribe such policies and action as may be necessary to effectuate such coordination.

4. The Committee shall employ a suitable person as Director to carry out the decisions and policies of the Committee and administer its affairs. The Director may employ such personnel as the Committee may deem necessary.

5. The Director may designate, subject to the approval of the Committee, an Area Director for each Congested Production Area. Such Area Director shall be responsible to the Director and, under the general policies of the Committee, shall be responsible for securing coordination of all Federal agencies which deal with problems arising out of congestion within his area. He shall promptly report to the Director any problems or situations which he is unable to resolve, and the Director shall advise with the Federal agencies concerned to the end that coordination may be secured. The Area Director may recommend to the Director such policies and action as he deems advisable to further the purposes of this order and facilitate the prosecution of the war

6 Each Area Director, after consultation with local, State, and Federal officials in the area, and with the approval of the Director, shall designate an Area Advisory Council which may include representatives of the State government, local governments, and local communities in his area, and Federal agencies having supply or operating facilities in the area which are directly related to the war program The Area Advisory Council shall meet upon the call of the Area Director for the purpose of advising with him concerning problems arising out of congestion within his area.

7 In order that the purposes of this order may be carried out with a minimum of delay, coordination shall be secured as far as possible at the area level, and appropriate authority shall be delegated by the several departments and agencies concerned to their respective supervisory officials within such areas, and the names of such officials shall be reported to the Director. The policies and decisions of the Committee with respect to any Congested Production Area shall be controlling on all Federal agencies to which they apply. Appropriate orders and instructions shall be issued by the departments and independent agencies affected to insure compliance with the policies and decisions of the Committee

8 This order shall continue in effect until the termination of Title I of the First War Powers Act, 1941 (sections 601–605 of this Appendix)

EX. ORD NO 9330 TRANSFERRING CERTAIN CENTRAL ADMINISTRATIVE SERVICES OF THE OFFICE FOR EMERGENCY MANAGEMENT

Ex. Ord No. 9330, Apr 16, 1943, 8 F. R 5129, provided:

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941 (sections 601–605 of this Appendix), and as President of the United States, it is hereby ordered as follows:

1. The fiscal functions performed by the Division of Central Administrative Services of the Office for Emergency Management with respect to the Office of Price Administration and the War Production Board in the District of Columbia and in the field (including but not limited to appropriation and allotment accounting, payroll preparation and administrative examination, certification and scheduling of vouchers, but not including procurement) are transferred to the Office of Price Administration and the War Production Board, respectively.

2. The function of recruitment of personnel in the field, performed by the said Division with respect to the Office for Emergency Management, the constituent agencies thereof, and the Office of Price Administration, is transferred to the United States Civil Service Commission.

3. The function of classification of field positions which are subject to the grades and schedules of the Classification Act of 1923, as amended (sections 661–663, 664–673 and 674 of Title 5), performed by the said Division with respect to the Office for Emergency Management, the constituent agencies thereof, and the Office of Price Administration, is transferred to the United States Civil Service Commission and shall be exercised in accordance with the following requirements:

(a) The Civil Service Commission shall promulgate standards for the proper classification of field positions in accordance with the grades and salaries prescribed by the Classification Act of 1923, as amended (sections 661–663, 664–673 and 674 of Title 5).

(b) The heads of the Office for Emergency Management, its constituent agencies, and the Office of Price Administration shall each, acting through his designated representatives, (1) allocate field positions in his agency to appropriate position classes in accordance with the standards promulgated by the Civil Service Commission, and (2) refer to the Commission for allocation such field positions as are not covered by the standards promulgated by the Commission.

(c) The Civil Service Commission shall (1) make necessary post audits to verify conformity of allocations with the standards promulgated by the Commission, and (2) report any erroneous allocations to the head of the agency concerned for correction or satisfactory explanation.

4 There is transferred, for use in connection with the functions transferred by this order, to the respective agencies to which such functions are transferred, so much, as the Director of the Bureau of the Budget shall determine, (a) of the personnel, records, and property (including office equipment) used in the administration of the functions so transferred, and (b) of the unexpended balances of appropriations, allocations, and other funds available for the administration of the functions so transferred. In determining the sums to be transferred, the said Director may include amounts to provide for the liquidation of obligations previously incurred against such balances of appropriations, allocations or other funds.

5 The transfers provided for in the foregoing paragraphs shall be effective on such date or dates as the Director of the Bureau of the Budget shall designate.

EX ORD. NO. 9332. ESTABLISHING SOLID FUELS ADMINISTRATION FOR WAR

Ex Ord. No. 9332, Apr 19, 1943, 8 F R. 5355, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. Whenever used in this Order:

(a) The term "solid fuels" includes all forms of anthracite, bituminous, sub-bituminous, and lignitic coals (including packaged and processed fuels such as briquettes)

(b) The term "solid fuels industries" means the development, production, preparation, treatment, processing, storage, shipment, receipt, and distribution of solid fuels within the United States, its territories and possessions, but does not include the transportation of solid fuels.

(c) The term "transportation" means transportation as defined in the Interstate Commerce Act, as amended (section 1 et seq. of Title 49), and in Executive Orders Nos. 8989 and 9156

(d) The terms "distribution" and "shipment" exclude transportation, and the terms "distribute" and "ship" exclude transport.

(e) The term "directive" includes order, regulation, and any other similar instrument.

2 There is established within the Department of the Interior a Solid Fuels Administration for War, at the head of which shall be a Solid Fuels Administrator, hereinafter referred to as the Administrator. The Secretary of the Interior shall serve ex-officio as Administrator.

3. The Administrator shall:

(a) Subject to the provisions of this Order, establish basic policies and formulate plans and programs to assure for the prosecution of the war the conservation and most effective development and utilization of solid fuels in the United States and its territories and possessions, issue necessary policy and operating directives to parties engaged in the solid fuels industries, and appoint such general, regional, local, or functional solid fuels industries committees or councils as the Administrator finds necessary: *Provided*, That no directive issued hereunder shall conflict with any directive which has heretofore

been issued or may hereafter be issued (1) by the Chairman of the War Production Board pursuant to paragraph one of Executive Order No 9125 of April 7, 1942, or (2) by the Chairman of the War Manpower Commission pursuant to Executive Orders Nos. 9139 of April 18, 1942, 9279 of December 5, 1942 (set out as note under section 310 of this Appendix), and 9301 of February 9, 1943 (set out as note under section 207 of Title 29).

(b) Serve, as far as practicable, as the liaison and channel of communication between parties engaged in the solid fuels industries and the several departments and agencies of the Federal Government on matters directly involving the functions of the Administrator.

(c) Obtain from the Departments of War and the Navy, the several divisions and branches of the War Production Board, such other Federal and state departments and agencies as may be appropriate, and from any other sources, private or governmental, any information, statistics, and data necessary to effectuate the purposes of this Order

(d) (1) Prepare estimates as to the quantities of solid fuels which the Administrator deems necessary to meet direct and indirect military, and essential industrial and civilian requirements and submit such estimates with recommendations to the War Production Board.

(2) Recommend to the War Production Board any program for distribution of solid fuels which the Administrator deems necessary to meet direct and indirect military, and essential industrial requirements

(3) Prepare and submit to the War Production Board recommendations as to the kinds and quantities of materials needed by parties engaged in the solid fuels industries to make available solid fuels in such quantities as the Administrator deems necessary to meet direct and indirect military, and essential industrial and civilian requirements

(e) Subject to the direction of the Chairman of the War Production Board, exercise the powers, authority, and the discretion conferred upon the Chairman by Paragraph 1 of Executive Order No 9125 of April 7, 1942, by issuing, and taking appropriate action to enforce, such directives to the solid fuels industries as the Administrator may deem necessary, in order to:

(1) Provide adequate supplies of solid fuels for direct and indirect military, and essential industrial and civilian requirements,

(2) Effect the proper distribution of such amounts of materials as the Chairman of the War Production Board may allot for the solid fuels industries

(f) Compile data and make continuing surveys with respect to the effect of the prices charged for solid fuels upon the efficient wartime operations of the solid fuels industries and the maintenance of adequate supplies of solid fuels for direct and indirect military, and essential industrial and civilian requirements. On the basis of such surveys, the Solid Fuels Administrator shall consult with and recommend to the Price Administrator, for consideration in light of the provisions of the Emergency Price Control Act of 1942 (sections 901–946 of this Appendix), such upward or downward adjustments in the schedule of prices charged for solid fuels as will, in the judgment of the Solid Fuels Administrator, assure the efficient wartime operation of the solid fuels industries and the maintenance of adequate supplies of solid fuels for direct and indirect military, and essential industrial and civilian requirements. In order to enable the Solid Fuels Administrator to make appropriate recommendations, the Price Administrator shall advise with the Solid Fuels Administrator prior to the establishment or alteration by the Price Administrator of any schedule of prices to be charged for solid fuels.

(g) Be advised of all plans or proposals which deal with the civilian rationing of solid fuels and consult with rationing authorities in the development of such plans or proposals; and, determine, after advising with the War Production Board, the areas and the times within which such rationing should be effective and the amount of solid fuels available for such purpose.

(h) Prepare and submit to the Office of Defense Transportation recommendations concerning the provision of transportation facilities adequate for the transportation and distribution of the solid fuels necessary to meet direct and indirect military, and essential industrial and civilian requirements.

(i) Prepare and submit to the War Shipping Administration recommendations concerning the provision of vessels and related facilities adequate for the transportation and distribution of the solid fuels necessary to meet direct and indirect military, and essential industrial and civilian requirements.

(j) Request the War Manpower Commission to take such action as it deems appropriate to meet the manpower problems of the solid fuels industries in the light of the over-all manpower needs of the Nation, when the ability of the solid fuels industries to make available solid fuels in such quantities as the Administrator deems necessary to meet direct and indirect military, and essential industrial and civilian requirements is represented to be impaired or endangered by a shortage of manpower

(k) Formulate and submit any necessary policy recommendations to the appropriate Federal departments and agencies, after consultation with them, concerning plans and procedures with respect to foreign solid fuels activities.

4 In the performance of his functions, the Administrator shall consult with the appropriate authorities in the Federal departments and agencies whose functions effect the solid fuels industries in advance of any action proposed to be taken by him which may affect any such department or agency in the performance of its functions

5 The several Federal departments and agencies shall supply such information and data as the Administrator may require in performing his functions and shall advise with the Administrator before undertaking any action which might affect the continuous, ready availability of solid fuels for direct and indirect military, and essential industrial and civilian requirements In order to assist him in carrying out the purposes of this Order, the Administrator may establish committees or designate groups of advisers, representing two or more departments or agencies of the Federal Government, or states.

6 The Administrator may appoint a Deputy Administrator to whom he may delegate, subject to such departmental supervision and direction as he may determine, any and all power, authority, and discretion conferred upon him by this Order The Administrator may designate either the Deputy Administrator or the Acting Secretary of the Interior to serve as Acting Solid Fuels Administrator in the absence of the Administrator The Administrator and Deputy Administrator may (a) exercise the powers, authority, and discretion conferred upon them by or under the provisions of this Order through such personnel of the Solid Fuels Administration for War and the Department of the Interior, and in such manner as the Administrator or Deputy Administrator may determine, and (b) accept the services of other departments, agencies, and officials of the Government in carrying out the purposes of this Order. The Administrator, within the limits of such funds as may be allocated or appropriated for the purpose, may employ necessary personnel and make provision for necessary supplies, facilities, travel and services

7 In the performance of his functions the Administrator shall, to the fullest extent compatible with efficiency, utilize appropriate existing agencies, facilities and services of the Department of the Interior.

8. The Office of Solid Fuels Coordination for National Defense established pursuant to letter of the President dated November 5, 1941 (changed to the Office of Solid Fuels Coordinator for War by letter of the President dated May 25, 1942) is abolished, and its personnel, records, property, and funds are transferred to the Solid Fuels Administration for War, effective fifteen days from the date of this Order. All directives, agreements, recommendations, and other documents issued or entered into under the functions, duties, and authorities of the Solid Fuels Coordinator for War shall remain in force as the responsibility of the Administrator until such time as he may revoke, alter, or otherwise change such documents under provisions of this Executive order.

9. The Administrator shall keep the President informed with respect to the progress made in carrying out this Order and perform such related duties as the President may from time to time assign or delegate to him.

10. Nothing in this Order shall be deemed to limit in any way the statutory powers of the Interstate Commerce Commission with respect to rates, charges, statistics, accounts, car service (including emergency service powers) or operating authority, or in any way to limit or restrict the functions and authority, and the exercise thereof, of the Federal Power Commission under the Natural Gas Act, the Federal Power Act (sections 791a–825r of Title 16), Executive Order No 8202 of July 13, 1939, and Presidential Directives of September 26, 1942 and October 22, 1942 concerning electric service for war plants and establishments.

11. Nothing in this Order shall be deemed to limit in any way the authority of the Departments of War and Navy to initiate or carry out directly, without review or approval by the Administrator, any action relating to solid fuels or the solid fuels industries which either Department deems to be a matter of military necessity or expediency and which arises in such areas and is of such military urgency as to require special or secret disposition.

12 Any provision of any prior Executive order conflicting with this Executive order is superseded to the extent of such conflict.

EX. ORD NO 9338 ABOLISHING THE OFFICE OF DEFENSE HEALTH AND WELFARE SERVICES AND TRANSFERRING ITS FUNCTIONS TO THE FEDERAL SECURITY AGENCY

Ex. Ord. No 9338, Apr 29, 1943, 8 F R 5659, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, including Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress) (sections 601-605 of this Appendix), and for the purpose of assuring adequate health and welfare services during the present emergency, it is hereby ordered as follows.

1. The Office of Defense Health and Welfare Services, established by Executive Order No 8890 of September 3, 1941, in the Office for Emergency Management, is abolished

2 The functions, duties, and powers of the Director of the Office of Defense Health and Welfare Services are transferred to the Federal Security Administrator.

3. The functions, duties, powers, personnel, property, records, and funds (including all unexpended balances of appropriations, allocations, and other available funds) of the Office of Defense Health and Welfare Services, and the Health and Medical Committee and the other advisory committees and subcommittees appointed pursuant to the said Executive Order No 8890 and their respective functions, duties, powers, personnel, property, records, and funds, are transferred to the Federal Security Agency.

4. The functions, duties, and powers transferred by this order shall be administered under the direction and supervision of the Federal Security Administrator through an office to be established by him and to be known as the Office of Community War Services, or through such other offices, agencies, officers, and persons in the Federal Security Agency as he shall designate and in such manner as he shall direct.

5. Any provision of any prior Executive order in conflict with the provisions of this order is superseded to the extent of such conflict.

EX ORD NO. 9339. TRANSFER OF CIVIL AIR PATROL FROM OFFICE OF CIVILIAN DEFENSE TO DEPARTMENT OF WAR

Ex. Ord. No 9339, Apr. 29, 1943, 8 F. R. 5659, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, particularly by Title I of the First War Powers Act, 1941 (approved December 18, 1941, (sections 601–605 of this Appendix), as President of the United States, and in order to provide for the national security and defense, and to expedite the prosecution of the war, it is hereby ordered as follows:

1. The Civil Air Patrol, established in the Office of Civilian Defense, pursuant to Executive Order No. 8757 of May 20, 1941, as amended by Executive Order No. 9134 of April 15, 1942, and all of its functions, duties, and powers (including those of the National Commander of the Civil Air Patrol), and all of the functions, duties, and powers of the Office of Civilian Defense and of the Director thereof which relate to the Civil Air Patrol (including those relating to the office of the National Commander) are transferred to the Department of War, and shall be administered under the direction and supervision of the Secretary of War by such officers, commands, agencies, or persons under his jurisdiction as he may designate.

2 All property (including records, files, supplies, furniture, and equipment) and all civilian and military personnel of the Office of Civilian Defense primarily used in the administration of the functions transferred by this order are transferred to the Department of War for use in the administration of such functions.

3 So much of the unexpended balances of appropriations, allocations, or other funds available, or to be made available, for the use of the Office of Civilian Defense in the performance of the functions transferred by this order as the Director of the Bureau of the Budget shall determine, shall be transferred to the Department of War for use in connection with the administration of the functions so transferred In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer

4. This order shall become effective immediately and shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941 (sections 601–605 of this Appendix).

EX. ORD. NO 9347 OFFICE OF WAR MOBILIZATION

Ex. Ord No 9347, May 27, 1943, 8 F R. 7207, provided:

By virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly by the First War Powers Act, 1941, sections 601-622 of this Appendix, as President of the United States and as Commander-in-Chief of the Army and Navy, and in order to provide for the more effective coordination of the mobilization of the nation for war, it is hereby ordered as follows:

I.

There is established in the Office for Emergency Management of the Executive Office of the President an Office of War Mobilization which shall be under the direction of a Director of War Mobilization (hereinafter referred to as Director), to be appointed by the President.

II

There is established in the Office of War Mobilization the War Mobilization Committee (hereinafter referred to as the Committee), of which the Director shall be the Chairman and with which he shall advise and consult. The Committee shall consist, in addition to the Director, of the Secretary of War, the Secretary of the Navy, the Chairman of the Munitions Assignments Board, the Chairman of the War Production Board, and the Director of Economic Stabilization. The Chairman shall request the heads of other agencies or departments to participate in the deliberations of the Committee whenever matters specially affecting such agencies or departments are under consideration It shall be the duty of the heads of the agencies and departments to supply necessary data to the Director and the Committee.

III.

It shall be the function of the Office of War Mobilization, acting in consultation with the Committee and subject to the direction and control of the President,

(a) To develop unified programs and to establish policies for the maximum use of the nation's natural and industrial resources for military and civilian needs, for the effective use of the national manpower not in the armed forces, for the maintenance and stabilization of the civilian economy, and for the adjustment of such economy to war needs and conditions;

(b) To unify the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution or transportation of military or civilian supplies, materials, and products and to resolve and determine controversies between such agencies or

departments, except those to be resolved by the Director of Economic Stabilization under Section 3, Title IV of Executive Order 9250, section 901 note of this Appendix, and

(c) to issue such directives on policy or operations to the Federal agencies and departments as may be necessary to carry out the programs developed, the policies established, and the decisions made under this Order. It shall be the duty of all such agencies and departments to execute these directives, and to make to the Office of War Mobilization such progress reports as may be required.

IV.

The Office of War Mobilization may perform the functions, exercise the powers, authority and discretion conferred on it by this Order through such officials and such agencies and in such manner, as the Director, subject to the provisions of this Order, may determine. The Director shall receive such compensation as the President shall provide, and within the limits of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities and services necessary to discharge his responsibilities

All prior Executive orders insofar as they are in conflict herewith are amended accordingly

EX. ORD. NO. 9357. TRANSFERRING FUNCTIONS OF PUBLIC WORKS ADMINISTRATION TO THE FEDERAL WORKS ADMINISTRATOR

Ex Ord. No 9357, June 30, 1943, 8 F R 9041, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat 838) (sections 601–622 of this Appendix), and as President of the United States, it is ordered as follows:

1. All functions, powers, and duties of the Public Works Administration and of the Commissioner of Public Works, in the Federal Works Agency, together with all records, property (including office equipment, contracts, and other assets), and personnel of the Public Works Administration, and the unexpended balances of the appropriations, allocations, or other funds available or to be made available for the exercise and performance of the said functions, powers, and duties, are hereby transferred to the office of the Federal Works Administrator, and such functions, powers, and duties shall be administered by or under the direction and supervision of the Federal Works Administrator: *Provided*, that any personnel found by the Federal Works Administrator to be in excess of the personnel necessary for the administration of such functions, powers, and duties shall be retransferred under existing law to other positions in the Government or separated from the service.

2. This order shall become effective on July 1, 1943.

EX. ORD NO. 9361, SUPPLEMENTING EXECUTIVE ORDER ESTABLISHING OFFICE OF WAR MOBILIZATION AND PROVIDING FOR THE UNIFYING OF FOREIGN ECONOMIC AFFAIRS

Ex. Ord No 9361, July 15, 1943, 8 F. R. 9861, provided:

By virtue of the authority vested in me by the Constitution and the Statutes of the United States, particularly by the First War Powers Act, 1941 (sections 601–605, 611, 616–622 of this Appendix), as President of the United States and as Commander in Chief of the Army and Navy, and in order to provide for the more effective unification of the agencies concerned with foreign economic affairs, it is hereby ordered as follows:

1. The Board of Economic Warfare, existing pursuant to paragraph 2 of Executive Order No 8839, July 30, 1941, as amended by Executive Order No 8982, December 17, 1941, is terminated. There is established in the Office for Emergency Management an Office of Economic Warfare, at the head of which shall be a Director, appointed by the President, who shall exercise the functions, powers and duties of the Board of Economic Warfare. The Director shall receive such salary, travel, subsistence or other allowances as the President may determine.

There are transferred to the Office of Economic Warfare for use in connection with the exercise and performance of its functions, powers and duties so much of the unexpended balances, appropriations, allocations and other funds now available for, as well as all the personnel, property and records heretofore used in the administration of the functions, powers and duties of, the Board of Economic Warfare.

No part of any funds appropriated or made available under Public 139, approved July 12, 1943 (act July 12, 1943, ch. 228, 57 Stat 522) shall be used, directly or indirectly, after August 15, 1943, by the Office of Economic Warfare for the procurement of services, supplies, or equipment outside the United States except for the purpose of executing general economic programs or policies formally approved in writing by a majority of the War Mobilization Committee and such writing has been filed with the Secretary of State prior to any such expenditure.

2 The United States Commercial Company, the Rubber Development Corporation, the Petroleum Reserve Corporation and the Export-Import Bank of Washington and their functions, powers and duties, together with the functions, powers and duties of the Reconstruction Finance Corporation and of the Secretary of Commerce with respect to them are transferred to the Office of Economic Warfare. All personnel, property, records, funds (including all unexpended balances of appropriations, allocations or other funds now available) contracts, assets, liabilities and capital stock of these corporations, together with so much of the personnel, records, and property of the Reconstruction Finance Corporation used in the administration of these corporations as the Director of the Bureau of the Budget shall determine, are transferred with these corporations to the Office of Economic Warfare for use in connection with the exercise and performance of its functions, powers and duties The Director of the Office of Economic Warfare may reconstitute the Boards of Directors of these corporations and take such other action as he deems necessary in respect of them to carry out the purposes of this Order.

3 (a) Until such time as the Congress shall provide other means of financing, the Secretary of Commerce and the Reconstruction Finance Corporation are authorized and directed to supply necessary funds to the corporations transferred to the Office of Economic Warfare by this Order through loans, using for this purpose all the borrowing powers and unobligated funds of the Reconstruction Finance Corporation Such funds shall be supplied at such times and in such amounts and in such manner and upon such terms and conditions as the Director of War Mobilization, on the request of the Director of the Office of Economic Warfare, may from time to time determine The disbursement of the funds so supplied shall be under the exclusive direction of the Director of the Office of Economic Warfare, except as otherwise provided in this Order.

(b) The functions, powers and duties and outstanding contracts and obligations relating to activities and transactions in or pertaining to foreign countries, now vested in, or in the name of, any corporation created and organized under Section 5 (d) of the Reconstruction Finance Corporation Act (section 606b of Title 15) or of any other corporation organized by the Reconstruction Finance Corporation, shall, unless the Director of War Mobilization otherwise determines, be transferred to the corporation or corporations designated by the Director of the Office of Economic Warfare, and the charter and by-laws of the corporations affected by such transfers, so far as necessary, shall be amended accordingly Following such transfers, no corporations created and organized by the Reconstruction Finance Corporation, other than those transferred to the Office of Economic Warfare by this Order, shall exercise any of its powers and functions in regard to any activity or transaction in or pertaining to any foreign country except as ordered by the Director of War Mobilization. The Secretary of Commerce, the Reconstruction Finance Corporation, and any corporation organized by it, shall execute and deliver all instruments which may be deemed necessary by the Director of War Mobilization to carry out the provisions of this Order.

4 The functions of the Office of War Mobilization shall include the authority to arrange for the unification and coordination of the activities of the Federal Government

relating to foreign supply, foreign procurement and other foreign economic affairs in conformity with the foreign policy of the United States as defined by the Secretary of State. In providing for such unification the Office of War Mobilization may utilize the facilities of other departments and agencies, including the machinery for the coordination of foreign economic affairs established in the Department of State.

5. All prior Executive orders and directives in so far as they are in conflict herewith are amended accordingly.

EX ORD No 9363. REDISTRIBUTION OF CERTAIN FUNCTIONS OF THE SECRETARY OF WAR AND THE JUDGE ADVOCATE GENERAL WITH RESPECT TO CERTAIN COURT MARTIAL CASES

Ex. Ord No. 9363, July 23, 1943, 8 F. R. 10389, provided:

Now, therefore, by virtue of the authority vested in me by the Constitution and the laws of the United States, particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 838) (sections 601–605 of this Appendix), and as President of the United States and Commander in Chief of the Army of the United States, it is hereby ordered as follows:

1 Subject to such regulations as the Secretary of War may prescribe, the Under Secretary of War and the Assistant Secretary of War are authorized, respectively, to exercise and perform all functions, duties, and powers conferred upon the Secretary of War or the Acting Secretary of War by Article of War 50½ as amended (sections 1522 of Title 10).

2. Subject to such regulations as the Secretary of War may prescribe, the Assistant Judge Advocate General in charge of military justice matters is authorized to exercise and perform all functions, duties, and powers conferred upon the Judge Advocate General by Article of War 46 (section 1517 of Title 10), and by the second, third, fourth, and fifth paragraphs of Article of War 50½ (section 1522 of Title 10).

3. There are hereby transferred to the Under Secretary of War, the Assistant Secretary of War, and the Assistant Judge Advocate General in charge of military justice matters such functions, duties and powers of the Secretary of War and the Judge Advocate General as may be necessary to effectuate the provisions of this order; but nothing contained in this order shall be deemed to limit or restrict the power and right on the part of the Secretary of War or the Judge Advocate General, in their discretion, to exercise or perform any of the functions, duties, or powers heretofore possessed by or vested in them.

4. The functions, duties, and powers herein transferred or delegated may be exercised and performed by the officials to whom such transfers and delegations are made without the necessity of any signature, approval, ratification, or other act by higher authority, except to the extent required by such regulations as may be prescribed by the Secretary of War; and all officers, officials, and employees of the United States, including disbursing, accounting, and auditing officers, shall give the same effect to any acts of those to whom transfers and delegations are made hereunder as if done by the person or persons in whom the functions, duties, and powers were vested prior to such transfers and delegations.

EX. ORD. No 9380 FOREIGN ECONOMIC ADMINISTRATION

Ex Ord No 9380, Sept 25, 1943, 8 F R. 13031, provided.

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order to unify and consolidate governmental activities relating to foreign economic affairs, it is hereby ordered as follows:

1. There is established in the Office for Emergency Management of the Executive Office of the President the Foreign Economic Administration (hereinafter referred to as the Administration), at the head of which shall be an Administrator.

2. The Office of Lend-Lease Administration, the Office of Foreign Relief and Rehabilitation Operations, the Office of Economic Warfare (together with the corporations, agencies, and functions transferred thereto by Executive Order No. 9361 of July 15, 1943) (set out in note following this section) the Office of Foreign Economic Coordination (except such functions and personnel thereof as the Director of the Budget shall determine are not concerned with foreign economic operations) and their respective functions, powers, and duties are transferred to and consolidated in the Administration

3. The Administrator may establish such offices, bureaus, or divisions in the Administration as may be necessary to carry out the provisions of this order, and may assign to them such of the functions and duties of the offices, agencies and corporations consolidated by this order as he may deem desirable in the interest of efficient administration

4. The powers and functions of the Administration shall be exercised in conformity with the foreign policy of the United States as defined by the Secretary of State. As soon as military operations permit, the Administration shall assume responsibility for and control of all activities of the United States Government in liberated areas with respect to supplying the requirements of and procuring materials in such areas

5 All the personnel, property, records, funds (including all unexpended balances of appropriations, allocations, or other funds now available), contracts, assets, liabilities, and capital stock (including shares of stock) of the offices, agencies and corporations consolidated by paragraph 2 of this order are transferred to the Administration for use in connection with the exercise and performance of its functions, powers, and duties. In the case of capital stock (including shares of stock), the transfer shall be to such agency, corporation, office, officer or person as the Administrator shall designate. The Administrator is authorized to employ such personnel as may be necessary in the performance of the functions of the Administration and in order to carry out the purposes of this order.

6. No part of any funds appropriated or made available under Public Law 139, approved July 12, 1943 (ch. 228, 57 Stat. 522), shall hereafter be used directly or indirectly by the Administrator for the procurement of services, supplies, or equipment outside the United States except for the purpose of executing general economic programs or policies formally approved by a majority of the War Mobilization Committee in writing filed with the Secretary of State prior to any such expenditure.

7. All prior Executive Orders in so far as they are in conflict herewith are amended accordingly. This order shall take effect upon the taking of office by the Administrator, except that the agencies and offices consolidated by paragraph 2 hereof shall continue to exercise their respective functions pending any contrary determination by the Administrator.

EX. ORD. No. 9385. FOREIGN FOOD PROCUREMENT AND DEVELOPMENT

Ex. Ord No. 9385, Oct 6, 1943, 8 F R. 13783, provided:

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order further to unify and consolidate governmental activities relating to foreign economic affairs, it is hereby ordered as follows:

1 The functions of the War Food Administration and the Commodity Credit Corporation with respect to the procurement and development of food, food machinery, and other food facilities, in foreign countries, are transferred to and consolidated in the Foreign Economic Administration to be administered in accordance with the provisions of Executive Order No. 9380 of September 25, 1943 (set out as note under this section of Appendix).

2. The personnel, records, property, funds, contracts, assets, and liabilities of the Commodity Credit Corporation, determined by the Director of the Bureau of the Budget to be primarily concerned with the functions transferred to the Foreign Economic Administration by this order, shall be transferred, on such date or dates as the Director of the Bureau of the Budget shall determine, to the Foreign Economic Administration or to such subdivisions or corporations thereof as the Administrator of the Foreign Economic Administration shall designate.

3. Except as otherwise provided in this order, the procurement of food, food machinery, and other food facilities in foreign countries, by the Foreign Economic Administra-

tion, shall be performed consistently with directives issued to such Administration by the War Food Administrator with respect to food for human or animal consumption and by the War Food Administrator and the Chairman of the War Production Board jointly with respect to food for industrial uses. The War Food Administrator, or the War Food Administrator and the Chairman of the War Production Board jointly, as the case may be, may (1) set forth in such directives the quantities, specifications, priorities, and times and places of delivery relating to such procurement, and (2) append to such directives suggestions as to sources and prices relating to such procurement. The Administrator of the Foreign Economic Administration may from time to time advise the War Food Administrator, the Chairman of the War Production Board, and the Director of War Mobilization as to circumstances affecting procurement under such directives and as to steps which the Administrator of the Foreign Economic Administration deems will promote effective procurement by the Foreign Economic Administration of food, food machinery, and other food facilities in foreign countries for the purposes of the War Food Administration or the War Production Board

4. (a) Nothing in this order shall authorize the War Food Administrator or the Chairman of the War Production Board to issue directives to the Foreign Economic Administration with respect to (1) the procurement and development of food, food machinery, and other food facilities in foreign countries for use in foreign countries, and (2) the preclusive procurement of foreign food, food machinery, and other food facilities vital to the enemy either for military or civilian needs.

(b) The provisions of this order shall not affect the existing authority of the War Food Administrator or of the War Production Board with respect to priorities and allocations, or to define general policies, subject to the authority of the Office of War Mobilization under paragraph 4 of Executive Order No 9361 of July 15, 1943 (set out as note under this section of Appendix), with respect to the procurement and development of food, food machinery, and other food facilities in foreign countries for use in foreign countries

5 As used in this order, (1) the word "food" shall have the meaning set forth in paragraph 10 of Executive Order No. 9280 of December 5, 1942 (set out as note under this section of Appendix), exclusive of sugar produced in the Caribbean area, and (2) the words "foreign countries" shall be deemed to exclude the Dominion of Canada.

6 All prior Executive orders and directives insofar as they are in conflict herewith are amended accordingly. This order shall take effect immediately except that the War Food Administration and the Commodity Credit Corporation shall continue to exercise their respective functions transferred under paragraph 1 of this order until such date or dates as the Administrator of the Foreign Economic Administration shall determine.

EX. ORD. NO 9406. TRANSFER OF FUNCTIONS RESPECTING NECESSITY CERTIFICATES FROM SECRETARIES OF WAR AND NAVY TO CHAIRMAN OF WAR PRODUCTION BOARD

Ex Ord No 9406, Dec. 17, 1943, 8 F. R 16955, as amended by Ex. Ord No. 9429, Mar. 2, 1944, 9 F. R 2487, eff as of Dec. 17, 1943, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], and as President of the United States, and in order to enable the Chairman of the War Production Board more effectively to carry out his responsibilities with respect to the regulation of production and supply of materials, articles, and equipment, and services required for the national defense, it is hereby ordered as follows:

1. Subject to the provisions of section 2 of this order, the functions, powers, and duties of the Secretary of War and the Secretary of the Navy with respect to the certification, pursuant to section 124 (f) of the Internal Revenue Code [section 124 (f) of Title 26], of the construction, reconstruction, erection, installation or acquisition of facilities necessary in the interest of national defense during the emergency period, and with respect to prescribing from time to time with the approval of the President regulations governing such certification, are transferred to the Chairman of the War Production Board.

2. (a) The Secretary of War and the Secretary of the Navy shall act upon

(1) all applications for Necessity Certificates filed before October 5, 1943.

(2) applications for Necessity Certificates filed between and including October 5, 1943 and December 17, 1943 describing facilities the beginning of the construction, reconstruction, erection, installation, or the date of acquisition of which was prior to October 5, 1943, and

(3) applications for Necessity Certificates filed between and including October 5, 1943 and December 17, 1943 describing facilities for which the applicant had made contracts for the construction, reconstruction, erection, installation or acquisition thereof prior to October 5, 1943.

When the Secretary of War and the Secretary of the Navy have made final determination upon all applications specified in this subsection, their functions, powers and duties to issue Necessity Certificates shall cease

(b) The Chairman of the War Production Board shall act upon

(1) applications for Necessity Certificates filed after December 17, 1943 describing facilities the beginning of the construction, reconstruction, erection, installation or the date of acquisition of which was prior to October 5, 1943 Such applications for Necessity Certificates filed after the effective date of this order shall be filed with the War Production Board,

(2) applications for Necessity Certificates filed on and after October 5, 1943 and pending December 17, 1943 with the Secretary of War and the Secretary of the Navy which describe facilities, the construction, reconstruction, erection or installation of which has not begun or which have not been acquired,

(3) applications for Necessity Certificates filed after December 17, 1943 which describe facilities the construction, reconstruction, erection, or installation of which has not begun or which have not been acquired, and

(4) applications for Necessity Certificates filed after December 17, 1943 describing facilities for which the applicant had made contracts for the construction, reconstruction, erection, installation or acquisition thereof prior to October 5, 1943, provided that such applications are filed prior to April 5, 1944.

(c) The issuance of a Necessity Certificate by either the Secretary of War, the Secretary of the Navy or the Chairman of the War Production Board shall be conclusive of his authority under this section

3. (a) The regulations of the Secretary of War and the Secretary of the Navy in effect prior to October 5, 1943 shall govern the issuance of Necessity Certificates for all applications for Necessity Certificates describing facilities the beginning of the construction, reconstruction, erection, installation or the date of acquisition of which was prior to October 5, 1943, or for which the applicant had made contracts for the construction, reconstruction, erection, installation, or acquisition thereof prior to October 5, 1943

(b) In acting upon applications for Necessity Certificates filed on and after October 5, 1943 describing facilities the construction, reconstruction, erection, or installation of which was not begun or which were not acquired prior to October 5, 1943, or for which the applicant had not made contracts for the construction, reconstruction, erection, installation or acquisition thereof prior to October 5, 1943 Necessity Certificates shall not be issued unless the Chairman of the War Production Board has determined prior to the beginning of the construction, reconstruction, erection, installation, or the date of acquisition of the facilities (1) that the facilities to be constructed or acquired are clearly necessary for the war effort, and (2) that it is to the advantage of the Government that such additional facilities be privately financed.

4 In the exercise of the functions, powers and duties transferred by this order, the Chairman of the War Production Board may consult the War Department and the Navy Department with regard to facilities required primarily for military or naval use, and other departments and agencies with regard to facilities required primarily for uses within their respective jurisdictions.

5. Such civilian personnel, property, and records used primarily in the administration of the functions, powers and duties transferred by this order, and so much of the unexpended balance of appropriations, allocations and funds available to the War Department and the Navy Department for the said purposes as the Director of the Bureau of the Budget shall determine, shall be transferred to the Chairman of the War Production Board on such date or dates as the Director of the Bureau of the Budget shall determine, for use in connection with the exercise of the functions, powers, and duties so transferred.

EX ORD NO 9417. WAR REFUGEE BOARD

Ex Ord No 9417, Jan 22, 1944, 9 F. R 935, provided

Whereas it is the policy of this Government to take all measures within its power to rescue the victims of enemy oppression who are in imminent danger of death and otherwise to afford such victims all possible relief and assistance consistent with the successful prosecution of the war;

Now, therefore, by virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and as Commander in Chief of the Army and Navy, and in order to effectuate with all possible speed the rescue and relief of such victims of enemy oppression, it is hereby ordered as follows

1 There is established in the Executive Office of the President a War Refugee Board (hereinafter referred to as the Board) The Board shall consist of the Secretary of State, the Secretary of the Treasury and the Secretary of War The Board may request the heads of other agencies or departments to participate in its deliberations whenever matters specially affecting such agencies or departments are under consideration

2 The Board shall be charged with the responsibility for seeing that the policy of the Government, as stated in the Preamble, is carried out The functions of the Board shall include without limitation the development of plans and programs and the inauguration of effective measures for (a) the rescue, transportation, maintenance and relief of the victims of enemy oppression, and (b) the establishment of havens of temporary refuge for such victims. To this end the Board, through appropriate channels, shall take the necessary steps to enlist the cooperation of foreign governments and obtain their participation in the execution of such plans and programs.

3. It shall be the duty of the State, Treasury and War Departments, within their respective spheres, to execute at the request of the Board, the plans and programs so developed and the measures so inaugurated. It shall be the duty of the heads of all agencies and departments to supply or obtain for the Board such information and to extend to the Board such supplies, shipping and other specified assistance and facilities as the Board may require in carrying out the provisions of this Order. The State Department shall appoint special attaches with diplomatic status, on the recommendation of the Board, to be stationed abroad in places where it is likely that assistance can be rendered to war refugees, the duties and responsibilities of such attaches to be defined by the Board in consultation with the State Department.

4. The Board and the State, Treasury and War Departments are authorized to accept the services or contributions of any private persons, private organizations, State agencies, or agencies of foreign governments in carrying out the purposes of this Order. The Board shall cooperate with all existing and future international organizations concerned with the problems of refugee rescue, maintenance, transportation, relief, rehabilitation, and resettlement.

5 To the extent possible the Board shall utilize the personnel, supplies, facilities and services of the State, Treasury and War Departments. In addition the Board, within the limits of funds which may be made available, may employ necessary personnel without regard for the Civil Service laws and regulations and the Classification Act of 1923, as amended [sections 661–663, 664–673, and 674 of Title 5] and make provisions for supplies, facilities and services necessary to discharge its responsibilities. The Board shall appoint an Executive Director who shall serve as its principal executive officer. It shall be the duty of the Executive Director to arrange for the prompt execution of the plans and programs developed and the measures inaugurated by the Board, to supervise the activities of the special attaches and to submit frequent reports to the Board on the steps taken for the rescue and relief of war refugees.

6. The Board shall be directly responsible to the President in carrying out the policy of this Government, as stated in the Preamble, and the Board shall report to him at frequent intervals concerning the steps taken for the rescue and relief of war refugees and shall make such recommendations as the Board may deem appropriate for further action to overcome any difficulties encountered in the rescue and relief of war refugees

EX ORD NO 9418. AUTHORIZING THE WAR FOOD ADMINISTRATION TO PLACE ORDERS WITH OTHER AGENCIES FOR MATERIALS OR SERVICES TO BE OBTAINED BY CONTRACT OR OTHERWISE

Ex Ord No 9418, Jan 29, 1944, 9 F R 1073, provided:

By virtue of the authority vested in me by the Constitution and the Statutes of the United States, particularly by Title I of the First War Powers Act, 1941 [sections 601 605 of this Appendix] as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

The functions, powers, and duties, with respect to placing orders for materials, supplies, equipment, work, or services, of any kind that any requisitioned Federal Agency may be in a position to supply, or to render or to obtain by contract, which are vested in the War Department, Navy Department, Treasury Department, Civil Aeronautics Administration, and the Maritime Commission under section 7 (a) of the act of May 21, 1920 (41 Stat 613), as amended by section 601 of the act of June 30, 1932 (47 Stat. 417) [section 686 of Title 31] and the act of July 20, 1942 (56 Stat 661, 31 U. S C, 686) may be exercised also by the War Food Administration, and by any constituent agency or corporation thereof designated by the War Food Administrator. Any provision of any Executive order or proclamation conflicting with this order is superseded to the extent of such conflict

EX ORD. NO. 9423. TRANSFER OF WAR RELOCATION AUTHORITY TO THE DEPARTMENT OF THE INTERIOR

Ex Ord No. 9423, Feb 16 1944, 9 F R 1903, provided:

By virtue of the authority vested in me by the Constitution and Statutes, including the First War Powers Act, 1941, [sections 601–605 of this Appendix], as President of the United States, it is hereby ordered as follows:

The War Relocation Authority in the Office for Emergency Management of the Executive Office of the President and its functions, together with its records, property, personnel, and unexpended balances of appropriations, allocations, and other funds, are transferred to the Department of the Interior and shall be administered as an organizational entity within the said Department The functions of the Director of the War Relocation Authority are transferred to the Secretary of the Interior. The War Relocation Authority and the functions transferred by this order shall be administered by the said Secretary or under his supervision and direction through such officers, agents, and employees, of the War Relocation Authority, as he shall designate All prior Executive orders in conflict with this order are amended accordingly. This order shall take effect immediately.

EX ORD. NO. 9425 SURPLUS WAR PROPERTY ADMINISTRATION ESTABLISHED

Ex Ord. No. 9425, Feb. 19, 1944, 9 F R 2071, provided:

1. There is hereby established in the Office of War Mobilization, the Surplus War Property Administration (hereinafter referred to as the "Administration"), the powers and functions of which, subject to the general supervision of the Director of War Mobilization, shall be exercised by a Surplus War Property Administrator (hereinafter referred to as the "Administrator"), to be appointed by the Director of War Mobilization.

2. With the assistance of a Surplus War Property Policy Board, composed of a representative from each of the

following: State Department, Treasury Department, War Department, Navy Department, Justice Department, Reconstruction Finance Corporation, Smaller War Plants Corporation, United States Maritime Commission, War Production Board, Bureau of the Budget, War Food Administration, Federal Works Agency, Civil Aeronautics Board, and the Foreign Economic Administration, it shall be the function of the Administration, to the full extent that such matters are provided for or permitted by law:

(a) To have general supervision and direction of the handling and disposition of surplus war property.

(b) To have general supervision and direction of the transfer of any surplus war property in the possession of any Government agency to any other Government agency whenever in the judgment of the Administration such transfer is appropriate.

(c) Unless otherwise directed by the Director of War Mobilization, to assign, so far as it is deemed feasible by the Administration, surplus war property for disposition, as follows: consumer goods to the Procurement Division of the Department of the Treasury; capital and producers' goods, including plants, equipment, materials, scrap and other industrial property, to a subsidiary of the Reconstruction Finance Corporation, created pursuant to Section 5d (3) of the Reconstruction Finance Act, as amended [section 606b of Title 15]; ships and maritime property to the United States Maritime Commission; and food to the War Food Administration. *Provided,* That surplus war property to be disposed of outside the United States, unless otherwise directed by the Director of War Mobilization, shall be assigned, so far as it is deemed feasible by the Administration, to the Foreign Economic Administration.

3. All functions, powers, and duties relating to the transfer or disposition of surplus war property, heretofore conferred by law on any Government agency may, to the extent necessary to carry out the provisions of this order, be exercised also by the Administration.

4. The Administrator may prescribe regulations and issue directions necessary to effectuate the purposes of this order; and no Government agency shall transfer or dispose of surplus war property in contravention thereof. Each Government agency shall submit such information and reports with respect to surplus war property and in such form and at such times as the Administrator shall direct. When requested by the Administration, a Government agency shall execute such documents for the transfer of title or for any other purpose or take such steps as the Administration shall determine to be necessary or proper to transfer or dispose of surplus war property or otherwise to carry out the provisions of this order.

5. The Administrator may perform the functions and exercise the powers, authority, and discretion conferred on the Administration by this order by such officials and such agencies and in such manner as the Administrator, subject to the provisions of this order, may determine. In carrying out the purposes of this order, the Administration may utilize the services of any other Government agency. The Administration, within the limit of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities, and services necessary to discharge the responsibilities of the Administration.

6. As used in this order:

(a) "Government agency" means any executive department, independent establishment, agency, commission, board, bureau, division, administration, office, service, independent regulatory commission or board, and any government-owned or government-controlled corporation

(b) "Surplus War Property" means any property, real or personal, including but not limited to plants, facilities, equipment, machines, accessories, parts, assemblies, products, commodities, materials, and supplies in the possession of or controlled by any Government agency, whether new or used, in use or in storage, which are in excess of the needs of such agency or are not required for the performance of the duties and functions of such agency and which are determined, subject to the authority of the Office of War Mobilization, to be surplus by such agency.

7. All prior Executive Orders, in so far as they are in conflict herewith, are amended accordingly.

Ex Ord No. 9427. Retraining and Reemployment Administration

Ex Ord No 9427, Feb. 24, 1944, 9 F. R. 2199, provided:

1. There is hereby established in the Office of War Mobilization a Retraining and Reemployment Administration (hereinafter referred to as the Administration), the functions of which, subject to the general supervision of the Director of War Mobilization, shall be exercised by a Retraining and Reemployment Administrator (hereinafter referred to as the Administrator) to be appointed by the Director of War Mobilization.

2 With the assistance of a Retraining and Reemployment Policy Board, composed of a representative of the Department of Labor, the Federal Security Agency, the War Manpower Commission, the Selective Service System, the Veterans Administration, the Civil Service Commission, the War Department, the Navy Department, and the War Production Board, it shall be the function of the Administration:

(a) To have general supervision and direction of the activities of all Government agencies relating to the retraining and reemployment of persons discharged or released from the armed services or other war work, including all work directly affected by the cessation of hostilities or the reduction of the war program; to issue necessary regulations and directions in connection therewith; and to advise with the appropriate committees of the Congress as to the steps taken or to be taken with respect thereto.

(b) In consultation with the Government agencies concerned, to develop programs for the orderly absorption into other employment of persons discharged or released from the armed services or other war work, including adequate provisions for vocational training, for the finding of jobs for persons so discharged or released, for assisting those persons and their families pending their absorption into employment, and for dealing with the problems connected with the release of workers from industries not readily convertible to peacetime use. In developing such programs, special regard shall be given to the necessity of integrating them with wartime manpower controls

(c) In consultation with the Government agencies concerned, to develop programs for the adequate care of persons discharged or released from the armed services, including physical and occupational therapy for the wounded and disabled and the resumption of education interrupted by the war.

3. The Retraining and Reemployment Policy Board shall invite representatives of other Government agencies to participate in its deliberations when matters specially affecting them are under consideration.

4. The functions conferred on the Administration by this order shall be performed through existing Government agencies and officials so far as feasible and in such manner as the Administrator shall determine. The Administration, within the limit of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities, and services necessary to discharge the responsibilities of the Administration.

5. All prior Executive orders, so far as they are in conflict herewith, are amended accordingly.

Ex. Ord No 9440 Authorizing the Reconstruction Finance Corporation To Place Orders With Other Agencies for Materials or Services To Be Obtained by Contract or Otherwise

Ex. Ord. No. 9440, May 9, 1944, 9 F. R. 4999, provided:

By virtue of the authority vested in me by the Constitution and the Statutes of the United States, particularly by Title I of the First War Powers Act, 1941 [sections 601–605 of this Appendix], as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

The functions, powers, and duties, with respect to placing orders for materials, supplies, equipment, work, or services, of any kind that any requisitioned Federal agency may be in a position to supply, or to render or to obtain

by contract, which are vested in the War Department, Navy Department, Treasury Department, Civil Aeronautics Administration and the Maritime Commission under section 7 (a) of the act of May 21, 1920 (41 Stat 613), as amended by section 601 of the end of June 30, 1932 (47 Stat. 417), and the act of July 20, 1942 (56 Stat 661, 31 U S C 686), and which are also vested in the War Food Administration by virtue of Executive Order 9418 of January 29, 1944 [following this section], may be exercised also by the Reconstruction Finance Corporation, and by any constituent, subsidiary or controlled agency or corporation thereof designated by the Reconstruction Finance Corporation Any provision of any Executive order or proclamation conflicting with this order is superseded to the extent of such conflict.

EX. ORD NO 9475. TRANSFERRING THE FUNCTIONS AND RESPONSIBILITIES OF THE RUBBER DIRECTOR

Ex Ord No 9475, Sept 2, 1944, 9 F R 10817, provided:

By virtue of the authority vested in me by the Constitution and the statutes, particularly the Act of December 18, 1941, entitled "First War Powers Act, 1941" (Public 354—77th Congress) [section 601 et seq of this Appendix], as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1 The Office of Rubber Director, established by Executive Order 9246, dated September 17, 1942, is abolished and the authority and functions of the Rubber Director are transferred to the Chairman of the War Production Board except as provided for in paragraph 3 of this order.

2 All regulations, rulings and other directives relating to the rubber program issued under Executive Order 9246 shall remain in effect except insofar as they may be amended by the Chairman of the War Production Board.

3. Rubber Reserve Company, under the direction of the Secretary of Commerce, shall have responsibility for:

(a) Purchase, sale, acquisition, storage and transportation of synthetic and natural rubbers in amounts determined by the Chairman of the War Production Board to be necessary to meet the requirements of the Nation's rubber program.

(b) Research, development and testing of synthetic rubbers and new monomers therefor and the testing of tires and tubes made therefrom by test fleets owned by or operated for the government, financed by or conducted in cooperation with the Rubber Reserve Company

(c) Subject to directives of the Chairman of the War Production Board, operation of plants of the synthetic rubber program owned by Defense Plant Corporation or Rubber Reserve Company or operated under contract with either of them, except those which are within petroleum refineries

4 The personnel, property, records, unexpended balances of appropriations, and other funds of the War Production Board primarily concerned with and available for the discharge of any of the functions, responsibilities, powers, and authorities that are vested in the Rubber Reserve Company by paragraph 3 of this order shall, to the extent determined by the Director of the Bureau of the Budget, be transferred to the Rubber Reserve Company. In determining the amounts transferred hereunder, allowance shall be made for the liquidation of obligations previously incurred against such balances of appropriations, allocations or other funds transferred

5. Nothing herein shall be construed to limit the powers conferred upon the Price Administrator by the "Emergency Price Control Act of 1942", as amended [section 901 et seq of this Appendix].

6. Any provision of any Executive Order conflicting with this order is superseded to the extent of such conflict.

7. This order shall take effect as of September 1, 1944

EX. ORD NO 9495. EXTENSION OF EXECUTIVE ORDER NO. 9177 TO THE UNITED STATES MARITIME COMMISSION AND THE ADMINISTRATION OF THE WAR SHIPPING ADMINISTRATION

Ex. Ord. No. 9495, Oct. 30, 1944, 9 F. R. 13035, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat 838) [sections 601–605 of this Appendix], I hereby extend the provisions of Executive Order No 9177 (7 F R 4195) of May 30, 1942, [set out as a note under this section], to the United States Maritime Commission and the Administrator of the War Shipping Administration; and, subject to the limitations contained in that order, I hereby authorize the United States Maritime Commission and the Administrator of the War Shipping Administration to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Treasury, the Secretary of Agriculture, and the Reconstruction Finance Corporation by that order.

This order shall be applicable to articles entered for consumption, or withdrawn from warehouse for consumption, on or after August 1, 1944.

EX ORD NO. 9541 TRANSFERRING THE OFFICE OF SURPLUS PROPERTY OF THE PROCUREMENT DIVISION OF THE DEPARTMENT OF THE TREASURY TO THE DEPARTMENT OF COMMERCE

Ex. Ord No 9541, Apr 20, 1945, 10 F. R. 4253, provided:

Whereas the Surplus Property Board, pursuant to the provisions of the Surplus Property Act of 1944 [sections 1611-1646 of this Appendix] has by Regulation No. 1, as amended, effective on May 1, 1945, designated the Department of Commerce as the disposal agency within the continental United States, its territories, and possessions, for certain categories of surplus property for which the Department of the Treasury has heretofore been the disposal agency:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly by the First War Powers Act, 1941 [sections 601-622 of this Appendix] as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1 The Office of Surplus Property of the Procurement Division of the Department of the Treasury is hereby transferred to the Department of Commerce.

2. All records, property (including office equipment), and funds (including all unexpended balances of appropriations, allocations, and other available funds) of the Procurement Division which are used primarily in the administration of the functions, powers, and duties of the Department of the Treasury as a disposal agency under the Surplus Property Act, all contracts of the Procurement Division relating primarily to the administration of such functions, powers, and duties, and all personnel of the Procurement Division engaged primarily in the administration of such functions, powers, and duties, as the Secretary of the Treasury and the Secretary of Commerce shall jointly determine, shall be transferred to the Department of Commerce for use in connection with the exercise and performance of such functions, powers, and duties.

3 The Department of the Treasury and the Department of Commerce shall supply and render, each to the other, materials, supplies, equipment, work, and services in accordance with section 7 of the act of May 21, 1920, as amended [section 686 of Title 31], to the extent and for such period after the effective date hereof as may be mutually agreeable to the Secretary of the Treasury and the Secretary of Commerce in order to facilitate the purposes of this order.

4. This order shall become effective May 1, 1945.

EX. ORD. NO 9577. TERMINATION OF THE WAR FOOD ADMINISTRATION AND TRANSFERRAL OF ITS FUNCTIONS TO THE SECRETARY OF AGRICULTURE

Ex Ord. No 9577, June 30, 1945, 10 F R. 8087, provided:

By virtue of the authority vested in me as President by the Constitution and laws of the United States, including Title I of the First War Powers Act, 1941 (55 Stat. 838) [sections 601–605 of this Appendix], it is ordered as follows.

1. The War Food Administration and the office of War Food Administrator, established by Executive Order No. 9334 of April 19, 1943 [set out under this section], are hereby terminated.

2. The functions, duties, and powers of the War Food Administrator, including but not limited to those vested in the Administrator by Executive Orders No 9334 of April 19, 1943, as amended, No 9385 of October 6, 1943, No. 9401 of December 7, 1943, No 9418 of January 29, 1944, and No 9534 of April 3, 1945, are hereby transferred to, and shall be exercised and performed by, the Secretary of Agriculture.

3 The records, property, personnel, funds, and agencies of the War Food Administration are hereby placed under the jurisdiction and control of the Secretary of Agriculture. The agencies of the War Food Administration shall, consistent with applicable law, be organized and administered in such manner as the Secretary of Agriculture may deem desirable.

4. The Secretary of Agriculture shall have, and may exercise to such extent and subject to such conditions as he shall determine, (a) all powers of delegation vested in the War Food Administrator, including but not limited to those specified in paragraph 9 of Executive Order No 9280 of December 5, 1942 [set out under this section], and (b) the authority to confer upon any person or persons to whom he may make delegations hereunder, the power to make further delegations to any person or persons in the Department of Agriculture

5 All orders, directives, rules, and regulations relating to any matter within the scope of the authority of the War Food Administrator which are in effect on the effective date of this order shall continue in full force and effect unless and until modified or revoked by the Secretary of Agriculture or at his direction or under his authorization.

6 All prior Executive orders in conflict with this order are hereby amended to the extent of such conflict

7 This order shall take effect at the close of business on June 30, 1945

EX. ORD No 9592 EXTENSION OF EXECUTIVE ORDER No 9001 TO CONTRACTS OF THE OFFICE OF WAR INFORMATION AND THE OFFICE OF ALIEN PROPERTY CUSTODIAN

Ex Ord No 9592, July 24, 1945, 10 F R 9205, provided:

By virtue of the authority vested in me by Title II of the First War Powers Act, 1941 (55 Stat. 838) [section 611 of this Appendix], and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No 9001 of December 27, 1941, as amended [set out under this section], to the Office of War Information with respect to all contracts made or to be made by it, and to the Office of Alien Property Custodian with respect to contracts to be made by it under authority contained in the National War Agencies Appropriation Act, 1946 [act July 17, 1945, ch 319, 59 Stat 473], for the temporary employment of persons or organizations for special services without regard to the civil service and classification laws; and subject to the limitations and regulations contained in the said Executive order, as amended, I hereby authorize the Director of the Office of War Information and the Alien Property Custodian, and such other officers and employees as they may respectively designate, to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the United States Maritime Commission by such Executive order, as amended.

EX ORD NO 9596 REVOKING EX. ORD NO 9528 WHICH PROVIDED A CHANGE IN THE ORDER OF SUCCESSION OF OFFICERS TO ACT AS SECRETARY OF THE NAVY

Ex Ord. No 9596, Aug. 14, 1945, 10 F. R. 10071, revoked Ex. Ord No 9528, which amended Ex. Ord. No. 9096 to provide a change in the order of succession of officers to act as Secretary of the Navy.

EX. ORD. No. 9608. TERMINATION OF THE OFFICE OF WAR INFORMATION

Ex. Ord. No 9608, Aug 31, 1945, 10 F. R. 11223, provided:

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941 [sections 601-605 of this Appendix], and as President of the United States, it is hereby ordered as follows:

1. Effective as of the date of this order:

(a) There are transferred to and consolidated in an Interim International Information Service, which is hereby established in the Department of State, those functions of the Office of War Information (established by Executive Order No. 9182 of June 13, 1942), and those informational functions of the Office of Inter-American Affairs (established as the Office of the Coordinator of Inter-American Affairs by Executive Order No. 8840 of July 30, 1941 and renamed as the Office of Inter-American Affairs by Executive Order No 9532 of March 23, 1945), which are performed abroad or which consist of or are concerned with informing the people of other nations about any matter in which the United States has an interest, together with so much of the personnel, records, property, and appropriation balances of the Office of War Information and the Office of Inter-American Affairs as the Director of the Bureau of the Budget shall determine to relate primarily to the functions so transferred. Pending the abolition of the said Service under paragraph 3 (a) of this order, (1) the head of the Service, who shall be designated by the Secretary of State, shall be responsible to the Secretary of State or to such other officer of the Department as the Secretary shall direct, (2) the Service shall, except as otherwise provided in this order, be administered as an organizational entity in the Department of State, (3) the Secretary may transfer from the Service, to such agencies of the Department of State as he shall designate or establish, any function of the Service, and (4) the Secretary may terminate any function of the Service, in which event he shall provide for the winding up of the affairs relating to any function so terminated.

(b) There are transferred to the Bureau of the Budget the functions of the Bureau of Special Services of the Office of War Information and functions of the Office of War Information with respect to the review of publications of Federal agencies, together with so much of the personnel, records, and property, and appropriation balances of the Office of War Information as the Director of the Bureau of the Budget shall determine to relate primarily to the said functions.

(c) All those provisions of prior Executive orders which are in conflict with this order are amended accordingly Paragraph 6 of the said Executive Order No. 8840 and paragraphs 3, 6, and 8 of the said Executive Order No 9182 are revoked.

2 Effective as of the close of business September 15, 1945.

(a) There are abolished the functions of the Office of War Information then remaining

(b) The Director of the Office of War Information shall, pending the abolition of the Office of War Information under paragraph 3 (b) of this order, proceed to wind up the affairs of the Office relating to such abolished functions.

3. Effective as of the close of business December 31, 1945:

(a) The Interim International Information Service, provided for in paragraph 1 (a) of this order, together with any functions then remaining under the Service, is abolished.

(b) The Office of War Information, including the office of the Director of the Office of War Information, is abolished.

(c) There are transferred to the Department of the Treasury all of the personnel, records, property, and appropriation balances of the Interim International Information Service and of the Office of War Information then remaining, for final liquidation, and so much thereof as the Director of the Bureau of the Budget shall determine to be necessary shall be utilized by the Secretary of the Treasury in winding up all of the affairs of the Service.

EX ORD No. 9614. TERMINATION OF THE WAR REFUGEE BOARD

Ex. Ord. No. 9614, Sept. 14, 1945, 10 F.R. 11789, provided:

By virtue of the authority vested in me by the Constitution and the statutes of the United States it is hereby ordered as follows:

The War Refugee Board, established in the Executive Office of the President by Executive Order No. 9417 of

January 22, 1914 [set out as a note under this section], is hereby terminated.

The Secretary of the Treasury is authorized and directed (1) to liquidate all of the activities and obligations, and wind up all of the affairs, of the Board as rapidly as practicable, and not later than June 30, 1946; (2) to utilize therefor such of the personnel, property, records, and unexpended appropriations of the Board as may be necessary, and (3), consonant with applicable law and regulations and at such times as may be appropriate to separate the personnel from the service of the Board and to dispose of its property and records.

This order shall become effective at the close of business September 15, 1945.

EX. ORD NO 9617. TRANSFER OF CERTAIN AGENCIES AND FUNCTIONS TO THE DEPARTMENT OF LABOR

Ex Ord. No 9617, Sept. 19, 1945, 10 F.R. 11929, provided:

1. (a) Except as otherwise provided herein, all functions, agencies, officers, employees, records, property, and funds of the War Manpower Commission, established by Executive Order 9139 of April 18, 1942, are hereby transferred to the Department of Labor and shall be administered under the supervision, direction, and control of the Secretary of Labor.

(b) All of the functions of the Chairman of the War Manpower Commission, exclusive of so much thereof as relates to the functions of the Procurement and Assignment Service transferred by paragraph 5 of this order, are transferred to the Secretary of Labor.

(c) The War Manpower Commission is hereby terminated

(d) In order to maintain the essential coordination of public employment service and unemployment compensation functions and to avoid any necessity for establishing duplicate public employment office facilities, the Department of Labor is directed to provide for making available to agencies charged with the administration of unemployment compensation laws such services, information, and facilities by the United States Employment Service as the Secretary of Labor shall find not inconsistent with the purposes of this order. To the extent that Federal funds under the jurisdiction of the Social Security Board are involved in the effectuation of this section, services, information, and facilities shall be furnished only when, and to the extent that the Social Security Board shall approve

2. (a) The National War Labor Board, established by Executive Order 9017 of January 12, 1942 [set out as a note under section 1507 of this Appendix], and all of its functions, officers, employees, records, property, and funds are hereby transferred to the Department of Labor and shall, except as otherwise provided in this order, be administered under the supervision, direction, and control of the Secretary of Labor.

(b) The National War Labor Board in the Department of Labor shall be in all respects subject to and governed by such policies, consistent with law, as the Secretary of Labor shall prescribe; and so much of the functions of the Board as is required to effectuate this subsection is transferred to the Secretary of Labor. The provisions of this section notwithstanding, decisions made by the National War Labor Board in individual cases brought before it pursuant to law shall not be subject to modification by the Secretary of Labor but shall have the same degree of finality as existed prior to the issuance of this order.

3. (a) The Retraining and Reemployment Administration, established by section 301 of the War Mobilization and Reconversion Act of 1944, and all of its functions, officers, employees, records, property, and funds are hereby transferred to the Department of Labor and shall be administered under the supervision, direction, and control of the Secretary of Labor.

(b) The functions of the Director of War Mobilization and Reconversion relating to the Retraining and Reemployment Administration are hereby transferred to the Secretary of Labor.

4 (a) The Secretary of Labor may perform the functions transferred to him by this order through such officials, persons, or agencies and in such manner as he shall determine.

(b) The United States Employment Service and all functions in the Department of Labor relating to employment service, the National War Labor Board and its functions, and the Retraining and Reemployment Administration and its functions shall be administered as organizational entities within the Department of Labor. All other functions transferred to the Department of Labor by this order shall be administered, and the internal staff and service activities relating to the aforesaid agencies may be administered, by such agencies in the Department of Labor as the Secretary may designate or establish for the purpose.

5. The functions of the Procurement and Assignment Service of the War Manpower Commission and the functions of the Chairman of the War Manpower Commission with respect thereto are hereby transferred to the Federal Security Administrator. There shall be transferred to the Federal Security Agency, for use in connection with such functions, all of the personnel of the Procurement and Assignment Service, and so much of the other personnel of the War Manpower Commission and so much of the records, property, and funds of the War Manpower Commission as the Director of the Bureau of the Budget shall determine to relate primarily to the Procurement and Assignment Service.

6. All prior regulations, rulings, and other directives relating to any agency or function transferred by this order shall remain in effect except insofar as they are in conflict with this order or are hereafter amended under proper authority.

7. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfer or redistribution of the functions provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate

8 All provisions of prior Executive orders which are in conflict with this order are amended accordingly; provided that no functions or duties of any agency or officer not expressly transferred hereunder shall be deemed to have been transferred or modified by this order.

EX. ORD NO 9621. TERMINATION OF THE OFFICE OF STRATEGIC SERVICES AND DISPOSITION OF ITS FUNCTIONS

Ex. Ord No 9621, Sept. 21, 1945, 10 F. R. 12033, provided:

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941 [sections 601–605 of this Appendix], and as President of the United States and Commander in Chief of the Army and the Navy, it is hereby ordered as follows:

1. There are transferred to and consolidated in an Interim Research and Intelligence Service, which is hereby established in the Department of State, (a) the functions of the Research and Analysis Branch and of the Presentation Branch of the Office of Strategic Services (provided for by the Military Order of June 13, 1942), excluding such functions performed within the countries of Germany and Austria, and (b) those other functions of the Office of Strategic Services (hereinafter referred to as the Office) which relate to the functions of the said Branches transferred by this paragraph. The functions of the Director of Strategic Services and of the United States Joint Chiefs of Staff, relating to the functions transferred to the Service by this paragraph, are transferred to the Secretary of State. The personnel, property, and records of the said Branches, except such thereof as is located in Germany and Austria, and so much of the other personnel, property, and records of the Office and of the funds of the Office as the Director of the Bureau of the Budget shall determine to relate primarily to the functions transferred by this paragraph, are transferred to the said Service. Military personnel now on duty in connection with the activities transferred by this paragraph may, subject to applicable law and to the extent mutually agreeable to the Secretary of State and to the Secretary of War or the Secretary of the Navy, as the case may be, continue on such duty in the Department of State.

2. The Interim Research and Intelligence Service shall be abolished as of the close of business December 31, 1945, and the Secretary of State shall provide for winding up its affairs. Pending such abolition, (a) the Secretary of

State may transfer from the said Service to such agencies of the Department of State as he shall designate any function of the Service, (b) the Secretary may curtail the activities carried on by the Service, (c) the head of the Service, who shall be designated by the Secretary, shall be responsible to the Secretary or to such other officer of the Department of State as the Secretary shall direct, and (d) the Service shall, except as otherwise provided in this order, be administered as an organizational entity in the Department of State.

3. All functions of the Office not transferred by paragraph 1 of this order, together with all personnel, records, property, and funds of the Office not so transferred, are transferred to the Department of War; and the Office, including the office of the Director of Strategic Services, is terminated The functions of the Director of Strategic Services and of the United States Joint Chiefs of Staff, relating to the functions transferred by this paragraph, are transferred to the Secretary of War. Naval personnel on duty with the Office in connection with the activities transferred by this paragraph may, subject to applicable law and to the extent mutually agreeable to the Secretary of War and the Secretary of the Navy, continue on such duty in the Department of War. The Secretary of War shall, whenever he deems it compatible with the national interest, discontinue any activity transferred by this paragraph and wind up all affairs relating thereto.

4. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfer or redistribution of functions provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

5. All provisions of prior orders of the President which are in conflict with this order are amended accordingly.

6. This order shall, except as otherwise specifically provided, be effective as of the opening of business October 1, 1945.

Ex Ord. No 9630. Redistribution of Foreign Economic Functions and Functions With Respect to Surplus Property in Foreign Areas

Ex. Ord. No 9630, Sept 27, 1945, 10 F. R 12245, provided:

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941 [sections 601-605 of this appendix], and as President of the United States, and Commander in Chief of the Army and the Navy, it is hereby ordered as follows:

PART I

1. The Foreign Economic Administration established by Executive Order No. 9380 of September 25, 1943 [set out as a note under this section], hereinafter referred to as the Administration, and its agencies except as otherwise provided in this order, and the office of the Administrator of the Foreign Economic Administration, are terminated and disposition shall be made of the affairs thereof according to the provisions of this Part.

2. There are transferred to the Department of State all functions of the Administration and of its agencies with respect to:

(a) The administration of the Act of March 11, 1941, as amended, entitled "An Act further to promote the defense of the United States and for other purposes [sections 411–419 of Title 22]."

(b) The participation by the United States in the United Nations Relief and Rehabilitation Administration, as defined in Executive Order No 9453 of July 6, 1944.

(c) Activities in liberated areas with respect to supplying the requirements of and procuring materials in such areas under paragraph 4 of the said Executive Order No. 9380.

(d) The gathering, analysis, and reporting of economic and commercial information, insofar as such functions are performed abroad.

(e) The planning of measures for the control of occupied territories.

(f) The administration of Allocation No. 42/3-98 of February 1, 1943 from the appropriation, "Emergency Fund for the President, National Defense, 1942 and 1943."

3. There are transferred to the Reconstruction Finance Corporation:

(a) The Rubber Development Corporation, the Petroleum Reserves Corporation, and the U. S. Commercial Company and their functions, capital stock, assets, and liabilities. The board of directors of the Reconstruction Finance Corporation may reconstitute the boards of directors of the said transferred corporations.

(b) The functions of the Administration (including those of the U. S. Commercial Company) with respect to the procurement of commodities abroad, excluding such functions transferred to the Department of Agriculture under paragraph 5 of this Part.

4. There are transferred to the Department of Commerce all functions of the Administration and its agencies with respect to.

(a) Export control, including all functions of the Administration under section 6 of the Act of July 2, 1940 (54 Stat. 714), as amended and extended [section 701 of this Appendix].

(b) The Technical Industrial Intelligence Committee (under existing directive of the United States Joint Chiefs of Staff).

(c) The facilitation of trade, including functions affecting foreign trade and domestic commerce and the functions of the Clearing Office for Foreign Transactions and Reports, except as any of the aforesaid functions are otherwise transferred by this Part.

(d) Any other matter not transferred by this Part, including the final liquidation of the Administration and winding up of such of its affairs as are not otherwise transferred by this order.

5. There are transferred to the Department of Agriculture the functions of the Office of Foreign Food Programs and all other functions of the Administration with respect to food (as defined in paragraph 10 of Executive Order No. 9280 of December 5, 1942) [set out as a note under this section], food machinery, and other food facilities.

6. There are transferred to the heads of the agencies to which functions are transferred by this Part the respective functions of the Administrator of the Foreign Economic Administration, hereafter referred to as the Administrator, which relate to the functions so transferred to the aforesaid agencies.

PART II

7. For the purpose of unifying the disposition of foreign property owned by the United States in foreign areas under a single agency acting in conformity with the foreign policy of the United States and with the Surplus Property Act of 1944 [sections 1611–1646 of this Appendix], and consonant with the transfer of such disposition function under paragraph 2 (a) hereof and the designation of the Department of State, pursuant to the provisions of the Surplus Property Act of 1944 [sections 1611 1646 of this Appendix], as a disposal agency for all surplus property in foreign areas, excepting certain vessels, there are transferred to the Department of State all functions of the Army-Navy Liquidation Commissioner (under whatever authority, including War Department Memorandum No. 850–45, dated January 27, 1945 and letter of the Secretary of the Navy dated February 1, 1945) and all functions of the War Department and the Navy Department relating to the disposition abroad of property captured from the enemy. So much of the functions of the Secretary of War and the Secretary of the Navy as relates thereto is transferred to the Secretary of State The office of Army-Navy Liquidation Commissioner is abolished

8 The War Department and the Navy Department shall each store, care for, handle, deliver and keep the fiscal and other accounts for all property declared to be surplus in foreign areas, including property captured from the enemy, and shall also furnish such personnel, transportation and administrative services or facilities as may be required for foreign disposal. The provisions of this paragraph shall be carried out without reimbursement from the Department of State for the services rendered. As used in this order, the words "foreign areas" mean areas outside the continental United States, its territories and possessions.

9. The Secretary of War and the Secretary of the Navy are authorized to detail officers and enlisted persons of

the military and naval establishments, respectively, to the Department of State to assist it in the discharge of its duties under this Part or of any duties delegated to it under the Surplus Property Act of 1944 [sections 1611–1646 of this Appendix], and any such officer or enlisted person shall, while so detailed, retain and be entitled to the rights, benefits, promotions and status of an officer or enlisted person of the establishment from which he was detailed.

PART III

10. There are transferred to the respective agencies to which functions are transferred by this order, for use in connection with the functions so transferred, so much as the Director of the Bureau of the Budget shall determine to relate to such functions, respectively, of the records, property, civilian personnel, and funds of the Administration and its agencies (including funds appropriated to the President for carrying out functions administered by the Administration) and of the War Department and of the Navy Department. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfers and abolitions provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate

11 The head of each agency to which functions are transferred by this order may, in the interest of efficient administration, assign such of the functions transferred to such head or to his agency by this order as he shall determine to such officers and agencies under his jurisdiction as he shall designate.

12 All prior regulations, rulings, and other directives relating to any function transferred by this order shall remain in effect except as they are in conflict with this order or are hereafter amended or revoked under proper authority.

13 All provisions of prior Executive orders and of prior instruments of any Federal agency in conflict with this order are amended accordingly. Each transfer of functions provided for in this order shall be effective on such date, not later than December 31, 1945, as shall be designated jointly by the Director of the Bureau of the Budget and the head of the agency to which the function is transferred Pending such designations the officers and agencies from whom functions are transferred under this order shall continue to administer their respective functions.

EX. ORD NO 9638 CREATION OF THE CIVILIAN PRODUCTION BOARD AND TERMINATION OF THE WAR PRODUCTION BOARD

Ex Ord No 9638, Oct 4, 1945, 10 F R 12591 provided:

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941 [sections 601–605 of this Appendix], and as President of the United States, it is ordered as follows:

1 All functions and powers of the War Production Board, established by Executive Order No 9024 of January 16, 1942, and all agencies, officers (other than the Chairman and the other members of the War Production Board), employees, records, property, and funds of the Board, are transferred to a Civilian Production Administration which is hereby established in the Office for Emergency Management of the Executive Office of the President. The War Production Board is hereby terminated

2 At the head of the Civilian Production Administration (hereinafter referred to as the Administration) there shall be a Civilian Production Administrator (hereinafter referred to as the Administrator) who shall be appointed by the President and receive a salary of $12,000 per annum unless the Congress shall otherwise provide, together with actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties. All the functions and powers vested in the Chairman of the War Production Board on the effective date of this order are transferred to the Civilian Production Administrator and may be performed by him through such officials, persons, or agencies as he shall determine. The Administrator shall exercise his functions and powers in accordance with the general policies established by the Director of War Mobilization and Reconversion.

3 The functions and powers transferred by this order shall, to the extent authorized by law, be utilized to further a swift and orderly transition from wartime production to a maximum peacetime production in industry free from wartime Government controls, with due regard for the stability of prices and costs; and to that end shall be utilized to: (a) expand the production of materials which are in short supply, (b) limit the manufacture of products for which materials or facilities are insufficient, (c) control the accumulation of inventories so as to avoid speculative hoarding and unbalanced distribution which would curtail total production, (d) grant priority assistance to break bottlenecks which would impede the reconversion process, (e) facilitate the fulfillment of relief and other essential export programs, and (f) allocate scarce materials and facilities necessary for the production of low-priced items essential to the continued success of the stabilization program of the Federal Government.

4. The Administrator may, to the extent authorized by law, terminate any function vested in the Administration by this order when he shall deem such action to be in the national interest. The Administrator shall be responsible for the orderly liquidation of all affairs relating to any function so terminated and shall also from time to time take all appropriate steps looking toward the liquidation of the Administration.

5 Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfers and terminations provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

6 All prior regulations, orders, rulings, directives and other actions relating to any function transferred by this order shall remain in effect except insofar as they are in conflict with this order or are hereafter amended under proper authority.

7 All provisions of prior Executive Orders which are in conflict with this order are amended accordingly.

8. This order shall be effective as of the close of business on the third day of November, 1945.

EX ORD NO 9649 TERMINATION OF THE OFFICE OF FISHERY COORDINATION

Ex Ord. No 9649, Oct. 30, 1945, 10 F. R. 13431, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act (55 Stat 838) [sections 601–605 of this Appendix], and as President of the United States, it is hereby ordered as follows:

The Office of Fishery Coordination (hereinafter referred to as the Office), established pursuant to Executive Order No 9204 of July 21, 1942 [formerly set out as a note under this section], together with the office of Fishery Coordinator, is terminated

The Secretary of the Interior, acting through the Fish and Wildlife Service, or any other agency or agencies of the Department of the Interior designated by him, is authorized and directed to wind up the affairs of the Office and to utilize for that purpose, and for the purpose of carrying out the functions vested in him by Food Directive No 2 of the Secretary of Agriculture, dated February 8, 1943, as amended, and subsequently delegated to the Fishery Coordinator, so much of the personnel, records, property, and funds of the Office as may be necessary.

EX ORD NO 9674. LIQUIDATION OF WAR AGENCIES

Ex Ord No 9674, Jan 5, 1946, 11 F. R. 333, provided:

By virtue of the authority vested in me by the Constitution and statutes, including Title I of the First War Powers Act, 1941 (55 Stat 838) [section 601 et seq of this Appendix], and as President of the United States, it is hereby ordered as follows:

1 There shall be in the Office for Emergency Management of the Executive Office of the President a Director of Liquidation, hereinafter referred to as the Director, who shall be appointed by the President and who shall perform his functions in consultation with a Liquidation Advisory Committee.

The Liquidation Advisory Committee shall be composed of one representative of each of the following agencies: the Department of the Treasury, the Surplus Property Administration, the National Archives, the Civil Service Commission, the Public Buildings Administration, the General Accounting Office, and the Bureau of the Budget. The chairman of the Committee shall be designated by the Director from the Committee's membership.

2 It shall be the duty of the Director to further proper preparations, arrangements, and methods for the orderly and timely winding up of the affairs of the temporary Federal agencies created for the purposes of the war, hereinafter referred to as war agencies, particularly with respect to personnel, property, accounts, space, and records. To this end the Director shall·

(a) Cause to be developed by each war agency, for use whenever it shall, pursuant to Act of Congress or order of the President, as the case may be, cease the performance of its substantive functions or materially reduce the volume of its activities, suitable plans for the winding up or retrenchment of its affairs.

(b) When deemed appropriate, arrange for the designation, by the head of any war agency, of a liquidation officer for the agency.

(c) Receive periodic reports which shall be submitted by each war agency, showing the status of preparation for liquidation, or of liquidation, as the case may be.

(d) Establish such uniform liquidation practices as will accelerate the rate or improve the quality of the liquidation

(e) Suggest to the Civil Service Commission and the Liaison Officer for Personnel Management measures designed to ameliorate the impact of liquidation upon the employees of the war agencies liquidated.

(f) Advise and assist the war agencies in such other respects as will facilitate the preparation for and the carrying out of the liquidation of their affairs.

3. Nothing in this order shall be deemed to divest any agency referred to in paragraph 1 of this order of any of its functions which may be concerned with the liquidation of a war agency The functions of the Director shall not be deemed to extend to the affairs of any agency which has heretofore been, or shall hereafter be, abolished and the affairs of which are transferred to the Department of the Treasury, or to any other department, for the final winding up of such affairs

4. The Director may, within the limits of funds which may be made available, employ personnel and make provisions for supplies, facilities, and services, and incur other expenses, necessary to discharge the functions of the Director under this order.

DESIGNATION OF WORLD WAR II

Sept 18, 1945, 10 F. R. 11881

The PRESIDENT
The White House

DEAR MR PRESIDENT:

President Wilson, under date of July 31, 1919, addressed a letter to Secretary of War Baker which read, in part, as follows:

"It is hard to find a satisfactory 'official' name for the war, but the best, I think, that has been suggested is 'The World War', and I hope that your judgment will concur."

Subsequently, under date of October 7, 1919, War Department General Orders No. 115 directed:

"The war against the Central Powers of Europe, in which the United States has taken part, will hereafter be designated in all official communications and publications as 'The World War'."

As a matter of simplicity and to insure uniform terminology, it is recommended that "World War II" be the officially designated name for the present war covering all theaters and the entire period of hostilities.

The term "World War II" has been used in at least seven public laws to designate this period of hostilities. Analysis of publications and radio programs indicates that this term has been accepted by common usage.

If this recommendation is approved it is further recommended that the title "World War II" be published in the FEDERAL REGISTER as the official name of the present war.

§ 602. Same; consolidation of offices; transfer of duties, personnel, and records.

In carrying out the purposes of this title (sections 601–605 of this Appendix) the President is authorized to utilize, coordinate, or consolidate any executive or administrative commissions, bureaus, agencies, governmental corporations, offices, or officers now existing by law, to transfer any duties or powers from one existing department, commission, bureau, agency, governmental corporation, office, or officer to another, to transfer the personnel thereof or any part of it either by detail or assignment, together with the whole or any part of the records and public property belonging thereto. (Dec. 18, 1941, ch. 593, title I, § 2, 55 Stat. 838.)

CROSS REFERENCES

Termination of section, see section 621 of this Appendix

§ 603. Expenditure of appropriations for bureaus, offices, etc.

For the purpose of carrying out the provisions of this title (sections 601–605 of this Appendix), any moneys heretofore and hereafter appropriated for the use of any executive department, commission, bureau, agency, governmental corporation, office, or officer shall be expended only for the purposes for which it was appropriated under the direction of such other agency as may be directed by the President hereunder to perform and execute said functions, except to the extent hereafter authorized by the Congress in appropriation Acts or otherwise. (Dec. 18, 1941, ch. 593, title I, § 3, 55 Stat. 838.)

CROSS REFERENCES

Termination of section, see section 621 of this Appendix

§ 604. Presidential recommendation to Congress for elimination of certain bureaus, offices, etc.

Should the President, in redistributing the functions among the executive agencies as provided in this title (sections 601–605 of this Appendix), conclude that any bureau should be abolished and it or their duties and functions conferred upon some other department or bureau or eliminated entirely, he shall report his conclusions to Congress with such recommendations as he may deem proper. (Dec. 18, 1941, ch. 593, title I, § 4, 55 Stat. 839.)

CROSS REFERENCES

Termination of section, see section 621 of this Appendix

§ 605. Suspension of conflicting laws; restoration of duties and powers to bureaus, offices, etc., upon termination of sections.

All laws or parts of laws conflicting with the provisions of this title (sections 601–605 of this Appendix) are to the extent of such conflict suspended while this title (sections 601–605 of this Appendix) is in force.

Upon the termination of this title (sections 601–605 of this Appendix) all executive or administrative agencies, governmental corporations, departments, commissions, bureaus, offices, or officers shall exercise the same functions, duties, and powers as here-

tofore or as hereafter by law may be provided, any authorization of the President under this title (sections 601-605 of this Appendix) to the contrary notwithstanding. (Dec. 18, 1941, ch 593, title I, § 5, 55 Stat. 839.)

CROSS REFERENCES

Termination of section, see section 621 of this Appendix

TITLE II.—CONTRACTS

§ 611. War contracts exempt from certain restrictions upon authorization by President.

The President may authorize any department or agency of the Government exercising functions in connection with the prosecution of the war effort, in accordance with regulations prescribed by the President for the protection of the interests of the Government, to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made and to make advance, progress and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts whenever he deems such action would facilitate the prosecution of the war: *Provided*, That nothing herein shall be construed to authorize the use of the cost-plus-a-percentage-of-cost system of contracting: *Provided further*, That nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits: *Provided further*, That all acts under the authority of this section shall be made a matter of public record under regulations prescribed by the President and when deemed by him not to be incompatible with the public interest. (Dec. 18, 1941, ch. 593, title II, § 201, 55 Stat. 839.)

PROFIT ON COST-PLUS CONTRACTS

Fixed fee limited to six per centum of cost, see section 768 of this Appendix

CROSS REFERENCES

War and defense contract acts generally, see section 1151 et seq of this Appendix

EXECUTIVE ORDERS COORDINATING BUREAUS, OFFICES, ETC.

Ex Ord. Nos.

9001 War and Navy Departments and Maritime Commission Exercise of Certain Functions and Powers
9023 Extension of Ex. Ord No 9001 to Contracts of the Treasury Department, Etc
9055 Extension of Ex Ord No 9001 to Department of the Interior
9056 Extension of Ex Ord No 9001 to Tennessee Valley Authority
9112 Financing War Contracts
9116 Extension of Ex Ord No 9001 to Certain Named Offices and Agencies
9219 Extension of Ex Ord No 9001 to the Office of Scientific Research and Development
9221. Extension of Ex Ord No 9001 to Federal Prison Industries, Inc
9233 Extension of Ex Ord No 9001 to Board of Economic Warfare
9235. Effective Utilization of Supplies and Equipment by Government Agencies
9241. Extension of Ex. Ord No 9001 to Office of Strategic Services, U S Joint Chiefs of Staff
9253 Extension of Ex Ord No 9001 to Immigration and Naturalization Service
9264 Extension of Ex. Ord. No 9001 to Contracts of Department of Commerce
9269. Modifying Fixed Fee Limitation on Treasury Department Contracts for Architectural and Engineering Services

Ex. Ord. Nos

9336. Financing Arrangements To Facilitate the Prosecution of the War.
9519. Extension Of Executive Order No. 9001 To The Office Of War Mobilization And Reconstruction, The Office Of Contract Settlement, The Surplus Property Board, And The Retraining And Reemployment Administration.

EX ORD NO. 9001. WAR AND NAVY DEPARTMENTS AND MARITIME COMMISSION EXERCISE OF CERTAIN FUNCTIONS AND POWERS

Ex Ord. No 9001, Dec. 27, 1941, 6 F R 6787, as amended by Ex Ord No. 9296, Jan 30, 1943, 8 F. R. 1429, eff. as of Dec 27, 1941, provided:

The successful prosecution of the war requires an all-out industrial mobilization of the United States in order that the materials necessary to win the war may be produced in the shortest possible time To accomplish this objective it is necessary that the Departments of War and the Navy and the United States Maritime Commission cooperate to the fullest possible degree with the Office of Production Management in the endeavor to make available for the production of war material all the industrial resources of the Country It is expected that in the exercise of the powers hereinafter granted, these Agencies and the Office of Production Management will work together to bring about the conversion of manufacturing industries to war production, including the surveying of the war potential of industries, plant by plant, the spreading of war orders, the conversion of facilities, the assurance of efficient and speedy production, the development and use of subcontracting to the fullest extent and the conservation of strategic materials.

TITLE I

1. By virtue of the authority in me vested by the Act of Congress, entitled "An Act to expedite the prosecution of the War effort", approved December 18, 1941, (hereinafter called "the Act") (sections 601 et seq of this Appendix) and as President of the United States and Commander-In-Chief of the Army and Navy of the United States, and deeming that such action will facilitate the prosecution of the war, I do hereby order that the War Department, the Navy Department, and the United States Maritime Commission be and they hereby respectively are authorized within the limits of the amounts appropriated therefor to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made, and to make advance, progress, and other payments thereon, without regard to the provisions of law relating to the making, performance, amendment, or modification of contracts The authority herein conferred may be exercised by the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission respectively or in their discretion and by their direction respectively may also be exercised through any other officer or officers or civilian officials of the War or the Navy Departments or the United States Maritime Commission. The Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may confer upon any officer or officers of their respective departments, or civilian officials thereof, the power to make further delegations of such powers within the War and the Navy Departments, and the United States Maritime Commission.

2. The contracts hereby authorized to be made include agreements of all kinds (whether in the form of letters of intent, purchase orders, or otherwise) for all types and kinds of things and services necessary, appropriate or convenient for the prosecution of war, or for the invention, development, or production of, or research concerning any such things, including but not limited to, aircraft, buildings, vessels, arms, armament, equipment, or supplies of any kind, or any portion thereof, including plans, spare parts and equipment therefor, materials, supplies, facilities, utilities, machinery, machine tools, and any other equipment, without any restriction of any kind, either as to type, character, location or form.

3. The War Department, the Navy Department, and the United States Maritime Commission may by agreement

modify or amend or settle claims under contracts heretofore or hereafter made, may make advance, progress, and other payments upon such contracts of any per centum of the contract price, and may enter into agreements with contractors and/or obligors, modifying or releasing accrued obligations of any sort, including accrued liquidated damages or liability under surety or other bonds whenever, in the judgment of the War Department, the Navy Department, or the United States Maritime Commission respectively the prosecution of the war is thereby facilitated. Amendments and modifications of contracts may be with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished hereunder, irrespective of the time or circumstances of the making of or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract, or the amendments or modifications thereof

4 Advertising, competitive bidding, and bid, payment, performance or other bonds or other forms of security, need not be required.

TITLE II

Pursuant to Title II of the Act (section 611 of this Appendix) and for the protection of the interests of the United States, I do hereby prescribe the following regulations for the exercise of the authority herein conferred upon the War Department, the Navy Department, and the United States Maritime Commission.

1 Complete data shall be maintained by the War Department, the Navy Department, and the United States Maritime Commission as to all contracts and purchases which they respectively make pursuant to the Act (section 611 et seq., of this Appendix) and this Executive Order The Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission shall make available for public inspection, as they may respectively deem compatible with the public interest, so much of such data as does not cover restricted, confidential, or secret contracts or purchases

2 Notwithstanding anything in the Act (sections 601 et seq of this Appendix) or this Executive Order the War Department, the Navy Department, and the United States Maritime Commission shall not discriminate in any act performed thereunder against any person on the ground of race, creed, color or national origin, and all contracts shall be deemed to incorporate by reference a provision that the contractor and any subcontractors thereunder shall not so discriminate

3 No claim against the United States arising under any purchase or contract made under the authority of the Act (sections 601 et seq of this Appendix) shall be assigned except in accordance with the Assignment of Claims Act, 1940 (Public No 811, 76th Congress, approved October 9, 1940) (section 203 of Title 31 and section 15 of Title 41)

4 Advance payments shall be made hereunder only after careful scrutiny to determine that such payments will promote the national interest and under such regulations to that end as the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission may prescribe

5 Every contract entered into pursuant to this order shall contain a warranty by the contractor in substantially the following terms:

The contractor warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee Breach of this warranty shall give the Government the right to annul the contract, or, in its discretion, to deduct from the contract price or consideration the amount of such commission, percentage, brokerage, or contingent fees This warranty shall not apply to commissions payable by contractors upon contracts or sales secured or made through bona fide established commercial or selling agencies maintained by the contractor for the purpose of securing business.

6 Nothing herein shall be construed to authorize the cost-plus-a-percentage-of-cost system of contracting

7 Nothing herein shall be construed to authorize any contracts in violation of existing law relating to limitation of profits, or the payment of a fee in excess of such limitation as may be specifically set forth in the act appropriating the funds obligated by a contract. In the absence of such limitation, the fixed fee to be paid the Contractor as a result of any cost-plus-a-fixed-fee contract entered into under the authority of this Order shall not exceed seven per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of War, the Secretary of the Navy, or the United States Maritime Commission, as the case may be).

8 No contract or modification or amendment thereof shall be exempt from the provisions of the Walsh-Healey Act (49 Stat 2036) (sections 35-45 of Title 41) because of being entered into without advertising or competitive bidding, and the provisions of such act, the Davis-Bacon Act, as amended (49 Stat 1011) (sections 276a to 276a 5 of Title 40), the Copeland Act, as amended (48 Stat 948) (sections 276b and 276c of Title 40), and the Eight Hour Law, as amended by the Act of September 9, 1940 (Public No 781, 76th Congress) (sections 321 et seq of Title 40) if otherwise applicable shall apply to contracts made and performed under the authority of this Order

EX ORD NO 9023 EXTENSION OF EX ORD NO 9001 TO CONTRACTS OF THE TREASURY DEPARTMENT, ETC

Ex Ord No 9023, Jan 14, 1942, 7 F R 302, provided: I hereby extend the provisions of Executive Order No 9001 of December 27, 1941 to the Treasury Department, the Department of Agriculture, The Panama Canal, the Federal Works Agency, the Government Printing Office, the National Advisory Committee for Aeronautics, and such other agencies as I may from time to time designate, with respect to all contracts made or to be made by such agencies, and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Secretary of the Treasury, the Secretary of Agriculture, the Governor of The Panama Canal, the Administrator of the Federal Works Agency, the Public Printer, the Chairman of the National Advisory Committee for Aeronautics, and the heads of such other agencies as may be designated, and such officers, employees, and agencies as each of them may designate, to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order.

EX ORD NO 9055 EXTENSION OF EX ORD NO 9001 TO DEPARTMENT OF THE INTERIOR

Ex Ord No 9055, Feb 10, 1942, 7 F R 964, provided in part "I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941 (set out above), to the Department of the Interior, with respect to all contracts made or to be made by that Department; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Secretary of the Interior, and such officers, employees, and agencies as he may designate, to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order"

EX ORD. NO 9056 EXTENSION OF EX ORD NO 9001 TO TENNESSEE VALLEY AUTHORITY

Ex Ord No 9056, Feb 12, 1942 7 F R 983, provided in part: "I hereby extend the provisions of Executive Order No 9001 of December 27, 1941 (set out above), to the Tennessee Valley Authority with respect to all contracts made or to be made by it, and subject to the limitations and regulations contained in such Executive order, I hereby authorize the Board of Directors of the Tennessee Valley Authority, and such officers and employees as said Board may designate, to perform and exercise, as to the Tennessee Valley Authority, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive order"

EX ORD NO 9112 FINANCING WAR CONTRACTS

Ex Ord No 9112, Mar 26, 1942, 7 F R 2367, authorized the War Department, Navy Department and the Maritime

Commission to enter into contracts with any Federal Reserve Bank, the Reconstruction Finance Corporation, etc., for the purpose of financing any contractor, subcontractor and others engaged in work appropriate for the prosecution of the war.

EX. ORD. NO 9116. EXTENSION OF EX ORD NO 9001 TO CERTAIN NAMED OFFICES AND AGENCIES

Ex Ord No 9116, Mar. 30, 1942, 7 F R 2527, provided: By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort" approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941 (set out above), to the Office of the Coordinator of Inter-American Affairs in the Office for Emergency Management, the Civil Aeronautics Administration of the Department of Commerce, and the National Housing Agency, with respect to all contracts made or to be made by such agencies, and to the Veterans' Administration with respect to all contracts hereafter made by it, and subject to the limitations and regulations contained in such Executive order, I hereby authorize the Coordinator of Inter-American Affairs, the Administrator of Civil Aeronautics, the National Housing Administrator, and the Administrator of Veterans' Affairs, and such officers, employees, and agencies as each of them may designate, to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive order; and I hereby extend to all contracts of the Federal Communications Commission those provisions of the said Executive Order No 9001 which relate to statutory requirements for advertising for bids, and I hereby authorize the Federal Communications Commission, or such officers or employees as it may designate, to enter into contracts without prior advertising for bids, under the regulations prescribed by that Executive order: *Provided, however,* That the provisions of this order shall be applicable only to contracts relating to the prosecution of the war effort

EX ORD 9219 EXTENSION OF EX ORD NO 9001 TO THE OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT

Ex Ord No. 9219, Aug. 11, 1942, 7 F. R 6381, provided: By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort", approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No 9001 of December 27, 1941 (set out above), to the Office of Scientific Research and Development in the Office for Emergency Management with respect to all contracts made or to be made by it relating to the prosecution of the war, and subject to the limitations and regulations contained in such Executive order, I hereby authorize the Director of the Office of Scientific Research and Development, and such officers, employees, and agencies as he may designate, to perform and exercise as to that office all the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive order

EX ORD NO 9221 EXTENSION OF EX ORD NO 9001 TO FEDERAL PRISON INDUSTRIES, INC

Ex. Ord No 9221, Aug 15, 1942, 7 F. R 6455, provided: By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort", approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No 9001 of December 27, 1941 (set out above), to Federal Prison Industries, Inc., with respect to all contracts made or to be made by it; and subject to the limitations and regulations contained in such Executive order, I hereby authorize the Board of Directors of Federal Prison Industries, Inc., and such officers and employees as said Board may designate, to perform and exercise, as to Federal Prison Industries, Inc., all the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive order.

EX ORD NO 9233 EXTENSION OF EX ORD NO 9001 TO BOARD OF ECONOMIC WARFARE

Ex Ord. No 9233, Aug. 22, 1942, 7 F R 6703, provided: By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort", approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No 9001, of December 27, 1941 (set out above), to the Board of Economic Warfare with respect to all contracts made or to be made by it relating to the prosecution of the war, and subject to the limitations and regulations contained in such Executive order, I hereby authorize the Chairman of the Board of Economic Warfare, and such officers and employees as he may designate, to perform and exercise, as to the Board of Economic Warfare, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the United States Maritime Commission by such Executive order

EX ORD NO 9235 EFFECTIVE UTILIZATION OF SUPPLIES AND EQUIPMENT BY GOVERNMENT AGENCIES

Ex Ord No. 9235, Sept 3, 1942, 7 F R 6987, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (Public Law 354—77th Cong.) (sections 601–605 of this Appendix), by Title II of the Budget and Accounting Act, 1921 (42 Stat. 20) (Title 31, §§ 11, 13–24), and as President of the United States, and for the purpose of providing such general direction and control over the use of supplies and equipment in the Executive branch of the Government as will insure the most economical and effective utilization thereof, it is hereby ordered as follows:

1. As used in this order:

(a) *Government agency* means any executive department, independent establishment, agency, commission, board, bureau, division, administration, service, or office of the Executive branch of the Federal Government, including any independent regulatory commission or board and any Government-owned or Government-controlled corporation

(b) *Supplies and equipment* means any and all supplies, equipment, machines, commodities, accessories, parts, assemblies, or products of any kind in the possession of any Government agency whether new or used, in use or in storage: *Provided*, that supplies and equipment which the Director of the Bureau of the Budget determines to be within the following categories shall not be subject to this order: (1) tactical supplies and equipment of the War Department, the Navy Department, or the United States Maritime Commission, (2) food and clothing, (3) construction materials acquired for the maintenance or construction of housing, electric power works or facilities, roads, reservoirs, or other physical improvements, (4) supplies and equipment acquired by any Government agency for transfer or export to any foreign government, and (5) supplies and equipment acquired from foreign or domestic sources for stock piling in connection with the war

2 The Director of the Bureau of the Budget, acting through such assistants as he may designate, shall:

(a) Survey supplies and equipment in possession of Government agencies and the utilization thereof For this purpose he may require the Government agencies to submit reports and estimates in such form and at such times as he may find necessary *Provided*, that in making such surveys he shall utilize, subject to the approval of the Secretary of the Treasury the services and facilities of the Procurement Division of the Treasury Department:

(b) Develop and promulgate such qualitative and quantitative standards with respect to supplies and equipment used by Government agencies as he may deem necessary to effectuate the purposes of this order;

(c) Require, when, in his opinion, such action is necessary or expedient, the transfer from one Government

agency to another, for permanent or temporary use, of such supplies and equipment as he may determine to be surplus to the needs of one agency and essential to the needs of another agency;

(d) Consult with and seek the advice of the War Production Board in connection with the administration of paragraphs (a), (b), and (c) above;

(e) Issue such regulations and directives as may be necessary to effectuate this order.

3 The Procurement Division of the Treasury Department shall undertake such warehousing, rehabilitation, and physical distribution of supplies and equipment for Government agencies, and, in connection therewith, shall take over such Government warehouses, appurtenant facilities and personnel used or employed by other Government agencies in the performance of these functions, together with such funds heretofore or hereafter provided therefor, as the Director of the Bureau of the Budget may approve

4 This order shall become effective October 16, 1942, and shall continue in force and effect so long as Title I of the First War Powers Act, 1941, remains in force.

5 This order shall be published in the Federal Register.

EX ORD NO 9241 EXTENSION OF EX. ORD NO 9001 TO OFFICE OF STRATEGIC SERVICES, U S JOINT CHIEFS OF STAFF

Ex Ord No. 9241, Sept. 1, 1942, 7 F. R 7185, provided:

By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort", approved December 18, 1941 (section 95a of Title 12, sections 601–605, 611, 616–618, 621, 622 of this Appendix), and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No 9001 of December 27, 1941 (set out above), to the Office of Strategic Services, United States Joint Chiefs of Staff, with respect to all contracts made or to be made by it relating to the prosecution of the war; and subject to the limitations and regulations contained in such Executive order, I hereby authorize the Director of the Office of Strategic Services, and such officers and employees as he may designate, to perform and exercise as to that office all the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the United States Maritime Commission by such Executive order.

EX. ORD NO 9253. EXTENSION OF EX ORD NO 9001 TO IMMIGRATION AND NATURALIZATION SERVICE

Ex Ord No 9253, Oct 9, 1942, 7 F. R. 8081, provided in part: "I hereby extend the provisions of Executive Order No 9001 of December 27, 1941 (set out above), to the Immigration and Naturalization Service, Department of Justice, with respect to contracts made or to be made by it for the feeding and care of persons in the custody of such Service; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Attorney General and such other officers and employees as he may designate, to perform and exercise, as to the Immigration and Naturalization Service, Department of Justice, all the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order."

EX. ORD NO 9264 EXTENSION OF EX ORD NO 9001 TO CONTRACTS OF DEPARTMENT OF COMMERCE

Ex. Ord No 9264, Nov 5, 1942, 7 F. R 9105, provided:

By virtue of the authority vested in me by Title II of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress) (section 611 of this Appendix), and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941 (set out under this section), to the Department of Commerce with respect to all contracts made or to be made by it relating to the prosecution of the war; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Secretary of Commerce and such other officers as he may designate, to perform and exercise, as to the Department of Commerce, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order.

EX ORD. NO. 9269 MODIFYING FIXED FEE LIMITATION ON TREASURY DEPARTMENT CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES

Ex Ord No 9269, Nov 11, 1942, 7 F R 9265, provided:

By virtue of the authority vested in me by the First War Powers Act, 1941, approved December 18, 1941 (55 Stat 838) (section 601 et seq. of this Appendix), and deeming that such action will facilitate the prosecution of the war, it is ordered as follows

1. The provision in paragraph 7 of Title II of Executive Order No. 9001, dated December 27, 1941 (set out under this section), limiting the fixed fee to be paid as a result of any cost-plus-a-fixed-fee contract entered into under the authority of that order, shall not apply to contracts for architectural or engineering services entered into by the Treasury Department for the accomplishment of any project, or portion of a project, for which funds are allocated to the Treasury Department from any appropriation to carry out the provisions of the act entitled "An Act further to promote the defense of the United States, and for other purposes", approved March 11, 1941 (55 Stat 31) (sections 411 and 412 of Title 22); but the fixed fee to be paid for such architectural or engineering services under any cost-plus-a-fixed-fee contract for such services may be determined in accordance with such appropriate scale of fees as may be prescribed by the Secretary of the Treasury: *Provided*, that in no case shall any such fee exceed 4 per centum of the estimated cost (exclusive of all compensation for architectural or engineering services) to be paid by the Treasury Department from such allocated funds on account of the project in connection with which such services are employed

2 Executive Order No 9023 of January 14, 1942, extending the provisions of the said Executive Order No. 9001 to contracts of the Treasury Department and other Government agencies, is modified accordingly

EX. ORD NO 9336. FINANCING ARRANGEMENTS TO FACILITATE THE PROSECUTION OF THE WAR

Ex. Ord No 9336, Apr 24, 1943, 8 F R 5515, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, and particularly by the First War Powers Act, 1941 (approved December 18, 1941) (sections 601–622 of this Appendix), and as President of the United States, and in order to facilitate the prosecution of the war, it is ordered as follows:

1. The Office of Lend-Lease Administration and the War Shipping Administration are hereby authorized, without regard to the provisions of law relating to the making, performance, amendment or modification of contracts, to enter into guaranties, agreements of indemnification, agreements to provide funds, and other financing arrangements with the War Department, the Navy Department, and the Maritime Commission in connection with any loans, discounts, advances, contracts, guaranties, or commitments made pursuant to Executive Order No 9112 of March 26, 1942 (set out as note under this section), for the benefit or on behalf of the Office of Lend-Lease Administration, or the War Shipping Administration, respectively, and to pay out funds in accordance with the terms of any such guaranty, agreement, or other financing arrangement, so entered into.

2. The authority hereby conferred may be exercised by the Lend-Lease Administrator or the War Shipping Administrator, or, in their discretion and by their direction respectively, through any other official or officials of the Office of Lend-Lease Administration or the War Shipping Administration. The Lend-Lease Administrator and the War Shipping Administrator may confer upon any such official or officials the power to make further delegations of such powers within their respective offices.

3 Complete data shall be maintained by the Office of Lend-Lease Administration and the War Shipping Administration as to all guaranties, agreements, and other

financing arrangements which they respectively make pursuant to this Executive Order The Lend-Lease Administrator and the War Shipping Administrator shall make available for public inspection, as they may respectively deem compatible with the public interest, so much of such data as does not cover restricted, confidential, or secret transactions.

EX. ORD NO. 9519 EXTENSION OF EXECUTIVE ORDER NO. 9001 TO THE OFFICE OF WAR MOBILIZATION AND RECONSTRUCTION, THE OFFICE OF CONTRACT SETTLEMENT, THE SURPLUS PROPERTY BOARD, AND THE RETRAINING AND REEMPLOYMENT ADMINISTRATION

Ex. Ord No. 9519, Feb. 7, 1945, 10 F. R. 1661, provided: By virtue of the authority vested in me by Title II of the First War Powers Act, 1941, approved December 18, 1941 (55 Stat. 839) [this section], and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No 9001 of December 27, 1941 [set out as a note under this section], to the Office of War Mobilization and Reconversion, the Office of Contract Settlement, the Surplus Property Board, and the Retraining and Reemployment Administration, with respect to all contracts made or to be made by such agencies, and, subject to the limitations and regulations contained in such Executive order, I hereby authorize the Director of War Mobilization and Reconversion, the Director of Contract Settlement, the Surplus Property Board, and the Retraining and Reemployment Administrator, and such officers and employees as they may respectively designate, to perform and exercise, as to the Office of War Mobilization and Reconversion, the Office of Contract Settlement, the Surplus Property Board, and the Retraining and Reemployment Administration, respectively, all the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive order.

TITLE III.—TRADING WITH THE ENEMY

§ 616. Amendment of section 5 of this Appendix and section 95a of Title 12.

The first sentence of subdivision (b) of section 5 of the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended (section 95a of Title 12 and section 5 of this Appendix), is hereby amended to read as follows:

"(1) During the time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, and under such rules and regulations as he may prescribe, by means of instructions, licenses, or otherwise—

"(A) investigate, regulate, or prohibit, any transactions in foreign exchange, transfers of credit or payments between, by, through, or to any banking institution, and the importing, exporting, hoarding, melting, or earmarking of gold or silver coin or bullion, currency or securities, and

"(B) investigate, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest,

by any person, or with respect to any property, subject to the jurisdiction of the United States; and any property or interest of any foreign country or national thereof shall vest, when, as, and upon the terms, directed by the President, in such agency or person as may be designated from time to time by the President, and upon such terms and conditions as the President may prescribe such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes; and the President shall, in the manner hereinabove provided, require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in this subdivision either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this subdivision, and in any case in which a report could be required, the President may, in the manner hereinabove provided, require the production, or if necessary to the national security or defense, the seizure, of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person; and the President may, in the manner hereinabove provided, take other and further measures not inconsistent herewith for the enforcement of this subdivision.

"(2) Any payment, conveyance, transfer, assignment, or delivery of property or interest therein, made to or for the account of the United States, or as otherwise directed, pursuant to this subdivision or any rule, regulation, instruction, or direction issued hereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect to anything done or omitted in good faith in connection with the administration of, or in pursuance of and in reliance on, this subdivision, or any rule, regulation, instruction, or direction issued hereunder.

"(3) As used in this subdivision the term 'United States' means the United States and any place subject to the jurisdiction thereof, including the Philippine Islands, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction in all cases, civil or criminal, arising under this subdivision in the Philippine Islands and concurrent jurisdiction with the district courts of the United States of all cases, civil or criminal, arising upon the high seas: *Provided, however,* That the foregoing shall not be construed as a limitation upon the power of the President, which is hereby conferred, to prescribe from time to time, definitions, not inconsistent with the purposes of this subdivision, for any or all of the terms used in this subdivision." (Dec. 18, 1941, ch. 593, title III, § 301, 55 Stat. 839.)

CROSS REFERENCES

Transfer of President's powers to Alien Property Custodian, see Ex Ord No 9095, set out in note under section 6 of this Appendix.

§ 617. Confirmation of certain acts, etc., made under sections 1-31 of this Appendix.

All acts, actions, regulations, rules, orders, and proclamations heretofore taken, promulgated, made, or issued by, or pursuant to the direction of, the President or the Secretary of the Treasury under the Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended (sections 1-31 of this Appendix), which would have been authorized if the provisions of this Act and the amendments made by it had been in effect, are hereby approved, ratified, and confirmed. (Dec. 18, 1941, ch. 593, title III, § 302, 55 Stat. 840.)

CROSS REFERENCES

Transfer of President's powers to Alien Property Custodian, see Ex Ord. No. 9095, set out in note under section 6 of this Appendix.

§ 618. Censorship of communications; penalties and forfeitures.

Whenever, during the present war, the President shall deem that the public safety demands it, he may cause to be censored under such rules and regulations as he may from time to time establish, communications by mail, cable, radio, or other means of transmission passing between the United States and any foreign country he may from time to time specify, or which may be carried by any vessel or other means of transportation touching at any port, place, or Territory of the United States and bound to or from any foreign country. Any person who willfully evades or attempts to evade the submission of any such communication to such censorship or willfully uses or attempts to use any code or other device for the purpose of concealing from such censorship the intended meaning of such communication shall, upon conviction, be fined not more than $10,000, or, if a natural person, imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, concerned in such violation shall be forfeited to the United States. (Dec. 18, 1941, ch. 593, title III, § 303, 55 Stat. 840.)

EX ORD. NO. 9631. TERMINATION OF THE OFFICE OF CENSORSHIP

Ex Ord No 9631, Sept 28, 1945, 10 F R 12304, provided:

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States, and since the censoring of communications has been heretofore discontinued in accordance with my direction, it is hereby ordered as follows

1 The Office of Censorship, established by Executive Order No 8985 of December 19, 1941, shall continue to function for the purposes of liquidation until the close of business on November 15, 1945, at which time the Office (including the office of the Director of Censorship) shall terminate. The Censorship Policy Board, created by the said Executive order, is terminated this date For the purpose of completing the liquidation of the affairs of the Office of Censorship, all property and records of the Office on hand on November 15, 1945, together with its remaining personnel and any balances of appropriations then unexpended, shall be transferred to the Secretary of the Treasury, and so much thereof as the Director of the Bureau of the Budget shall determine to be necessary for such purpose shall be utilized by the Secretary in winding up the affairs of the Office.

2 When no longer needed for carrying out the provisions of this order, the property and records of the Office of Censorship shall be disposed of in accordance with applicable laws and regulations, and the personnel of the Office shall be transferred or separated from the Office as the interests of the Government may require

3. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the purposes and provisions of this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

4 Nothing contained in this order shall be deemed to affect any proceedings instituted, or any forfeitures incurred, under section 303 of the First War Powers Act, 1941 [this section], or regulations prescribed pursuant thereto, for any violation of such section or regulations occurring prior to August 16, 1945

5 All prior Executive orders which are in conflict with this order are amended accordingly.

TITLE IV.—TIME LIMIT AND SHORT TITLE

§ 621. Termination of sections 601-605, and 611 of this Appendix.

Titles I and II of this Act (sections 601-605, and 611 of this Appendix) shall remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate. (Dec. 18, 1941, ch. 593, title IV, § 401, 55 Stat. 841.)

CROSS REFERENCES

Limitation of act, see section 775 of this Appendix

§ 622. Short title.

This Act may be cited as the "First War Powers Act, 1941." (Dec. 18, 1941, ch. 593, title IV, § 402, 55 Stat. 841.)

SECOND WAR POWERS ACT, 1942 (New)

ACT MAR. 27, 1942, 3 P. M., E. W. T., CH. 199, 56 STAT. 176

TITLE I—EMERGENCY POWERS OF THE INTERSTATE COMMERCE COMMISSION OVER MOTOR AND WATER CARRIERS

Sec.
631. Interstate Commerce Act amendments; section 304 of Title 49.
631a. Same, section 310a of Title 49
631b Same; section 911 of Title 49

TITLE II—ACQUISITION AND DISPOSITION OF PROPERTY

632 Real property for war purposes
632a Same; termination of authority (New).

TITLE III—PRIORITIES POWERS

633 Amendment of section 1152 of this Appendix

TITLE IV—PURCHASE BY FEDERAL RESERVE BANKS OF GOVERNMENT OBLIGATIONS

634 Federal Reserve Act amendment

TITLE V—WAIVER OF NAVIGATION AND INSPECTION LAWS

635 Authorization of waiver by responsible department or agency head

TITLE VI—POWER TO REQUISITION

636 Amendment of section 721 of this Appendix
636a Same, further amendment

TITLE VII—POLITICAL ACTIVITY

Sec.
637. Amendment of section 61h of Title 18

TITLE VIII.—PROTECTION OF WAR INDUSTRIES AND PROTECTION OF RESOURCES SUBJECT TO HAZARDS OF FOREST FIRES

638. Utilization of Civilian Conservation Corps.

TITLE IX—FREE POSTAGE FOR SOLDIERS, SAILORS, AND MARINES

639. (New; Repealed.)
639a First-class mail matter; termination date (New).

TITLE X—NATURALIZATION OF PERSONS SERVING IN THE ARMED FORCES OF THE UNITED STATES DURING THE PRESENT WAR

640 Amendment of Nationality Act of 1940.

TITLE XI—ACCEPTANCE OF CONDITIONAL GIFTS TO FURTHER THE WAR PROGRAM

641. Acceptance by Secretary of Treasury of gifts of money, property, or services for war purposes.
641a. Conversion of gift property into money.
641b Deposit of moneys in War Contributions Fund.
641c Allocation of deposits to pertinent appropriations
641d Reports to Congress
641e Penalties for wrongful solicitation or use of gifts.
641f. Limitation on scope of authority (New).

TITLE XII.—COINAGE OF 5-CENT PIECES

642. Temporary coinage of silver and copper 5-cent pieces; change of metallic content, to be minor coins
642a. Allocation of silver bullion to Director of Mint; accounting for allocations and gain from minor coinage
642b. Standard of ingots; weight of coins.
642c. Silver-copper 5-cent pieces deemed copper for certain purposes
642d Redemption; melting and use for subsidiary silver coinage; accounting
642e Effective date of sections 642-642e.

TITLE XIII—INSPECTION AND AUDIT OF WAR CONTRACTORS

643 Plant, books, and records of war contractors; definition of defense contract; agency designated to administer provisions
643a Oaths and affirmations, attendance and testimony of witnesses; production of records and other evidence; unlawful disclosure of information obtained
643b Refusal to give evidence, etc.; assistance of courts; penalties
643c Definition of person.

TITLE XIV—UTILIZATION OF VITAL WAR INFORMATION

644 Special investigations and reports of census or statistical matters by Secretary of Commerce; discontinuance of regular census or statistical work; penalties for failure to testify, etc.
644a. Availability of Commerce Department's records, etc., to other agencies; regulations; penalties for unlawful disclosure of information.
644b. Definition of person

TITLE XV.—TIME LIMIT AND SHORT TITLE

645 Termination of portions of Act
645a Short title of Act.

TITLE I.—EMERGENCY POWERS OF THE INTERSTATE COMMERCE COMMISSION OVER MOTOR AND WATER CARRIERS

§ 631. Interstate Commerce Act amendments; section 304 of Title 49.

Section 204 of the Interstate Commerce Act, as amended (U. S. C., 1940 ed., Title 49, sec. 304), is hereby amended by adding after subsection (d) thereof the following:

"(e) The Commission shall have authority with respect to motor carriers, to be exercised under similar circumstances and procedure, equivalent to the authority it has with respect to other carriers under section 1 (15) of part I (Title 49, § 1 (15)), and shall have authority, to the extent necessary to facilitate the prosecution of the war and not in contravention of State laws and regulations with respect to sizes and weights of motor vehicles, to make reasonable directions with respect to equipment, service, and facilities of motor carriers, and to require the joint use of equipment, terminals, warehouses, garages, and other facilities; and motor carriers shall be subject to the same penalties for failure to comply with action taken by the Commission under this paragraph as other carriers for failure to comply with action taken by the Commission under section 1 (15) of part I (Title 49, § 1 (15)).

"(f) Notwithstanding any other applicable provision of this Act (Title 49, chapters 1, 8, 12), to the extent that it may be in the public interest, the Commission may modify, change, suspend or waive any order, certificate, permit, license, rule, or regulation issued under this part (Title 49, § 301 et seq.)." (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title I, § 101, 56 Stat. 176.)

§ 631a. Same; section 310a of Title 49.

Subsection (a) of section 210a of said Act, as amended (U. S. C., 1940 ed., Title 49, sec. 310a (a)) is hereby amended by striking out the words "but for not more than an aggregate of one hundred and eighty days". (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title I, § 102, 56 Stat. 177.)

§ 631b. Same; section 911 of Title 49.

Subsection (a) of section 311 of said Act, as amended (U. S. C., 1940 ed., Title 49 sec. 911 (a)) is hereby amended by striking out the words "but not for more than an aggregate of one hundred and eighty days". (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title I, § 103, 56 Stat. 177.)

TITLE II.—ACQUISITION AND DISPOSITION OF PROPERTY

§ 632. Real property for war purposes.

The Act of July 2, 1917 (40 Stat. 241) (Title 50, § 171), entitled "An Act to authorize condemnation proceedings of lands for military purposes", as amended, is hereby amended by adding at the end thereof the following section:

"Sec. 2. The Secretary of War, the Secretary of the Navy, or any other officer, board, commission, or governmental corporation authorized by the President, may acquire by purchase, donation, or other means of transfer, or may cause proceedings to be instituted in any court having jurisdiction of such proceedings, to acquire by condemnation, any real property, temporary use thereof, or other interest therein, together with any personal property located thereon or used therewith, that shall be deemed necessary, for military, naval, or other war

purposes, such proceedings to be in accordance with the Act of August 1, 1888 (25 Stat. 357) (Title 40, §§ 257, 258), or any other applicable Federal statute, and may dispose of such property or interest therein by sale, lease, or otherwise, in accordance with section 1 (b) of the Act of July 2, 1940 (54 Stat. 712) (section 1171 of this Appendix). Upon or after the filing of the condemnation petition, immediate possession may be taken and the property may be occupied, used, and improved for the purposes of this Act (this section and section 171 of Title 50), notwithstanding any other law. Property acquired by purchase, donation, or other means of transfer may be occupied, used, and improved, for the purposes of this section prior to the approval of title by the Attorney General as required by section 355 of the Revised Statutes, as amended (Title 33, § 733; Title 34, § 520; Title 40, § 255; Title 50, § 175)." (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title II, § 201, 56 Stat. 177.)

POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. No. 9280, following section 514 of Title 5, Executive Departments and Government Officers and Employees

EXECUTIVE ORDERS AUTHORIZING ACQUISITION AND DISPOSITION OF PROPERTY

Ex Ord Nos

9129. Maritime Commission, Acquisition and Disposition of Property.
9150 Public Housing Commissioner, Acquisition and Disposition of Property
9186 Federal Works Administrator Authorized to Acquire and Dispose of Property
9194. Bureau of Yards and Docks, Acquisition and Disposition of Property.
9211. Division of Central Administrative Services in the Office for Emergency Management, Executive Office of the President, Acquisition and Disposition of Property.
9217. Reconstruction Finance Corporation, Acquisition and Disposition of Property.
9218 Office of Scientific Research and Development, Acquisition and Disposition of Property.
9249. Secretary of Agriculture, Acquisition and Disposition of Property.

EX ORD. NO 9129 MARITIME COMMISSION, ACQUISITION AND DISPOSITION OF PROPERTY

Ex Ord No 9129, Apr. 13, 1942, 7 F R 2810, provided.

By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the United States Maritime Commission is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that the Commission shall deem necessary for military, naval or other war purposes

EX. ORD NO 9150 PUBLIC HOUSING COMMISSIONER, ACQUISITION AND DISPOSITION OF PROPERTY

Ex. Ord No 9150, Apr. 28, 1942 7 F R 3217, provided:

By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the Federal Public Housing Commissioner of the National Housing Agency, or any officer of the Federal Public Housing Authority acting in the absence or disability of the Commissioner, is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942 (this section), to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for war purposes; *Provided, however,* that the provisions of this order shall be applicable only to property in connection with defense housing and temporary shelter

EX ORD NO 9186 FEDERAL WORKS ADMINISTRATOR AUTHORIZED TO ACQUIRE AND DISPOSE OF PROPERTY

Ex. Ord No. 9186, June 5, 1942, 7 F R 4317, provided:

By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the Federal Works Administrator, or any officer of the Federal Works Agency acting in the absence or disability of the Administrator, is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for military, naval, or other war purposes

Executive Order No 9179 of June 5, 1942, entitled "Authorizing the Commissioner of Public Roads, Federal Works Agency, to Acquire and Dispose of Property" is hereby revoked

EX ORD NO 9194. BUREAU OF YARDS AND DOCKS, ACQUISITION AND DISPOSITION OF PROPERTY

Ex Ord No. 9194, July 7, 1942, 7 F R 5257, provided:

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress) (sections 601-605 of this Appendix), I do hereby direct and order, as follows:

1 The duties and functions exercised by the Office of the Judge Advocate General of the Navy with respect to the acquisition and disposition for the Navy Department of real estate, including all interests therein and temporary uses thereof, and of all property acquired under the provisions of Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), or any amendments thereof, are hereby transferred to the cognizance and jurisdiction of the Chief of the Bureau of Yards and Docks under the direction of the Secretary of the Navy, together with such appropriated funds as are necessary to carry out the purposes and intent of this order

2 The Secretary of the Navy shall take all steps necessary and desirable to carry out this order

EX. ORD. NO. 9211. DIVISION OF CENTRAL ADMINISTRATIVE SERVICES IN THE OFFICE FOR EMERGENCY MANAGEMENT, EXECUTIVE OFFICE OF THE PRESIDENT, ACQUISITION AND DISPOSITION OF PROPERTY

Ex Ord No 9211, Aug. 1, 1942, 7 F R 6030, provided.

By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the Division of Central Administrative Services in the Office for Emergency Management, Executive Office of the President, is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, or dispose of any leasehold in real property, together with any personal property located thereon, or used therewith, that the Division of Central Administrative Services, with the approval of the Liaison Officer for Emergency Management, shall deem necessary for war purposes

FUNCTIONS OF LIAISON OFFICER FOR EMERGENCY MANAGEMENT

President's letter of July 31, 1943, 8 F. R. 10702, provided:

MY DEAR MR. BYRNES: In order to relieve you, in accordance with your desire, of your functions and duties as Liaison Officer for Emergency Management which relate to the supervision and direction of the Division of Central Administrative Services of the Office for Emergency

Management (including your functions and duties under Executive Order No. 9211, dated August 1, 1942), (note following section 632 of this Appendix), I hereby transfer such functions and duties to the Director of the Division of Central Administrative Services.

You are requested to file this letter with the Division of the Federal Register, the National Archives, for publication in the FEDERAL REGISTER.

EX ORD. NO 9217 RECONSTRUCTION FINANCE CORPORATION, ACQUISITION AND DISPOSITION OF PROPERTY

EX Ord No. 9217, Aug 7, 1942, 7 F. R 6177, provided: By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942 approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the Reconstruction Finance Corporation is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that the Corporation shall deem necessary for military, naval or other war purposes

EX ORD NO 9218 OFFICE OF SCIENTIFIC RESEARCH AND DEVELOPMENT, ACQUISITION AND DISPOSITION OF PROPERTY

EX Ord No 9218, Aug 11, 1942, 7 F. R 6381, provided: By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the Office of Scientific Research and Development in the Office for Emergency Management is hereby authorized to exercise the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, which the Office of Scientific Research and Development shall deem necessary for military, naval, or other war purposes

EX ORD NO 9249 SECRETARY OF AGRICULTURE, ACQUISITION AND DISPOSITION OF PROPERTY

EX. Ord. No 9249, Oct 1, 1942, 7 F R 7874, provided: By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (Public Law 507, 77th Congress) (this section), the Secretary of Agriculture is hereby authorized to exercise, through such officials of the Department of Agriculture and its agencies as he may designate, the authority contained in the said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for war purposes in connection with the Emergency Rubber Project of the Department of Agriculture or in connection with the storing and warehousing of agricultural commodities and products by the said Department

EX. ORD NO 9321 AUTHORIZING ATTORNEY GENERAL TO ACQUIRE AND DISPOSE OF PROPERTY

Ex Ord. No 9321, Mar. 25, 1943, 8 F R. 3749, provided: By virtue of and pursuant to the authority vested in me by Title II of the Second War Powers Act, 1942, approved March 27, 1942 (56 Stat 177) (this section), the Attorney General is hereby authorized to exercise the authority contained in said Title II of the Second War Powers Act, 1942, to acquire, use, and dispose of any real property, temporary use thereof, or other interest therein, together with any personal property located thereon, or used therewith, that shall be deemed necessary for military, naval or other war purposes.

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex Ord No. 9280, following section 601 of this Appendix.

§ 632a. Same; termination of authority.

The Authority to acquire property, or any use thereof or interest therein, granted by section 2 of such Act of July 2, 1917 (section 171a of this title), shall not be exercised after the date upon which this section becomes effective. (Mar. 27, 1942, 3 p. m., E. W T., ch. 199, title II. § 202, as added Dec. 28, 1945, ch. 590, § 1 (a), 59 Stat. 658.)

TITLE III.—PRIORITIES POWERS

§ 633. Amendment of section 1152 of this Appendix.

Subsection (a) of section 2 of the Act of June 28, 1940 (54 Stat. 676) (section 1152 (a) of this Appendix), entitled "An Act to expedite national defense, and for other purposes", as amended by the Act of May 31, 1941 (Public Law Numbered 89, Seventy-seventh Congress), is hereby amended to read as follows:

"SEC. 2 (a) (1). That whenever deemed by the President of the United States to be in the best interests of the national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy is hereby authorized to negotiate contracts for the acquisition, construction, repair, or alteration of complete naval vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment, with or without advertising or competitive bidding upon determination that the price is fair and reasonable. Deliveries of material under all orders placed pursuant to the authority of this paragraph and all other naval contracts or orders and deliveries of material under all Army contracts or orders shall, in the discretion of the President, take priority over all deliveries for private account or for export: *Provided*, That the Secretary of the Navy shall report every three months to the Congress the contracts entered into under the authority of this paragraph: *Provided further*, That contracts negotiated pursuant to the provisions of this paragraph shall not be deemed to be contracts for the purchase of such materials, supplies, articles, or equipment as may usually be bought in the open market within the meaning of section 9 of the Act entitled 'An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes', approved June 30, 1936 (49 Stat. 2036; U. S. C., Supp. V, Title 41, secs. 35–45): *Provided further*, That nothing herein contained shall relieve a bidder or contractor of the obligation to furnish the bonds under the requirements of the Act of August 24, 1935 (49 Stat. 793; 40 U. S. C. § 270 (a) to (d)): *Provided further*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used under the authority granted by this paragraph to negotiate contracts; but this proviso shall not be construed to prohibit the use of the cost-plus-a-fixed-fee form of contract when such use is deemed necessary by the Secretary of the Navy: *And provided further*, That the fixed fee to be paid the contractor as a result of any contract entered into under the authority of this paragraph, or any War Department contract entered into in the form of cost-plus-a-fixed-fee, shall not exceed 7 per centum of the estimated cost of the contract

(exclusive of the fee as determined by the Secretary of the Navy or the Secretary of War, as the case may be).

"(2) Deliveries of material to which priority may be assigned pursuant to paragraph (1) shall include, in addition to deliveries of material under contracts or orders of the Army or Navy, deliveries of material under—

"(A) Contracts or orders for the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled 'An Act to promote the defense of the United States' (Title 22, § 411 et seq.);

"(B) Contracts or orders which the President shall deem necessary or appropriate to promote the defense of the United States;

"(C) Subcontracts or suborders which the President shall deem necessary or appropriate to the fulfillment of any contract or order as specified in this subsection (a).

Deliveries under any contract or order specified in this subsection (a) may be assigned priority over deliveries under any other contract or order; and the President may require acceptance of and performance under such contracts or orders in preference to other contracts or orders for the purpose of assuring such priority. Whenever the President is satisfied that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of any material or of any facilities for defense or for private account or for export, the President may allocate such material or facilities in such manner, upon such conditions and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense.

"(3) The President shall be entitled to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, any person (which, for the purpose of this subsection (a), shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not), and make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this subsection (a).

"(4) For the purpose of obtaining any information, verifying any report required, or making any investigation pursuant to paragraph (3), the President may administer oaths and affirmations, and may require by subpena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided*, That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides or transacts business, if, prior to the return date specified in the subpena issued with respect thereto, such person furnishes the President with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the President as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. No person shall be excused from attending and testifying or from producing any books, records, or other documentary evidence or certified copies thereof or physical evidence in obedience to any such subpena, or in any action or proceeding which may be instituted under this subsection (a), on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be subject to prosecution and punishment or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The President shall not publish or disclose any information obtained under this paragraph which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the President determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding $1,000, or be imprisoned not exceeding two years, or both.

"(5) Any person who willfully performs any act prohibited, or willfully fails to perform any act required by, any provision of this subsection (a) or any rule, regulation, or order thereunder, whether heretofore or hereafter issued, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both.

"(6) The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States and the courts of the Philippine Islands shall have jurisdiction of violations of this subsection (a) or any rule, regulation, or order or subpena thereunder, whether heretofore or hereafter issued, and of all civil actions under this subsection (a) to enforce any liability or duty created by, or to enjoin any violation of, this subsection (a) or any rule, regulation, order, or subpena thereunder whether heretofore or hereafter issued. Any criminal proceeding on account of any such violation may be brought in any district in which any act, failure to act, or transaction constituting the violation occurred.

Any such civil action may be brought in any such district or in the district in which the defendant resides or transacts business. Process in such cases, criminal or civil, may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found; and subpena for witnesses who are required to attend a court in any district in any such case may run into any other district. No costs shall be assessed against the United States in any proceeding under this subsection (a).

"(7) No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this subsection (a) or any rule, regulation, or order issued thereunder, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid.

"(8) The President may exercise any power, authority, or discretion conferred on him by this subsection (a), through such department, agency, or officer of the Government as he may direct and in conformity with any rules or regulations which he may prescribe."

"(9) The district courts of the United States are hereby given exclusive jurisdiction to enjoin or set aside, in whole or in part, any order suspending any priority or allocation, or denying a stay of any such suspension, that may have been issued by any person, officer, or agency, acting or purporting to act hereunder, or under any other law or authority.

"Any action to enjoin or set aside any such order shall be brought within five days after the service thereof

"No suspension order shall take effect within five days after it has been served, or, if an application for a stay is made to the issuing authority within such five-day period, until the expiration of five days after service of an order denying the stay.

"The venue of any such suit shall be in the district court of the United States for the district in which the petitioner has his principal place of business; and the respondent shall be subject to the jurisdiction of such court after ten days before the return day of the writ, either when (1) process shall have been served on any district manager or other agent of the respondent of similar or superior status; or (2) notice by registered mail shall have been given to respondent, or to the office of the Attorney General of the United States." (Mar. 27, 1942, 3 p. m., E. W. T., ch 199, title III, § 301, 56 Stat. 177, as amended Dec. 20, 1944, ch. 614, 58 Stat 827.)

AMENDMENTS

1944—Act Dec 20, 1944, cited to text, amended section by adding par (9)

PROFIT ON COST-PLUS CONTRACTS

Fixed fee limited to six per centum of cost, see section 768 of this Appendix

POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex Ord No 9280, following section 601 of this Appendix

TITLE IV.—PURCHASE BY FEDERAL RESERVE BANKS OF GOVERNMENT OBLIGATIONS

§ 634. Federal Reserve Act amendment.

Subsection (b) of section 14 of the Act of December 23, 1913 (38 Stat. 265) (Title 12, § 355), otherwise known as the Federal Reserve Act, as amended, is hereby amended by striking out the proviso therein and inserting in lieu thereof the following: "*Provided*, That any bonds, notes, or other obligations which are direct obligations of the United States or which are fully guaranteed by the United States as to principal and interest may be bought and sold without regard to maturities either in the open market or directly from or to the United States; but all such purchases and sales shall be made in accordance with the provisions of section 12A of this Act (Title 12, § 263) and the aggregate amount of such obligations acquired directly from the United States which is held at any one time by the twelve Federal Reserve banks shall not exceed $5,000,000,000" (Mar 27, 1942, 3 p. m., E. W. T., ch. 199, title IV, § 401, 56 Stat. 180)

TITLE V.—WAIVER OF NAVIGATION AND INSPECTION LAWS

§ 635. Authorization of waiver by responsible department or agency head.

The head of each department or agency responsible for the administration of the navigation and vessel inspection laws is directed to waive compliance with such laws upon the request of the Secretary of the Navy or the Secretary of War to the extent deemed necessary in the conduct of the war by the officer making the request. The head of such department or agency is authorized to waive compliance with such laws to such extent and in such manner and upon such terms as he may prescribe either upon his own initiative or upon the written recommendation of the head of any other Government agency whenever he deems that such action is necessary in the conduct of the war. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title V, § 501, 56 Stat. 180.)

WAR SHIPPING ADMINISTRATION VESSELS

Treasury Decision No. 50756, Oct 30, 1942, 7 F R 9005, provided in part as follows:

"Upon the written recommendation of the Administrator of the War Shipping Administration and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (Public Law 507, 77th Congress) (this section), I hereby waive compliance with the provisions of section 8 of the act of June 19, 1886, as amended (section 289 of Title 46), section 27 of the Merchant Marine Act, 1920, as amended (section 883 of Title 46), R S § 4132, as amended (section 11 of Title 46), and R S § 4370, as amended (section 316 of Title 46), to the extent necessary to permit.

"1 The transportation of passengers or cargo, or both, in the coastwise trade (a) by any vessel of the United States which is under limited or restricted registry while such vessel is owned by or under any form of charter to the War Shipping Administration and has on board a 'Certificate of Ownership and Operation' issued by the War Shipping Administration certifying that it is owned or chartered, or (b) by any foreign vessel while it is under any form of charter to the War Shipping Administration and has on board a 'Certificate of Ownership and Opera-

tion' issued by the War Shipping Administration, certifying that it is so chartered; or

"2 The towing of any vessel between any points or places embraced within the coastwise laws or between points within the harbor of any such place by any vessel of any of the classes mentioned in paragraph 1 of this order, or in T. D 50592 or T D 50653."

VESSELS TRAVELING BETWEEN PUERTO RICO AND UNITED STATES

Treasury Decision No 50811, Feb. 5, 1943, 8 F. R 1757, provided in part as follows.

"Upon the written recommendation of the Administrator of the War Shipping Administration and by virtue of the authority vested in me by the provisions of section 501, of the Second War Powers Act, 1942 (Public Law 507, 77th Cong.) (this section), I hereby waive compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended (46 U S. C. A. § 883), to the extent necessary to permit any foreign vessel of 50 gross tons or over to transport merchandise between points in Puerto Rico and points on the Atlantic or Gulf coasts of the United States on condition that:

"(a) None of the merchandise so transported shall be transshipped while en route between Puerto Rico and the continental United States; and

"(b) The collector of customs at the port of departure of the vessel has been notified by the representative of the War Shipping Administration whose district embraces that port that·

"(1) The vessel is in possession of a United States ship's warrant,

"(2) All cargo laden on board in the continental United States and destined for Puerto Rico has been approved by a representative of the War Shipping Administration and by the Department of the Interior, or that all cargo laden on board in Puerto Rico and destined for the continental United States has been approved by the representative of the War Shipping Administration at San Juan, Puerto Rico, as the case may be; and

"(3) The requirements for filing rates pursuant to the applicable statute and regulations of the United States Maritime Commission have been complied with."

TITLE VI.—POWER TO REQUISITION

§ 636. Amendment of section 721 of this Appendix.

The last paragraph of section 1 of the Act of October 16, 1941 (55 Stat 742) (section 721 of this Appendix), entitled "An Act to authorize the President of the United States to requisition property required for the defense of the United States", is amended by deleting subdivision (3) thereof, so that the paragraph will read as follows:

"Nothing contained in this Act (section 721 et seq. of this Appendix) shall be construed—

"(1) to authorize the requisitioning or require the registration of any firearms possessed by an individual for his personal protection or sport (and the possession of which is not prohibited or the registration of which is not required by existing law),

"(2) to impair or infringe in any manner the right of any individual to keep and bear arms." (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VI, § 601, 56 Stat. 181.)

§ 636a. Same; further amendment.

The second sentence of the first paragraph of section 1 of the Act of October 16, 1941 (55 Stat. 742) (section 721 of this Appendix), entitled "An Act to authorize the President of the United States to requisition property required for the defense of the United States", is amended by striking out the words "on the basis of the fair market value of the property at" and inserting in lieu thereof the words "as of"; and at the end of such sentence, before the period, inserting the words ', in accordance with the provision for just compensation in the fifth amendment to the Constitution of the United States", so that such sentence will read as follows: "The President shall determine the amount of the fair and just compensation to be paid for any property requisitioned and taken over pursuant to this Act (section 721 et seq. of this Appendix) and the fair value of any property returned under section 2 of this Act (section 722 of this Appendix), but each such determination shall be made as of the time it is requisitioned or returned, as the case may be, in accordance with the provision for just compensation in the fifth amendment to the Constitution of the United States." (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VI, § 602, 56 Stat. 181.)

TITLE VII.—POLITICAL ACTIVITY

§ 637. Amendment of section 61h of Title 18.

Subsection (a) of section 9 of the Act of August 2, 1939 (53 Stat. 1148) (Title 18, § 61h (a)), entitled "An Act to prevent pernicious political activities", as amended, is hereby amended by adding in the second sentence after the word "thereof" the words "except a part-time officer or part-time employee without compensation or with nominal compensation serving in connection with the existing war effort, other than in any capacity relating to the procurement or manufacture of war material". (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VII, § 701, 56 Stat. 181.)

TITLE VIII.—PROTECTION OF WAR INDUSTRIES AND PROTECTION OF RESOURCES SUBJECT TO HAZARDS OF FOREST FIRES

§ 638. Utilization of Civilian Conservation Corps.

The President is empowered to direct the Administrator of the Federal Security Agency to assign the manpower of the Civilian Conservation Corps to the extent necessary to protect the munitions, aircraft, and other war industries, municipal water supply, power and other utilities, and to protect resources subject to the hazards of forest fires. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VIII, § 801, 56 Stat. 181.)

TITLE IX.—FREE POSTAGE FOR SOLDIERS, SAILORS, AND MARINES

§ 639. Repealed. Dec. 28, 1945, ch. 590, § 1 (b), 59 Stat. 658.

Section, act Mar. 27, 1942, 3 p. m., E. W. T., ch. 190, title IX, § 901, 56 Stat 181, related to free postage for members of the armed forces.

§ 639a. First-class mail matter; termination date.

Any first-class letter mail matter admissible to the mails as ordinary mail matter which is sent by a member of the military or naval forces of the United States (including the United States Coast Guard), while on active duty or in the active military or naval service of the United States, to any person

in the United States, including the Territories and possessions thereof, shall be transmitted in the mails free of postage, subject to such rules and regulations as the Postmaster General shall prescribe. This section shall cease to be in effect after December 31, 1947. (Oct 6, 1945, ch 393, § 10, 59 Stat. 542.)

CODIFICATION

Section was enacted as a part of the Armed Forces Voluntary Recruitment Act of 1945 and not as a part of the Second War Powers Act of 1942.

TITLE X.—NATURALIZATION OF PERSONS SERVING IN THE ARMED FORCES OF THE UNITED STATES DURING THE PRESENT WAR

§ 640. Amendment of Nationality Act of 1940.

The Act of October 14, 1940 (54 Stat. 1137; U. S. C., 1940 ed., Title 8, secs. 501–907), entitled "An Act to revise and codify the nationality laws of the United States into a comprehensive nationality code", is hereby amended by adding thereto a new title as follows:

"TITLE III

"SEC 701. Notwithstanding the provisions of sections 303 and 326 of this Act (Title 8, §§ 703, 726), any person not a citizen, regardless of age, who has served or hereafter serves honorably in the military or naval forces of the United States during the present war and who, having been lawfully admitted to the United States, including its Territories and possessions, shall have been at the time of his enlistment or induction a resident thereof, may be naturalized upon compliance with all the requirements of the naturalization laws except that (1) no declaration of intention and no period of residence within the United States or any State shall be required, (2) the petition for naturalization may be filed in any court having naturalization jurisdiction regardless of the residence of the petitioner; (3) the petitioner shall not be required to speak the English language, sign his petition in his own handwriting, or meet any educational test; and (4) no fee shall be charged or collected for making, filing, or docketing the petition for naturalization, or for the final hearing thereon, or for the certification of naturalization, if issued: *Provided, however,* That (1) there shall be included in the petition the affidavits of at least two credible witnesses, citizens of the United States, stating that each such witness personally knows the petitioner to be a person of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the United States, (2) the service of the petitioner in the military or naval forces of the United States shall be proved by affidavits, forming part of the petition, of at least two citizens of the United States, members or former members during the present war of the military or naval forces of the noncommissioned or warrant officer grade or higher (who may be the witnesses described in clause (1) of this proviso), or by a duly authenticated copy of the record of the executive department having custody of the record of petitioner's service, showing that the petitioner is or was during the present war a member serving honorably in such armed forces, and (3) the petition shall be filed not later than December 31, 1946. The petitioner may be naturalized immediately if prior to the filing of the petition the petitioner and the witnesses required by the foregoing proviso shall have appeared before and been examined by a representative of the Immigration and Naturalization Service.

"SEC. 702. During the present war, any person entitled to naturalization under section 701 of this Act (Title 8, § 1001), who while serving honorably in the military or naval forces of the United States is not within the jurisdiction of any court authorized to naturalize aliens, may be naturalized in accordance with all the applicable provisions of section 701 (Title 8, § 1001) without appearing before a naturalization court. The petition for naturalization of any petitioner under this section shall be made and sworn to before, and filed with, a representative of the Immigration and Naturalization Service designated by the Commissioner or a Deputy Commissioner, which designated representative is hereby authorized to receive such petition in behalf of the Service, to conduct hearings thereon, to take testimony concerning any matter touching or in any way affecting the admissibility of any such petitioner for naturalization, to call witnesses, to administer oaths, including the oath of the petitioner and his witnesses to the petition for naturalization and the oath of renunciation and allegiance prescribed by section 335 of this Act (Title 8, § 735), and to grant naturalization, and to issue certificates of citizenship: *Provided,* That the record of any proceedings hereunder together with a copy of the certificate of citizenship shall be forwarded to and filed by the clerk of a naturalization court in the district in which the petitioner is a resident and be made a part of the record of the court.

"SEC. 703. The ninety days' notice required by subsection (b) of section 326 of this Act (Title 8, § 726 (b)) to be given by the clerk of the naturalization court to the Commissioner may be waived by the Commissioner in his discretion. In any petition in which such notice is waived the Commissioner shall cause the clerk of court to be notified to that effect.

"SEC. 704. The provisions of this title (Title 8, § 1001 et seq.) shall not apply to (1) any person who during the present war is dishonorably discharged from the military or naval forces or is discharged therefrom on account of his alienage, or (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform: *Provided,* That citizenship granted pursuant to this title (Title 8, § 1001 et seq.) may be revoked as to any person subsequently dishonorably discharged from the military or naval forces in accordance with Section 338 of this Act (Title 8, § 738); and such ground for revocation shall be in addition to any other provided by law.

"SEC. 705. The Commissioner, with the approval of the Attorney General, shall prescribe and furnish such forms, and shall make such rules and

regulations, as may be necessary to carry into effect the provisions of this Act (Title 8, § 501 et seq.).[1]

"SEC. 706. No person shall be naturalized under the provisions of this title [sections 1001–1006 of Title 8] unless such person has served in the military or naval forces of the United States prior to the date of enactment of this section [December 28, 1945]". (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title X, § 1001, 56 Stat. 182, as amended Dec. 28, 1945, ch. 590, § 1 (c), 59 Stat. 658.)

[1] So in original. Quotation marks closing the quoted matter were probably intended here.

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section by striking out "and (3) the petition shall be filed not later than one year after the termination of the effective period of those titles of the Second War Powers Act, 1942, for which the effective period is specified in the last title thereof" and inserting in lieu thereof "and (3) the petition shall be filed not later than December 31, 1946" in the last proviso of "Sec. 701", and by adding "Sec. 706".

CODIFICATION

Section is also set out as sections 1001-1005 of Title 8, Aliens and Nationality.

TITLE XI—ACCEPTANCE OF CONDITIONAL GIFTS TO FURTHER THE WAR PROGRAM

§ 641. Acceptance by Secretary of Treasury of gifts of money, property, or services for war purposes.

To further the war program of the United States the Secretary of the Treasury is authorized to accept or reject on behalf of the United States any gift of money or other property, real or personal, or services, made on condition that it be used for a particular war purpose. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1101, 56 Stat. 183.)

§ 641a. Conversion of gift property into money.

The Secretary of the Treasury may convert into money, at the best terms available, any such gift of property other than money. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1102, 56 Stat. 183.)

§ 641b. Deposit of moneys in War Contributions Fund.

There shall be established on the books of the Treasury a special deposit account to be designated as the "War Contributions Fund", into which shall be deposited all money received as a result of such gifts. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1103, 56 Stat. 183.)

§ 641c. Allocation of deposits to pertinent appropriations.

The Secretary of the Treasury, in order to effectuate the purposes for which gifts accepted under this title are made, shall from time to time allocate the money in such special deposit account to such of the various appropriations available for the purchase of war material and the furtherance of the war program of the United States as in his judgment will best effectuate the intent of the donors, and such money is hereby appropriated and shall be available for expenditure for the purposes of the appropriations to which allocated. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1104, 56 Stat. 183.)

§ 641d. Reports to Congress.

The Secretary of the Treasury shall include in his Annual Report to the Congress a summary of the gifts made and accepted under this title. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1105, 56 Stat. 184.)

§ 641e. Penalties for wrongful solicitation or use of gifts.

Whoever shall solicit any gift of money or other property, and represent that such gift is being solicited for the use of the United States, with the intention of embezzling, stealing, or purloining such gift, or converting the same to any other use or purpose, or whoever, having come into possession of any money or property which has been donated by the owner thereof for the use of the United States, shall embezzle, steal, or purloin such money or property, or convert the same to any other use or purpose, shall be guilty of a felony and upon conviction thereof shall be fined not more than $5,000 or imprisoned for not more than five years, or both. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1106, 56 Stat. 184.)

§ 641f. Limitation on scope of authority.

On and after January 1, 1946, the authority granted by this title [sections 641–641f of this Appendix] shall be exercised only for the benefit of personnel of the armed forces of the United States stationed abroad. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XI, § 1107, as added Dec. 28, 1945, ch. 590, § 1 (d), 59 Stat. —.)

TITLE XII—COINAGE OF 5-CENT PIECES

§ 642. Temporary coinage of silver and copper 5-cent pieces; change of metallic content; to be minor coins.

Notwithstanding any other provision of law, the Director of the Mint shall cause the metallic content of all 5-cent pieces coined after the effective date of this title and prior to December 31, 1945, to be one-half silver and one-half copper: *Provided*, That the Director of the Mint, with the approval of the Secretary of the Treasury and the Chairman of the War Production Board, is authorized to vary the proportions of silver and copper and to add other metals if such action would be in the public interest. Such 5-cent pieces shall be deemed to be minor coins or coinage and not silver coins, subsidiary silver coins, silver coinage, or subsidiary silver coinage within the meaning of the monetary laws of the United States. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1201, 56 Stat. 184, as amended Dec. 28, 1945, ch. 590, § 1 (e), 59 Stat. 658.)

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section by substituting "December 31, 1945" for "December 31, 1946" following "prior to".

§ 642a. Allocation of silver bullion to Director of Mint; accounting for allocations and gain from minor coinage.

For the coinage of such 5-cent pieces the Secretary of the Treasury is hereby authorized to allocate

to the Director of the Mint, at such times and in such amounts as the Secretary deems necessary, any silver bullion in the monetary stocks of the United States not then held for redemption of any outstanding silver certificates. Silver so allocated shall be accounted for by entries in the fund established for the purchase of metal for minor coinage: *Provided*, That the value of any silver bullion accounted for in said fund shall not be considered for the purpose of determining the statutory limit of said fund: *Provided further*, That the gain from the minor coinage provided for by this title shall be accounted for by entries in the minor coinage profit fund. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1202, 56 Stat. 184.)

§ 642b. Standard of ingots; weight of coins.

No silver-copper ingots shall be used for the minor coinage provided for by this title which differ from the legal standard by more than ten-thousandths. In adjusting the weight of such minor coins there shall be no greater deviation allowed than four grains for each piece. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1203, 56 Stat. 184.)

§ 642c. Silver-copper 5-cent pieces deemed copper for certain purposes.

For the purpose of section 3529 of the Revised Statutes (U. S. C., Title 31, sec. 341), the 5-cent pieces provided for by this title shall be deemed to be copper. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1204, 56 Stat. 184.)

§ 642d. Redemption; melting and use for subsidiary silver coinage; accounting.

Upon redemption any 5-cent pieces coined in accordance with the provisions of this title shall after December 31, 1945, be allocated to the Director of the Mint for melting and for subsidiary silver coinage. Any 5-cent pieces coined in accordance with the provisions of this title but not issued by the Mint may after December 31, 1945, be allocated, in such amounts and at such times as the Secretary of the Treasury in his discretion may determine, to the Director of the Mint for melting and for subsidiary silver coinage. All 5-cent pieces allocated to the Director of the Mint in accordance with this section shall be accounted for by entries in the fund established for the purchase of silver bullion for subsidiary silver coinage. Upon coinage into subsidiary silver coins of the metal contained in the 5-cent pieces so allocated the gain shall be accounted for by entries in the silver-profit fund. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1205, 56 Stat. 184, as amended Dec. 28, 1945, ch. 590, § 1 (e), 59 Stat. 658.)

AMENDMENTS

1945—Act Dec. 28, 1945 cited to text, amended section by substituting "December 31, 1945" for "December 31, 1946" wherever appearing.

§ 642e. Effective date of sections 642–642e.

This title [sections 642–642e of this Appendix] shall become effective sixty days after approval. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XII, § 1206, 56 Stat. 185.)

TITLE XIII.—INSPECTION AND AUDIT OF WAR CONTRACTORS

POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. No. 9280, following section 601 of this Appendix.

§ 643. Plant, books, and records of war contractors; definition of defense contract; agency designated to administer provisions.

The provisions of section 10 (*l*) of an Act approved July 2, 1926 (44 Stat. 787; 10 U. S. C. § 310 (*l*)) (giving the Government the right to inspect the plant and audit the books of certain Contractors), shall apply to the plant, books, and records of any contractor with whom a defense contract has been placed at any time after the declaration of emergency on September 8, 1939, and before the termination of the present war: *Provided*, That, for the purpose of this title, the term "defense contract" shall mean any contract, subcontract, or order placed in furtherance of the defense or war effort: *And provided further*, That the inspection and audit authorized herein, and the determination whether a given contract is a "defense contract" as defined above, shall be made by a governmental agency or officer designated by the President, or by the Chairman of the War Production Board. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIII, § 1301, 56 Stat. 185.)

CROSS REFERENCES

War and defense contract acts generally, see section 1151 et seq. of this Appendix.

EX. ORD. NO. 9127. INSPECTION OF PLANTS AND AUDIT OF BOOKS OF DEFENSE CONTRACTORS

Ex. Ord. No. 9127, Apr. 10, 1942, 7 F. R. 2753, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941 (sections 601–605 of this Appendix), and Title XIII of the Second War Powers Act, 1942 (sections 643–643c of this Appendix), as President of the United States and Commander in Chief of the Army and Navy of the United States, and in order to prevent the accumulation of unreasonable profits, to avoid waste of Government funds, and to implement other measures which have been undertaken to forestall price rises and inflation, it is hereby ordered as follows:

1. I hereby designate the War Production Board, the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance Corporation as the governmental agencies authorized to inspect the plant and to audit the books and records, as provided by Title XIII of the said Second War Powers Act, 1942 (sections 643–643c of this Appendix). Such inspection and audit and the determination whether a given contract is a defense contract, as defined in Title XIII of the Second War Powers Act, 1942 (sections 643–643c of this Appendix), may be made in the case of (a) any contractor with whom a defense contract has been placed by such agency, or, in the case of the Reconstruction Finance Corporation, by any corporation created or organized by it, at any time after the declaration of emergency on September 8, 1939, and before the termination of the present war, and in the case of (b) any subcontractor performing work required by any such defense contract. The Chairman of the War Production Board is authorized to issue rules and regulations and to establish policies to coordinate and govern the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance

Corporation in exercising the functions vested in them by this order

2. The authority herein conferred may be exercised by the Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the United States Maritime Commission, and the Board of Directors of the Reconstruction Finance Corporation, respectively, or in their discretion and by their direction, respectively, may be exercised also by and through any officer or officers or civilian officials of their respective departments and agencies designated by them for those purposes The Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the United States Maritime Commission, or the Board of Directors of the Reconstruction Finance Corporation may authorize such officer or officers or civilian officials of their respective departments or agencies to make further delegations of such powers and authority within their respective departments and agencies

3 In inspecting any plant engaged in producing, manufacturing, processing, constructing, altering, or repairing any defense article of a secret, confidential, or restricted nature, or which is produced, manufactured, processed, constructed, altered, or repaired in accordance with or under any secret process, formula, patent, or invention, and in auditing the books and records in connection with any such defense contract, such inspection shall be regarded as secret, confidential, or restricted, as the case may be, and all reports, records, papers, documents, and writings relating to such inspection or audit shall be marked or stamped as secret, confidential, or restricted, as the case may be, and shall be handled in accordance with regulations prescribed and in force in the department or agency concerned relating to the handling of secret, confidential, or restricted matters, reports, records, papers, documents, and writings

4. The power to administer oaths or affirmations and to issue subpoenas for the attendance of witnesses or the production of books, records, or other documentary or physical evidence deemed relevant to the inquiry, conferred by section 1302, and, through the Department of Justice, the power to invoke the aid of any court of the United States, conferred by section 1303, Title XIII, of said Second War Powers Act (this section), may be exercised, performed, or carried out by the Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, any member of the United States Maritime Commission, or the Chairman of the Board of Directors of the Reconstruction Finance Corporation, as the case may be or by such other officer or officers or civilian officials as may be authorized, empowered or directed by any of them so to do for his respective department or agency.

5 Nothing herein shall affect or limit the authority and power conferred upon or granted to the Chairman of the War Production Board by Title XIII of said Second War Powers Act, 1942 (sections 643 643c of this Appendix).

§ 643a. Oaths and affirmations; attendance and testimony of witnesses; production of records and other evidence; unlawful disclosure of information obtained.

For the purpose of obtaining any information or making any inspection or audit pursuant to section 1301, any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, may administer oaths and affirmations and may require by subpena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be deemed relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided*, That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides or transacts business, if, prior to the return date specified in the subpena issued with respect thereto, such person furnishes such agency or the Chairman of the War Production Board, as the case may be, with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with such agency or the Chairman of the War Production Board, as the case may be, as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. No person shall be excused from attending and testifying or from producing any books, records, or other documentary evidence or certified copies thereof or physical evidence in obedience to any such subpena, or in any action or proceeding which may be instituted under this section, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be subject to prosecution and punishment or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Such agency or the Chairman of the War Production Board shall not publish or disclose any information obtained under this title which such agency or the Chairman of the War Production Board deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless such agency or the Chairman of the War Production Board determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding $1,000, or be imprisoned not exceeding two years, or both. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIII, § 1302, 56 Stat. 185.)

§ 643b. Refusal to give evidence, etc.; assistance of courts; penalties.

In case of contempt by, or refusal to obey a subpena issued to, any person, any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, may invoke the aid of any court of the United States within the jurisdiction of which any investigation or proceeding under this title is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, records, or other documentary or physical evidence. And such court may issue an order requiring such person to give testimony or pro-

duce any books, records, or other documentary or physical evidence touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, records, or other documentary or physical evidence, if in his power to do so, in obedience to the subpena of any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than $5,000, or to imprisonment for a term of not more than one year, or both. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIII, § 1303, 56 Stat. 186.)

§ 643c. Definition of person.

For purposes of this title [sections 643–643c of this Appendix] the term "person" shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIII, § 1304, 56 Stat. 186.)

TITLE XIV.—UTILIZATION OF VITAL WAR INFORMATION

§ 644. Special investigations and reports of census or statistical matters by Secretary of Commerce; discontinuance of regular census or statistical work; penalties for failure to testify, etc.

The Secretary of Commerce shall, at the direction of the President, and subject to such regulations as the President may issue, make such special investigations and reports of census or statistical matters as may be needed in connection with the conduct of the war, and, in carrying out the purpose of this section, dispense with or curtail any regular census or statistical work of the Department of Commerce, or of any bureau or division thereof. Any person who shall refuse or willfully neglect to answer any questions in connection with any special investigations made under this section, or who shall willfully give answers that are false, shall upon conviction thereof be fined not exceeding $500 or imprisoned for a period of not exceeding sixty days, or both. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIV, § 1401, 56 Stat. 186.)

§ 644a. Availability of Commerce Department's records, etc., to other agencies; regulations; penalties for unlawful disclosure of information.

That notwithstanding any other provision of law, any record, schedule, report, or return, or any information or data contained therein, now or hereafter in the possession of the Department of Commerce, or any bureau or division thereof, may be made available by the Secretary of Commerce to any branch or agency of the Government, the head of which shall have made written request therefor for use in connection with the conduct of the war. The President shall issue regulations with respect to the making available of any such record, schedule, report, return, information or data, and with respect to the use thereof after the same has been made available. No person shall disclose or make use of any individual record, schedule, report, or return, or any information or data contained therein contrary to the terms of such regulations; and any person knowingly and willfully violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding $1,000, or be imprisoned not exceeding two years, or both. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIV, § 1402, 56 Stat. 186.)

EX. ORD. NO. 9157. REGULATIONS FOR MAKING AVAILABLE RECORDS, SCHEDULES, REPORTS, RETURNS AND OTHER INFORMATION BY THE SECRETARY OF COMMERCE

Ex Ord. No. 9157, May 9, 1942, 7 F R. 3505, provided:

1. Whenever any executive department or independent agency desires to have made available to it, pursuant to said section 1402, any record, schedule, report, or return, or any information or data contained therein, in the possession of the Department of Commerce, for use in connection with the conduct of the war, the head of such department or agency shall make a written request of the Secretary of Commerce to have such document or information made available to it, which request shall include:

(a) The name of the official who, or the bureau, division or section which is to utilize the information,

(b) A description of the document or information desired to be made available;

(c) The manner in which it is desired that the document or information shall be made available, whether by inspection or by being furnished with copies thereof;

(d) The name of the representative of the official, bureau, division, or section who is to make the inspection, or to whom the information is to be furnished;

(e) A statement that the document or information is to be used in connection with the conduct of the war and of the manner in which it is to be so used.

If the information requested by the head of the department or agency is of a statistical character, a copy of the request shall be submitted to the Division of Statistical Standards of the Bureau of the Budget at the time the request is submitted to the Secretary of Commerce

2. Upon the receipt of the request, the Secretary of Commerce may make available the document or information requested, either by furnishing the information, or by furnishing the original or a copy of the document, or by permitting personal inspection of the same, and the Secretary of Commerce may impose such conditions and restrictions on the use of such document or information as he may deem advisable so as to protect any confidential feature that may be imposed by law or regulation on such document or information, consistent with the purposes of said section 1402 of the Second War Powers Act, 1942, and these regulations.

The Secretary of Commerce shall inform the Division of Statistical Standards of his action upon each request made, under section 1 of this order, if the information is of a statistical character.

3. The document or information that may be made available shall not be used for purposes, or disclosed to any person or agency, not covered by the request, or contrary to the conditions and restrictions imposed by the Secretary of Commerce.

4. Additional expenses incurred by the Department of Commerce in making available the documents or information requested shall be borne by the requesting agency.

5. The term "person", as used in these regulations, shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not

6. These regulations shall not be applicable to or restrict the furnishing by the Department of Commerce of information to other agencies of the Government or to the general public, which is not made confidential by statute or regulation.

§ 644b. Definition of person.

For purposes of this title the term "person" shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XIV, § 1403, 56 Stat. 186.)

TITLE XV.—TIME LIMIT AND SHORT TITLE

§ 645. Termination of portions of Act.

Titles I to V, inclusive [sections 631–635 of this Appendix], and titles VII, XI, and XIV of this Act [sections 638, 641–641e, and 644–644b of this Appendix], and the amendments to existing law made by any such title [said sections], shall remain in force only until June 30, 1946, or until such earlier time as the Congress by concurrent resolution, or the President, may designate, and after such amendments cease to be in force any provision of law amended thereby shall be in full force and effect as though this Act [said sections] had not been enacted; but court proceedings brought under any such title [said sections] shall not abate by reason of the termination hereunder of such title [said sections]. (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XV, § 1501, 56 Stat. 187, as amended Dec. 20, 1944, ch. 614, 58 Stat. 827; Dec. 28, 1945, ch. 590, § 1 (f), 59 Stat. 658.)

AMENDMENTS

1945—Act Dec. 28, 1945, cited to text, amended section by substituting "Titles I to V, inclusive, and titles VII, XI, and XIV" in lieu of "Titles I to VII, inclusive, and titles IX, XI, and XIV", and by substituting "June 30, 1946," for "December 31, 1945,".

1944—Act Dec. 20, 1944, cited to text, amended section by extending termination date from Dec. 31, 1944, to Dec. 31, 1945.

CROSS REFERENCES

Limitation of act, see section 775 of this Appendix.

§ 645a. Short title of Act.

This Act [sections 631–645a of this Appendix] may be cited as the "Second War Powers Act, 1942". (Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title XV, § 1502, 56 Stat. 187.)

EXPORTATION RESTRICTIONS ON CERTAIN ARTICLES

Sec.

702 Application of section 701 to territories, dependencies, and possessions of the United States (New).

ACT OF JULY 2, 1940, CH. 508, 54 STAT. 714

§ 701. Prohibition or curtailment of exportation of articles, data, etc.; penalties.

(a) The President is hereby authorized to prohibit or curtail the exportation of any articles, technical data, materials, or supplies, except under such rules and regulations as he shall prescribe.

(b) Unless the President shall otherwise direct, the functions and duties of the President under this section shall be performed by the Foreign Economic Administration.

(c) In case of the violation of any provision of any proclamation, rule, or regulation issued hereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or by both such fine and imprisonment.

(d) The authority granted by this section shall terminate on June 30, 1946 or upon any prior date which the Congress by concurrent resolution, or the President, may designate; except that as to offenses committed, or rights or liabilities incurred prior to such date, the provisions of this section and such rules, regulations, and proclamations shall be treated as remaining in effect for the purpose of sustaining any suit, action, or prosecution with respect to such right, liability, or offense. (As amended June 30, 1942, ch. 461, 56 Stat. 463; July 1, 1944, ch. 360, 58 Stat. 671; June 30, 1945, ch. 205, 59 Stat. 270.)

AMENDMENTS

1945—Subsec. (d) amended by act June 30, 1945, cited to text, which substituted "June 30, 1946" for "June 30, 1945".

1944—Subsec. (b) amended by act July 1, 1944, cited to text, which substituted "Foreign Economic Administration" for "Board of Economic Warfare."

Subsec. (d) amended by act July 1, 1944, cited to text, which substituted "June 30, 1945" for "June 30, 1944".

1942—Act June 30, 1942, cited to text, amended section generally.

§ 702. Application of section 701 to territories, dependencies, and possessions of the United States.

The provisions of section 701 of this Appendix, shall be applicable to all territories, dependencies, and possessions of the United States, including the Philippine Islands, the Canal Zone, and the District of Columbia, and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction of offenses committed in the Philippine Islands in violation of the provisions of that section or of any proclamation, or of any rule or regulation, issued thereunder. (May 28, 1941, ch. 134, 55 Stat. 206.)

REQUISITION OF MILITARY EQUIPMENT, MATERIALS AND SUPPLIES

ACT OF OCT. 16, 1941

Sec

721. Requisition of military materials for United States; compensation (New)
722 Return of property to original owner (New)
723. Reports to Congress by President (New).
724. Administration of act (New).

ACT OCT. 10, 1940, CH. 836, 54 STAT. 1090

§ 711. Requisition for United States of export military materials.

Whenever the President determines that it is necessary in the interest of national defense or prosecution of war to requisition and take over for the use or operation by the United States or in its interest any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, ordered, manufactured, procured, or possessed for export purposes, the exportation of which has been prohibited or curtailed in accordance with the provisions of section 6 of the Act approved July 2, 1940 (Public, Numbered 703, Seventy-sixth Congress; 54 Stat. 714 (section 701 of this Appendix)), as heretofore

or hereafter amended, or any other law, he is hereby authorized and empowered to requisition and take over for the said use or operation by the United States, or in its interest, any of the foregoing articles or materials, and to sell or otherwise dispose of any such articles or materials, or any portion thereof, to a person or a corporation of the United States whenever he shall determine such action to be in the public interest. Any moneys received by the United States as the proceeds of any such sale or other disposition of any such articles or materials or any portion thereof shall be deposited to the credit of that appropriation out of which was paid the cost to the Government of the property thus sold or disposed of, and the same shall immediately become available for the purposes named in the original appropriation: *Provided, however,* That nothing in this section shall modify or repeal section 14 of Public Law Numbered 671, 76th Congress, approved June 28, 1940 (sections 1262a of Title 10, and 546e of Title 34). (As amended July 2, 1942, ch. 471, § 1, 56 Stat. 467.)

AMENDMENTS

1942—Act July 2, 1942, cited to text, amended first sentence.

EX ORD NO 8567 ADMINISTRATION OF ACT OCT 10, 1940, CONCERNING REQUISITIONING OF MILITARY MATERIALS

Ex Ord No 8567, Oct 15, 1940, 5 F R 4121, provided: Under and by virtue of the authority vested in me by the act of Congress entitled "AN ACT To authorize the President to requisition certain articles and materials for the use of the United States, and for other purposes," approved October 10, 1940, and as President of the United States, it is hereby ordered as follows:

(1) The Secretary of War and the Secretary of the Navy, acting jointly through the Army and Navy Munitions Board, shall make determination as to the necessity of requisitioning and taking over in the interest of national defense for the use or operation by the United States or in its interest any military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, within the purview of the said act of October 10, 1940

(2) The provisions of the said act of October 10, 1940, relating to the sale or other disposition of any articles or materials requisitioned and taken over pursuant to the said act and to the determination whether the sale or disposition of any such articles or materials is in the public interest shall be administered by the Secretary of War and the Secretary of the Navy acting jointly through the Army and Navy Munitions Board

(3) The provisions of the said act of October 10, 1940, other than those mentioned in paragraphs (1) and (2) hereof shall be administered by the Administrator of Export Control under regulations to be prescribed from time to time by the President in the interest of national defense

POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord No. 9280, following section 601 of this Appendix

§ 713. Termination of act.

The authority granted in this Act (sections 711–713 of this Appendix) shall remain in force until June 30, 1946, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate. (As amended July 2, 1942, ch. 471, § 2, 56 Stat. 468; June 28, 1944, ch. 308, 58 Stat. 625; June 30, 1945, ch. 207, 59 Stat. 270.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by substituting "June 30, 1946" for "June 30, 1945".

1944—Act June 28, 1944, cited to text, amended section by changing termination date from June 30, 1944, to June 30, 1945

ACT OCT. 16, 1941, CH. 445, 55 STAT. 742

§ 721. Requisition of military materials for United States; compensation.

Whenever the President, during the national emergency declared by the President on May 27, 1941, but not later than June 30, 1946, determines that (1) the use of any military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment, supplies, or munitions is needed for the defense of the United States; (2) such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and (3) all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted, he is authorized to requisition such property for the defense of the United States upon the payment of fair and just compensation for such property to be determined as hereinafter provided, and to dispose of such property in such manner as he may determine is necessary for the defense of the United States. The President shall determine the amount of the fair and just compensation to be paid for any property requisitioned and taken over pursuant to this Act [sections 721–724 of this Appendix] and the fair value of any property returned under section 2 of this Act (section 722 of this Appendix), but each such determination shall be made as of the time it is requisitioned or returned, as the case may be, in accordance with the provision for just compensation in the fifth amendment to the Constitution of the United States. If, upon any such requisition of property, the person entitled to receive the amount so determined by the President as the fair and just compensation for the property is unwilling to accept the same as full and complete compensation for such property he shall be paid 50 per centum of such amount and shall be entitled to sue the United States in the Court of Claims or in any district court of the United States in the manner provided by sections 24 (20) and 145 of the Judicial Code (U. S. C., 1934 ed., Title 28, secs. 41 (20) and 250) for an additional amount which, when added to the amount so paid to him, he considers to be fair and just compensation for such property. Such courts shall also have power to determine in an appropriate proceeding any questions that may arise with respect to the amount of the fair value to be paid upon the return of any property under section 2 of this Act (section 722 of this Appendix), regardless of the amount in controversy in any such proceeding.

Nothing contained in this Act [sections 721–724 of this Appendix] shall be construed—

(1) to authorize the requisitioning or require the registration of any firearms possessed by an individual for his personal protection or sport (and the possession of which is not prohibited or the registration of which is not required by existing law),

(2) to impair or infringe in any manner the right of any individual to keep and bear arms. (Oct. 16, 1941, ch. 445, § 1, 55 Stat. 742, as amended Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VI, §§ 601, 602, 56 Stat. 181; June 30, 1943, ch. 181, § 1, 57 Stat. 271; June 28, 1944, ch. 307, § 1, 58 Stat. 624; June 30, 1945, ch. 208, § 1, 59 Stat. 271.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by substituting "June 30, 1946" for "June 30, 1945", in first sentence.

1944—Act June 28, 1944, cited to text, amended first sentence by striking out "June 30, 1944" and inserting in lieu thereof "June 30, 1945"

1943—Act June 30, 1943, cited to text, amended first sentence by striking out "June 30, 1943" and inserting "June 30, 1944"

1942—First paragraph, second sentence, was amended by act Mar. 27, 1942, § 602, cited to text

Last paragraph was amended by act Mar. 27, 1942, § 601, cited to text, deleting subd. (3) thereof

EXPIRATION OF ACT MAR. 27, 1942

Expiration of wartime amendments by act Mar. 27, 1942, cited to text, and restoration of prior provisions, see section 645 of this Appendix

POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord. No. 9280, following section 601 of this Appendix

§ 722. Return of property to original owner.

Whenever the President determines that property acquired under this Act [sections 721–724 of this Appendix] and retained is no longer needed for the defense of the United States, he shall, if the original owner desires the property and pays the fair value thereof, return such property to the owner; but, in any event, property so acquired and retained shall, if the owner desires the property and pays the fair value thereof, be returned to the owner not later than December 31, 1946. (Oct. 16, 1941, ch. 445, § 2, 55 Stat. 742, amended June 30, 1943, ch. 181, § 2, 57 Stat. 271; June 28, 1944, ch. 307, § 2, 58 Stat. 624; June 30, 1945, ch. 208, § 2, 59 Stat. 271.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by substituting "December 31, 1946" for "December 31, 1945".

1944—Act June 28, 1944, cited to text, amended section by striking out "December 31, 1944" and inserting in lieu thereof "December 31, 1945".

1943—Act June 30, 1943, cited to text, amended section by striking out "December 31, 1943" and inserting "December 31, 1944."

§ 723. Reports to Congress by President.

The President from time to time, but not less frequently than once every six months, shall transmit to the Congress a report of operations under this Act [sections 721–724 of this Appendix]. (Oct. 16, 1941, ch. 445, § 3, 55 Stat. 743.)

§ 724. Administration of act.

The President may issue such rules and regulations and require such information as may be necessary and proper to carry out the provisions of this Act [sections 721–724 of this Appendix], and he may exercise any power or authority conferred on him by this Act through such department, agency, board, or officer as he shall direct or appoint. (Oct. 16, 1941, ch. 445, § 4, 55 Stat. 743.)

TERRITORIAL USE OF ARMY AND EXTENSION OF SERVICE PERIOD (New)

Sec.
731. Suspension of territorial ban on use of Army.
732 Extension of periods of service, training, etc., of all members of the Army.
733 Amendment of section 2 of Title 10.

ACT DEC. 13, 1941, CH. 571, 55 STAT. 799

§ 731. Suspension of territorial ban on use of Army.

The provisions of Public Resolution Numbered 96, Seventy-sixth Congress, approved August 27, 1940, as amended, and of Public, Numbered 783, Seventy-sixth Congress (the Selective Training and Service Act of 1940), as amended (sections 401–405 and 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix), insofar as they restrict the territorial use of units and members of the Army of the United States, are suspended during the existence of any war in which the United States is engaged, and during the six months immediately following the termination of any such war. (Dec. 13, 1941, ch. 571, § 1, 55 Stat. 799.)

§ 732. Extension of periods of service, training, etc., of all members of the Army.

The periods of service, training and service, enlistment, appointment, or commission, of all members of the Army of the United States now or hereafter in or subject to active military service of the United States are extended for the period stated in the preceding section (section 731 of this Appendix): *Provided*, That nothing in this section shall be construed to prevent the President from terminating such periods of service, training and service, enlistment, appointment, or commission at an earlier date in any case. (Dec. 13, 1941, ch. 571, § 2, 55 Stat. 800.)

§ 733. Amendment of section 2 of Title 10.

Section 1 of the National Defense Act of June 3, 1916, as amended (section 2 of Title 10), is amended by striking out the period at the end thereof and inserting in lieu of such period a comma and the following: "and shall include persons inducted into the land forces of the United States under Public, Numbered 783, Seventy-sixth Congress (the Selective Training and Service Act of 1940), as amended (sections 301–303, 304, 305, 306–309, 310, 311–318 of this Appendix)." (Dec. 13, 1941, ch. 571, § 3, 55 Stat. 800.)

CIVILIAN PROTECTION FROM WAR HAZARDS (New)

Sec.
741. Protection from bombing attacks and other war hazards; appropriations for facilities, etc.; administration of program
742. Same; unlawful use of insignia, etc.; interference with local districts or officials; penalties.

ACT JAN. 27, 1942, CH. 20, 56 STAT. 19

§ 741. Protection from bombing attacks and other war hazards; appropriations for facilities, etc.; administration of program.

There is hereby authorized to be appropriated such sums, not exceeding $100,000,000, as may be necessary to enable the Director of Civilian Defense, appointed under authority of Executive Order Numbered 8757, dated May 20, 1941 (6 F. R. 2517), to provide, under such regulations as the President may prescribe, facilities, supplies, and services to include research and development for the adequate protection of persons and property from bombing attacks, sabotage or other war hazards in such localities in the United States, its Territories and possessions, as may be determined by the said Director to be in need of, but unable to provide, such protection: *Provided*, That such facilities and supplies may be loaned to civil authorities in accordance with said regulations: *Provided further*, That any department or agency of the Federal Government having equipment or supplies not required for its use may, subject to the approval of the Division of Procurement, Treasury Department, transfer the same without charge (notwithstanding the provisions of the Act of December 20, 1928, 45 Stat. 1030 (see sections 311a and 312 of Title 40)) to the Director of Civilian Defense for the purpose herein authorized. (Jan. 27, 1942, ch 20, § 1, 56 Stat. 19.)

EX ORD NO 9562 TERMINATION OF THE OFFICE OF CIVILIAN DEFENSE

Ex Ord No 9562, June 5, 1945, 10 F. R 6639, provided: By virtue of the authority vested in me by the Constitution and laws of the United States, it is hereby ordered as follows

1. The Office of Civilian Defense (hereinafter referred to as the Office), established by Executive Order No 8757 of May 20, 1941, is terminated. The functions of the Office and of the Director thereof are abolished, except to the extent that they are transferred by this order The property, the records, and personnel of the Office are transferred as hereinafter indicated.

2. All protective property of the Office, acquired under the act of January 27, 1942, 56 Stat. 19 [sections 741 and 742 of this Appendix], the act of February 21, 1942, 56 Stat. 98 [ch 108], or otherwise, is transferred to the Department of Commerce. All functions heretofore vested in the Office or in the Director thereof incident to the storage, care, transportation, inspection, and disposition of such property are transferred to the Secretary of Commerce, and shall be exercised by him in consonance with the Surplus Property Act of 1944 [sections 1611–1646 of this Appendix] and the regulations and designations of the Surplus Property Board under that Act. The Secretary may carry out such functions through such agencies and personnel of the Department of Commerce as he shall designate So much of the personnel, records, and other property of the Office as the Director of the Bureau of the Budget shall determine to be necessary for carrying out the purposes of this paragraph shall be transferred to the Department of Commerce

3 The Secretary of the Treasury, acting through the Bureau of Accounts of the Treasury Department and such personnel of the Bureau of Accounts as he shall designate, shall, except as otherwise provided in paragraph 2 hereof, wind up the affairs of the Office. This shall include, but not be limited to, the separation of any excess personnel of the Office from the service; the liquidation of obligations incurred by the Office under its appropriations; the maintenance of expired appropriation accounts of the Office, the handling of residual pay-roll matters of the Office, including final payments to employees and action required with respect to bonds under the pay-roll deduction plan, withheld taxes, and retirement accounts; the effecting of collections and disposition of special deposit accounts relating to the Office; the clearance of post-audit exceptions and claims of the Office, and the disposition of such records of the Office as relate to the said affairs All functions of the Office and of the Director thereof which are necessary to the effectuation of the provisions of this paragraph are transferred to the Secretary of the Treasury. So much of the funds, records, and property of the Office as the Director of the Bureau of the Budget shall determine, shall be transferred to the Treasury Department for the purpose of carrying out the provisions of this paragraph

4. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the purposes and provisions of this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

5. All prior Executive orders which are in conflict with this order are amended to the extent of such conflict.

6 This order shall become effective at the close of business June 30, 1945

§ 742. Same; unlawful use of insignia, etc.; interference with local districts or officials; penalties.

It shall be unlawful for any person to wear an insignia, arm band, or other distinctive article prescribed by the Director of Civilian Defense except in accordance with the regulations promulgated under the authority of section 1 hereof (section 741 of this Appendix): *Provided*, That nothing in this Act [this section and section 741 of this Appendix] shall be construed as authorizing the Director of Civilian Defense, or any person or employee acting under him by authority of this Act [said sections], or in pursuance of the regulations prescribed thereunder to interfere with or usurp any of the rights or duties of any local district, municipal, county, or State official.

Any person found guilty of violating the provisions of this section shall, upon conviction, be fined not more than $100 or imprisoned for not more than thirty days, or both. (Jan. 27, 1942, ch. 20, § 2, 56 Stat. 19.)

DECORATIONS, ETC., FOR MERCHANT MARINE (New)

RES. OF APR. 11, 1942

Sec
751 Medals for outstanding conduct or service by persons serving in merchant marine.
752 Same, rosettes or other devices; number of medals; award for repeated distinguished service; death before presentation.

ACT OF MAY 10, 1943

753 Seamen's service and war zone insignia; persons eligible; period for awarding.
753a. Seamen's honor bar; persons eligible
753b Medal for seamen wounded, physically injured, or suffering from dangerous exposure from act of enemy.
753c. Conditions for eligibility, limitation of awards, posthumous award, termination of awards.
753d. Seamen's service flag and lapel button; persons entitled to display; design, approval and publication.
753e. Rules and regulations; expenditure of funds.
753f. Regulations governing manufacture, sale, possession, or display of decorations; penalties (New).

RES. APR. 11, 1942, CH. 241, 56 STAT. 217

CROSS REFERENCES

Medals and honors for Coast Guard, see section 191 et seq of Title 14, Coast Guard.

Medals and honors for Navy and Marine Corps, see section 351 et seq of Title 34, Navy.

Military decorations and badges, see section 1401 et seq. of Title 10, Army.

§ 751. Medals for outstanding conduct or service by persons serving in merchant marine.

The United States Maritime Commission is hereby authorized and directed, under such rules and regulations as it may prescribe, to provide and award a medal of such material and design and with such devices and inscriptions as the Commission may deem suitable to each person who in the American merchant marine, on or after September 3, 1939, has distinguished himself or during the war distinguishes himself by outstanding conduct or service in the line of duty. Such medals shall be presented with appropriate ceremony as specified by the Commission. (Apr. 11, 1942, ch. 241, 56 Stat. 217.)

§ 752. Same; rosettes or other devices; number of medals; award for repeated distinguished service; death before presentation.

There may be issued with each medal a rosette or other device to be worn in lieu of the medal. Not more than one medal shall be issued hereunder to any person, but for each succeeding instance sufficient to justify the award of a medal to such person the Commission may award a suitable bar or other emblem or insignia to be worn with the medal and the corresponding rosette or other device. In case any person who so distinguishes himself as to justify the award of a medal or decoration hereunder dies before the award can be made to him, the award may be made and the medal or decoration presented to such representative of the deceased as the Commission deems proper. (Apr. 11, 1942, ch. 241, 56 Stat. 217.)

ACT MAY 10, 1943, CH 96, 57 STAT. 81

§ 753. Seamen's service and war zone insignia; persons eligible; period for awarding.

The Administrator, War Shipping Administration, is hereby authorized to provide and issue (a) a seamen's service insignia of appropriate design to any person who, at any time during the period (hereinafter referred to as the war period) beginning December 7, 1941, and ending with the termination of the present war, serves on any vessel in the American merchant marine, and (b) a seamen's war zone insignia or device of appropriate design to any person who, at any time during the war period, serves on any vessel in the American merchant marine while sailing in any war or combat zone. (May 10, 1943, ch. 96, § 1, 57 Stat. 81.)

§ 753a. Seamen's honor bar; persons eligible.

The Administrator is authorized to provide and issue a seamen's honor bar to any person who, at any time during the war period, serves on any vessel in the American merchant marine which, at the time of such service, is attacked or damaged by an instrumentality of war. The Administrator is further authorized to provide and issue a star (to be attached to such bar) to any such person who is forced to abandon such vessel when so attacked or damaged, with an additional star for each such abandonment. (May 10, 1943, ch. 96, § 2, 57 Stat. 81.)

§ 753b. Medal for seamen wounded, physically injured, or suffering from dangerous exposure from act of enemy.

The Administrator is authorized to provide and award a medal of appropriate design and a ribbon, together with a rosette or other device to be worn in lieu thereof, to any person who, while serving on any vessel in the American merchant marine during the war period, is wounded, suffers physical injury, or suffers through dangerous exposure as a result of an act of an enemy of the United States. (May 10, 1943, ch. 96, § 3, 57 Stat. 82.)

§ 753c. Conditions for eligibility; limitation of awards; posthumous award; termination of awards.

The Administrator shall prescribe appropriate conditions of eligibility for the issuance or award of insignia or medals under this Act [sections 753–753e of this Appendix]. Not more than one insignia or medal of each type provided herein shall be issued or awarded to any one person, but for each succeeding service of any person sufficient to justify the award of a medal under section 3 of this Act (section 753b of this Appendix), the Administrator may award a suitable bar, emblem, or insignia to be worn with the medal. In case any person who performs service sufficient to justify the award of a medal under section 3 (section 753b of this Appendix) dies before the award can be made to him, the award may be made and the medal presented to such representative of the deceased as the Administrator deems proper. No award of any insignia, medal, or device shall be made hereunder after two years after the termination of the present war. (May 10, 1943, ch. 96, § 4, 57 Stat. 82.)

§ 753d. Seamen's service flag and lapel button; persons entitled to display; design, approval and publication.

The Administrator is authorized to approve a design for a seamen's service flag which may be displayed, and a design for a service lapel button which may be worn, by members of the immediate family of a person serving in the American merchant marine during the war period. In approving any design under this section, the Administrator may approve the design approved by the Secretary of War under the provisions of the Act of Congress approved October 17, 1942 (ch. 615) (Public Law 750, Seventy-seventh Congress) [sections 179–182 of Title 36], but only if the Secretary of War shall consent thereto and the Administrator shall approve for use in connection therewith a distinctive insignia or other device designating service in the American merchant marine. The Administrator, upon approval of the design for such service flag and service lapel button, shall cause notice of such approval and a description of the flag and button to be published in the Federal Register. (May 10, 1943, ch. 96, § 5, 57 Stat. 82.)

§ 753e. Rules and regulations; expenditure of funds.

(a) The Administrator is authorized to prescribe such rules and regulations as may be appropriate to carry out the provisions of this Act [sections 753–753e of this Appendix].

(b) The Administrator is authorized to expend out of any funds available for expenditure by the War Shipping Administration such sums as may be necesary to carry out the provisions of this Act [said sections]. (May 10, 1943, ch. 96, § 6, 57 Stat. 82.)

§ 753f. Regulations governing manufacture, sale, possession, or display of decorations; penalties.

The manufacture, sale, possession, or display of any insignia, decoration, medal, award, or device, or the ribbon, button, or rosette thereof, or any colorable imitation of any insignia, decoration, medal, award, or device, provided for in this Act [this section], or the Act of April 11, 1942 (Public Law 524, Seventy-seventh Congress; 56 Stat. 217) [sections 751 and 752 of this Appendix], or any Executive order issued thereunder, or Executive Order 9472 of August 29, 1944 (9 F. R. 10613), or section 216 of the Merchant Marine Act, 1936, as amended [section 1126 of Title 46], or in any rule or regulation issued pursuant to any such Acts or Executive orders, is prohibited, except as authorized under any such Acts or Executive orders, or any rule or regulation issued pursuant thereto. Whoever violates any provision of this section shall be punished by a fine not exceeding $250 or by imprisonment not exceeding six months, or both. (July 31, 1945, ch. 337, 59 Stat. 511.)

USE OF PUBLIC LANDS FOR WAR PURPOSES (New)

Sec.

756 Sale or lease of certain public lands for use in manufacture of arms, etc.
757. Taxation of lessee's interest.
758. Secretary authorized to establish rules, etc.
759 Termination of act.

ACT JUNE 5, 1942, CH. 346, 56 STAT. 323

§ 756. Sale or lease of certain public lands for use in manufacture of arms, etc.

The Secretary of the Interior is hereby authorized, in his discretion, to lease or sell, on such terms and conditions and subject to such provisions and restrictions as he may deem proper, vacant public lands withdrawn or reserved by Executive Order Numbered 6910 of November 26, 1934, or Executive Order Numbered 6964 of February 5, 1935, or within a grazing district, but not otherwise withdrawn or reserved, to any person, partnership, or corporation for use in connection with the manufacture of arms, ammunition, and implements of war, or the production of equipment, supplies, and materials, or machinery usable in such manufacture: *Provided*, That all patents issued under the provisions of this Act [sections 756–759 of this Appendix] shall contain a reservation to the United States of all mineral deposits in the lands, together with the right to prospect for, mine, and remove the same. (June 5, 1942, ch. 346, § 1, 56 Stat. 323.)

CROSS REFERENCES

Sale of public lands generally, see section 671 et seq. of Title 43, Public Lands.

§ 757. Taxation of lessee's interest.

For so long as any public land is leased under the provisions of this Act [sections 756–759 of this Appendix], the lessee's interest in the land and improvements shall be taxable by the State in which the land lies or by any political subdivision of such State, except that tax liens on the leasehold interest or improvements shall be subordinate to any liens held by any agency or instrumentality of the United States. (June 5, 1942, ch. 346, § 2, 56 Stat. 323.)

§ 758. Secretary authorized to establish rules, etc.

The Secretary of the Interior is authorized to make any rules or regulations necessary to carry out the provisions of this Act [sections 756–759 of this Appendix]. (June 5, 1942, ch. 346, § 3, 56 Stat. 323.)

§ 759. Termination of act.

This Act [sections 756–759 of this Appendix] shall cease to be operative six months after the termination of the unlimited national emergency proclaimed by the President in the proclamation of May 27, 1941 (Executive Proclamation Numbered 2487 (note preceding section 1 of this Appendix)). (June 5, 1942, ch. 346, § 4, 56 Stat. 323.)

MISCELLANEOUS PROVISIONS AFFECTING MILITARY ESTABLISHMENT (New)

Sec.

761. Entertainment and instruction of enlisted personnel; employment and pay of internes.
762. Suspension of provisions limiting Army personnel strength, numbers, grades, aerial flights, etc.
763. Civilian employees; appointment and transfer to foreign service; transportation of employees, dependents, and effects.
764. Travel allowances for dependents of personnel of Army of the United States, household effects.
765. Availability of funds; transportation, packing, etc., of baggage, household effects, and goods of military and civilian personnel
766. Same; lease of vessels.
767. Same; acquisition of land, rights pertaining thereto, leasehold and other interests, temporary use; approval of title.
768. Fixed fee limited to 6 per centum on cost-plus contracts for military posts.
769. Extension of aircraft procurement program.
770 Availability of funds; expenses of operation of railroad.
771. Same; acquisition of leasehold and other interests in land, temporary use, approval of title.
772. Employment of necessary personnel for production of plans for War Department projects, compensation.
773. Extension of other laws.
774. Suspension of limitations on number of aircraft.
775 Effect on First and Second War Powers Acts.
776. Termination of act.
777. Naval plantations outside continental United States; availability of appropriations for management and operation (New).

ACT JUNE 5, 1942, CH. 340, 56 STAT. 314

§ 761. Entertainment and instruction of enlisted personnel; employment and pay of internes.

The Secretary of War is hereby authorized out of any moneys available for the War Department to provide for entertainment and instruction in con-

nection with the welfare of enlisted personnel; to provide for the employment of internes who are graduates of or have successfully completed at least four years' professional training in reputable schools of medicine or osteopathy in the Medical Department, at not to exceed $720 per annum. (June 5, 1942, ch. 340, § 1, 56 Stat. 314.)

CROSS REFERENCES

Appointment of contract surgeons, see section 107 of Title 10, Army.

Composition of medical department, see section 81 of Title 10, Army.

Instruction of soldiers in addition to military training, see section 1176 of Title 10, Army.

Pay and allowances of contract surgeons of Army, see sections 101 and 108 of Title 37, Pay and Allowances.

§ 762. Suspension of provisions limiting Army personnel strength, numbers, grades, aerial flights, etc.

All provisions of existing law limiting the strength of any branch of the Army, the number of aviation cadets in the Army Air Corps, the number of assistant superintendents of the Army Nurse Corps, the number and grade of reserve officers who may be ordered to extended active duty and the number of officers of the Army who may be required to participate regularly and frequently in aerial flights are hereby suspended. (June 5, 1942, ch. 340, § 2, 56 Stat. 314.)

CROSS REFERENCES

Provisions limiting strength of Army, see notes following section 482a of Title 10, Army.

§ 763. Civilian employees; appointment and transfer to foreign service; transportation of employees, dependents, and effects.

(a) The Secretary of War is hereby authorized to effect appointments of civilian employees in the United States, or to effect the transfer of such employees in the Federal Service in the United States, for duty at any point outside the continental limits of the United States or in Alaska at which it may be found necessary to assign such civilian employees, and to pay the costs of transportation of such employees from the place of engagement in the United States, or from the present post of duty in the United States or in Alaska, if already in the Federal Service, to the post of duty outside the United States and return upon relief therefrom, and to provide for the shipment of personal effects of persons so appointed or transferred from the place of engagement or transfer to the post of duty outside the continental United States or in Alaska and return upon relief therefrom.

(b) When civilian employees are on duty at places designated by the Secretary of War as within zones from which their dependents should be evacuated for military reasons, or upon transfer or assignment to duty of such civilian employees to places where their dependents are not for military reasons permitted to accompany them, their dependents and household effects may be moved at Government expense under such regulations as the Secretary of War may prescribe, to such locations as may be designated by the employee concerned and later from such locations to a duty station to which the employee is assigned and at which the above restrictions do not apply: *Provided,* That the provisions of this subsection shall be applicable to travel performed by dependents and household effects moved on and after December 8, 1941.

(c) When civilian employees are assigned to temporary duty away from their permanent station on orders which do not provide for return to the permanent station, or which do not specify or imply any limit to the period of absence from the permanent station, their dependents and household effects may be moved at Government expense, under such regulations as the Secretary of War may prescribe, to such location in the United States as may be designated by the employee concerned and later from such location to a permanent duty station to which the employee is assigned, subject to such regulations as the Secretary of War may prescribe regarding the shipment of dependents into specified zones: *Provided,* That the provisions of this subsection shall be applicable to travel performed by dependents and household effects moved on and after December 8, 1941. (June 5, 1942, ch. 340, § 3, 56 Stat. 314.)

§ 764. Travel allowances for dependents of personnel of Army of the United States; household effects.

(a) Any funds available for the payment of travel allowances and travel in kind, shall be available for the payment of such allowances as are now or may hereafter be authorized for dependents of personnel of the Regular Army, for travel of dependents of personnel of corresponding grades in the Army of the United States while in the service of the United States, and from home to first station and from last station to home when ordered to or relieved from active duty: *Provided,* That the provisions of this subsection shall be applicable to travel performed by dependents on and after September 8, 1939.

(b) When such military personnel are on duty at places designated by the Secretary of War as within zones from which their dependents should be evacuated for military reasons, or upon transfer or assignment to duty of such military personnel to places where their dependents are not, for military reasons, permitted to accompany them or where Government quarters for their dependents are not available, dependents for whom travel allowances and travel in kind is authorized, and household effects which are authorized to be moved at Government expense, may be moved at Government expense to such locations as may be designated by the officer, warrant officer, or enlisted man concerned and later from such locations to a duty station to which such officer, warrant officer, or enlisted man may be assigned and at which the above restrictions do not apply: *Provided,* That the provisions of this subsection shall be applicable to travel performed by dependents and household effects moved on and after December 8, 1941.

(c) When such military personnel are assigned to temporary duty away from their permanent station on orders which do not provide for return to the permanent station, or which do not specify or imply any limit to the period of absence from the permanent station, dependents for whom travel allowances

and travel in kind are authorized, and household effects which are authorized to be moved at Government expense on permanent change of station, may be moved at Government expense to such location in the United States as may be designated by the officer, warrant officer, or enlisted man concerned and later from such location to a permanent duty station to which the officer, warrant officer, or enlisted man is assigned, subject to such regulations as the Secretary of War may prescribe regarding the shipment of dependents into specified zones: *Provided*, That the provisions of this subsection shall be applicable to travel performed by dependents and household effects moved on and after December 8, 1941.

(d) Officers, warrant officers, and enlisted men of the Army of the United States, now in the active Federal service, for whom transportation of household effects is authorized, may elect to have such household effects moved at Government expense from their permanent station to any point in the United States, for storage at their own expense for the duration of the wars in which the United States is now engaged. After the termination of such wars such household effects may be moved from the point to which originally shipped to any permanent duty stations to which the officers, warrant officers, or enlisted men may be assigned. (June 5, 1942, ch. 340, § 4, 56 Stat. 315.)

CROSS REFERENCES

Travel allowance for dependents of personnel of Navy, Marine Corps, Coast Guard, and Coast and Geodetic Survey see section 831 of this Appendix.

Travel allowance for dependents of personnel of Navy, Marine Corps, and Coast Guard upon change of station, see section 822e of this Appendix.

§ 765. Availability of funds; transportation, packing, etc., of baggage, household effects, and goods of military and civilian personnel.

Any funds available for the transportation of baggage, household effects and goods, shall be available for the transportation, packing, crating, and unpacking of such baggage, household effects and goods, in the manner and under such conditions of service of military and civilian personnel as the Secretary of War may prescribe and designate by regulations. (June 5, 1942, ch. 340, § 5, 56 Stat. 316.)

§ 766. Same; lease of vessels.

Any funds available for Army transportation, shall be available for the lease from the Maritime Commission and War Shipping Administration or others of boats and other vessels. (June 5, 1942, ch. 340, § 6, 56 Stat. 316.)

§ 767. Same; acquisition of land, rights pertaining thereto, leasehold and other interests, temporary use; approval of title.

Any funds available for construction of buildings, utilities, and appurtenances at military posts shall be available with the approval of the Secretary of War for the purposes specified by existing law and in appropriation Acts, including the acquisition of land, rights pertaining thereto, leasehold and other interests therein, and temporary use thereof, without regard to the provisions of sections 1136 and 3648, Revised Statutes, as amended (10 U. S. C. § 1339; 31 U. S C. § 529), and the land and interests therein, including the temporary use thereof, may be acquired and construction may be prosecuted thereon prior to the approval of the title by the Attorney General as required by section 355 of the Revised Statutes, as amended. (Title 33, § 733; Title 34, § 520; Title 40, § 255; Title 50, § 175.) (June 5, 1942, ch. 340, § 7, 56 Stat. 316.)

§ 768. Fixed fee limited to 6 per centum on cost-plus contracts for military posts.

The fixed fee to be paid the contractor as the result of any contract for public works entered into on or after September 9, 1940, for the construction and installation of buildings, utilities, and appurtenances at military posts shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of War. (June 5, 1942, ch. 340, § 8, 56 Stat. 316.)

§ 769. Extension of aircraft procurement program.

The provisions of the Act to facilitate the procurement of aircraft for the national defense, approved March 5, 1940 (Public, Numbered 426, Seventy-sixth Congress (Title 10, § 310 note)), as amended by section 401 of the Second Revenue Act of 1940, approved October 8, 1940 (Public, Numbered 801, Seventy-sixth Congress (Title 34, § 496a)), shall be effective during the period prescribed in section 16 of this Act (section 776 of this Appendix). (June 5, 1942, ch. 340, § 9, 56 Stat. 316.)

§ 770. Availability of funds; expenses of operation of railroad.

Any funds available for the Engineer Service, Army, in addition to the purposes for which available under existing law or appropriations, shall be available for expenses of operation of one railroad not more than one hundred miles in length, including purchase or lease of equipment and materials and the acquisition of lands, rights-of-way thereon, and other interests therein and temporary use thereof. (June 5, 1942, ch. 340, § 10, 56 Stat. 316.)

§ 771. Same; acquisition of leasehold and other interests in land; temporary use; approval of title.

Any funds available for military construction, defense installations, in addition to the purposes for which available under existing law or appropriations, shall be available for the acquisition of leasehold and other interests in land, and the temporary use thereof, without regard to sections 1136, and 3734, Revised Statutes, as amended (10 U. S. C. § 1339; 40 U. S. C. § 267 (and Title 40, § 259)), and the land, and interests therein, including the temporary use thereof, may be acquired and construction may be prosecuted thereon prior to the approval of the title by the Attorney General as required by section 355 of the Revised Statutes, as amended (40 U. S. C. § 255 (Title 33, § 733; Title 34, § 520; Title 40, § 255; Title 50, § 175)) and shall remain available for such purposes during the period prescribed in section 16 of this Act (section 776 of this Appendix). (June 5, 1942, ch. 340, § 11, 56 Stat. 316.)

§ 772. Employment of necessary personnel for production of plans for War Department projects; compensation.

When deemed by the Secretary of War to be advantageous to the national defense, and if in his opinion the existing facilities of the War Department are inadequate, he is hereby authorized to employ, by contract or otherwise, without reference to section 3709, Revised Statutes (Title 41, § 5), and at such rates of compensation as he may determine, architectural, engineering, technical, or professional corporations, firms, or individuals for the production of plans and specifications required for any War Department project, and for the supervision of its accomplishment. (June 5, 1942, ch. 340, § 12, 56 Stat. 316.)

CROSS REFERENCES

Employment by Secretary of War of civilian engineers, architects, etc., for War Department projects, see section 221 of Title 5, Executive Departments and Government Officers and Employees.

§ 773. Extension of other laws.

The provisions of section 1 (a) and 1 (b) of the Act entitled "An Act to expedite the strengthening of the national defense", approved July 2, 1940 (Public, Numbered 703, Seventy-sixth Congress (section 1171 of this Appendix)), are hereby continued in effect and made applicable to moneys appropriated for the War Department for national defense purposes during the period prescribed in section 16 of this Act (section 776 of this Appendix). (June 5, 1942, ch. 340, § 13, 56 Stat. 317.)

§ 774. Suspension of limitations on number of aircraft.

All existing limitations with respect to the number of serviceable airplanes, airships, and free and captive ballons[1] that may be equipped and maintained are suspended. (June 5, 1942, ch. 340, § 14, 56 Stat. 317.)

[1] So in original Probably should read "balloons".

§ 775. Effect on First and Second War Powers Acts.

Except as provided in section 8 of this Act (section 768 of this Appendix), nothing in this Act [sections 761–776 of this Appendix] shall be effective to limit or affect any power or authority granted or conferred by the First War Powers Act, 1941 (sections 601–622 of this Appendix), or the Second War Powers Act, 1942 (sections 631–645a of this Appendix). (June 5, 1942, ch. 340, § 15, 56 Stat. 317.)

§ 776. Termination of act.

The provisions of this Act [sections 761–776 of this Appendix] shall remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate. (June 5, 1942, ch. 340, § 16, 56 Stat. 317.)

ACT JUNE 28, 1944, CH. 306, 58 STAT. 624

§ 777. Naval plantations outside continental United States; availability of appropriations for management and operation.

The appropriations for the subsistence of naval personnel shall be available for any and all expenditures necessary in the management, operation, maintenance, and improvement of any plantation or farm, on land subject to naval jurisdiction outside of the continental United States, for the purpose of furnishing food and food products to the armed forces of the United States: *Provided*, That equipment, material, and supplies required therein may be purchased without regard to section 3709 of the Revised Statutes [section 5 of Title 41], and other laws applicable to purchases by governmental agencies: *Provided further*, That only American nationals, employees of the United States, shall be entitled to benefits under the civil-service laws and other laws of the United States relating to the employment, work, compensation, rights, benefits, or obligations of civilian employees of the United States: *Provided further*, That surplus production over the amount furnished or sold to the armed forces of the United States and to civilians serving with the armed forces may only be sold outside the continental limits of the United States: *And provided further*, That no land shall be acquired under this authorization. (June 28, 1944, ch. 306, § 1, 58 Stat. 624.)

TERMINATION DATE

Section 2 of act June 28, cited to text, provided that this section should remain in effect until the termination of the present war and for six months thereafter.

PHOTOGRAPHING, MAPPING OR OTHER REPRESENTATION OF MILITARY OR DEFENSE PROPERTIES (New)

Sec.
781. Photographing, sketching, mapping, etc., military or naval reservations, properties, equipment, etc., as unlawful
782. Permission to photograph, sketch, map, etc.
783 Penalties for violations
784. Application to Philippine Islands.
785. Effective date of sections 781–785.

ACT JUNE 25, 1942, CH. 447, 56 STAT. 390

§ 781. Photographing, sketching, mapping, etc., military or naval reservations, properties, equipment, etc., as unlawful.

Whoever, except in performance of duty or employment in connection with the national defense, shall knowingly and willfully make any sketch, photograph, photographic negative, blueprint, plan, map, model, copy, or other representation of any navy yard, naval station, or of any military post, fort, camp, station, arsenal, airfield, or other military or naval reservation, or place used for national-defense purposes by the War or Navy Departments, or of any vessel, aircraft, installation, equipment, or other property whatsoever, located within any such post, fort, camp, arsenal, airfield, yard, station, reservation or place, or in the waters adjacent thereto, or in any defensive sea area established in accordance with law; or whoever, except in performance of duty or employment in connection with the national defense, shall knowingly and willfully make any sketch, photograph, photographic negative, blueprint, plan, map, model, copy, or other representation of any vessel, aircraft, installation, equipment, or other property relating to the national defense being manufactured or under construction or

repair for or awaiting delivery to the War or Navy Departments or the government of any country whose defense the President deems vital to the defense of the United States under any contract or agreement with the United States or such country or otherwise on behalf of the United States or such country, located at the factory, plant, yard, storehouse, or other place of business of any contractor, subcontractor, or other person, or in the waters adjacent to any such place, shall be punished as provided herein. (June 25, 1942, ch. 447, § 1, 56 Stat. 390.)

CROSS REFERENCES

Photographing, sketching, mapping, etc., defensive installations, see section 45 et seq. of this title.

§ 782. Permission to photograph, sketch, map, etc.

Notwithstanding the provisions of section 1 (section 781 of this Appendix), the Secretary of War or the Secretary of the Navy is authorized, under such regulations as he may prescribe, to permit photographs, sketches, or other representations to be made when, in his opinion, the interests of national defense will not be adversely affected thereby. (June 25, 1942, ch. 447, § 2, 56 Stat. 391.)

§ 783. Penalties for violations.

Any person found guilty of a violation of this Act [sections 781–785 of this Appendix] shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. (June 25, 1942, ch. 447, § 3, 56 Stat. 391.)

§ 784. Application to Philippine Islands.

The provisions of this Act [sections 781–785 of this Appendix] shall apply in the Philippine Islands as well as in all other places within the territory or jurisdiction of the United States. (June 25, 1942, ch. 447, § 4, 56 Stat. 391.)

§ 785. Effective date of sections 781–785.

This Act shall be effective only for the duration of the present war as determined by proclamation of the President. (June 25, 1942, ch. 447, § 5, 56 Stat. 391.)

EXEMPTION OF CERTAIN ARTICLES FROM IMPORT DUTIES AND TAXES (New)

RES. JUNE 27, 1942, CH 455

Sec
791. Free importation of articles for members of the armed forces of other United Nations.
792 Free importation of articles for enemy prisoners and internees.
793. Free importation of articles made by members of armed forces of United Nations while interned as prisoners
794 Regulations by the Secretary of the Treasury.
795 Effective date.

ACT JUNE 27, 1942, CH. 453

801. Free importation of personal and household effects brought into the United States under Government orders.
802 Effective date.

RES. JUNE 27, 1942, CH. 455, 56 STAT. 461

§ 791. Free importation of articles for members of the armed forces of other United Nations.

All articles imported into the United States, its Territories or possessions, including the Canal Zone and the Virgin Islands, consigned or addressed to members of the armed forces of the United Nations, other than those of the United States, who are on duty therein, which articles are intended for their personal or official use, shall be admitted free of all duties and internal-revenue taxes imposed upon or by reason of importation and all customs charges and exactions: *Provided, however,* That if the Secretary of the Treasury shall find that any of the other United Nations does not accord similar treatment to members of the armed forces of the United States, the privileges herein granted shall, after collectors of customs have been officially advised of such findings, be accorded to members of the armed forces of such nation only to the extent that similar treatment is accorded to members of the armed forces of the United States. (June 27, 1942, ch. 455, § 1, 56 Stat. 461.)

§ 792. Free importation of articles for enemy prisoners and internees.

In order to implement the provisions of article 38 of The Convention Between the United States of America and Other Powers, relating to the Treatment of prisoners of war, signed at Geneva on July 27, 1929, ratified by the President on January 16, 1932, and proclaimed on August 4, 1932 (47 Stat. (part 2) 2021, 2043), all articles consigned or addressed to enemy prisoners of war and enemy civilian internees and detainees in the United States, its Territories or possessions, including the Canal Zone and the Virgin Islands, shall be admitted free of all duties and internal revenue taxes imposed upon or by reason of importation and all customs charges and exactions. (June 27, 1942, ch. 455, § 2, 56 Stat. 462.)

§ 793. Free importation of articles made by members of armed forces of United Nations while interned as prisoners.

All articles made by members of the armed forces of the United Nations interned or detained as prisoners of war by any enemy country or made by nationals of the United States interned or detained by any enemy country as enemy nationals shall, when imported into the United States, its Territories or possessions, including the Canal Zone and the Virgin Islands, be admitted free of all duties and internal revenue taxes imposed upon or by reason of importation and all customs charges and exactions. (June 27, 1942, ch. 455, § 3, 56 Stat. 462.)

§ 794. Regulations by the Secretary of the Treasury.

The exemptions from duties, taxes, charges, and exactions provided for by this joint resolution shall be subject to compliance with such regulations as the Secretary of the Treasury shall prescribe. (June 27, 1942, ch. 455, § 4, 56 Stat. 462.)

§ 795. Effective date.

This joint resolution [sections 791–795 of this Appendix] shall be effective as to articles entered for consumption or withdrawn from warehouse for consumption on or after the date of its enactment [June 27, 1942] and before the expiration of six months after the termination of the unlimited national emergency proclaimed by the President on May 27, 1941. (June 27, 1942, ch. 455, § 5, 56 Stat. 462.)

ACT JUNE 27, 1942, CH. 453, 56 STAT. 461

§ 801. Free importation of personal and household effects brought into the United States under Government orders.

Under such regulations as the Secretary of the Treasury may prescribe, the personal and household effects of any person in the service of the United States, or of his family, or of any person evacuated to the United States under Government orders, may be brought into the United States or any of its possessions, pursuant to Government orders or instructions, without the payment of any duty or tax imposed upon, or by reason of, importation. (June 27, 1942, ch. 453, § 1, 56 Stat. 461.)

§ 802. Effective date.

This Act [this section and section 801 of this Appendix] shall be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption on or after December 8, 1941, and shall have no force or effect on or after the day following the proclamation of peace by the President. The free entry herein authorized shall apply to any effects described in section 1 (section 801 of this Appendix) which are in customs custody on the effective date of this Act [June 27, 1942], notwithstanding the provisions of sections 490 and 491 of the Tariff Act of 1930, as amended (sections 1490 and 1491 of Title 19). (June 27, 1942, ch. 453, § 2, 56 Stat. 461.)

TEMPORARY APPOINTMENTS, PROMOTIONS, ETC., OF NAVY, MARINE CORPS AND COAST GUARD OFFICERS (New)

Sec.

806. Navy and Marine officers; suspension of provisions relating to periodic computations to determine number, permanent promotion, etc., of line officers
807. Rear admirals of the line and staff entitled to pay and allowances of upper half
808 Modification of age limits for original appointments to commissioned rank in staff corps
809 Amendment of provisions concerning appointment of certain reserve officers to regular Navy or Marine Corps
810 Temporarily promoted officers; pay and allowances; date of acceptance of appointment
811 Retired grade and pay of officers retired for age while serving under temporary promotion.
812. Amendment of provisions concerning temporary promotions.
813. Applicability to Coast Guard officer personnel.
814. No reduction of pay by virtue of act; effective date; termination.

ACT JUNE 30, 1942, CH. 462, 56 STAT. 463

§ 806. Navy and Marine officers; suspension of provisions relating to periodic computations to determine number, permanent promotion, etc., of line officers.

The provisions of existing law insofar as they relate to periodic computations for the purpose of determining the authorized number of commissioned officers in the various grades of the line of the Regular Navy and of the Marine Corps, the permanent promotion or advancement of all officers of the Navy and Marine Corps, and the involuntary retirement or honorable discharge of commissioned officers of the Navy and Marine Corps by reason of failure of selection for promotion or advancement or upon the completion of designated periods of commissioned service, are hereby suspended: *Provided*, That in the discretion of the Secretary of the Navy an officer who on the date of this Act [June 30, 1942] has been recommended for permanent promotion or advancement by the approved report of a selection board, or who has become due for permanent promotion or advancement by length of service or otherwise to a nonselection grade or rank, shall be immediately eligible for such permanent promotion or advancement, with or without the examinations required by existing law as the Secretary of the Navy may deem best for the interests of the service, and if so promoted or advanced he shall take rank from the date of this Act [June 30, 1942] or the date as of which he would have been permanently promoted or advanced in due course under existing law, whichever may be earlier; if not so promoted or advanced because of physical disability he shall be retired in the rank which he would have had on the retired list under existing law: *Provided further*, That the Secretary of the Navy's determination as to an officer's date of rank or any other matter in the administration of this section shall be final and conclusive for all purposes: *And provided further*, That nothing in this Act [sections 806–814 of this Appendix] shall preclude the honorable discharge of any officer in accordance with section 12 (g) of the Act approved June 23, 1938 (34 U. S. C. § 404 (g)), where such officer has heretofore been named in the approved report of a selection board. (June 30, 1942, ch. 462, § 1, 56 Stat. 463.)

§ 807. Rear admirals of the line and staff entitled to pay and allowances of upper half.

The number of rear admirals on the active list of the line entitled to the pay and allowances provided by law for rear admirals of the upper half, exclusive of those carried as additional numbers in such grade, shall be one-half of the number of permanent and temporary officers of the line in that grade: *Provided*, That each officer of the staff Corps now or hereafter serving in the rank of rear admiral shall be entitled to receive the pay and allowances provided by law for rear admirals of the upper half when a line officer who was his junior in the rank from which the staff officer concerned was advanced becomes entitled to such pay and allowances pursuant to the foregoing but not earlier than the date upon which the staff officer is ap-

pointed to the rank of rear admiral: *Provided further*, That nothing contained herein shall operate to suspend the provisions of section 18 of the Act of June 10, 1926 (44 Stat. 724 (Title 34, § 348q)), with respect to staff officers who on the date of this Act [June 30, 1942] have been recommended for advancement to the rank of rear admiral by the approved report of a selection board: *Provided further*, That an officer carried as an additional number in the grade or rank of rear admiral shall become entitled to the pay and allowances provided for rear admirals of the upper half from the same date as the officer next junior to him: *Provided further*, That the foregoing shall be exclusive of officers entitled to such pay and allowances solely by reason of their serving in the rank of admiral or vice admiral, or as chief of bureau, Judge Advocate General of the Navy, or director of budget and reports: *And provided further*, That no officer who has or may become entitled to the pay and allowances of a rear admiral of the upper half shall suffer a reduction of his pay and allowances solely by reason of the fact that the number of rear admirals may for any reason be reduced. (June 30, 1942, ch. 462, § 2, 56 Stat 464.)

§ 808. Modification of age limits for original appointments to commissioned rank in staff corps.

The age limits now prescribed by law for original appointment to commissioned rank in any staff corps of the Regular Navy are hereby modified to the extent that any officer of the Naval Reserve eligible for such appointment upon heretofore or hereafter reporting for active duty subsequent to September 8, 1939, shall retain such eligibility so long as he remains continuously on active duty. (June 30, 1942, ch 462, § 3, 56 Stat. 464.)

§ 809. Amendment of provisions concerning appointment of certain reserve officers to regular Navy or Marine Corps.

The Acts of August 27, 1940 (54 Stat. 864, 34 U. S. C. § 737), and October 8, 1940 (54 Stat. 1023, 34 U. S. C. § 853c–2), are amended so as to provide that officers of the Naval and Marine Corps Reserve therein described shall be eligible for appointment to the Regular Navy or Marine Corps, as may be appropriate, if less than twenty-five years of age upon the successful completion of their training as aviation cadets or upon reporting for continuous active duty on board ships of the Navy, as the case may be: *Provided*, That each such officer hereafter appointed to the lowest commissioned grade of the Regular Navy or Marine Corps by authority of said Acts shall take precedence according to his date of reporting for continuous active duty as an officer of the Naval or Marine Corps Reserve; each such officer so appointed to a grade above that of ensign or second lieutenant shall take precedence according to the date of rank stated in his reserve commission in the same rank. (June 30, 1942, ch. 462, § 4, 56 Stat. 464.)

§ 810. Temporarily promoted officers; pay and allowances; date of acceptance of appointment.

Personnel heretofore and hereafter temporarily appointed pursuant to and as defined in the Act of July 24, 1941 (Public Law 188, Seventy-seventh Congress (Title 34, §§ 350–350j)), shall be entitled to the pay and allowances of the grade or rank to which so appointed from the dates on which such appointments are made by the President, and their appointments, unless expressly declined, shall be regarded for all purposes as having been accepted on the date made, without formal acceptance or oath of office. (June 30, 1942, ch. 462, § 5, 56 Stat. 465.)

§ 811. Retired grade and pay of officers retired for age while serving under temporary promotion.

Any officer of the Regular Navy below the grade of vice admiral and any officer of the Regular Marine Corps below the rank of lieutenant general transferred to the retired list upon attaining the age of sixty-four years while serving under a temporary appointment pursuant to the Act of July 24, 1941 (Public Law 188, Seventy-seventh Congress (Title 34, §§ 350–350j)), shall be retired in such temporary grade or rank with retired pay at the rate of 75 per centum of his active-duty pay at the time of retirement, unless eligible for retirement in a higher grade or rank under some other provision of law. (June 30, 1942, ch. 462, § 6, 56 Stat. 465.)

§ 812. Amendment of provisions concerning temporary promotions.

The Act of July 24, 1941 (Public Law 188, Seventy-seventh Congress (Title 34, §§ 350–350j)), is hereby amended as follows:

Section 1 (Title 34, § 350), change period to comma and add "and during such period thereafter as the President shall determine, but not later than June 30 of the fiscal year following that in which the war or national emergency shall terminate."

Section 10 of the aforesaid Act of July 24, 1941 (Title 34, § 350i), is hereby amended so that temporary appointments made under authority of that Act (Title 34, §§ 350–350j) during the present war may continue in force until six months after the termination of this Act. (June 30, 1942, ch. 462, § 7, 56 Stat. 465.)

§ 813. Applicability to Coast Guard officer personnel.

The provisions of this Act [sections 806–814 of this Appendix] except as may be necessary to adapt the said provisions to the Coast Guard, shall apply to officer personnel of the Coast Guard in like manner and to the same extent and with the same relative conditions in all respects as are provided for the officer personnel of the Navy and Marine Corps. (June 30, 1942, ch. 462, § 8, 56 Stat 465.)

§ 814. No reduction of pay by virtue of act; effective date; termination.

No officer shall suffer any reduction in pay or allowances by reason of any provisions of this Act [sections 806–814 of this Appendix], all sections of which shall become effective on date of approval and, with the exception of section 4 (section 809 of this Appendix; sections 737a and 853c–2a of Title 34), shall terminate on June 30 of the fiscal year following that in which the present war shall end. (June 30, 1942, ch. 462, § 9, 56 Stat. 465.)

JURISDICTION OF PRIZES AND PRIZE PROCEEDINGS (New)

§§ 821–828. Jurisdiction of prizes and proceedings.

PRESENT PROVISIONS

Subject matter of sections 821–828, act Aug. 18, 1942, ch 553, 56 Stat. 746, is now covered by sections 1159–1166 of Title 34, Navy.

CERTAIN ALLOWANCE ASSISTANCE FOR CIVILIAN AND MILITARY PERSONNEL (New)

ACT OF OCT 14, 1942

Sec.
831. Travel allowances, etc , for dependents of personnel of Navy, Marine Corps, and Coast Guard incident to secret orders
832. Application of act to Coast and Geodetic Survey.
833. Effective date; termination of act.

ACT OF NOV. 28, 1943

833a. Travel allowances, etc., for dependents of personnel of Navy, Marine Corps, and Coast Guard on change of station under certain conditions.
833b. Certificates in connection with transportation of dependents or household effects; execution by wife; conclusiveness of certificates.
833c. Credit allowance to disbursing officers for prior payments of transportation costs; rates effective.
833d. Means of transportation used.
833e. Effective date; termination of act.

ACT OF OCT. 26, 1942

836. Certificates in connection with pay and allowance accounts of civilian and military personnel of War and Navy Departments.

ACT OF DEC 1, 1942

841. Transportation for personnel of War and Navy Departments, Maritime Commission, and private plants engaged in war production; equipment; rates of fares; determination of need; War Production Board's authority; vessels chartered.
842. Same, reports.

ACT OCT. 14, 1942, CH. 603, 56 STAT. 786

§ 831. Travel allowances, etc., for dependents of personnel of Navy, Marine Corps, and Coast Guard incident to secret orders.

Officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and the reserve components thereof when on active duty, of grades entitling them to transportation of dependents and household effects on change of stations, ordered to or from duty under secret or confidential orders or orders from which the names or locations of the ships or stations involved are omitted for reasons of security, shall, upon application of such personnel or their dependents, be entitled to transportation for their dependents and household effects, including packing, crating, and unpacking thereof, from their stations or places of storage in the United States to any other points in the United States, and from such points to new stations in the United States to which such personnel may be subsequently ordered for duty, under such regulations as the Secretary of the Navy may prescribe: *Provided*, That the wives of such personnel, or such other responsible persons as may be designated by the officials named in the next following proviso, may execute such certificates as may be required and which are filed with, and relate to, vouchers in connection with the transportation of dependents or household effects: *Provided further*, That in lieu of copies of orders to or from duty under secret or confidential orders or orders from which the names or locations of the ships or stations involved are omitted for reasons of security, a certification of the Chief of Naval Personnel, Commandant of the Marine Corps, Commandant of the Coast Guard, or such subordinates as they may designate, that the personnel concerned have been so ordered shall constitute authority for the payment of mileage and for the transportation of dependents and household effects authorized herein, and any certificate or certification authorized by this Act shall be final and conclusive upon the accounting officers of the Government: *And provided further*, That under such regulations as the Secretary of the Navy may prescribe, claims for reimbursement may be submitted by and payments made to personnel concerned or their dependents for any authorized travel performed by dependents at their own expense. (Oct. 14, 1942, ch. 603, § 1, 56 Stat. 786.)

EFFECTIVE DATE

Section was made effective Oct. 1, 1940, by section 833 of this Appendix

CROSS REFERENCES

Travel allowance for dependents of personnel of the Army of the United States, see section 764 of this Appendix.

Travel allowances, etc., for dependents on change of stations, see section 833a of this Appendix.

§ 832. Application of act to Coast and Geodetic Survey.

The provisions of this Act [sections 831–833 of this Appendix] shall apply to personnel of the Coast and Geodetic Survey in like manner and to the same extent as to personnel of the Navy under such regulations as the Secretary of Commerce may prescribe: *Provided*, That the duties and obligations imposed by this Act [sections 831–833 of this Appendix] upon the Chief of Naval Personnel in respect to personnel of the Navy shall devolve upon the Director of the Coast and Geodetic Survey in respect to personnel of the Coast and Geodetic Survey. (Oct. 14, 1942, ch. 603, § 3, 56 Stat. 786.)

EFFECTIVE DATE

Section was made effective Oct. 1, 1940, by section 833 of this Appendix.

§ 833. Effective date; termination of act.

This Act [sections 831–833 of this Appendix] shall be effective from October 1, 1940, and shall remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate. (Oct. 14, 1942, ch. 603, § 2, 56 Stat. 786.)

ACT NOV. 28, 1943, CH. 330, 57 STAT. 593

§ 833a. Travel allowances, etc., for dependents of personnel of Navy, Marine Corps, and Coast Guard on change of station under certain conditions.

Officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and the reserve components thereof when on active duty, of grades enti-

tling them to transportation of dependents and household effects on change of station (a) when on duty at places designated by the Secretary of the Navy as within zones from which their dependents should be evacuated for military reasons or for the purpose of relieving congestion in the vicinity of naval activities or where Government quarters for their dependents are not available; (b) or upon transfer or assignment of such officers and enlisted men to sea duty, as such duty may be defined by the Secretary of the Navy; (c) or upon transfer or assignment of such officers and enlisted men to duty at places where their dependents for military reasons are not permitted to join them or where Government quarters for their dependents are not available, may, upon application of such personnel or their dependents, be allowed, subject to such regulations as the Secretary of the Navy may prescribe, transportation for their dependents and household effects, including packing, crating, and unpacking thereof, from their stations or places of storage in the United States to any other points in the United States, and from such points to new stations in the United States to which such personnel may be subsequently ordered for duty, and at which their dependents are not restricted from joining them or Government quarters for their dependents are available. (Nov. 28, 1943, ch. 330, § 1, 57 Stat. 593.)

EFFECTIVE DATE AND TERMINATION DATE

This section was made retroactively effective to Dec 7, 1941, and is to remain in effect for the duration of the war and six months by section 833e of this Appendix

CROSS REFERENCES

Transportation of dependents and household effects of personnel of Navy, Marine Corps, and Coast Guard, see section 833a et seq. of this Appendix.

Travel allowance for dependents of personnel of Army of the United States, see section 764 of this Appendix.

Travel allowances, etc, for dependents incident to secret orders, see section 831 of this Appendix

Travel by personnel, Reserve and National Guard personnel, and dependents, etc., see section 112 of Title 37, Pay and Allowances.

§ 833b. Certificates in connection with transportation of dependents or household effects; execution by wife; conclusiveness of certificates.

Whenever the Chief of Naval Personnel, Commandant of the Marine Corps, Commandant of the Coast Guard, or such subordinates as they may designate, certify that the personnel included in (b) and (c) of section 1 hereof (833a of this Appendix) have been transferred to sea duty or to duty at places beyond the continental limits of the United States where their dependents for military reasons are not permitted to join them, the wives of such personnel, or such other responsible persons as may be designated by the officials named above in this section, may execute such certificates as may be required and which are filed with, and relate to, vouchers in connection with the transportation of dependents or household effects: *Provided,* That in lieu of copies of orders of such personnel, the certificate above provided for shall constitute authority for such transportation of dependents, and household effects as may be authorized hereunder and any certificate or certification authorized by this Act (sections 833a–833e of this Appendix) shall be final and conclusive upon the accounting officers of the Government: *And provided further,* That, under such regulations as the Secretary of the Navy may prescribe, claims for reimbursement may be submitted by and payments made to personnel concerned or their dependents for any authorized travel performed by dependents at their own expense. (Nov. 28, 1943, ch. 330, § 2, 57 Stat. 593.)

EFFECTIVE DATE AND TERMINATION DATE

This section was made retroactively effective to Dec. 7, 1941, and is to remain in effect for the duration of the war and six months by section 833e of this Appendix.

§ 833c. Credit allowance to disbursing officers for prior payments of transportation costs; rates effective.

The Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers in cases where such dependents would have been entitled to transportation if the provisions of section 1 hereof (833a of this Appendix) had been in effect on the date of payment for otherwise proper payments heretofore made to transportation of dependents, or reimbursement therefor, under orders issued prior to the effective date of this Act (sections 833a–833e of this Appendix), to the extent of the commercial cost of transportation of the dependents from the old duty station to the new duty station. Such cost of transportation shall be computed from the last available published rates on the date the orders involved were issued. (Nov. 28, 1943, ch. 330, § 3, 57 Stat. 594.)

EFFECTIVE DATE AND TERMINATION DATE

This section was made retroactively effective to Dec 7, 1941, and is to remain in effect for the duration of the war and six months by section 833e of this Appendix

§ 833d. Means of transportation used.

Transportation of household effects of naval and civilian personnel of the Naval Establishment, as now or hereafter authorized by law, may, under such regulations as the Secretary of the Navy shall prescribe, be by means of rail, water, or van, without regard to comparative costs. (Nov. 28, 1943, ch. 330, § 4, 57 Stat. 594.)

EFFECTIVE DATE AND TERMINATION DATE

This section was made retroactively effective to Dec. 7, 1941, and is to remain in effect for the duration of the war and six months by section 833e of this Appendix.

§ 833e. Effective date; termination of act.

This Act (sections 833a–833e of this Appendix) shall be effective as of December 7, 1941, and shall remain in effect for the duration of the present wars and for six months after the termination of such wars, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate. (Nov. 28, 1943, ch. 330, § 5, 57 Stat. 594.)

ACT OCT. 26, 1942, CH. 624, 56 STAT. 987

§ 836. Certificates in connection with pay and allowance accounts of civilian and military personnel of War and Navy Departments.

During the existence of the present war in which the United States is engaged, and during the six

months immediately following the termination of such war, certificates of officers of the Army, Navy, Marine Corps, and Coast Guard of the United States, executed on and after December 8, 1941, attesting to the existence of the stated facts, and which are filed with and relate to vouchers and papers involving pay and allowances of civilian and military personnel under the jurisdiction of the War or Navy Departments, shall be accepted as supporting such payments so far as said facts are concerned without the necessity of any other supporting evidence or certificates: *Provided*, That the Secretary of War or the Secretary of the Navy may prescribe the places where and the classes of pay and allowance accounts to which the above authority of law may be made applicable. (Oct. 26, 1942, ch. 624, 56 Stat. 987.)

ACT DEC. 1, 1942, CH. 651, 56 STAT. 1024

§ 841. Transportation for personnel of War and Navy Departments, Maritime Commission, and private plants engaged in war production; equipment; rates of fares; determination of need; War Production Board's authority; vessels chartered.

Whenever during the continuance of the present war the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission shall determine that the effective conduct of the affairs of his department or agency in connection with the prosecution of war requires assured and adequate transportation facilities to and from their places of employment for personnel attached to or employed by such department or agency, including personnel attached to or employed by private plants engaged in the manufacture of war material, he is hereby authorized in the absence of adequate private or other facilities to provide such transportation, by motor vehicle or water carrier, subject, however, to the following provisions and conditions:

1. The equipment required to provide such transportation facilities may be either purchased, leased, or chartered for operation by the War Department, the Navy Department, or the Maritime Commission, and when so obtained may be maintained and operated either by enlisted personnel, civil employees of the War Department, the Navy Department, or the Maritime Commission, or by private personnel under contract with such departments or agency. Equipment so obtained may also be leased or chartered to private or public carriers for operation under such terms and conditions as the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission, or such official within their respective departments or agency as they may designate, shall determine necessary and advisable under the existing circumstances: *Provided*, That any equipment purchased, leased or operated by authority of this Act shall have a seating capacity of twelve or more passengers.

2 That in each case where transportation facilities are provided hereunder, reasonable rates of fare for the service furnished shall be established and charged under such regulations as the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission shall prescribe; the receipts from such fares, and the proceeds from the leasing or chartering of any equipment as provided in the foregoing paragraph, shall be accounted for in accordance with such accounting procedure as the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission, respectively, may prescribe, and shall be deposited in the Treasury of the United States to the credit of Miscellaneous Receipts, except that in the case of the Maritime Commission such receipts and proceeds shall be deposited in its construction fund in accord with the Merchant Marine Act of 1936, as amended (sections 1101 et seq. of Title 46), and other applicable provisions of law: *Provided*, That appropriations for the Military Establishment and the Maritime Commission may be used to carry into effect the provisions of this Act [sections 833a–833e of this Appendix].

3. The facilities and service authorized hereunder shall be utilized only for the transportation of personnel heretofore enumerated and for the purpose heretofore stated, under such rules and regulations as may be prescribed by authority of the Secretary of War, the Secretary of the Navy, or the Chairman of the Maritime Commission: *Provided, however*, That where the equipment and facilities herein provided for are pooled under lease or charter agreements, the reciprocal use of Government-owned and private-owned equipment shall be deemed to be within the intent of this paragraph.

4. The authority herein granted the Secretary of War, the Secretary of the Navy, and the Chairman of the Maritime Commission shall be exercised in each case only after a determination by the Office of Defense Transportation that existing private and other facilities are not and cannot be rendered adequate by other means, and that its exercise will result in the most efficient method of supplying transportation to the personnel concerned and a utilization of transportation facilities consistent with the plans, policies, and programs of the Office of Defense Transportation

5 Nothing in this Act [said sections] shall be construed to modify or limit in any manner the authority vested in the Chairman of the War Production Board by any Executive order or Act of Congress. All vessels purchased, leased, or chartered under this Act [said sections] shall be procured by or through the War Shipping Administration to the full extent of the authority and jurisdiction of the War Shipping Administration. (Dec. 1, 1942, ch. 651, § 1, 56 Stat. 1024.)

§ 842. Same; reports.

It shall be the duty of the Secretary of War, the Secretary of the Navy, and the Chairman of the Maritime Commission, respectively, to file with the Congress, within sixty days after the end of the fiscal year, a summarized report of the exercise of the authority herein granted, which report shall include (1) location, nature, and size of the plant for which transportation facilities were provided; (2) type, amount, and original cost of equipment furnished; (3) outline of lease or charter for rented or reciprocally used equipment with total costs for period of use or operation; and (4) citation of au-

thority of the Office of Defense Transportation under which exercised. (Dec. 1, 1942, ch. 651, § 2, 56 Stat. 1025.)

FREE ENTRY OF GIFTS FROM MEMBERS OF ARMED FORCES (New)

Sec.
846. Free entry for gifts from members of armed forces on duty abroad.
847. Same, effective date; termination.

ACT DEC. 5, 1942, CH. 680, 56 STAT. 1041

§ 846. Free entry for gifts from members of armed forces on duty abroad.

Under such regulations as the Secretary of the Treasury shall prescribe so much of any shipment as does not exceed $50 in value shall be admitted into the United States or its Territories or possessions free of all customs duties, charges, or exactions, or internal-revenue taxes imposed upon or by reason of importation, if there is filed in connection with the entry satisfactory evidence that the articles for which free entry is claimed are bona fide gifts from a member of the armed forces of the United States on duty outside the continental limits of the United States. (Dec. 5, 1942, ch. 680, § 1, 56 Stat. 1041.)

REGULATIONS GOVERNING FREE ENTRY OF GIFTS FOR MEMBERS OF ARMED FORCES

T. D 50785, Dec. 14, 1942, 7 F R 10516, provided in part:

"The following regulations are hereby prescribed pursuant to the provisions of the foregoing Act: [sections 846, 847]

"§ 8.61a *Bona fide gifts from a member of the armed forces of the United States* (a) Under Public Law 790, approved December 5, 1942, collectors of customs shall accord entry free of duty, internal-revenue taxes, and customs charges and exactions to bona fide gifts from members of the armed forces of the United States on duty outside the continental limits of the United States to the extent of $50 in value in any shipment

"(b) Satisfactory evidence that articles are bona fide gifts from a member of the armed forces of the United States on duty outside the continental United States will have been filed in connection with the entry within the meaning of Public Law 790 if:

"(1) The shipment is accompanied by a declaration or other evidence establishing such facts, or,

"(2) In cases where the declaration or other evidence mentioned in (b) (1) does not accompany the shipment, the consignee or addressee of the shipment files in connection with the entry such a declaration or a certificate in the following form

"I certify that the following-described articles_____

_____

_____

are bona fide gifts from_____

a member of the armed forces of the United States, to_____

_____

(Consignee or addressee)

or if:

"(3) The collector of customs finds from the facts and circumstances that the articles are entitled to free entry under Public Law 790, and makes an appropriate notation of his findings on the entry

"(c) The certificate provided for in (b) (2) need not be verified unless, in the opinion of the collector, special circumstances necessitate that the certificate be under oath

"(d) The entry requirements prescribed in the Tariff Act of 1930, as amended, or the Customs Regulations of 1937, as amended, are applicable to articles entitled to free entry under Public Law 790

"(e) Customs invoices, including the invoices provided for in article 367, Customs Regulations of 1937 (J R 9a and 9b), shall not be required for shipments accorded free entry under Public Law 790, in whole or in part; nor shall the customs declarations or the statements of value provided for in article 367 (J. R 9a and 9b) be required for such shipments

"(f) Free entry shall be accorded under the act to articles entered, or withdrawn from warehouse, for consumption on and after December 6, 1942, and before the expiration of six months after the termination of hostilities as determined by proclamation of the President or by concurrent resolution of the Congress. (Act of December 5, 1942, Pub Law 790, 77th Cong.)"

§ 847. Same; effective date; termination.

This Act shall be effective with respect to articles entered for consumption or withdrawn from warehouse for consumption on or after the day following the date of its enactment and before the expiration of six months after the termination of hostilities as determined by proclamation of the President, or by concurrent resolution of the Congress. (Dec. 5, 1942, ch. 680, § 2, 56 Stat. 1041.)

EMERGENCY PRICE CONTROL ACT OF 1942 (New)

ACT JAN. 30, 1942, CH. 26, 56 STAT. 23

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TITLE I.—GENERAL PROVISIONS AND AUTHORITY

§ 901. Purposes; time limit; applicability.

(a) It is hereby declared to be in the interest of the national defense and security and necessary to the effective prosecution of the present war, and the purposes of this Act [sections 901–922, 923–946 of this Appendix] are, to stabilize prices and to prevent speculative, unwarranted, and abnormal increases in prices and rents; to eliminate and prevent profiteering, hoarding, manipulation, speculation, and other disruptive practices resulting from abnormal market conditions or scarcities caused by or contributing to the national emergency; to assure that defense appropriations are not dissipated by excessive prices; to protect persons with relatively fixed and limited incomes, consumers, wage earners, investors, and persons dependent on life insurance, annuities, and pensions, from undue impairment of

their standard of living; to prevent hardships to persons engaged in business, to schools, universities, and other institutions, and to the Federal, State, and local governments, which would result from abnormal increases in prices; to assist in securing adequate production of commodities and facilities; to prevent a post emergency collapse of values; to stabilize agricultural prices in the manner provided in section 3 (section 903 of this Appendix); and to permit voluntary cooperation between the Government and producers, processors, and others to accomplish the aforesaid purposes. It shall be the policy of those departments and agencies of the Government dealing with wages (including the Department of Labor and its various bureaus, the War Department, the Navy Department, the War Production Board, the National Labor Relations Board, the National Mediation Board, the National War Labor Board, and others heretofore or hereafter created), within the limits of their authority and jurisdiction, to work toward a stabilization of prices, fair and equitable wages, and cost of production.

(b) The provisions of this Act [said sections], and all regulations, orders, price schedules, and requirements thereunder, shall terminate on June 30, 1946, or upon the date of a proclamation by the President, or upon the date specified in a concurrent resolution by the two Houses of the Congress, declaring that the further continuance of the authority granted by this Act [said sections] is not necessary in the interest of the national defense and security, whichever date is the earlier; except that as to offenses committed, or rights or liabilities incurred, prior to such termination date, the provisions of this Act [said sections] and such regulations, orders, price schedules, and requirements shall be treated as still remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability, or offense.

(c) The provisions of this Act [said sections] shall be applicable to the United States, its Territories and possessions, and the District of Columbia. (Jan. 30, 1942, ch. 26, title I, § 1, 56 Stat. 23, as amended Oct. 2, 1942, ch. 578, § 7a, 56 Stat. 767; June 30, 1944, ch. 325, Title I, § 101, 58 Stat. 632; June 30, 1945, ch. 214, § 1, 59 Stat. 306.)

AMENDMENTS

1945—Subsec. (b) amended by act June 30, 1945, cited to text, which substituted "June 30, 1946," for "June 30, 1945,".

1944—Subsec (b) amended by act June 30, 1944, cited to text, which substituted "June 30, 1945" for "June 30, 1944"

1942—Subsec. (b) was amended by act Oct. 2, 1942, cited to text, which substituted "June 30, 1944" for "June 30, 1943". Termination of said act Oct. 2, 1942, see section 966 of this Appendix.

EX. ORD NO. 9250. PROVIDING FOR THE STABILIZING OF THE NATIONAL ECONOMY

Ex Ord No. 9250, Oct 3, 1942, 7 F R 7871, as amended by Ex Ord No 9381, Sept. 25, 1943, 8 F R 13083, provided:

By virtue of the authority vested in me by the Constitution and the Statutes, and particularly by the Act of October 2, 1942 (sections 961–971 of this Appendix), entitled "An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes", as amended by the Public Debt Act of 1943 (Public Law 84—78th Congress) (sections 757b, 757c of Title 31, and sections 964, 964a of this Appendix), as President of the United States and Commander in Chief of the Army and Navy, and in order to control so far as possible the inflationary tendencies and the vast dislocations attendant thereon which threaten our military effort and our domestic economic structure, and for the more effective prosecution of the war, it is hereby ordered as follows:

TITLE I—ESTABLISHMENT OF AN OFFICE OF ECONOMIC STABILIZATION

1. There is established in the Office for Emergency Management of the Executive Office of the President an Office of Economic Stabilization at the head of which shall be an Economic Stabilization Director (hereinafter referred to as the Director).

2 There is established in the Office of Economic Stabilization an Economic Stabilization Board with which the Director shall advise and consult. The Board shall consist of the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Chairman of the Board of Governors of the Federal Reserve System, the Director of the Bureau of the Budget, the Price Administrator, the Chairman of the National War Labor Board, and two representatives each of labor, management, and farmers to be appointed by the President The Director may invite for consultation the head of any other department or agency. The Director shall serve as Chairman of the Board.

3. The Director, with the approval of the President, shall formulate and develop a comprehensive national economic policy relating to the control of civilian purchasing power, prices, rents, wages, salaries, profits, rationing, subsidies, and all related matters—all for the purpose of preventing avoidable increases in the cost of living, cooperating in minimizing the unnecessary migration of labor from one business, industry, or region to another, and facilitating the prosecution of the war To give effect to this comprehensive national economic policy the Director shall have power to issue directives on policy to the Federal departments and agencies concerned.

4 The guiding policy of the Director and of all departments and agencies of the Government shall be to stabilize the cost of living in accordance with the Act of October 2, 1942 (sections 961–971 of this Appendix), as amended by the Public Debt Act of 1943 (sections 757b, 757c of Title 31, and sections 964, 964a of this Appendix); and it shall be the duty and responsibility of the Director and of all departments and agencies of the Government to cooperate in the execution of such administrative programs and in the development of such legislative programs as may be necessary to that end The administration of activities related to the national economic policy shall remain with the departments and agencies now responsible for such activities, but such administration shall conform to the directives on policy issued by the Director.

TITLE II—WAGE AND SALARY STABILIZATION POLICY

1. No increases in wage rates, granted as a result of voluntary agreement, collective bargaining, conciliation, arbitration, or otherwise, and no decreases in wage rates, shall be authorized unless notice of such increases or decreases shall have been filed with the National War Labor Board, and unless the National War Labor Board has approved such increases or decreases.

2 The National War Labor Board shall not approve any increase in the wage rates prevailing on September 15, 1942, unless such increase is necessary to correct maladjustments or inequalities, to eliminate substandards of living, to correct gross inequities, or to aid in the effective prosecution of the war.

Provided, however, that where the National War Labor Board or the Price Administrator shall have reason to believe that a proposed wage increase will require a change in the price ceiling of the commodity or service involved, such proposed increase, if approved by the National War Labor Board, shall become effective only if also approved by the Director.

3. The National War Labor Board shall not approve a decrease in the wages for any particular work below the highest wages paid therefor between January 1, 1942 and September 15, 1942, unless to correct gross inequities and to aid in the effective prosecution of the war

4. The National War Labor Board shall, by general regulation, make such exemptions from the provisions of this title in the case of small total wage increases as it deems necessary for the effective administration of this Order.

5. No increases in salaries now in excess of $5,000 per year (except in instances in which an individual has been assigned to more difficult or responsible work), shall be granted until otherwise determined by the Director.

6 Except as provided in regulations issued by the Director, no decrease shall be made by any employer in the salary for any particular work below the highest salary paid therefor between January 1, 1942, and September 15, 1942, if the effect of the decrease is to reduce the salary below $5,000 per annum

7. Omitted.

8. The policy of the Federal Government, as established in Executive Order No. 9017 of January 12, 1942, to encourage free collective bargaining between employers and employees is reaffirmed and continued.

9 Insofar as the provisions of Clause (1) of section 302 (c) of the Emergency Price Control Act of 1942 (section 942 (c) of this Appendix) are inconsistent with this Order, they are hereby suspended

TITLE III —ADMINISTRATION OF WAGE AND SALARY POLICY

1. Except as modified by this Order, the National War Labor Board shall continue to perform the powers, functions, and duties conferred upon it by Executive Order No 9017, and the functions of said Board are hereby extended to cover all industries and all employees The National War Labor Board shall continue to follow the procedures specified in said Executive Order

2 The National War Labor Board shall constitute the agency of the Federal Government authorized to carry out the wage policies stated in this Order, or the directives on policy issued by the Director under this Order The National War Labor Board is further authorized to issue such rules and regulations as may be necessary for the speedy determination of the propriety of any wage increases or decreases in accordance with this Order, and to avail itself of the services and facilities of such State and Federal departments and agencies as, in the discretion of the National War Labor Board, may be of assistance to the Board

3 No provision with respect to wages contained in any labor agreement between employers and employees (including the Shipbuilding Stabilization Agreements as amended on May 16, 1942, and the Wage Stabilization Agreement of the Building Construction Industry arrived at May 22, 1942) which is inconsistent with the policy herein enunciated or hereafter formulated by the Director shall be enforced except with the approval of the National War Labor Board within the provisions of this Order The National War Labor Board shall permit the Shipbuilding Stabilization Committee and the Wage Adjustment Board for the Building Construction Industry, both of which are provided for in the foregoing agreements, to continue to perform their functions therein set forth, except insofar as any of them is inconsistent with the terms of this Order.

4. In order to effectuate the purposes and provisions of this Order and the Act of October 2, 1942 (sections 961 971 of this Appendix), any wage or salary payment made in contravention thereof shall be disregarded by the Executive Departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any law or regulation, including the Emergency Price Control Act of 1942 (sections 901-946 of this Appendix) or any maximum price regulation thereof, or for the purpose of calculating deductions under the Revenue Laws of the United States or for the purpose of determining costs or expenses under any contract made by or on behalf of the Government of the United States.

TITLE IV —PRICES OF AGRICULTURAL COMMODITIES

1 The prices of agricultural commodities and of commodities manufactured or processed in whole or substantial part from any agricultural commodity shall be stabilized, so far as practicable, on the basis of levels which existed on September 15, 1942, and in compliance with the Act of October 2, 1942 (sections 961–971 of this Appendix).

2. In establishing, maintaining or adjusting maximum prices for agricultural commodities or for commodities processed or manufactured in whole or in substantial part from any agricultural commodity, appropriate deductions shall be made from parity price or comparable price for payments made under the Soil Conservation and Domestic Allotment Act, as amended, parity payments made under the Agricultural Adjustment Act of 1938, as amended, and governmental subsidies

3 Subject to the directives on policy of the Director, the price of agricultural commodities shall be established or maintained or adjusted jointly by the Secretary of Agriculture and the Price Administrator; and any disagreement between them shall be resolved by the Director The price of any commodity manufactured or processed in whole or in substantial part from an agricultural commodity shall be established or maintained or adjusted by the Price Administrator, in the same administrative manner provided for under the Emergency Price Control Act of 1942 (sections 901–946 of this Appendix).

4 The provisions of sections 3 (a) and 3 (c) of the Emergency Price Control Act of 1942 (section 903 (a), (c) of this Appendix) are hereby suspended to the extent that such provisions are inconsistent with any or all prices established under this Order for agricultural commodities, or commodities manufactured or processed in whole or in substantial part from an agricultural commodity.

TITLE V.—PROFITS AND SUBSIDIES

1. The Price Administrator in fixing, reducing, or increasing prices, shall determine price ceilings in such a manner that profits are prevented which in his judgment are unreasonable or exorbitant

2. The Director may direct any Federal department or agency including, but not limited to, the Department of Agriculture (including the Commodity Credit Corporation and the Surplus Marketing Administration), the Department of Commerce, the Reconstruction Finance Corporation, and other corporations organized pursuant to Section 5d of the Reconstruction Finance Corporation Act, as amended (sections 606b, 609j of Title 15), to use its authority to subsidize and to purchase for resale, if such measures are necessary to insure the maximum necessary production and distribution of any commodity, or to maintain ceiling prices, or to prevent a price rise inconsistent with the purposes of this Order

TITLE VI —GENERAL PROVISIONS

1 Nothing in this Order shall be construed as affecting the present operation of the Fair Labor Standards Act (section 201 et seq. of Title 29), the National Labor Relations Act (section 151 et seq of Title 29), the Walsh-Healey Act (sections 35–45 of Title 41), the Davis-Bacon Act (section 276a of Title 40), or the adjustment procedure of the Railway Labor Act (section 181 et seq of Title 45).

2 Salaries and wages under this Order shall include all forms of direct or indirect remuneration to an employee or officer for work or personal services performed for an employer or corporation, including but not limited to, bonuses, additional compensation, gifts, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount as determined by the Director); but for the purpose of determining wages or salaries for any period prior to September 16, 1942, such additional compensation shall be taken into account only in cases where it has been customarily paid by employers to their employees "Salaries" as used in this Order means remuneration for personal services regularly paid on a weekly, monthly or annual basis.

3. The Director shall, so far as possible, utilize the information, data, and staff services of other Federal departments and agencies which have activities or functions related to national economic policy. All such

Federal departments and agencies shall supply available information, data, and services required by the Director in discharging his responsibilities.

4. The Director shall be the agency to receive notice of any increase in the rates or charges of common carriers or other public utilities as provided in the aforesaid Act of October 2, 1942 (sections 961–971 of this Appendix).

5 The Director may perform the functions and duties, and exercise the powers, authority, and discretion conferred upon him by this Order through such officials or agencies, and in such manner, as he may determine. The decision of the Director as to such delegation and the manner of exercise thereof shall be final

6 The Director, if he deems it necessary, may direct that any policy formulated under this Order shall be enforced by any other department or agency under any other power or authority which may be provided by any of the laws of the United States.

7. The Director, who shall be appointed by the President, shall receive such compensation as the President shall provide, and within the limits of funds which may be made available, may employ necessary personnel and make provision for supplies, facilities and services necessary to discharge his responsibilities

EX ORD NO 9250 (PARTIALLY RESCINDED BY ACT APRIL 12, 1943, SEE SECTION 964a OF THIS APPENDIX)

Oct 3, 1942, 7 F R 7871

REGULATION NUMBERED 4001.9

Oct 27, 1942, 7 F. R 8750

(PARTIALLY RESCINDED BY ACT APRIL 12, 1943, SEE SECTION 964a OF THIS APPENDIX)

§ 4001 9 *Limitation on certain salaries* (a) No amount of salary (exclusive of any amounts allowable under paragraphs (b) and (c) of this section) shall be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year which, after reduction by the Federal income taxes on the amount of such salary, would exceed $25,000. The amount of such Federal income taxes shall be determined (1) by applying to the total amount of salary (exclusive of any amounts allowable under paragraphs (b) and (c) of this section) paid or accrued during the taxable year, undiminished by any deductions, the rates of taxes imposed by Chapter 1 of the Code (not including section 466) as if such amount of salary were the net income (after the allowance of credits applicable thereto), the surtax net income, and the Victory tax net income, respectively, and (2) without allowance of any credits against any of such taxes

(b) In any case in which an employee establishes that his income from all sources is insufficient to meet payments customarily made to charitable, educational or other organizations described in section 23 (*o*) of the Code, without resulting in undue hardship, then an additional amount sufficient to meet such payments may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year even though it exceeds the amount otherwise computed under paragraph (a) of this section

(c) In any case in which an employee establishes that after resorting to his income from all sources, he is unable, without disposing of assets at a substantial financial loss resulting in undue hardship, to meet payments for the following:

(1) Required payments (excluding accelerated payments) by the employee during the taxable year on any life insurance policies on his life which were in force on October 3, 1942

(2) Required payments (excluding accelerated payments) made by the employee during the taxable year on any fixed obligations for which he was obligated on October 3, 1942

(3) Federal income taxes of the employee for prior taxable years which are paid during the taxable year, not including Federal income taxes, on the allowance under paragraph (a) of this section for any prior year, an additional amount sufficient to meet such payments may be paid or authorized to be paid to or accrued to the account of any employee or received by him during the taxable year, even though it exceeds the amount otherwise computed under paragraph (a) of this section.

(d) In the case of an individual who is an employee of more than one person, the aggregate of the salaries received by such individual shall, under such circumstances as may be set forth in regulations promulgated under the authority of these regulations, be treated as if paid by a single employer.

(e) No amount of salary shall be paid or authorized to be paid to or accrued to the account of any employee or received by him after the date of approval of these regulations by the President and before January 1, 1943, if the total salary paid, authorized, accrued or received for the calendar year 1942 exceeds the amount of salary which would otherwise be allowable under paragraph (a) of this section and also exceeds the total salary paid, authorized, accrued or received for the calendar year 1941.

(f) Except as provided in paragraph (e) of this section, the provisions of this section shall be applicable to salary paid or accrued after December 31, 1942, regardless of when authorized and regardless of any contract or agreement made before or after such date.

EX ORD NO 9328 STABILIZATION OF WAGES, PRICES, AND SALARIES

Ex Ord No 9328, Apr 8, 1943, 8 F R 4681, provided

By virtue of the authority vested in me by the Constitution and the statutes, and particularly by the First War Powers Act, 1941 (sections 601–622 of this Appendix), and the Act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes" (sections 961–971 of this Appendix)" as President of the United States and Commander in Chief of the Army and Navy, and in order to safeguard the stabilization of prices, wages and salaries, affecting the cost of living on the basis of levels existing on September 15, 1942 as authorized and directed by said Act of Congress of October 2, 1942, and Executive Order No 9250 of October 3, 1942 (set out as note under section 901 of this Appendix), and to prevent increases in wages, salaries, prices and profits, which, however justifiable if viewed apart from their effect upon the economy, tend to undermine the basis of stabilization, and to provide such regulations with respect to the control of price, wage and salary increases as are necessary to maintain stabilization, it is hereby ordered as follows.

1 In the case of agricultural commodities the Price Administrator and the Administrator of Food Production and Distribution (hereinafter referred to as the Food Administrator) are directed, and in the case of other commodities the Price Administrator is directed to take immediate steps to place ceiling prices on all commodities affecting the cost of living Each of them is directed to authorize no further increases in ceiling prices except to the minimum extent required by law Each of them is further directed immediately to use all discretionary powers vested in them by law to prevent further price increases direct or indirect, to prevent profiteering and to reduce prices which are excessively high, unfair or inequitable Nothing herein, however, shall be construed to prevent the Food Administrator and the Price Administrator, subject to the general policy directives of the Economic Stabilization Director, from making such readjustments in price relationships appropriate for various commodities, or classes, qualities or grades thereof or for seasonal variations or for various marketing areas, or from authorizing such support prices, subsidies or other inducements as may be authorized by law and deemed necessary to maintain or increase production, provided that such action does not increase the cost of living The power, functions and duties conferred on the Secretary of Agriculture under section 3 of the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong) (section 903 of this Appendix) and under section 3 of the Act of October 2, 1942 (Public Law 729, 77th Cong) (section 963 of this Appendix) are hereby transferred to, and shall be exercised by the Food Administrator

2. The National War Labor Board, the Commissioner of Internal Revenue and other agencies exercising author-

ity conferred by Executive Order No. 9250 (set out as note under section 901 of this Appendix) or Executive Order 9299 (45 U. S C. A § 156 note) and the regulations issued pursuant thereto over wage or salary increases are directed to authorize no further increase in wages or salaries except such as are clearly necessary to correct substandards of living, provided that nothing herein shall be construed to prevent such agencies from making such wage or salary readjustments as may be deemed appropriate and may not have heretofore been made to compensate, in accordance with the Little Steel Formula as heretofore defined by the National War Labor Board, for the rise in the cost of living between January 1, 1941, and May 1, 1942 Nor shall anything herein be construed to prevent such agencies, subject to the general policies and directives of the Economic Stabilization Director, from authorizing reasonable adjustments of wages and salaries in case of promotions, reclassifications, merit increases, incentive wages or the like, provided that such adjustments do not increase the level of production costs appreciably or furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices

3 The Chairman of the War Manpower Commission is authorized to forbid the employment by any employer of any new employee or the acceptance of employment by a new employee except as authorized in accordance with regulations which may be issued by the Chairman of the War Manpower Commission, with the approval of the Economic Stabilization Director, for the purpose of preventing such employment at a wage or salary higher than that received by such new employee in his last employment unless the change of employment would aid in the effective prosecution of the war.

4. The attention of all agencies of the Federal Government, and of all State and municipal authorities, concerned with the rates of common carriers or other public utilities, is directed to the stabilization program of which this order is a part so that rate increases will be disapproved and rate reductions effected, consistently with the Act of October 2, 1942 (sections 961–971 of this Appendix), and other applicable federal, state or municipal law, in order to keep down the cost of living and effectuate the purposes of the stabilization program

5. To provide for the consistent administration of this order and Executive Order No 9250 (set out under section 901 of this Appendix), and other orders and regulations of similar import and for the effectuation of the purposes of the Act of October 2, 1942 (sections 961–971 of this Appendix), the Economic Stabilization Director is authorized to exercise all powers and duties conferred upon the President by that Act, and the Economic Stabilization Director is authorized and directed to take such action and to issue such directives under the authority of that Act as he deems necessary to stabilize the national economy, to maintain and increase production and to aid in the effective prosecution of the war. Except insofar as they are inconsistent with this order or except insofar as the Director shall otherwise direct, powers and duties conferred upon the President by the said Act and heretofore devolved upon agencies or persons other than the Director shall continue to be exercised and performed by such agencies and persons.

6. Except insofar as they are inconsistent with this order, Executive Order 9250 (set out under section 901 of this Appendix) and the regulations issued pursuant thereto shall remain in full force and effect.

SUPPLEMENT TO EX. ORD. NO. 9328

May 12, 1943, 8 F. R. 6490

Establishment of Wage Rate Brackets

1. In order to provide clear-cut guides and definite limits as a basis for correcting substandards of living, and as a basis for permitting the Board to make within the existing price structure and within existing levels of production costs, minimum and non-inflationary adjustments which are deemed necessary to "aid in the effective prosecution of the war or to correct gross inequities" within the meaning of section 1 of the Act of October 2, 1942 (section 961 of this Appendix), the Board is authorized to establish as rapidly as possible, by occupational groups and labor market areas, the wage-rate brackets embracing all those various rates found to be sound and tested going rates. All the rates within these brackets are to be regarded as stabilized rates, not subject to change save as permitted by the Little Steel formula Except in rare and unusual cases in which the critical needs of war production require the setting of a wage at some point above the minimum of the going wage bracket, the minimum of the going rates within the brackets will be the point beyond which the adjustments mentioned above may not be made. The careful application of these wage-rate brackets to concrete cases within the informed judgment of the War Labor Board will strengthen and reinforce the stabilization line to be held. Maladjustments between wages and the cost of living will be considered by the Board only for the purpose of correcting substandard conditions of living, or determining adjustments within the 15 percent limit of the Little Steel formula In connection with the approval of wage adjustments necessary to eliminate substandards of living or to give effect to the Little Steel formula or in connection with the adoption of a longer workweek, the Board may approve wage or salary adjustments for workers in immediately interrelated job classifications to the extent required to keep the minimum differentials between immediately interrelated job classifications necessary for the maintenance of productive efficiency.

2. All wage adjustments made by the Board which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings, or if no price ceilings are involved which may increase the production costs above the level prevailing in comparable plants or establishments, shall become effective only if also approved by the Economic Stabilization Director. The Board shall cooperate with the Office of Price Administration or such other agency as the Economic Stabilization Director may designate with a view to supplying the Economic Stabilization Director with the data necessary to judge the effect of any proposed wage adjustment on price ceilings and the levels of production costs

Ex. Ord No 9354. Chairman of Securities and Exchange Commission as Member of Economic Stabilization Board

Ex Ord. No 9354, June 23, 1943, 8 F R. 8693, provided: By virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly by the act of October 2, 1942 (56 Stat 765) (sections 961–971 of this Appendix), and as President of the United States and Commander in Chief of the Army and Navy, the Chairman of the Securities and Exchange Commission is hereby designated as an additional member of the Economic Stabilization Board established by section 2 of Title I of Executive Order 9250 of October 3, 1942 (note under this section of this Appendix), and the said order is amended accordingly

Ex. Ord No. 9534. Designating the Federal Loan Administrator and the War Food Administrator as Members of the Economic Stabilization Board

Ex Ord. No 9534, Apr. 4, 1945, 10 F R. 3667, provided: By virtue of the authority vested in me by the Constitution and the statutes of the United States, particularly by the act of October 2, 1942 (56 Stat. 765) [sections 901–946 of this Appendix], and as President of the United States and Commander in Chief of the Army and Navy, the Federal Loan Administrator and the War Food Administrator are hereby designated as additional members of the Economic Stabilization Board established by section 2 of Title I of Executive Order 9250 of October 3, 1942 [set out as a note under this section], and the said order is amended accordingly.

Ex Ord. No. 9620. Abolishment of the Office of Economic Stabilization and Transfer of Function to the Office of War Mobilization and Reconversion

Ex Ord No 9260, Sept. 21, 1945, 10 F. R. 12032, provided: By virtue of the authority vested in me by the Constitution and statutes, particularly by Title I of the First War Powers Act, 1941 [sections 601–605 of this Appendix], and section 2 of the act of October 2, 1942, 56 Stat. 765 [sec-

tion 962 of this Appendix], and as President of the United States, it is hereby ordered as follows:

The Office of Economic Stabilization, established by Executive Order No. 9250 of October 3, 1942, and the office of Economic Stabilization Director, are abolished. All functions, authority, records, property, personnel, and funds of the Office of Economic Stabilization are transferred to the Office of War Mobilization and Reconversion, and all functions of the Economic Stabilization Director are transferred to the Director of War Mobilization and Reconversion. The Economic Stabilization Board, established by Executive Order No. 9250, is transferred to the Office of War Mobilization and Reconversion for the purpose of advising and consulting with the Director of War Mobilization and Reconversion with respect to the functions transferred by this order. All prior regulations, rulings, and other directives relating to the Office of Economic Stabilization shall remain in effect except insofar as they are in conflict with this order or are hereafter amended by the Director of War Mobilization and Reconversion

All prior Executive orders in conflict herewith are amended accordingly.

§ 902. Prices, rents, and market and renting practices.

(a) Whenever in the judgment of the Price Administrator (provided for in section 201) [section 921 of this Appendix] the price or prices of a commodity or commodities have risen or threaten to rise to an extent or in a manner inconsistent with the purposes of this Act [sections 901–922, 923–946 of this Appendix], he may by regulation or order establish such maximum price or maximum prices as in his judgment will be generally fair and equitable and will effectuate the purposes of this Act [said sections]. So far as practicable, in establishing any maximum price, the Administrator shall ascertain and give due consideration to the prices prevailing between October 1 and October 15, 1941 (or if, in the case of any commodity, there are no prevailing prices between such dates, or the prevailing prices between such dates are not generally representative because of abnormal or seasonal market conditions or other cause, then to the prices prevailing during the nearest two-week period in which, in the judgment of the Administrator, the prices for such commodity are generally representative), for the commodity or commodities included under such regulation or order, and shall make adjustments for such relevant factors as he may determine and deem to be of general applicability, including the following: Speculative fluctuations, general increases or decreases in costs of production, distribution, and transportation, and general increases or decreases in profits earned by sellers of the commodity or commodities, during and subsequent to the year ended October 1, 1941: *Provided*, That no such regulation or order shall contain any provision requiring the determination of costs otherwise than in accordance with established accounting methods. Every regulation or order issued under the foregoing provisions of this subsection shall be accompanied by a statement of the considerations involved in the issuance of such regulation or order. As used in the foregoing provisions of this subsection, the term "regulation or order" means a regulation or order of general applicability and effect. Before issuing any regulation or order under the foregoing provisions of this subsection, the Administrator shall, so far as practicable, advise and consult with representative members of the industry which will be affected by such regulation or order, and shall give consideration to their recommendations. In the case of any commodity for which a maximum price has been established, the Administrator shall, at the request of any substantial portion of the industry subject to such maximum price, regulation, or order of the Administrator, appoint an industry advisory committee, or committees, either national or regional or both, consisting of such number of representatives of the industry as may be necessary in order to constitute a committee truly representative of the industry, or of the industry in such region, as the case may be. The committee shall select a chairman from among its members, and shall meet at the call of the chairman. The Administrator shall from time to time, at the request of the committee, advise and consult with the committee with respect to the regulation or order, and with respect to the form thereof, and classifications, differentiations, and adjustments therein. The committee may make such recommendations to the Administrator as it deems advisable, and such recommendations shall be considered by the Administrator. Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act [sections 901–922, 923–946 of this Appendix], he may, without regard to the foregoing provisions of this subsection, issue temporary regulations or orders establishing as a maximum price or maximum prices the price or prices prevailing with respect to any commodity or commodities within five days prior to the date of issuance of such temporary regulations or orders; but any such temporary regulation or order shall be effective for not more than sixty days, and may be replaced by a regulation or order issued under the foregoing provisions of this subsection.

(b) Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act [sections 901–922, 923–946 of this Appendix], he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area. If within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of this Act (said sections). So far as practicable, in establishing any maximum rent for any defense-area housing accommodations, the Administrator shall ascertain and give due consideration to the rents prevailing for such accommodations, or comparable accommodations, on or about April 1, 1941 (or if, prior or subsequent to April 1, 1941, defense activities shall have resulted or threatened to result in increases in rents for housing accommodations

in such area inconsistent with the purposes of this Act (said sections), then on or about a date (not earlier than April 1, 1940), which in the judgment of the Administrator, does not reflect such increases), and he shall make adjustments for such relevant factors as he may determine and deem to be of general applicability in respect of such accommodations, including increases or decreases in property taxes and other costs within such defense-rental area. In designating defense-rental areas, in prescribing regulations and orders establishing maximum rents for such accommodations, and in selecting persons to administer such regulations and orders, the Administrator shall, to such extent as he determines to be practicable, consider any recommendations which may be made by State and local officials concerned with housing or rental conditions in any defense-rental area. Whenever the Administrator shall find that, in any defense-rental area or any portion thereof specified by him, the availability of adequate rental housing accommodations and other relevant factors are such as to make rent control unnecessary for the purpose of eliminating speculative, unwarranted, and abnormal increases in rents and of preventing profiteering, and speculative and other disruptive practices resulting from abnormal market conditions caused by congestion, the controls imposed upon rents by authority of this Act (said sections) in such defense-rental area or portion thereof shall be forthwith abolished; but whenever in the judgment of the Administrator it is necessary or proper, in order to effectuate the purpose of this Act (said sections), to reestablish the regulation of rents in any such defense-rental area or portion thereof, he may forthwith by regulation or order reestablish maximum rents for housing accommodations therein in accordance with the standards set forth in this Act (said sections). Before issuing any regulation or order under the foregoing provisions of this subsection, the Administrator shall, so far as practicable, advise and consult with representative members of the industry which will be affected by such regulation or order, and shall give consideration to their recommendations. The Administrator shall, at the request of any substantial portion of the industry subject to such regulation or order of the Administrator, appoint a national industry advisory committee, or committees, in the same manner and form and with the same powers and duties as provided in subsection (a) for industry advisory committees relating to price.

(c) Any regulation or order under this section may be established in such form and manner, may contain such classifications and differentiations, and may provide for such adjustments and reasonable exceptions, as in the judgment of the Administrator are necessary or proper in order to effectuate the purposes of this Act [sections 901–922, 923–946 of this Appendix]. Under regulations to be prescribed by the Administrator, he shall provide for the making of individual adjustments in those classes of cases where the rent on the maximum rent date for any housing accommodations is, due to peculiar circumstances, substantially higher or lower than the rents generally prevailing in the defense-rental area for comparable housing accommodations, and in those classes of cases where substantial hardship has resulted since the maximum rent date from a substantial and unavoidable increase in property taxes or operating costs. Any regulation or order under this section which establishes a maximum price or maximum rent may provide for a maximum price or maximum rent below the price or prices prevailing for the commodity or commodities, or below the rent or rents prevailing for the defense-area housing accommodations, at the time of the issuance of such regulation or order.

(d) Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act [sections 901–922, 923–946 of this Appendix], he may, by regulation or order, regulate or prohibit speculative or manipulative practices (including practices relating to changes in form or quality) or hoarding, in connection with any commodity, and speculative or manipulative practices or renting or leasing practices (including practices relating to recovery of the possession) in connection with any defense-area housing accommodations, which in his judgment are equivalent to or are likely to result in price or rent increases, as the case may be, inconsistent with the purposes of this Act [sections 901–922, 923–946 of this Appendix].

(e) Whenever the Administrator determines that the maximum necessary production of any commodity is not being obtained or may not be obtained during the ensuing year, he may, on behalf of the United States, without regard to the provisions of law requiring competitive bidding, buy or sell at public or private sale, or store or use, such commodity in such quantities and in such manner and upon such terms and conditions as he determines to be necessary to obtain the maximum necessary production thereof or otherwise to supply the demand therefor, or make subsidy payments to domestic producers of such commodity in such amounts and in such manner and upon such terms and conditions as he determines to be necessary to obtain the maximum necessary production thereof: *Provided*, That in the case of any commodity which has heretofore or may hereafter be defined as a strategic or critical material by the President pursuant to section 5d of the Reconstruction Finance Corporation Act [section 609j of Title 15], as amended, such determinations shall be made by the Federal Loan Administrator, with the approval of the President, and, notwithstanding any other provision of this Act [sections 901–922, 923–946 of this Appendix] or of any existing law, such commodity may be bought or sold, or stored or used, and such subsidy payments to domestic producers thereof may be paid, only by corporations created or organized pursuant to such section 5d [section 609j of Title 15]; except that in the case of the sale of any commodity by any such corporation, the sale price therefor shall not exceed any maximum price established pursuant to subsection (a) of this section which is applicable to such commodity at the time of sale or

delivery, but such sale price may be below such maximum price or below the purchase price of such commodity, and the Administrator may make recommendations with respect to the buying or selling, or storage or use, of any such commodity: *Provided, however,* That, with the exception of any commodity which prior to the effective date of this amendatory proviso [June 30, 1944] has been defined as a strategic or critical material pursuant to section 5d of the Reconstruction Finance Corporation Act [section 609j of Title 15], as amended, no agricultural commodity or commodity manufactured or processed in whole or substantial part from any agricultural commodity intended to be used as food for human consumption, shall, for the purposes of this subsection, be defined as a strategic or critical material pursuant to the provisions of said section 5d of the Reconstruction Finance Corporation Act, as amended [section 609j of Title 15]. In any case in which a commodity is domestically produced, the powers granted to the Administrator by this subsection shall be exercised with respect to importations of such commodity only to the extent that, in the judgment of the Administrator, the domestic production of the commodity is not sufficient to satisfy the demand therefor. Nothing in this section shall be construed to modify, suspend, amend, or supersede any provision of the Tariff Act of 1930, as amended [section 1001 et seq of Title 19], and nothing in this section, or in any existing law, shall be construed to authorize any sale or other disposition of any agricultural commodity contrary to the provisions of the Agricultural Adjustment Act of 1938, as amended [section 1281 et seq. of Title 7], or to authorize the Administrator to prohibit trading in any agricultural commodity for future delivery if such trading is subject to the provisions of the Commodity Exchange Act, as amended.

After June 30, 1945, neither the Price Administrator nor the Reconstruction Finance Corporation nor any other Government corporation shall make any subsidy payments, or buy any commodities for the purpose of selling them at a loss and thereby subsidizing directly or indirectly the sale of commodities, unless the money required for such subsidies, or sale at a loss, has been appropriated by Congress for such purpose; and appropriations for such purpose are hereby authorized to be made.

(f) No power conferred by this section shall be construed to authorize any action contrary to the provisions and purposes of section 3 [section 903 of this Appendix], and no agricultural commodity shall be sold within the United States pursuant to the provisions of this section by any governmental agency at a price below the price limitations imposed by section 3 (a) of this Act [section 903 of this Appendix] with respect to such commodity.

(g) Regulations, orders, and requirements under this Act [sections 901–922, 923–946 of this Appendix] may contain such provisions as the Administrator deems necessary to prevent the circumvention or evasion thereof.

(h) The powers granted in this section shall not be used or made to operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, established in any industry, or changes in established rental practices, except where such action is affirmatively found by the Administrator to be necessary to prevent circumvention or evasion of any regulation, order, price schedule, or requirement under this Act [sections 901–922, 923–946 of this Appendix].

(i) No maximum price shall be established for any fishery commodity below the average price of such commodity in the year 1942.

(j) Nothing in this Act [sections 901–922, 923–946 of this Appendix] shall be construed (1) as authorizing the elimination or any restriction of the use of trade and brand names; (2) as authorizing the Administrator to require the grade labeling of any commodity; (3) as authorizing the Administrator to standardize any commodity, unless the Administrator shall determine, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to such commodity; or (4) as authorizing any order of the Administrator fixing maximum prices for different kinds, classes, or types of a commodity which are described in terms of specifications or standards, unless such specifications or standards were, prior to such order, in general use in the trade or industry affected, or have previously been promulgated and their use lawfully required by another Government agency.

(k) No regulation, order, or price schedule issued under this Act [sections 901–922, 923–946 of this Appendix] shall, after the effective date of this subsection, require any seller of goods at retail to limit his sales with reference to any highest price line offered for sale by him at any prior time.

(*l*) Before growers' maximum prices are established or lowered for any agricultural commodity which is the product of annual or seasonal planting, the Price Administrator shall give to such growers, not less than 15 days prior to the normal planting season in each major producing area affected, notice of the maximum prices he proposes to establish therefor: *Provided,* That in no case shall this subsection require such notice to be given more than 12 months prior to the beginning of the normal marketing season in such area. This requirement may be satisfied by publication in the Federal Register, but the Administrator shall utilize appropriate means to insure general publicity to such prices in the areas affected. The requirements of this subsection shall not apply to the 1944 crop of any agricultural commodity of any major producing area in which the normal planting season occurs prior to July 31, 1944.

(m) No agency, department, officer, or employee of the Government, in the payment of sums authorized by this or other Acts of Congress relating to the production or sale of agricultural commodities, or in contracts for the purchase of any such commodities by the Government or any department or agency thereof, or in any allocation of materials or facilities, or in fixing quotas for the production or sale of any such commodities, shall impose any con-

ditions or penalties not authorized by the provisions of the Act or Acts, or lawful regulations issued thereunder, under which such sums are authorized, such contracts are made, materials and facilities allocated, or quotas for the production or sale of any such commodities are imposed. Any person aggrieved by any action of any agency, department, officer, or employee of the Government contrary to the provisions hereof, or by the failure to act of any such agency, department, officer, or employee, may petition the district court of the district in which he resides or has his place of business for an order or a declaratory judgment to determine whether any such action or failure to act is in conformity with the provisions hereof and otherwise lawful; and the court shall have jurisdiction to grant appropriate relief. The provisions of the Judicial Code as to monetary amount involved necessary to give jurisdiction to a district court shall not be applicable in any such case.

(n) In establishing or maintaining maximum prices under this Act [sections 901–922, 923–946 of this title] or otherwise in the case of collect-on-delivery sales of any commodity where under established practices of the seller a uniform charge is added to the price to cover mailing costs, an increase in maximum prices shall be allowed equivalent to any increase in such costs heretofore or hereafter resulting from increased postal rates or charges. (Jan. 30, 1942, ch. 26, title I, § 2, 56 Stat. 24, as amended July 16, 1943, ch. 241, § 5 (a), 57 Stat. 566; June 30, 1944, ch. 325, title I, § 102, 58 Stat. 632; June 30, 1945, ch. 214, §§ 3, 4, 59 Stat 306)

AMENDMENTS

1945—Subsec. (b) amended by act June 30, 1945, cited to text, amended section by adding last two sentences.

Subsec. (n) added by act June 30, 1945, cited to text

1944—Act June 30, 1944, cited to text, amended section generally by adding subsecs (k), (*l*), and (m), among other changes

1943—Subsec (j) added by act July 16, 1943, cited to text.

CROSS REFERENCES

Commodity Credit Corporation as exempt from subsidy provisions of second par of subsec (e) of this section, see note set out under section 713 of Title 15, Commerce and Trade.

§ 903. Agricultural commodities.

(a) No maximum price shall be established or maintained for any agricultural commodity below the highest of any of the following prices, as determined and published by the Secretary of Agriculture: (1) 110 per centum of the parity price for such commodity, adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials, or, in case a comparable price has been determined for such commodity under subsection (b), 110 per centum of such comparable price, adjusted in the same manner, in lieu of 110 per centum of the parity price so adjusted; (2) the market price prevailing for such commodity on October 1, 1941; (3) the market price prevailing for such commodity on December 15, 1941; or (4) the average price for such commodity during the period July 1, 1919, to June 30, 1929.

(b) For the purposes of this Act [sections 901–922, 923–946 of this Appendix], parity prices shall be determined and published by the Secretary of Agriculture as authorized by law. In the case of any agricultural commodity other than the basic crops corn, wheat, cotton, rice, tobacco, and peanuts, the Secretary shall determine and publish a comparable price whenever he finds, after investigation and public hearing, that the production and consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for basic commodities.

(c) No maximum price shall be established or maintained for any commodity processed or manufactured in whole or substantial part from any agricultural commodity below a price which will reflect to producers of such agricultural commodity a price for such agricultural commodity equal to the highest price therefor specified in subsection (a).

(d) Nothing contained in this Act [section 901–922, 923–946 of this Appendix] shall be construed to modify, repeal, supersede, or affect the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Title 7, §§ 601, 602, 608a–608c, 608d, 608e, 610, 612, 614, 624, 671–674), or to invalidate any marketing agreement, license, or order, or any provision thereof or amendment thereto, heretofore or hereafter made or issued under the provisions of such Act.

(e) Notwithstanding any other provision of this or any other law, no action shall be taken under this Act [sections 901–922, 923–946 of this Appendix] by the Administrator or any other person, without prior written approval of the Secretary of Agriculture, with respect to any agricultural commodity or with respect to any regulation, order, price schedule or other requirement applicable to any processor with respect to any food or feed product processed or manufactured in whole or substantial part from any agricultural commodity; except that (1) the foregoing provisions of this subsection shall not apply in the case of any individual adjustment making an increase in a maximum price, and (2) the Administrator may take such action as may be necessary under section 202 and section 205 [sections 922 and 925 of this Appendix] to enforce compliance with any regulation, order, price schedule or other requirement which is lawfully in effect.

(f) No provision of this Act [sections 901–922, 923–946 of this Appendix] or of any existing law shall be construed to authorize any action contrary to the provisions and purposes of this section.

(g) Whenever a maximum price has been established, under this Act [sections 901–922, 923–946 of this Appendix] or otherwise, with respect to any fresh fruit or any fresh vegetable, the Administrator from time to time shall adjust such maximum price in order to make appropriate allowances for substantial reductions in merchantable crop yields, unusual increases in costs of production, and other factors which result from hazards occurring in connection with the production and marketing of such commodity. (Jan. 30, 1942, ch. 26, title I, § 3, 56 Stat.

27, as amended June 30, 1944, ch. 325, title I, § 103, 58 Stat. 636; June 30, 1945, ch. 214, § 5 (a), 59 Stat. 307.)

AMENDMENTS

1945—Subsec. (e) amended generally by act June 30, 1945, cited to text.

1944—Subsec. (e) amended by act June 30, 1944, cited to text, which omitted "(a) and (b)" following "section 205".

Subsec (g) added by act June 30, 1944, cited to text.

INCONSISTENT LAWS

Provisions of this section insofar as they are inconsistent with provisions of Ex Ord No 9250, Oct 3, 1942, set out under section 901 of this Appendix, are suspended by paragraph 4 of title IV of said order.

SUSPENSION OF SUBSECS (A), (C)

Suspension of subsecs (a) and (c) by President, see section 962 of this Appendix.

§ 904. Prohibitions.

(a) It shall be unlawful, regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, for any person to sell or deliver any commodity, or in the course of trade or business to buy or receive any commodity, or to demand or receive any rent for any defense-area housing accommodations, or otherwise to do or omit to do any act, in violation of any regulation or order under section 2 (section 902 of this appendix), or of any price schedule effective in accordance with the provisions of section 206 (section 926 of this Appendix), or of any regulation, order, or requirement under section 202 (b) or section 205 (f) (sections 922 (b) or 925 (f) of this Appendix), or to offer, solicit, attempt, or agree to do any of the foregoing.

(b) It shall be unlawful for any person to remove or attempt to remove from any defense-area housing accommodations the tenant or occupant thereof or to refuse to renew the lease or agreement for the use of such accommodations, because such tenant or occupant has taken, or proposes to take, action authorized or required by this Act [sections 901–922, 923–946 of this Appendix] or any regulation, order, or requirement thereunder.

(c) It shall be unlawful for any officer or employee of the Government, or for any adviser or consultant to the Administrator in his official capacity, to disclose, otherwise than in the course of official duty, any information obtained under this Act [sections 901–922, 923–946 of this Appendix], or to use any such information, for personal benefit.

(d) Nothing in this Act [sections 901–922, 923–946 of this Appendix] shall be construed to require any person to sell any commodity or to offer any accommodations for rent. (Jan. 30, 1942, ch. 26, title I, § 4, 56 Stat. 28.)

§ 905. Voluntary agreements.

In carrying out the provisions of this Act [sections 901–922, 923–946 of this Appendix], the Administrator is authorized to confer with producers, processors, manufacturers, retailers, wholesalers, and other groups having to do with commodities, and with representatives and associations thereof, to cooperate with any agency or person, and to enter into voluntary arrangements or agreements with any such persons, groups, or associations relating to the fixing of maximum prices, the issuance of other regulations or orders, or the other purposes of this Act, but no such arrangement or agreement shall modify any regulation, order, or price schedule previously issued which is effective in accordance with the provisions of section 2 or section 206 (section 902 or 926 of this Appendix). The Attorney General shall be promptly furnished with a copy of each such arrangement or agreement. (Jan. 30, 1942, ch. 26, title I, § 5, 56 Stat. 28.)

TITLE II.—ADMINISTRATION AND ENFORCEMENT

§ 921. Administration.

(a) There is hereby created an Office of Price Administration, which shall be under the direction of a Price Administrator (referred to in this Act [sections 901–922, 923–946 of this Appendix] as the "Administrator"). The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of $12,000 per annum. The Administrator may, subject to the civil-service laws, appoint such employees as he deems necessary in order to carry out his functions and duties under this Act, and shall fix their compensation in accordance with the Classification Act of 1923, as amended (Title 5, §§ 661–673, 674). The Administrator may utilize the services of Federal, State, and local agencies and may utilize and establish such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may appear for and represent the Administrator in any case in any court. In the appointment, selection, classification, and promotion of officers and employees of the Office of Price Administration, no political test or qualification shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency.

(b) The principal office of the Administrator shall be in the District of Columbia, but he or any duly authorized representative may exercise any or all of his powers in any place. The President is authorized to transfer any of the powers and functions conferred by this Act upon the Office of Price Administration with respect to a particular commodity or commodities to any other department or agency of the Government having other functions relating to such commodity or commodities, and to transfer to the Office of Price Administration any of the powers and functions relating to priorities or rationing conferred by law upon any other department or agency of the Government with respect to any particular commodity or commodities; but, notwithstanding any provision of this or any other law, no powers or functions conferred by law upon the Secretary of Agriculture shall be transferred to the Office of Price Administration or to the Administrator, and no powers or functions conferred by law upon any other department or agency of the Government with respect to any agricultural commodity, except powers and functions relating to priorities or rationing, shall be so transferred.

(c) The Administrator shall have authority to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere; for lawbooks and books of reference; for paper, printing and binding; and for purchase of commodities in order to obtain information or evidence of violations of price, rent, or rationing regulations or orders or price schedules) as he may deem necessary for the administration and enforcement of this Act [sections 901–922, 923–946 of this Appendix]. The provisions of section 3709 of the Revised Statutes [section 5 of Title 41] shall not apply to the purchase of supplies and services by the Administrator where the aggregate amount involved does not exceed $250.

(d) The Administrator may, from time to time, issue such regulations and orders as he may deem necessary or proper in order to carry out the purposes and provisions of this Act [sections 901–922, 923–946 of this Appendix].

(e) All agencies, offices, or officers of the Government exercising supervisory or policy-making powers over the Office of Price Administration, War Food Administration, or War Production Board, whether such powers are delegated to such agency, office, or officer by this [sections 901–922, 923–946 of this Appendix] or any other Act or by Executive order, shall exercise such powers only through formal written orders or regulations which shall be promptly published in the Federal Register, but shall not otherwise be subject to the provisions of the Federal Register Act [sections 301–310, 311–314 of Title 44]: *Provided*, That no order or regulation shall be published in accordance with the requirements of this subsection containing information which, for reasons of military security, it is not in the public interest to divulge. (Jan. 30, 1942, ch. 26, title II, § 201, 56 Stat. 29, as amended June 30, 1944, ch. 325, title I, § 104, 58 Stat. 637.)

AMENDMENTS

1944—Subsec. (c) amended by act June 30, 1944, cited to text, which added "; and for the purchase * * * or price schedules" within parentheses, and added last sentence.

Subsec. (e) added by act June 30, 1944, cited to text.

§ 922. Investigations; records; reports.

(a) The Administrator is authorized to make such studies and investigations, to conduct such hearings, and to obtain such information as he deems necessary or proper to assist him in prescribing any regulation or order under this Act [sections 901–922, 923–946 of this Appendix], or in the administration and enforcement of this Act [said sections], and regulations, orders, and price schedules thereunder.

(b) The Administrator is further authorized, by regulation or order, to require any person who is engaged in the business of dealing with any commodity, or who rents or offers for rent or acts as broker or agent for the rental of any housing accommodations, to furnish any such information under oath or affirmation or otherwise, to make and keep records and other documents, and to make reports, and he may require any such person to permit the inspection and copying of records and other documents, the inspection of inventories, and the inspection of defense-area housing accommodations. The Administrator may administer oaths and affirmations and may, whenever necessary, by subpena require any such person to appear and testify or to appear and produce documents, or both, at any designated place.

(c) For the purpose of obtaining any information under subsection (a), the Administrator may by subpena require any other person to appear and testify or to appear and produce documents, or both, at any designated place.

(d) The production of a person's documents at any place other than his place of business shall not be required under this section in any case in which, prior to the return date specified in the subpena issued with respect thereto, such person either has furnished the Administrator with a copy of such documents (certified by such person under oath to be a true and correct copy), or has entered into a stipulation with the Administrator as to the information contained in such documents.

(e) In case of contumacy by, or refusal to obey a subpena served upon, any person referred to in subsection (c), the district court for any district in which such person is found or resides or transacts business, upon application by the Administrator, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof. The provisions of this subsection shall also apply to any person referred to in subsection (b), and shall be in addition to the provisions of section 4 (a) (section 904 (a) of this Appendix).

(f) Witnesses subpenaed under this section shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

(g) No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893 (U. S. C., 1934 edition, Title 49, sec. 46), shall apply with respect to any individual who specifically claims such privilege.

(h) The Administrator shall not publish or disclose any information obtained under this Act that such Administrator deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless he determines that the withholding thereof is contrary to the interest of the national defense and security.

(i) Any person subpenaed under this section shall have the right to make a record of his testimony and to be represented by counsel. (Jan. 30, 1942, ch. 26, title II, § 202, 56 Stat. 30, as amended June 30, 1944, ch. 325, title I, § 105, 58 Stat. 637.)

AMENDMENTS

1944—Subsec. (a) amended by act June 30, 1944, cited to text, which inserted "to conduct such hearings" following "and investigations".

Subsec. (i) added by act June 30, 1944, cited to text.

§ 922a. Administration of oath; acceptance of affirmation and affidavits.

Any employee of the Office of Price Administration is authorized and empowered, when designated for the purpose by the head of the agency, to administer to or take from any person an oath, affirmation, or affidavit when such instrument is required in connection with the performance of the functions or activities of said Office. (June 28, 1944, ch. 304, title I, § 1, 58 Stat. 601; July 5, 1945, ch. 271, title I, 59 Stat. 415.)

CODIFICATION

Section is from the Second Deficiency Appropriation Act of 1944, and was not enacted as a part of the Emergency Price Control Act of 1942.

§ 923. Procedure.

(a) At any time after the issuance of any regulation or order under section 2 [section 902 of this Appendix], or in the case of a price schedule, at any time after the effective date thereof specified in section 206 [section 926 of this Appendix], any person subject to any provision of such regulation, order, or price schedule may, in accordance with regulations to be prescribed by the Administrator, file a protest specifically setting forth objections to any such provision and affidavits or other written evidence in support of such objections. Statements in support of any such regulation, order, or price schedule may be received and incorporated in the transcript of the proceedings at such times and in accordance with such regulations as may be prescribed by the Administrator. Within a reasonable time after the filing of any protest under this subsection, but in no event more than thirty days after such filing, the Administrator shall either grant or deny such protest in whole or in part, notice such protest for hearing, or provide an opportunity to present further evidence in connection therewith. In the event that the Administrator denies any such protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice.

(b) In the administration of this Act [sections 901–922, 923–946 of this Appendix] the Administrator may take official notice of economic data and other facts, including facts found by him as a result of action taken under section 202 [section 922 of this Appendix].

(c) Any proceedings under this section may be limited by the Administrator to the filing of affidavits, or other written evidence, and the filing of briefs: *Provided, however,* That, upon the request of the protestant, any protest filed in accordance with subsection (a) of this section after September 1, 1944, shall, before denial in whole or in part, be considered by a board of review consisting of one or more officers or employees of the Office of Price Administration designated by the Administrator in accordance with regulations to be promulgated by him. Such regulations shall provide that the board of review may conduct hearings and hold sessions in the District of Columbia or any other place, as a board, or by subcommittees thereof, and shall provide that, upon the request of the protestants and upon a showing that material facts would be adduced thereby, subpenas shall issue to procure the evidence of persons, or the production of documents, or both. The Administrator shall cause to be presented to the board such evidence, including economic data, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. The protestant shall be accorded an opportunity to present rebuttal evidence in writing and oral argument before the board and the board shall make written recommendations to the Price Administrator. The protestant shall be informed of the recommendations of the board and, in the event that the Administrator rejects such recommendations in whole or in part, shall be informed of the reasons for such rejection.

(d) Any protest filed under this section shall be granted or denied by the Administrator, or granted in part and the remainder of it denied, within a reasonable time after it is filed. Any protestant who is aggrieved by undue delay on the part of the Administrator in disposing of his protest may petition the Emergency Court of Appeals, created pursuant to section 204 [section 924 of this Appendix], for relief; and such court shall have jurisdiction by appropriate order to require the Administrator to dispose of such protest within such time as may be fixed by the court. If the Administrator does not act finally within the time fixed by the court, the protest shall be deemed to be denied at the expiration of that period. (Jan. 30, 1942 ch. 26, title II, § 203, 56 Stat. 31, as amended June 30, 1944, ch. 325, title I, § 106, 58 Stat. 638.)

AMENDMENTS

1944—Act June 30, 1944, cited to text, amended section generally, adding proviso to subsec (c), and subsec (d) in its entirety among other changes

§ 924. Review.

(a) Any person who is aggrieved by the denial or partial denial of his protest may, within thirty days after such denial, file a complaint with the Emergency Court of Appeals, created pursuant to subsection (c), specifying his objections and praying that the regulation, order, or price schedule protested be enjoined or set aside in whole or in part. A copy of such complaint shall forthwith be served on the Administrator, who shall certify and file with such court a transcript of such portions of the proceedings in connection with the protest as are material under the complaint. Such transcript shall include a statement setting forth, so far as practicable, the economic data and other facts of which the Administrator has taken official notice. Upon the filing of such complaint the court shall have exclusive jurisdiction to set aside such regulation, order, or price schedule, in whole or in part, to dismiss the complaint, or to remand the proceeding: *Provided,* That the regulation, order, or price schedule may be modified or rescinded by the Administrator at any time notwithstanding the pendency of such complaint. No objection to such regulation, order, or price schedule, and no evidence in support of any objection thereto, shall be considered by the court,

unless such objection shall have been set forth by the complainant in the protest or such evidence shall be contained in the transcript. If application is made to the court by either party for leave to introduce additional evidence which was either offered to the Administrator and not admitted, or which could not reasonably have been offered to the Administrator or included by the Administrator in such proceedings, and the court determines that such evidence should be admitted, the court shall order the evidence to be presented to the Administrator. The Administrator shall promptly receive the same, and such other evidence as he deems necessary or proper, and thereupon he shall certify and file with the court a transcript thereof and any modification made in the regulation, order, or price schedule as a result thereof; except that on request by the Administrator, any such evidence shall be presented directly to the court.

(b) No such regulation, order, or price schedule shall be enjoined or set aside, in whole or in part, unless the complainant establishes to the satisfaction of the court that the regulation, order, or price schedule is not in accordance with law, or is arbitrary or capricious. The effectiveness of a judgment of the court enjoining or setting aside, in whole or in part, any such regulation, order, or price schedule shall be postponed until the expiration of thirty days from the entry thereof, except that if a petition for a writ of certiorari is filed with the Supreme Court under subsection (d) within such thirty days, the effectiveness of such judgment shall be postponed until an order of the Supreme Court denying such petition becomes final, or until other final disposition of the case by the Supreme Court.

(c) There is hereby created a court of the United States to be known as the Emergency Court of Appeals, which shall consist of three or more judges to be designated by the Chief Justice of the United States from judges of the United States district courts and circuit courts of appeals. The Chief Justice of the United States shall designate one of such judges as chief judge of the Emergency Court of Appeals, and may, from time to time, designate additional judges for such court and revoke previous designations. The chief judge may, from time to time, divide the court into divisions of three or more members, and any such division may render judgment as the judgment of the court. Two judges shall constitute a quorum of the court and of each division thereof. The court shall have the powers of a district court with respect to the jurisdiction conferred on it by this Act; except that the court shall not have power to issue any temporary restraining order or interlocutory decree staying or restraining, in whole or in part, the effectiveness of any regulation or order issued under section 2 (section 902 of this Appendix) or any price schedule effective in accordance with the provisions of section 206 (section 926 of this Appendix). The court shall exercise its powers and prescribe rules governing its procedure in such manner as to expedite the determination of cases of which it has jurisdiction under this Act [sections 901–922, 923–946 of this Appendix]. The court may fix and establish a table of costs and fees to be approved by the Supreme Court of the United States, but the costs and fees so fixed shall not exceed with respect to any item the costs and fees charged in the Supreme Court of the United States. The court shall have a seal, hold sessions at such places as it may specify, and appoint a clerk and such other employees as it deems necessary or proper.

(d) Within thirty days after entry of a judgment or order, interlocutory or final, by the Emergency Court of Appeals, a petition for a writ of certiorari may be filed in the Supreme Court of the United States, and thereupon the judgment or order shall be subject to review by the Supreme Court in the same manner as a judgment of a circuit court of appeals as provided in section 240 of the Judicial Code, as amended (U. S. C., 1934 edition, Title 28, sec. 347). The Supreme Court shall advance on the docket and expedite the disposition of all causes filed therein pursuant to this subsection. The Emergency Court of Appeals, and the Supreme Court upon review of judgments and orders of the Emergency Court of Appeals, shall have exclusive jurisdiction to determine the validity of any regulation or order issued under section 2 (section 902 of this Appendix), of any price schedule effective in accordance with the provisions of section 206 (section 926 of this Appendix), and of any provision of any such regulation, order, or price schedule Except as provided in this section, no court, Federal, State, or Territorial, shall have jurisdiction or power to consider the validity of any such regulation, order, or price schedule, or to stay, restrain, enjoin, or set aside, in whole or in part, any provision of this Act [sections 901–922, 923–946 of this Appendix] authorizing the issuance of such regulations or orders, or making effective any such price schedule, or any provision of any such regulation, order, or price schedule or to restrain or enjoin the enforcement of any such provision.

(e) (1) Within thirty days after arraignment, or such additional time as the court may allow for good cause shown, in any criminal proceeding, and within five days after judgment in any civil or criminal proceeding, brought pursuant to section 205 of this Act (section 925 of this Appendix) or section 37 of the Criminal Code (section 88 of Title 18), involving alleged violation of any provision of any regulation or order issued under section 2 (section 902 of this Appendix) or of any price schedule effective in accordance with the provisions of section 206 (section 926 of this Appendix), the defendant may apply to the court in which the proceeding is pending for leave to file in the Emergency Court of Appeals a complaint against the Administrator setting forth objections to the validity of any provision which the defendant is alleged to have violated or conspired to violate. The court in which the proceeding is pending shall grant such leave with respect to any objection which it finds is made in good faith and with respect to which it finds there is reasonable and substantial excuse for the defendant's failure to present such objection in a protest filed in accordance with

section 203 (a) (section 923 (a) of this Appendix). Upon the filing of a complaint pursuant to and within thirty days from the granting of such leave, the Emergency Court of Appeals shall have jurisdiction to enjoin or set aside in whole or in part the provision of the regulation, order, or price schedule complained of or to dismiss the complaint. The court may authorize the introduction of evidence, either to the Administrator or directly to the court, in accordance with subsection (a) of this section. The provisions of subsections (b), (c), and (d) of this section shall be applicable with respect to any proceeding instituted in accordance with this subsection.

(2) In any proceeding brought pursuant to section 205 of this Act (section 925 of this Appendix) or section 37 of the Criminal Code (section 88 of Title 18), involving an alleged violation of any provision of any such regulation, order or price schedule, the court shall stay the proceeding—

(i) during the period within which a complaint may be filed in the Emergency Court of Appeals pursuant to leave granted under paragraph (1) of this subsection with respect to such provision;

(ii) during the pendency of any protest properly filed by the defendant under section 203 (section 923 of this Appendix) prior to the institution of the proceeding under section 205 of this Act (section 925 of this Appendix) or section 37 of the Criminal Code (section 88 of Title 18), setting forth objections to the validity of such provision which the court finds to have been made in good faith; and

(iii) during the pendency of any judicial proceeding instituted by the defendant under this section with respect to such protest or instituted by the defendant under pargaraph (1) of this subsection with respect to such provision, and until the expiration of the time allowed in this section for the taking of further proceedings with respect thereto.

Notwithstanding the provisions of this paragraph, stays shall be granted thereunder in civil proceedings only after judgment and upon application made within five days after judgment. Notwithstanding the provisions of this paragraph, in the case of a proceeding under section 205 (a) (section 925 (a) of this Appendix) the court granting a stay under this paragraph shall issue a temporary injunction or restraining order enjoining or restraining, during the period of the stay, violations by the defendant of any provision of the regulation, order, or price schedule involved in the proceeding. If any provision of a regulation, order, or price schedule is determined to be invalid by judgment of the Emergency Court of Appeals which has become effective in accordance with section 204 (b) (subsection (b) of this section), any proceeding pending in any court shall be dismissed, and any judgment in such proceeding vacated, to the extent that such proceeding or judgment is based upon violation of such provision. Except as provided in this subsection, the pendency of any protest under section 203 (section 923 of this Appendix), or judicial proceeding under this section, shall not be grounds for staying any proceeding brought pursuant to section 205 of this Act (section 925 of this Appendix) or section 37 of the Criminal Code (section 88 of Title 18); nor, except as provided in this subsection, shall any retroactive effect be given to any judgment setting aside a provision of a regulation or order issued under section 2 (section 902 of this Appendix) or of a price schedule effective in accordance with the provisions of section 206 (section 926 of this Appendix). (Jan. 30, 1942, ch. 26, title II, § 204, 56 Stat. 31, as amended June 30, 1944, ch. 325, title I, § 107, 58 Stat. 639; June 30, 1945, ch. 214, § 6, 59 Stat. 308.)

AMENDMENTS

1945—Subsec. (e) amended by act June 30, 1945, cited to text, which inserted "or section 37 of the Criminal Code" wherever appearing.

1944—Subsec. (c) amended by act June 30, 1944, cited to text, which added fourth sentence beginning "Two judges,"

Subsec. (e) added by act June 30, 1944, cited to text.

RULES—UNITED STATES EMERGENCY COURT OF APPEALS

Adopted May 12, 1942; effective May 20, 1942
Amendments to September 20, 1945

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RULE 1. NAME OF COURT

The court adopts "United States Emergency Court of Appeals" [1] as the title of the court.

[1] Created by the Emergency Price Control Act, approved January 30, 1942, Pub No. 421, ch. 26, 56 Stat 23, 50 U. S. C Appendix § 924

RULE 2. SEAL

The seal shall contain the words "United States" on the upper part of the outer edge; the word "Emergency" in the center; and the words "Court of Appeals" on the lower part of the outer edge, running from left to right.

RULE 3. DIVISIONS OF THE COURT

(*a*) *Creation of Divisions.* The chief judge may, from time to time, divide the court into divisions of three or more members.

(*b*) *Assignment of Cases to Divisions. Reassignment.* Any complaint or other proceeding pending in the court or any motion, application or suggestion made in connection with any pending complaint or other proceeding may be assigned by the chief judge to a division for hearing and determination, and may at any time before final determination thereof by such division be reassigned by the chief judge to another division or to the court for further hearing and determination.

(*c*) *Hearing and Determination by Divisions. Power to Enter Judgments and Orders.* A division to which a complaint or other proceeding or a motion, application or suggestion made in connection therewith is assigned by the chief judge shall hear and determine the matter so assigned to it, unless the matter is subsequently reassigned to another division or to the court, and may render any judgment or make any order therein which the court would have been empowered to make if the matter had not been assigned to a division. Every such judgment rendered or order made by a division shall be rendered as the judgment or made as the order of the court and shall be so entered by the clerk. (As amended Nov. 15, 1943; Aug. 17, 1944.)

RULE 4. SESSIONS

(*a*) *Court Always Open. Place and Time of Sessions.* The court shall have no stated terms but

shall always be open for the transaction of business. The court or its divisions shall hold sessions in Washington in the District of Columbia, or in other places designated by the chief judge, and at such times as may be fixed by the chief judge from time to time.

(b) *Judges Who Shall Preside.* At all sessions of the court and of its divisions the chief judge shall preside if he is in attendance. In his absence the circuit judge senior in commission shall preside and if no circuit judge is in attendance the district judge senior in commission shall preside.

RULE 5. QUORUM—INTERLOCUTORY ORDERS

(a) *Quorum.* Two judges shall constitute a quorum of the court and of each division thereof If a quorum does not attend at any place on any day appointed for holding a session of the court or of a division thereof at that place, the judge who does attend may adjourn the court or division from time to time, or, if no judge is present, the clerk or his deputy in attendance may adjourn the court or division from day to day.

(b) *Interlocutory Orders.* The chief judge or, in his absence from the District of Columbia, the senior judge there present, in chambers may make all necessary orders of a purely procedural nature relating to any complaint or proceeding pending in the court, preparatory to the hearing or decision thereof. (As amended Aug 17, 1944.)

RULE 6. CLERK

(a) *Office Location—Duties.* The clerk shall maintain his office in Washington, in the District of Columbia. His duties shall be such as are prescribed by these rules and by the court from time to time.

(b) *Bond.* The clerk shall give bond in such form and amount as the court may determine to be satisfactory, for the faithful performance of his duties.

(c) *Shall Attend Sessions* The clerk or his deputy shall attend in person the sessions of the court and of each division thereof.

(d) *Office Hours.* The clerk shall keep his office open for the transaction of business from 9 o'clock a. m. until 4 o'clock p. m. on week days not holidays, except that on Saturday it shall close at noon.

(e) *Records.* The files and records of the court shall be kept in the custody of the clerk, and original papers and documents shall not be withdrawn from his custody except upon order of the court or a judge thereof, *Provided, however,* that a copy of the transcript on file may be delivered by the clerk to a party for use in preparing briefs.

(f) *Keeper of Seal.* The clerk shall be the keeper of the seal, and shall apply the same upon all process issued from this court; and in the authentication of all records of the proceedings of the court and the transcripts thereof, and certificates proper to be issued by him, the seal shall be applied by the clerk as the means of proper authentication.

(g) *Deputy Clerks.* The court may appoint one or more deputy clerks. Each deputy clerk shall give bond in such form and amount as the court may determine to be satisfactory, for the faithful performance of the duties, to be assigned to him from time to time by the clerk. The deputy clerks may sign the name of the clerk to any official act required by law or by the practice of the court to be performed by the clerk, and may authenticate said signature by affixing the seal of the court thereto when the impress of the seal is necessary to its authentication. In such case the signature shall be—

_____, Clerk,

By: _____

Deputy Clerk.

(h) *Fees To Be Paid Prior to Filing.* The clerk shall not be required to file any paper or record in his office or docket any proceeding until payment of the required fee has been made.

RULE 7. COURT EMPLOYEES NOT TO PRACTICE LAW

No one employed in any capacity under this court shall engage in the practice of law while continuing in such position; nor shall he after separating from that position practice as an attorney in connection with any case pending in this court during his term of service, or permit his name to appear on a brief filed in connection with any such case.

RULE 8. ATTORNEYS. QUALIFICATIONS—ADMISSION TO PRACTICE

Any person who is a member in good standing of the bar of the Supreme Court of the United States, or of any circuit court of appeals of the United States, including the United States Court of Appeals for the District of Columbia, or of any district court of the United States, or of the highest appellate court of any State or Territory, shall be entitled, while he maintains such good standing, to practice before this court or any division thereof after filing written application with the clerk, accompanied by a certificate from the clerk of the proper court showing that the applicant possesses the foregoing qualifications, and, after approval of such application by the clerk, upon subscribing the oath (or affirmation) prescribed by Rule 2 of the Supreme Court of the United States.[1] Application for admission to practice may be made by mail. A person who may not be eligible under the foregoing provisions, but who is appointed by the Price Administrator as an attorney under Sec. 201 (a) of the Emergency Price Control Act of 1942,[2] may appear for and represent the Administrator in any case in this court upon filing with the clerk suitable written authority from the Administrator to represent him generally or in a particular case or cases. (As amended Aug. 17, 1944.)

[1] 28 U S C following section 354.
[2] 50 U S C Appendix, § 921(a)

RULE 9. PRACTICE, PROCESS AND SERVICE.

(a) *Practice.* Except as otherwise provided by law or by these rules the practice shall conform to that followed in a United States district court of three judges convened in the District of Columbia under the Act of October 22, 1913, ch. 32, 38 Stat. 220 (28 U. S C. 47).[1]

(b) *Process.* All process of the court shall be in the name of the President of the United States, and shall contain the given names, as well as the surnames, of the parties. It shall bear teste of the Chief Justice of the United States.

(c) *Service.* Service of all papers shall be made by the clerk unless the party filing the same shall file therewith a written acknowledgment or acceptance of service thereof by the other party, showing the date of such acknowledgment or acceptance. Five copies of all papers shall be served on the Price Administrator and three copies of all printed papers and one copy of all other papers on all other parties. Service by the clerk on the Price Administrator shall be made by mailing the copies to him at Washington in the District of Columbia. Service by the clerk on each other party shall be made by mailing the copy to his attorney of record or, if the party is not represented by an attorney, then to the party at his address shown on the complaint or petition. The clerk shall note on his docket the names of the parties to whom he mails copies, with date of mailing. (See also Rule 22 (b).) (As amended Aug. 17, 1944.)

[1] 28 U. S. C. § 47.

RULE 10. COMPLAINTS UNDER SEC. 204 (A) OR (E)—PETITIONS FOR MANDATORY RELIEF UNDER SEC. 203 (D)—PROCEEDINGS FOR REVIEW OF SUBSIDY DETERMINATIONS UNDER SEC. 2 OF ACT OF JUNE 23, 1945—FILING AND DOCKETING APPEARANCE

(a) *Filing and Docketing.* Proceedings brought in the court to enjoin or set aside a regulation, order or price schedule under paragraph (a) or (e) of Sec. 204 of the Emergency Price Control Act of 1942, as amended,[1] shall be begun by filing a complaint in the clerk's office. Proceedings brought in the court to secure mandatory relief under Sec. 203 (d) of the Emergency Price Control Act of 1942, as amended,[2] shall be begun by filing a petition in the clerk's office. Proceedings for review of subsidy determinations by the Price Administrator under Sec. 2 of the Act of June 23, 1945 (Public Law 88, 79th Cong., 1st Sess.) and Directive No. 62 of the Economic Stabilization Director (10 F. R. 8242) shall be begun, within thirty days of the effective date of such determination, by filing a complaint in the clerk's office. Upon the filing of a complaint or petition and ten conformed copies thereof and the payment of the filing fee, the clerk shall enter the case upon the docket in his office and shall assign a file number to it. The file number shall be noted on the docket and on the complaint or petition and all papers subsequently filed in the case.

(b) *Deposit for Costs.*—The complainant or petitioner shall at the time of docketing the case make a deposit with the clerk of $35.00 on account of fees and costs to be incurred by him in this court, any unexpended amount to be returned to the party who deposited it after final disposition of the case.

(c) *Time for Filing Appearance.* Counsel for the complainant or petitioner shall enter his appearance at or after the time that the complaint or petition is filed but before any further steps are taken by the complainant or petitioner in the case. Counsel for the Price Administrator shall enter his appearance at or before the time of filing his answers or any preliminary motion in the case. (As amended Aug. 17, 1944; Sept. 20, 1945.)

[1] 50 U. S. C. Appendix, § 924 (a, e).
[2] 50 U. S. C. Appendix, § 923 (d).

RULE 11. FORM AND CONTENTS OF COMPLAINT UNDER SECTION 204 (A) OR (E) OR UNDER SEC. 2 OF ACT OF JUNE 23, 1945

(a) *Form.* The complaint shall contain a caption setting forth the name of the court; and the title of the case, giving the name of the complainant, versus the person holding the office of Price Administrator, as respondent, e. g.:

John Doe v. Leon Henderson, Price Administrator.

(b) *Contents of Complaints Under Sec. 204 (A).* Each complaint filed under Sec. 204 (a) of the Emergency Price Control Act of 1942[1] shall specify in separate numbered paragraphs (1) the name and principal business address of the complainant; (2) the regulation, order or price schedule protested and the effective date thereof; (3) the date on which the protest of such regulation, order or price schedule was filed with the Price Administrator and the date and character of the disposition of such protest by the Price Administrator; (4) the manner in which the complainant has been aggrieved by the denial or partial denial of his protest; (5) the objections asserted in the protest against the regulation, order or price schedule protested which are intended to be relied upon in support of the complaint, each objection being stated concisely in a separate numbered paragraph and the facts relied upon in support of each objection being briefly set forth in the paragraph in which the objection is stated or in separate subnumbered paragraphs immediately following it; and (6) the nature of the relief requested. The complaint need not be verified but shall be signed by the complainant or his attorney of record in this court in his individual name. Following the signature an address shall be stated at which papers may be served upon the complainant or his attorney.

(c) *Contents of Complaint Under Sec. 204 (e).* Each complaint filed under Sec. 204 (e) of the Emergency Price Control Act of 1942, as amended,[1] shall specify in separate numbered paragraphs (1) the name and principal business address of the complainant; (2) the regulation, order or price schedule objected to and the effective date thereof; (3) the date on which leave was granted to file the complaint and the court granting the leave (true copies of the application for such leave and of the order of the court granting it being annexed to the complaint); (4) the manner in which the complainant is subject to the regulation, order or price schedule complained of; (5) the objections with respect to which leave to file the complaint was granted which are intended to be relied upon in support of the complaint, each objection being stated concisely in a separate numbered paragraph and the facts relied upon in support of each objection being briefly set forth in the paragraph in which the objection is stated or in

separate subnumbered paragraphs immediately following it; and (6) the nature of the relief requested. The complaint need not be verified but shall be signed by the complainant or his attorney of record in this court in his individual name. Following the signature an address shall be stated at which papers may be served upon the complainant or his attorney.

(d) *Contents of complaint under Sec. 2 of Act of June 23, 1945.* Each complaint filed under Sec. 2 of the Act of June 23, 1945 shall specify in separate numbered paragraphs (1) the name and principal business address of the complainant; (2) the determination complained of and the effective date thereof; (3) the manner in which the complainant has been aggrieved by the determination; (4) the objections which complainant intends to urge against the determination, each objection being stated concisely in separate numbered paragraphs and the facts relied upon in support of each objection being briefly set forth in the paragraph in which the objection is stated or in a separate sub-numbered paragraph immediately following. The complaint need not be verified but shall be signed by the complainant or his attorney of record in this court in his individual name. Following the signature an address shall be stated at which papers may be served upon the complainant or his attorney. (As amended Aug. 17, 1944; Sept. 20, 1945.)

[1] 50 U. S. C. Appendix, § 924 (a, e).

RULE 12 FORM AND SIZE OF PAPERS GENERALLY IN ALL CASES. NUMBER OF COPIES TO BE FILED

(a) *Legibility.* All pleadings, motions, briefs and other papers filed in a case shall be clearly legible and either printed, typewritten, or prepared by means of a conventional duplicating process, such as mimeograph or multilith.

(b) *Caption.* All papers filed in a case shall be captioned in the manner set forth in Rule 11 (a).

(c) *Papers to be Signed. Effect of Signature.* Every pleading or other paper filed in a case shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall himself sign such papers and shall state his address. Pleadings need not be verified or accompanied by an affidavit. The signature of an attorney constitutes a certificate by him that he has read the paper signed, that to the best of his knowledge, information and belief, there is good ground to support it, and that it is not interposed for delay.

(d) *Form of Printed Papers.* Printed papers shall be on opaque unglazed white paper of such form and size that they can be conveniently bound so as to make an ordinary octavo volume, having pages 6⅛ inches by 9¼ inches and typed matter 4⅛ inches by 7⅛ inches. They and all quotations contained therein and the matter appearing on the covers shall be printed in clear type (never smaller than small pica or 11 point type) adequately leaded.

(e) *Form of Typewritten Papers.* Typewritten papers shall be on one side only of opaque unglazed white paper (papers prepared by a duplicating process to be on standard duplicating paper), not larger than 8 inches by 10½ inches in size, and shall be bound on the left margin. They shall be double-spaced except for quotations, which may be single-spaced and indented. The clerk shall refuse to file typewritten carbon copies which are not clearly legible.

(f) *Number of Copies to be Filed by Complainant or Petitioner.* The complainant or petitioner shall file with the clerk an original and at least ten copies of every pleading, brief, or other paper filed by him unless he shall file an acknowledgment or acceptance of service of the same, in which event only five copies (in addition to the original) need be filed. The copies before filing shall be conformed to the original thereof.

(g) *Number of Copies to Be Filed by Price Administrator.* The Price Administrator shall file with the clerk an original and at least six copies of every pleading, brief, or other paper filed by him, unless he shall file an acknowledgment or acceptance of service of the same, in which event only five copies (in addition to the original) need be filed. The copies before filing shall be conformed to the original thereof.

(h) *Number of Copies of Printed Papers to be Filed.* If a pleading, brief or other paper is printed at least thirty copies shall be filed with the clerk, instead of the number specified in paragraphs (f) and (g) of this rule. One of the printed copies shall bear the signature of the party filing same, or his counsel of record. (As amended Aug. 17, 1944; Nov. 13, 1944; Mar. 12, 1945.)

RULE 13. MOTION TO DISMISS

Within ten (10) days after the service of the complaint the Price Administrator may file a motion to dismiss the complaint or to strike any portion thereof. No objection shall be waived by the failure to file such a motion, but may be included in any answer filed under Rule 16. (As amended Aug. 17, 1944.)

RULE 14. PETITIONS FOR MANDATORY RELIEF UNDER SEC 203 (D). MOTIONS GENERALLY. OBJECTIONS OR ANSWER THERETO

(a) *Petitions Under Sec. 203 (d)—Motions—Form.* All petitions for mandatory relief under Sec. 203 (d) of the Emergency Price Control Act of 1942, as amended,[1] and all motions shall briefly and clearly set forth the relief sought and the grounds upon which the petition or motion is based. They need not be verified but shall be signed by the petitioner or moving party or his attorney of record in this court in his individual name.

(b) *Objections or Answer.* Within five days after service of any petition or motion the other party may file objections in which shall be clearly set forth the reasons why the granting of the petition or motion is opposed, or may file an answer.

(c) *Briefs. No Oral Argument Unless Specially Ordered.* The petitioner or moving party may file a brief with his petition or motion and the other party may file an answering brief with his objections or

answer. Such briefs shall conform as nearly as may be to the requirements of Rule 21. All petitions and motions shall be determined without oral argument unless otherwise ordered. (As amended August 17, 1944.)

[1] 50 U S. C. Appendix, § 923 (d).

RULE 15. TRANSCRIPT OF PROTEST PROCEEDINGS UNDER SEC. 204 (A)

(a) *Certification and Filing.* A transcript of such portions of the proceedings in connection with the protest as are material under the complaint, including a statement setting forth so far as practicable the economic data and other facts of which the Price Administrator has taken official notice, shall be certified by the Price Administrator and filed with the clerk as promptly as practicable and in no event later than twenty days after the service upon the Price Administrator of a complaint filed under Sec. 204 (a) of the Emergency Price Control Act of 1942[1]; except that if a motion to dismiss the complaint or to strike any portion of it is filed by the Price Administrator pursuant to Rule 13, the transcript may be filed not later than fifteen (15) days after service upon the Price Administrator of the order disposing of such motion.

(b) *Transcript of Evidence Taken by Order of Court Under Sec. 204 (a) or (e)—Certification and Filing.* If, pursuant to order of the court, as provided in Rule 18, evidence is presented to and received by the Price Administrator in a case under paragraphs (a) or (e) of Sec. 204 of the Emergency Price Control Act of 1942, as amended,[1] a transcript or, if a transcript has previously been filed in the case, a supplemental transcript of such evidence and such other evidence as the Price Administrator shall have deemed necessary or proper to be received, together with any modification made in the regulation, order, or price schedule as a result thereof, and any statement or opinion of the Price Administrator with respect thereto, shall be certified by the Price Administrator and filed with the clerk within ten days after such evidence shall have been received or modification shall have been made in the regulation, order or price schedule, or statement or opinion shall have been issued, but in no event later than thirty days after such evidence shall have been received.

(c) *Transcript of Proceedings under Sec. 2 of Act of June 23, 1945—Certification and Filing.* The Price Administrator shall, within twenty days after service of a complaint against a determination under Sec. 2 of the Act of June 23, 1945, file with the clerk a certified transcript of the proceedings before him which shall include the application upon which the determination was rendered, the evidence presented in connection therewith, and the decision rendered thereon, including a statement or opinion of the Administrator accompanying the decision and setting forth any findings and determinations made by the Administrator in connection therewith.

(d) *Ten Copies to be Filed.* Unless otherwise ordered by the court, ten clearly legible copies of such transcript and supplemental transcript, if any, shall be filed with the clerk, and three copies thereof shall be served upon the complainant by the clerk as provided in Rule 9 (c).

(e) *Correction.* If anything material to either party is omitted from the transcript or supplemental transcript of proceedings by error or accident or is misstated therein, the parties by stipulation, or this court, on a proper suggestion or of its own initiative, may direct that the omission or misstatement shall be corrected, and if necessary that a supplemental transcript shall be certified and transmitted by the Price Administrator.

(f) *Transcript Need Not Be Printed.* It shall be unnecessary in this court to print the transcript of the proceedings filed by the Price Administrator.

(g) *Transmittal of Original Papers—Physical Exhibits.* Whenever the Price Administrator is of opinion that original papers or exhibits should be inspected by the court or sent to the court in lieu of copies thereof in the transcript, he may make such order therefor and for the safekeeping, transportation and return thereof as he deems proper (As amended Aug. 17, 1944; Sept. 20, 1945.)

[1] 50 U S. C. Appendix, § 924 (a, e).

RULE 16. ANSWER TO COMPLAINT UNDER SEC. 204 (A) OR (E) OR UNDER SEC 2 OF ACT OF JUNE 23, 1945. MOTION FOR JUDGMENT ON THE PLEADINGS DISMISSAL OF COMPLAINT UNDER SEC. 204 (E) FOR FAILURE TO PROCEED

(a) *Answer. Time of Filing. Contents.* Within twenty days after service upon the Price Administrator of a complaint filed under paragraph (a) or (e) of Sec. 204 of the Emergency Price Control Act of 1942, as amended,[1] or under Sec. 2 of the Act of June 23, 1945, the Price Administrator shall file an answer to the complaint; except that if a motion to dismiss the complaint or to strike any portion of it is filed by the Price Administrator pursuant to Rule 13, the answer may be filed not later than fifteen days after service upon the Price Administrator of the order disposing of such motion. The answer may include objections which could have been raised by motion under Rule 13, and shall include admissions or denials of the facts alleged in the complaint and any new matter constituting a defense. If the Price Administrator is without knowledge or information sufficient to form a belief as to the truth of an averment he shall so state and this shall have the effect of a denial. Facts alleged in the complaint and not denied in the answer may be taken as admitted.

(b) *Motion for Judgment on the Pleadings. Time of Filing.* Within ten days after service of the answer to a complaint filed under Sec. 204 (e) of the Emergency Price Control Act of 1942, as amended,[1] the complainant may file a motion for judgment on the pleadings.

(c) *Dismissal for Failure to Proceed After Filing Complaint Under Sec. 204 (e).* If the complainant, after the filing of a complaint under Sec. 204 (e) and the filing of the answer thereto, does not file a motion for judgment on the pleadings within the

time provided by this rule, or an application for leave to introduce evidence within the time provided under Rule 18 (a), and the Price Administrator does not file an application for leave to introduce evidence, the complaint may be dismissed on the motion of the Price Administrator or on the court's own initiative. (As amended Aug. 17, 1944; Sept. 20, 1945.)

[1] 50 U S C. Appendix, § 924 (a, e).

RULE 17. AMENDMENT TO PLEADINGS

Pleadings may be amended before final judgment upon leave of court granted when justice so requires, provided that no complaint may be amended to specify objections that were not set forth by the complainant in his protest filed with the Price Administrator or in his application for leave to file the complaint, as the case may be. (As amended Aug. 17, 1944.)

RULE 18. INTRODUCTION OF EVIDENCE BY LEAVE OF COURT

(a) *Applications for Leave to Introduce Evidence Under Sec. 204 (e).* Within ten days after service of the answer to a complaint filed under Sec. 204 (e) of the Emergency Price Control Act of 1942, as amended,[1] the complainant may file an application for leave to introduce evidence in support of the allegations of fact of the complaint which are denied by the answer and the Price Administrator may apply for leave to introduce evidence in support of any new matter constituting a defense set forth in the answer. Such application shall contain an offer of proof with respect to the evidence sought to be introduced, setting forth the character and form of such evidence and a summary of what such evidence would show if admitted. Within five days after service of an application for leave to introduce evidence the other party may file objections thereto, which may include an admission in whole or in part of the truth of any of the evidence offered in the application and a motion to dismiss the complaint or for judgment on the pleadings on the ground that the evidence offered, even if true, would be insufficient to establish a right to relief or an affirmative defense, as the case may be. The application together with any such objections, admissions, and motions shall be submitted to the court without oral argument unless otherwise directed by the court. The court may thereupon authorize the introduction of evidence either to the Price Administrator or directly to the court. A copy of the order disposing of the application shall be served by the clerk upon the parties as provided in Rule 9 (c).

(b) *Application for Leave to Introduce Additional Evidence under Sec. 201 (a) or (e) or Sec. 2 of Act of June 23, 1945.* Within ten days after service of the transcript in a case brought under paragraph (a) or (e) of Sec. 204 of the Emergency Price Control Act of 1942, as amended,[1] or Sec. 2 of the Act of June 23, 1945, the complainant or the Price Administrator may file an application for leave to introduce additional evidence. Such application shall contain (1) an offer of proof with respect to the additional evidence sought to be introduced, setting forth the character and form of such evidence and a summary of what such evidence would show if admitted; (2) a statement showing either that such evidence was offered to the Price Administrator and not admitted (with appropriate references to the transcript), or that such evidence could not reasonably have been offered to the Price Administrator or included by the Price Administrator in the transcript; and (3) a statement showing that such evidence is necessary to a proper disposition of the case. Within five days after service of the application any party affected may file objections thereto The application, together with any objections thereto, shall be submitted to the court without oral argument, unless otherwise directed by the court. A copy of the order disposing of the application shall be served by the clerk upon the parties as provided in Rule 9 (c).

(c) *Manner of Presenting Evidence to Price Administrator.* Whenever evidence is ordered to be presented to the Price Administrator he shall, unless the court in its order has done so, fix a time, and, if oral evidence is to be presented, a place, reasonably convenient to the complainant, for the presentation of such evidence. The presentation of such evidence and of such other evidence as the Price Administrator deems necessary or proper to receive shall be commenced at the time and place so appointed unless an adjournment is granted by the Price Administrator and shall be completed with all reasonable dispatch. The Price Administrator may regulate the proceedings for the receipt of evidence authorized to be presented to him under this Rule and may do all acts and take all measures necessary or proper for the efficient performance of his duties under the order of the court authorizing the presentation of such evidence to him. He may rule upon the admissibility of evidence presented by the complainant unless otherwise directed by the order of the court. When the complainant so requests, the Price Administrator shall make a record of the evidence offered and excluded in the same manner and subject to the same limitations as provided in Rule 43 (c) of the Federal Rules of Civil Procedure[2] for a court sitting without a jury. The Price Administrator may delegate his powers under this paragraph to a hearing commissioner or other officer appointed by him. If the complainant is aggrieved by the exclusion of evidence by the Price Administrator, he may make application to the court for leave to introduce such evidence pursuant to and within the time limited by paragraph (b) of this Rule.

(d) *Manner of Presenting Evidence to Court.* Whenever evidence shall be ordered presented directly to the court the court will determine whether such evidence shall be taken in open court, by deposition, written interrogatories, or affidavits. (As amended Aug. 17, 1944; Nov. 13, 1944; Sept. 20, 1945.)

[1] 50 U. S. C Appendix, § 924 (a, e).
[2] 28 U. S. C following section 723c.

RULE 19. CONSOLIDATING SIMILAR CASES

When complaints involving common questions of law or of fact are pending, the court on motion or

of its own initiative may order all such cases consolidated for hearing, and may make such further orders concerning proceedings therein as may tend to avoid unnecessary costs or delays.

RULE 20. DISMISSAL BY AGREEMENT

Whenever, after a case has been docketed in this court and prior to the hearing thereof, the complainant or petitioner and respondent shall, by their attorneys of record, sign and file with the clerk an agreement in writing directing the case to be dismissed, and shall pay to the clerk any fees that may be due him, it shall be the duty of the clerk to enter such dismissal and to transmit forthwith a certified copy of the agreement to the Price Administrator, but no process shall issue without an order of the court. (As amended Aug. 17, 1944.)

RULE 21. BRIEFS IN CASES BROUGHT UNDER SEC. 204 (A) OR (E) OR SEC. 2 OF ACT OF JUNE 23, 1945

(*a*) *Time of Filing Complainant's Brief.* Except as provided in subparagraphs 1 and 2 hereof, the Complainant shall file his brief in support of the complaint within twenty (20) days after service upon him of the transcript.

(1) When application for leave to introduce additional evidence is filed pursuant to Rule 18 and the same is denied by the court, or when a suggestion of an omission from or misstatement in the transcript is made pursuant to Rule 15 and rejected by the court, complainant shall file his brief within fifteen (15) days after service of the order of denial or rejection.

(2) When evidence is ordered to be taken pursuant to Rule 18, or the transcript is ordered to be corrected pursuant to Rule 15, the complainant shall file his brief within fifteen days after service of the transcript or supplemental transcript containing such evidence or correction if such evidence is presented to the Administrator or such correction is made by supplemental transcript, or within such time as the court may direct, if such evidence is presented to the court or such correction is made otherwise than by supplemental transcript.

(3) When in a case brought under Sec. 204 (e) of the Emergency Price Control Act of 1942, as amended,[1] no application for leave to introduce evidence is filed by either party but a motion for judgment on the pleadings is filed by the complainant, he shall file his brief with the motion.

(*b*) *Contents of Complainant's Brief.* The complainant's brief shall contain:

(1) A table of contents and a table of citations, the latter alphabetically arranged.

(2) A statement of the case, which shall consist of a concise, chronological, non-argumentative statement, in narrative form, of all the facts which should be known in order to determine the points in controversy. In the statement reference shall be made to the pages of the transcript of the proceedings before the Price Administrator or of the evidence presented to the Price Administrator or the court relied upon to support the facts stated.

(3) Preceding the argument, a concise summary of the argument, suitably paragraphed.

NOTE: The summary of the argument should be a succinct, but accurate and clear, picture of the argument actually made in the brief concerning the points in controversy. Because the summary of argument if properly prepared is most helpful to the court in following the oral argument and will often render unnecessary the making of inquiries by the court which consume time allowed for argument, counsel are urged to prepare the summary with great care.

(4) An argument, which shall be divided, under appropriate headings distinctively arranged, into as many parts as there are points to be argued. All cases shall be cited to the official reports, if any, and also to the National Reporter System, if reported therein. Statutes shall be cited to the volume and page of the statutes at large or other session laws, and also to an official or standard code, revision or compilation where they may be found. Citations to textbooks, treatises and other publications shall include the edition and year of publication.

(*c*) *Time of Filing Price Administrator's Brief.* The Price Administrator shall file his brief within twenty days after service upon him of the complainant's brief.

(*d*) *Contents of Price Administrator's Brief.* The Price Administrator's brief shall contain:

(1) A table of contents and a table of citations, the latter alphabetically arranged.

(2) A counter-statement of the case conforming to the requirements of paragraph (b) (2) of this rule, if he disagrees with the statement of the complainant.

(3) Preceding the argument, a concise summary of the argument, suitably paragraphed.

NOTE The summary of the argument should be a succinct, but accurate and clear, picture of the argument actually made in the brief concerning the points in controversy Because the summary of argument if properly prepared is most helpful to the court in following the oral argument and will often render unnecessary the making of inquiries by the court which consume time allowed for argument, counsel are urged to prepare the summary with great care

(4) An argument, which shall conform to the requirements of paragraph (b) (4) of this rule.

(*e*) *Complainant's Reply Brief.* The complainant may file a reply brief within ten days after the service upon him of the Price Administrator's brief.

(*f*) *Briefs Shall be Bound—Length.* All briefs shall be bound in suitable covers and shall not exceed fifty pages in length except by special permission of the court; but this limitation shall not apply to the table of contents and table of citations.

(*g*) *Objections not Presented.* Objections stated in the complaint but not presented in the brief may be disregarded by the court.

(*h*) *Briefs after Argument.* No brief or memorandum will be received, through the clerk or otherwise, after a case has been argued or submitted, except by leave of court at the time of argument or on written motion filed with the clerk.

(*i*) *Filing after Time.* No brief shall be filed after the expiration of the time allowed, except by leave of

court for extraordinary reasons shown. (As amended Oct. 20, 1942; Aug. 17, 1944; Sept. 20, 1945.)

[1] 50 U. S. C. Appendix, § 924 (e).

RULE 22. TIME

(a) *Manner of Computing.* In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

(b) *Computation of Time.* When under these rules the time for doing an act is to run from the time of service of any pleading or paper, the time shall be computed:

(1) If served by the clerk by mailing, from the third day after the date of mailing as noted on his docket.

(2) If service is acknowledged or accepted by a party, from the date of such acknowledgment or acceptance.

(c) *Enlargement.* When by these rules or by order of this court an act is required or allowed to be done at or within a specified time, the court or a judge thereof for cause shown may (except where the time is also fixed by statute), at any time in the discretion of the court or a judge thereof, (1) upon motion order the period enlarged if application therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion permit the act to be done after the expiration of the specified period where the failure to act was the result of excusable neglect.

RULE 23. HEARING CALENDAR

(a) *Cases Placed On Calendar by Clerk.* After the expiration of the time for filing the main briefs of the parties, the case shall be placed upon the hearing calendar by the clerk.

(b) *Requests for Hearing at Place Other Than Washington.* The complainant, at the time of filing the complaint, may file a written request for hearing at a place other than Washington. A copy of this request shall be served upon the Price Administrator by the clerk as provided in Rule 9. If the Price Administrator desires that the hearing be held at some place other than the place requested by the complainant, he shall file at the time he files the transcript, a written request to that effect which shall state the place preferred by him. A copy of this request shall be served upon the complainant by the clerk.

(c) *Place of Hearing Determined by Chief Judge.* The chief judge will determine the place of hearing after considering any requests properly filed in the case and with due regard to the other cases pending in the court.

(d) *Notice to Parties.* After a case has been placed upon the hearing calendar the clerk will, whenever possible not less than ten days in advance, notify the parties of the time and place of hearing. (As amended June 17, 1943.)

RULE 24. HEARING

(a) *Time allowed.* At the hearing the complainant and the Price Administrator shall each be allowed not more than one hour for oral argument, unless for good cause shown the court shall enlarge the time. The complainant shall be entitled to open and conclude the oral argument.

(b) *Number of Counsel.* Not more than two counsel shall be heard for each side, complainant and respondent, in the argument of the case, except by special leave of the court, upon sufficient reason shown.

(c) *Submission on Briefs.* Any case may be submitted on briefs, when reached in regular order, if counsel choose to submit it in that manner.

(d) *Failure of Counsel to Appear.* When a case is reached on the regular call, if briefs have been filed and no counsel appear to present oral argument, the case will be regarded as submitted on briefs.

(e) *Failure of One Party to Appear.* Where one party after filing brief fails to appear when the case is called for hearing, the court may hear argument on behalf of the party appearing and give judgment according to the right of the case.

(f) *When Brief for Complainant Only is Filed and no Counsel Appears, Case Submitted.* When a case is reached on the hearing calendar, if a brief has been filed for complainant only and no counsel appears to present oral argument, the case will be regarded as submitted.

(g) *When Case Called and no Brief Filed by Complainant, Case May be Dismissed* When a case is called for hearing and no brief has been filed for the complainant, the court at the instance of the Price Administrator or on its own motion may have the complainant called and the case dismissed. (As amended June 17, 1943.)

RULE 25 OPINIONS OF THE COURT

(a) *Printed—Rendered by Filing With Clerk.* All opinions of the court shall be printed, unless otherwise ordered, under the supervision of the judge writing the opinion, and shall be rendered by being filed with the clerk. The clerk shall preserve the original opinions.

(b) *Deposit for Printing.* On demand by the clerk the complainant shall, within five days thereof, deposit with the clerk a sum estimated by him to cover the cost of printing the opinion, the unexpended balance of such deposit to be refunded after final disposition of the case.

(c) *Recorded When Bound.* Opinions need not be copied by the clerk into the minute book of the court, but he shall from time to time cause copies of the opinions to be bound in a substantial manner

into volumes and when so bound they shall be deemed to have been recorded. (As amended June 17, 1943.)

RULE 26. ENTRY OF ORDERS AND JUDGMENTS

All orders and judgments, interlocutory or final, shall be entered on the date such orders or judgments are filed with the clerk.

RULE 27. REHEARING

Petitions for rehearing or modification of judgment shall be made in writing and filed with the clerk of the court within ten days after the judgment is entered. Each such petition will be acted upon by the court without oral argument, unless otherwise ordered, and will not be granted unless a judge who concurred in the judgment desires it, or a majority of the judges of the court so determines. (As amended Nov. 15, 1943.)

RULE 28. DEATH OF A PARTY—SUBSTITUTION

(a) *Generally.* Where, during the pendency of a case in this court, the complainant shall die, the representatives of such deceased party may voluntarily enter their appearances and on motion be admitted as parties. If such representatives shall not voluntarily become parties, then the Price Administrator may suggest the death on the record, and proceedings shall be had as the court directs.

(b) *Public Officer.* Where a public officer, by or against whom a suit is brought, dies or ceases to hold the office while the suit is pending in this court, the matter of abatement and substitution is covered by Sec. 11 of the Act of Feb. 13, 1925, ch. 229 (43 Stat. 941), U. S. C., Title 28, sec. 780.

RULE 29 FEES AND COSTS

(a) *Table of Fees.* The following table of fees to be charged by the clerk of this court (approved by the Supreme Court) is hereby fixed and established:

Item No.		
1.	Filing a complaint and docketing a case (which shall also include the subsequent filing and indorsing of the transcript of proceedings)	$10.00
2.	Entering an appearance	.25
3.	Entering a continuance	.25
4.	Filing a motion, order, or other paper (including the required copies thereof)	.25
5.	(a) Entering any rule, or making or copying any record or other paper, for each one hundred words	.20
	(b) Making a transcript of record for use in the Supreme Court of the United States, for each one hundred words	.20
	(c) For comparing any transcript, copy of record, or other paper not made by the Clerk, with the original thereof, for each folio of one hundred words	.05
	(d) Furnishing a typewritten or photostatic copy of any opinion of the court or any judge thereof certified under seal, 20 cents for each one hundred words (but not less than one dollar and not to exceed five dollars in the whole for any copy).	
6.	Transferring a case to the hearing docket	$1.00
7.	Entering a judgment	1.00
8.	Every search of the records of the court	1.00
9.	Affixing a certificate and a seal to any paper	1.00
10.	For an admission to the bar and certificate under seal, including filing of application and preliminary certificate and administering oath	3.00
11.	Issuing a subpoena or other writ or process	.50
12.	Issuing a certified copy of judgment to Price Administrator on disposition of case	2.00
13.	Filing required copies of each brief, for each party appearing	5.00
14	Furnishing a copy of a printed opinion of the Court or any Judge thereof, certified under seal	2.00

(b) *No Costs for or Against Price Administrator.* No costs shall be allowed in this court for or against the Price Administrator, nor shall the Price Administrator be required to pay or make deposit for any of the fees herein provided for.

(c) *Transcript to Supreme Court.* In all cases removed to the Supreme Court by certiorari the fees of the Clerk of this Court shall be paid before a transcript of the record shall be delivered.

RULE 30. EFFECTIVE DATE

These rules shall become effective on May 20, 1942.

§ 925. Enforcement.

(a) Whenever in the judgment of the Administrator any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of section 4 of this Act (section 904 of this Appendix), he may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the Administrator that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

(b) Any person who willfully violates any provision of section 4 of this Act (section 904 of this Appendix), and any person who makes any statement or entry false in any material respect in any document or report required to be kept or filed under section 2 or section 202 (sections 902 or 922 of this Appendix), shall, upon conviction thereof, be subject to a fine of not more than $5,000, or to imprisonment for not more than two years in the case of a violation of section 4 (c) (section 904 of this Appendix) and for not more than one year in all other cases, or to both such fine and imprisonment. Whenever the Administrator has reason to believe that any person is liable to punishment under this subsection, he may certify the facts to the Attorney General, who may, in his discretion, cause appropriate proceedings to be brought.

(c) The district courts shall have jurisdiction of criminal proceedings for violations of section 4 of this Act (section 904 of this Appendix), and, concurrently with State and Territorial courts, of all other proceedings under section 205 of this Act (this section). Such criminal proceedings may be brought

in any district in which any part of any act or transaction constituting the violation occurred. Except as provided in section 205 (f) (2) (this section), such other proceedings may be brought in any district in which any part of any act or transaction constituting the violation occurred, and may also be brought in the district in which the defendant resides or transacts business, and process in such cases may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found: *Provided, however,* That all suits under subsection (e) of this section shall be brought in the district or county in which the defendant resides or has a place of business, an office, or an agent. Any such court shall advance on the docket and expedite the disposition of any criminal or other proceedings brought before it under this section. No costs shall be assessed against the Administrator or the United States Government in any proceeding under this Act [sections 901-922, 923-946 of this Appendix].

(d) No person shall be held liable for damages or penalties in any Federal, State, or Territorial court, on any grounds for or in respect of anything done or omitted to be done in good faith pursuant to any provision of this Act [sections 901–922, 923–946 of this Appendix] or any regulation, order, price schedule, requirement, or agreement thereunder, or under any price schedule of the Administrator of the Office of Price Administration or of the Administrator of the Office of Price Administration and Civilian Supply, notwithstanding that subsequently such provision, regulation, order, price schedule, requirement, or agreement may be modified, rescinded, or determined to be invalid. In any suit or action wherein a party relies for ground of relief or defense upon this Act [said sections] or any regulation, order, price schedule, requirement, or agreement thereunder, the court having jurisdiction of such suit or action shall certify such fact to the Administrator. The Administrator may intervene in any such suit or action.

(e) If any person selling a commodity violates a regulation, order, or price schedule prescribing a maximum price or maximum prices, the person who buys such commodity for use or consumption other than in the course of trade or business may, within one year from the date of the occurrence of the violation, except as hereinafter provided, bring an action against the seller on account of the overcharge. In such action, the seller shall be liable for reasonable attorney's fees and costs as determined by the court, plus whichever of the following sums is the greater: (1) Such amount not more than three times the amount of the overcharge, or the overcharges, upon which the action is based as the court in its discretion may determine, or (2) an amount not less than $25 nor more than $50, as the court in its discretion may determine: *Provided, however,* That such amount shall be the amount of the overcharge or overcharges or $25, whichever is greater, if the defendant proves that the violation of the regulation, order, or price schedule in question was neither wilfull nor the result of failure to take practicable precautions against the occurrence of the violation. For the purposes of this section the payment or receipt of rent for defense-area housing accommodations shall be deemed the buying or selling of a commodity, as the case may be; and the word "overcharge" shall mean the amount by which the consideration exceeds the applicable maximum price. If any person selling a commodity violates a regulation, order, or price schedule prescribing a maximum price or maximum prices, and the buyer either fails to institute an action under this subsection within thirty days from the date of the occurrence of the violation or is not entitled for any reason to bring the action, the Administrator may institute such action on behalf of the United States within such one-year period. If such action is instituted by the Administrator, the buyer shall thereafter be barred from bringing an action for the same violation or violations. Any action under this subsection by either the buyer or the Administrator, as the case may be, may be brought in any court of competent jurisdiction. A judgment in an action for damages under this subsection shall be a bar to the recovery under this subsection of any damages in any other action against the same seller on account of sales made to the same purchaser prior to the institution of the action in which such judgment was rendered.

(f) (1) Whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of this Act [sections 901–922, 923–946 of this Appendix] and to assure compliance with and provide for the effective enforcement of any regulation or order issued or which may be issued under section 2 (section 902 of this Appendix), or of any price schedule effective in accordance with the provisions of section 206 (section 926 of this Appendix), he may by regulation or order issue to or require of any person or persons subject to any regulation or order issued under section 2 (section 902 of this Appendix), or subject to any such price schedule, a license as a condition of selling any commodity or commodities with respect to which such regulation, order, or price schedule is applicable. It shall not be necessary for the Administrator to issue a separate license for each commodity or for each regulation, order, or price schedule with respect to which a license is required. No such license shall contain any provision which could not be prescribed by regulation, order, or requirement under section 2 or section 202 (sections 902 or 922 of this Appendix): *Provided,* That no such license may be required as a condition of selling or distributing (except as waste or scrap) newspapers, periodicals, books, or other printed or written material, or motion pictures, or as a condition of selling radio time: *Provided further,* That no license may be required of any farmer as a condition of selling any agricultural commodity produced by him, and no license may be required of any fisherman as a condition of selling any fishery commodity caught or taken by him: *Provided further,* That in any case in which such a license is required of any person, the Administrator shall

not have power to deny to such person a license to sell any commodity or commodities, unless such person already has such a license to sell such commodity or commodities, or unless there is in effect under paragraph (2) of this subsection with respect to such person an order of suspension of a previous license to the extent that such previous license authorized such person to sell such commodity or commodities.

(2) Whenever in the judgment of the Administrator a person has violated any of the provisions of a license issued under this subsection, or has violated any of the provisions of any regulation, order, or requirement under section 2 or section 202 (b) (sections 902 or 922 of this Appendix), or any of the provisions of any price schedule effective in accordance with the provisions of section 206 (section 926 of this Appendix), which is applicable to such person, a warning notice shall be sent by registered mail to such person. If the Administrator has reason to believe that such person has again violated any of the provisions of such license, regulation, order, price schedule, or requirement after receipt of such warning notice, the Administrator may petition any State or Territorial court of competent jurisdiction, or a district court subject to the limitations hereinafter provided, for an order suspending the license of such person for any period of not more than twelve months. If any such court finds that such person has violated any of the provisions of such license, regulation, order, price schedule, or requirement after the receipt of the warning notice, such court shall issue an order suspending the license to the extent that it authorizes such person to sell the commodity or commodities in connection with which the violation occurred, or to the extent that it authorizes such person to sell any commodity or commodities with respect to which a regulation or order issued under section 2 (section 902 of this Appendix), or a price schedule effective in accordance with the provisions of section 206 (section 926 of this Appendix), is applicable; but no such suspension shall be for a period of more than twelve months. For the purposes of this subsection, any such proceedings for the suspension of a license may be brought in a district court if the licensee is doing business in more than one State, or if his gross sales exceed $100,000 per annum. Within thirty days after the entry of the judgment or order of any court either suspending a license, or dismissing or denying in whole or in part the Administrator's petition for suspension, an appeal may be taken from such judgment or order in like manner as an appeal may be taken in other cases from a judgment or order of a State, Territorial, or district court, as the case may be. Upon good cause shown, any such order of suspension may be stayed by the appropriate court or any judge thereof in accordance with the applicable practice; and upon written stipulation of the parties to the proceeding for suspension, approved by the trial court, any such order of suspension may be modified, and the license which has been suspended may be restored, upon such terms and conditions as such court shall find reasonable. Any such order of suspension shall be affirmed by the appropriate appellate court if, under the applicable rules of law, the evidence in the record supports a finding that there has been a violation of any provision of such license, regulation, order, price schedule, or requirement after receipt of such warning notice. No proceedings for suspension of a license, and no such suspension, shall confer any immunity from any other provision of this Act [sections 901–922, 923–946 of this Appendix]: *Provided*, That no regulation, order, license, or requirement heretofore or hereafter issued or prescribed pursuant to section 2 (a) (2) of the Act of June 28, 1940, as amended by the Act of May 31, 1941 [section 1152 (a) (2) of this Appendix], and by title III of the Second War Powers Act, 1942 [section 633 of this Appendix], may validly contain any requirement as to the observance of any regulation, order, license, or requirement issued or prescribed pursuant to this Act [sections 901–946 of this Appendix] or the Stabilization Act of October 2, 1942 [sections 961–971 of this Appendix].

(g) The district courts shall have exclusive jurisdiction to enjoin or set aside, in whole or in part, orders for suspension of allocations, and orders denying a stay of such suspension, issued by the Administrator pursuant to section 2 (a) (2) of the Act of June 28, 1940, as amended by the Act of May 31, 1941 [section 1152 (a) (2) of this Appendix], and title III of the Second War Powers Act, 1942 [section 633 of this Appendix] and under authority conferred upon him pursuant to section 201 (b) of this Act [section 921 (b) of this Appendix]. Any action to enjoin or set aside such order shall be brought within five days after the service thereof. No suspension order shall take effect within five days after it is served, or, if an application for a stay is made to the Administrator within such five-day period, until the expiration of five days after service of an order denying the stay. No interlocutory relief shall be granted against the Administrator under this subsection unless the applicant for such relief shall consent, without prejudice, to the entry of an order enjoining him from violations of the regulation or order involved in the suspension proceedings. (Jan. 30, 1942, ch. 26, title II, § 205, 56 Stat. 33, as amended June 30, 1944, ch. 325, title I, § 108, 58 Stat. 640.)

AMENDMENTS

1944—Subsec (c) amended by act June 30, 1944, cited to text, which added proviso to the third sentence.

Subsec. (e) amended generally by act June 30, 1944, cited to text, which, among other changes, decreased minimum damages to the actual overcharge or $25, whichever is greater, and in the case of nonwilliful violations the damages are limited to the minimum.

Subsec. (f) (2) amended by act June 30, 1944, cited to text, which added the proviso to last sentence.

Subsec. (g) added by act June 30, 1944, cited to text.

EFFECTIVE DATE

Subsec. (c) of section 108 of act June 30, 1944, cited to text, provided: "The amendment made by subsection (b), insofar as it relates to actions by buyers or actions which may be brought by the Administrator only after the buyer has failed to institute an action within thirty days from the occurrence of the violation, shall be applicable only with respect to violations occurring after the date of enactment of this Act [June 30, 1944]. In other cases, such amendment shall be applicable with respect to pro-

ceedings pending on the date of enactment of this Act [June 30, 1944] and with respect to proceedings instituted thereafter."

§ 926. Saving provisions.

Any price schedule establishing a maximum price or maximum prices, issued by the Administrator of the Office of Price Administration or the Administrator of the Office of Price Administration and Civilian Supply, prior to the date upon which the Administrator provided for by section 201 of this Act (section 921 of this Appendix) takes office, shall, from such date, have the same effect as if issued under section 2 of this Act (section 902 of this Appendix) until such price schedule is superseded by action taken pursuant to such section 2 (section 902 of this Appendix). Such price schedules shall be consistent with the standards contained in section 2 (section 902 of this Appendix) and the limitations contained in section 3 of this Act (section 903 of this Appendix), and shall be subject to protest and review as provided in section 203 and section 204 of this Act (sections 923 and 924 of this Appendix). All such price schedules shall be reprinted in the Federal Register within ten days after the date upon which such Administrator takes office. (Jan. 30, 1942, ch. 26, title II, § 206, 56 Stat. 35.)

TITLE III.—MISCELLANEOUS

§ 941. Quarterly report.

The Administrator from time to time, but not less frequently than once every ninety days, shall transmit to the Congress a report of operations under this Act [sections 901–922, 923–946 of this Appendix]. If the Senate or the House of Representatives is not in session, such reports shall be transmitted to the Secretary of the Senate, or the Clerk of the House of Representatives, as the case may be. (Jan. 30, 1942, ch. 26, title III, § 301, 56 Stat. 36.)

§ 942. Definitions.

As used in this Act [sections 901–922, 923–946 of this Appendix]—

(a) The term "sale" includes sales, dispositions, exchanges, leases, and other transfers, and contracts and offers to do any of the foregoing. The terms "sell", "selling", "seller", "buy", and "buyer", shall be construed accordingly.

(b) The term "price" means the consideration demanded or received in connection with the sale of a commodity.

(c) The term "commodity" means commodities, articles, products, and materials (except materials furnished for publication by any press association or feature service, books, magazines, motion pictures, periodicals and newspapers, other than as waste or scrap), and it also includes services rendered otherwise than as an employee in connection with the processing, distribution, storage, installation, repair, or negotiation of purchases or sales of a commodity, or in connection with the operation of any service establishment for the servicing of a commodity: *Provided,* That nothing in this Act [said sections] shall be construed to authorize the regulation of (1) compensation paid by an employer to any of his employees, or (2) rates charged by any common carrier or other public utility, or (3) rates charged by any person engaged in the business of selling or underwriting insurance, or (4) rates charged by any person engaged in the business of operating or publishing a newspaper, periodical, or magazine, or operating a radio-broadcasting station, a motion-picture or other theater enterprise, or outdoor advertising facilities, or (5) rates charged for any professional services.

(d) The term "defense-rental area" means the District of Columbia and any area designated by the Administrator as an area where defense activities have resulted or threaten to result in an increase in the rents for housing accommodations inconsistent with the purposes of this Act [said sections].

(e) The term "defense-area housing accommodations" means housing accommodations within any defense-rental area.

(f) The term "housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes (including houses, apartments, hotels, rooming or boarding house accommodations, and other properties used for living or dwelling purposes) together with all privileges, services, furnishings, furniture, and facilities connected with the use or occupancy of such property.

(g) The term "rent" means the consideration demanded or received in connection with the use or occupancy or the transfer of a lease of any housing accommodations.

(h) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided,* That no punishment provided by this Act [said sections] shall apply to the United States, or to any such government, political subdivision, or agency.

(i) The term "maximum price", as applied to prices of commodities means the maximum lawful price for such commodities, and the term "maximum rent" means the maximum lawful rent for the use of defense-area housing accommodations. Maximum prices and maximum rents may be formulated, as the case may be, in terms of prices, rents, margins, commissions, fees, and other charges, and allowances.

(j) The term "documents" includes records, books, accounts, correspondence, memoranda, and other documents, and drafts and copies of any of the foregoing.

(k) The term "district court" means any district court of the United States, and the United States Court for any Territory or other place subject to the jurisdiction of the United States; and the term "circuit courts of appeals" includes the United States Court of Appeals for the District of Columbia.

(*l*) The term "agricultural commodity" includes livestock. (Jan. 30, 1942, ch. 26, title III, § 302, 56 Stat. 36, as amended June 30, 1945, ch. 214, § 5 (b), 59 Stat. 308.)

AMENDMENTS

1945—Subsec. (*l*) added by act June 30, 1945, cited to text

INCONSISTENT LAWS

Provisions of clause (1) of subsection (c) of this section insofar as they are inconsistent with provisions of Ex. Ord No 9250, Oct 3, 1942, set out under section 901 of this Appendix, are suspended by paragraph 9 of title II of said Order

SUSPENSION OF SUBSEC (c) (1)

Suspension of subsec. (c) (1) by President, see section 962 of this Appendix.

§ 943. Separability.

If any provision of this Act [sections 901–922, 923–946 of this Appendix] or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of the Act [said sections] and the applicability of such provision to other persons or circumstances shall not be affected thereby. (Jan. 30, 1942, ch. 26, title III, § 303, 56 Stat. 37.)

§ 944. Appropriations authorized.

There are authorized to be appropriated such sums as may be necessary or proper to carry out the provisions and purposes of this Act [sections 901-922, 923–946 of this Appendix]. (Jan. 30, 1942, ch. 26, title III, § 304, 56 Stat. 37.)

§ 945. Application of existing law.

No provision of law in force on the date of enactment of this Act [sections 901–922, 923–946 of this Appendix] shall be construed to authorize any action inconsistent with the provisions and purposes of this Act [said sections]. (Jan. 30, 1942, ch. 26, title III, § 305, 56 Stat. 37.)

§ 946. Short title.

This Act [sections 901–922, 923–946 of this Appendix] may be cited as the "Emergency Price Control Act of 1942". (Jan. 30, 1942, ch. 26, title III, § 306, 56 Stat. 37.)

STABILIZATION ACT OF 1942 (New)

ACT OCT. 2, 1942, CH. 578, 56 STAT. 765

Sec.

961. Stabilization by President of prices, wages, and salaries affecting cost of living; public utility rate increases
962. Regulations; delegation of authority; suspension of certain provisions of Emergency Price Control Act of 1942
963 Maximum prices for agricultural commodities and products
963a. Slaughter of animals; certification of plants; conditions; partial plant certification; inspection; status of meat for transportation purposes; revocation and termination of certification (New).
964. Wages and salaries; limitations on control.
964a. Rescission of stabilization of wages order (New).
965. Same; prohibition of violation of regulations; employer's reduction of salaries over $5,000; regulation of payment of double time.
966. Termination of act.
967. Emergency Price Control Act of 1942; amendment; applicability of, and construction with this act.
968. Crop loans.
969 Amendment of provision relating to encouragement of production of non-basic agricultural commodities.
970 Definition of wages and salaries.
971 Violations; penalties.

§ 961. Stabilization by President of prices, wages, and salaries affecting cost of living; public utility rate increases.

In order to aid in the effective prosecution of the war, the President is authorized and directed, on or before November 1, 1942, to issue a general order stabilizing prices, wages, and salaries, affecting the cost of living; and, except as otherwise provided in this Act [sections 961–964, 965–971 of this Appendix], such stabilization shall so far as practicable be on the basis of the levels which existed on September 15, 1942. The President may, except as otherwise provided in this Act [said sections], thereafter provide for making adjustments with respect to prices, wages, and salaries, to the extent that he finds necessary to aid in the effective prosecution of the war or to correct gross inequities: *Provided*, That no common carrier or other public utility shall make any general increase in its rates or charges which were in effect on September 15, 1942, unless it first gives thirty days notice to the President, or such agency as he may designate, and consents to the timely intervention by such agency before the Federal, State, or municipal authority having jurisdiction to consider such increase. (Oct. 2, 1942, ch. 578, § 1, 56 Stat 765.)

SHORT TITLE

Section 12 of act Oct 2, 1942, cited to text, as added by act June 30, 1944, ch 325, title II, § 205, 58 Stat. 643, provided: "This Act [sections 961-971 of this Appendix] may be cited as the 'Stabilization Act of 1942'."

§ 962. Regulations; delegation of authority; suspension of certain provisions of Emergency Price Control Act of 1942.

The President may, from time to time, promulgate such regulations as may be necessary and proper to carry out any of the provisions of this Act [sections 961–964, 965–971 of this Appendix]; and may exercise any power or authority conferred upon him by this Act [said sections] through such department, agency, or officer as he shall direct. The President may suspend the provisions of sections 3 (a) and 3 (c), and clause (1) of section 302 (c), of the Emergency Price Control Act of 1942 (sections 903 (a), 903 (c), and 942 (c) (1) of this Appendix) to the extent that such sections are inconsistent with the provisions of this Act [said sections], but he may not under the authority of this Act [said sections] suspend any other law or part thereof. (Oct. 2, 1942, ch. 578, § 2, 56 Stat. 765.)

§ 963. Maximum prices for agricultural commodities and products.

No maximum price shall be established or maintained for any agricultural commodity under authority of this Act [sections 961–964, 965–971 of this Appendix] or otherwise below a price which will reflect to producers of agricultural commodities

the higher of the following prices, as determined and published by the Secretary of Agriculture—

(1) The parity price for such commodity (adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials) or, in case a comparable price has been determined for such commodity under and in accordance with the provisions of section 3 (b) of the Emergency Price Control Act of 1942 (section 903 (b) of this Appendix), such comparable price (adjusted in the same manner), or

(2) The highest price received by such producers for such commodity between January 1, 1942, and September 15, 1942 (adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials), or, if the market for such commodity was inactive during the latter half of such period, a price for the commodity determined by the Secretary of Agriculture to be in line with the prices, during such period, of other agricultural commodities produced for the same general use;

and no maximum price shall be established or maintained under authority of this Act [sections 961–964, 965–971 of this Appendix] or otherwise for any commodity processed or manufactured in whole or substantial part from any agricultural commodity below a price which will reflect to the producers of such agricultural commodity a price therefor equal to the higher of the prices specified in clauses (1) and (2) of this section: *Provided*, That the President shall, without regard to the limitation contained in clause (2), adjust any such maximum price to the extent that he finds necessary to correct gross inequities; but nothing in this section shall be construed to permit the establishment in any case of a maximum price below a price which will reflect to the producers of any agricultural commodity the price therefor specified in clause (1) of this section: *Provided further*, That modifications shall be made in maximum prices established for any agricultural commodity and for commodities processed or manufactured in whole or substantial part from any agricultural commodity, under regulations to be prescribed by the President, in any case where it appears that such modification is necessary to increase the production of such commodity for war purposes, or where by reason of increased labor or other costs to the producers of such agricultural commodity incurred since January 1, 1941, the maximum prices so established will not reflect such increased costs: *Provided further*, That in the fixing of maximum prices on products resulting from the processing of agricultural commodities, including livestock, a generally fair and equitable margin shall be allowed for such processing: *Provided further*, That in fixing price maximums for agricultural commodities and for commodities processed or manufactured in whole or substantial part from any agricultural commodity, as provided for by this Act [said sections], adequate weighting shall be given to farm labor.

On and after the date of the enactment of this paragraph, it shall be unlawful to establish, or maintain, any maximum price for any agricultural commodity or any commodity processed or manufactured in whole or substantial part from any agricultural commodity which will reflect to the producers of such agricultural commodity a price below the highest applicable price standard (applied separately to each major item in the case of products made in whole or major part from cotton or cotton yarn) of this Act [sections 961–964, 965–971 of this Appendix].

The President, acting through any department, agency, or office of the Government, shall take all lawful action to assure that the farm producer of any of the basic agricultural commodities (cotton, corn, wheat, rice, tobacco, and peanuts) and of any agricultural commodity with respect to which a public announcement has been made under section 4 (a) of the Act entitled "An Act to extend the life and increase the credit resources of the Commodity Credit Corporation and for other purposes," approved July 1, 1941, as amended [713a–8 of Title 15] (relating to supporting the prices of nonbasic agricultural commodities), receives not less than the higher of the two prices specified in clauses (1) and (2) of this section (the latter price as adjusted for gross inequity).

The method that is now used for the purposes of loans under section 8 of this Act [section 968 of this Appendix] for determining the parity price or its equivalent for seven-eighths inch Middling cotton at the average location used in fixing the base loan rate for cotton shall also be used for determining the parity price for seven-eighths inch Middling cotton at such average location for the purposes of this section; and any adjustments made by the Secretary of Agriculture or the War Food Administrator for grade, location, or seasonal differentials for the purposes of this section shall be made on the basis of the parity price so determined: *Provided*, That on and after the date of the enactment of this proviso (June 30, 1945), no maximum prices shall be established or maintained on products resulting from the processing of cattle and calves, lambs and sheep, and hogs, the processing of each species being separately considered, which, taken together, do not allow for a reasonable margin of profit to the processing industry as a group on each such species. (Oct. 2, 1942, ch. 578, § 3, 56 Stat. 766, as amended June 30, 1944, ch. 325, title II, § 201, 58 Stat. 642; June 30, 1945, ch. 214, § 7, 59 Stat. 309.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by adding proviso to last par.

1944—Act June 30, 1944, cited to text, amended first proviso by substituting "may" for "shall" following "That the President", and added last three pars. to section.

§ 963a. Slaughter of animals; certification of plants; conditions; partial plant certification; inspection; status of meat for transportation purposes; revocation and termination of certification.

(a) While this Act (sections 961–964, 965–971 of this Appendix) is in effect, no quota or other slaughtering limitation shall be imposed upon any slaughterer of animals, under authority of this or any other law, if the Secretary of Agriculture has certified that the slaughtering plant is operated under sanitary conditions and that the meat produced

therein is clean, wholesome, and suitable for human consumption; but certification under this section shall not be made with respect to any slaughtering plant (1) at which inspection is maintained under the Act of March 4, 1907 (34 Stat. 1260) (sections 71–93 of Title 21), with respect to all its slaughtering operations, or, (2) at which such inspection under such Act (sections 71–93 of Title 21) was previously maintained if, in the judgment of the Secretary of Agriculture, the slaughterer withdrew such plant from such inspection for the purpose of applying for certification under this section.

(b) As a condition of making certification in the case of any such slaughterer, the Secretary of Agriculture may require that such slaughterer make available to the armed services of the United States, or for Government purchase, such percentage of the meat slaughtered and processed as he may deem necessary or advisable.

(c) The Secretary of Agriculture may make the certification provided for under subsection (a) with respect to a designated part of a slaughtering plant without making such certification with respect to the remainder of such slaughtering plant, in which event the provisions of this section shall apply only to meat produced in such designated part of the slaughtering plant.

(d) In order that he may make the certifications provided for under subsection (a), the Secretary of Agriculture may provide for inspection in such manner and by such persons as he may deem advisable.

(e) Meat which is produced under the circumstances specified in this section shall have the same status for transportation in interstate or foreign commerce, when properly identified in accordance with regulations issued by the Secretary of Agriculture, as meat produced in plants at which inspection is maintained under the Act of March 4, 1907 (34 Stat. 1260) (sections 71–93 of Title 21).

(f) The Secretary of Agriculture may refuse or revoke certification in any case when he is not satisfied that the meat made available hereunder will be disposed of in legitimate trade channels in accordance with law.

(g) The Secretary of Agriculture may revoke any certification under subsection (a) if it is found at any time that the slaughterer does not meet each of the conditions required under this section.

(h) Nothing in this section shall prevent the termination, suspension, or limitation of the right of any person to slaughter if such person fails to comply with the price, rationing, or slaughter control requirements imposed under the authority of this or any other law. (Oct. 2, 1942, ch. 578, § 3A, as added June 30, 1945, ch. 214, § 8, 59 Stat. 309.)

§ 964. Wages and salaries; limitations on control.

No action shall be taken under authority of this Act [sections 961–964, 965–971 of this Appendix] with respect to wages or salaries, (1) which is inconsistent with the provisions of the Fair Labor Standards Act of 1938, as amended, or the National Labor Relations Act (Title 29, §§ 151–166), or (2) for the purpose of reducing wages or salaries for any particular work below the highest wages or salaries paid therefor between January 1, 1942, and September 15, 1942.

In any dispute between employees and carriers subject to the Railway Labor Act, as amended [sections 151–163 of Title 45], as to changes affecting wage or salary payments, the procedures of such Act shall be followed for the purpose of bringing about a settlement of such dispute. Any agency provided for by such Act, as a prerequisite to effecting or recommending a settlement of any such dispute, shall make a specific finding and certification that the changes proposed by such settlement or recommended settlement are consistent with such standards as may be then in effect, established by or pursuant to law, for the purpose of controlling inflationary tendencies. Where such finding and certification are made by such agency, they shall be conclusive, and it shall be lawful for the employees and carriers, by agreement, to put into effect the changes proposed by the settlement or recommended settlement with respect to which such finding and certification were made. (Oct. 2, 1942, ch. 578, § 4, 56 Stat. 766, as amended Apr. 12, 1943, ch. 52, § 4 (a), 57 Stat. 63; June 30, 1944, ch. 325, title II, § 202, 58 Stat 642.)

AMENDMENTS

1944—Act June 30, 1944, cited to text, amended section by adding second par.

1943—Act April 12, 1943, cited to text, deleted proviso at end of section.

RETROACTIVE EFFECT

Act Apr. 12, 1943, cited to text, was made effective as of Oct 2, 1942.

RAILROAD EMPLOYEES

Regulations and procedure with respect to wage and salary adjustments for employees subject to Railway Labor Act, see Ex Ord. No. 9299, Feb. 4, 1942, 8 F. R. 1669, set out under section 156 of Title 45, Railroads.

EX ORD NO 9672. ESTABLISHMENT OF THE NATIONAL WAGE STABILIZATION BOARD AND TERMINATION OF THE NATIONAL WAR LABOR BOARD

Ex Ord. No. 9672, Jan. 3, 1946, 11 F R 221, provided:

By virtue of the authority vested in me by the Constitution and Statutes, including Title I of the First War Powers Act, 1941 [sections 601–605 of this Appendix], and the Stabilization Act of 1942, as amended [sections 961–971 of Appendix], and as President of the United States, it is hereby ordered as follows

1. (a) There is hereby established within the Department of Labor a Board to be known as the National Wage Stabilization Board, hereinafter referred to as the Board The Board shall be composed of six members to be appointed by the President (two of whom, including the Chairman and the Vice-Chairman, shall be representative of the public, two representative of employees, and two representative of employers), and such additional members as may, in view of the necessities of the business of the Board, be appointed from time to time by unanimous action of a quorum of the Board to serve as alternates representing, respectively, the public, employees, and employers.

(b) Six members, equally representative of the three groups comprising the Board, shall constitute a quorum for the transaction of business, and the Board may act with not more than twelve members likewise equally representative of such three groups.

(c) Members of the Board (including alternates) shall receive actual transportation expenses and other necessary expenses, and not to exceed $25 per diem in lieu of subsistence, whether or not in travel status, on such days as they are actually engaged in the performance of duties

pursuant to this order without other compensation from the United States

(d) The Board shall be administered as an organizational entity within the Department of Labor and shall be independent with respect to its policies, decisions, and control of personnel.

2. The Board shall have all the present powers, functions, and responsibilities of the National War Labor Board (established by Executive Order No 9017 of January 12, 1942 [note following section 1507 of this Appendix], and transferred to the Department of Labor by Executive Order No. 9617 of September 19, 1945 [note following section 601 of this Appendix]), relating to the stabilization of wages and salaries for the purpose of carrying out the objectives authorized and directed by the Emergency Price Control Act of 1942, as amended [sections 901–946 of this Appendix], and the Stabilization Act of 1942, as amended [sections 961–971 of this Appendix], in accordance with the policies and procedures provided by Executive orders and regulations issued pursuant to these Acts. The Wage Adjustment Board for the building and construction industry shall continue to perform its present functions with respect to the stabilization of wages and salaries in the building and construction industry

3 Any dispute cases on which final action may not have been taken by the National War Labor Board prior to its termination shall be returned by said board to the parties The Board shall have all the powers, functions and responsibilities of the National War Labor Board relating to the disposition of dispute cases for the following purposes only:

(a) The continued operation of the tripartite commissions, heretofore established by the National War Labor Board to carry out its directive orders relating to the steel, textile, and meat-packing industries, with the duties, powers and responsibilities heretofore conferred on said agencies, subject to any modification thereof which may be made by the Board;

(b) The appointment of arbitrators as may be necessary under National War Labor Board orders or collective bargaining agreements,

(c) The disposition of applications under Section 5 of the War Labor Disputes Act [section 1505 of this Appendix] and the receipt of notices under Section 8 of that Act [section 1508 of this Appendix].

The Board shall have the powers of subpoena conferred upon the National War Labor Board by Section 7 of the War Labor Disputes Act [section 1507 of this Appendix].

4 The personnel, records, property, funds, and outstanding obligations of the National War Labor Board are hereby transferred to the National Wage Stabilization Board in the Department of Labor and the National War Labor Board is hereby terminated

5 This order shall be deemed an amendment of and substitution for paragraph 2 (b) of Executive Order No 9617 of September 19, 1945 [note following section 601 of this Appendix] All other provisions of that order, to the extent consistent herewith, are hereby ratified and confirmed All provisions of prior Executive orders in conflict with this order are amended accordingly. The presently effective rules, regulations, procedures, and orders of the National War Labor Board relating to any function vested in the National Wage Stabilization Board by this order shall continue to be effective in accordance with their terms except as they may be inconsistent with this order or be modified or revoked from time to time by the Board. Any matter relating to the functions transferred by this order and now pending before the National War Labor Board may be acted upon by the National Wage Stabilization Board with the same validity and effect as though such action had been taken by the National War Labor Board.

§ 964a. Rescission of stabilization of wages order.

Section 7 of title II, and all other provisions of Executive Order Numbered 9250, "Providing for the stabilization of the national economy" issued October 3, 1942, and all provisions of Regulation Numbered 4001.9, promulgated by the Economic Stabilization Director on October 27, 1942, which are in conflict with section 964 of this Appendix are hereby rescinded; and (2) all orders, regulations, and other directives, and all decisions, promulgated or made by virtue of the said Executive order or regulation which are in conflict with this section are hereby rescinded. (Apr. 12, 1943, ch. 52, § 4 (b), 57 Stat. 63.)

CODIFICATION

Section is not part of the Stabilization Act of 1942

REFERENCES IN TEXT

Ex Ord No. 9250, referred to in section, is set out in note under section 901 of this Appendix

Regulation No 4001.9, promulgated Oct. 27, 1942, referred to in section, is set out in note under section 901 of this Appendix

§ 965. Wages and salaries; prohibition of violation of regulations; employer's reduction of salaries over $5,000; regulation of payment of double time.

(a) No employer shall pay, and no employee shall receive, wages or salaries in contravention of the regulations promulgated by the President under this Act [sections 961–964, 965–971 of this Appendix]. The President shall also prescribe the extent to which any wage or salary payment made in contravention of such regulations shall be disregarded by the executive departments and other governmental agencies in determining the costs or expenses of any employer for the purposes of any other law or regulation.

(b) Nothing in this Act [sections 961–964, 965–971 of this Appendix] shall be construed to prevent the reduction by any private employer of the salary of any of his employees which is at the rate of $5,000 or more per annum.

(c) The President shall have power by regulation to limit or prohibit the payment of double time except when, because of emergency conditions, an employee is required to work for seven consecutive days in any regularly scheduled work week. (Oct. 2, 1942, ch. 578, § 5, 56 Stat. 767.)

§ 966. Termination of act.

The provisions of this Act [sections 961–964, 965-971 of this Appendix] (except sections 8 and 9 (sections 963 and 969 of this Appendix, and amendments to Title 15, § 713a-8)), and all regulations thereunder, shall terminate on June 30, 1946, or on such earlier date as the Congress by concurrent resolution, or the President by proclamation, may prescribe. (Oct. 2, 1942, ch. 578, § 6, 56 Stat 767, as amended June 30 1944, ch. 325, title II, § 203, 58 Stat. 643; June 30, 1945, ch. 214, § 2, 59 Stat 306.)

AMENDMENTS

1945—Act June 30, 1945, cited to text, amended section by substituting "June 30, 1946," for "June 30, 1945,".

1944—Act June 30, 1944, cited to text, amended section by striking out "June 30, 1944" and inserting in lieu thereof "June 30, 1945".

§ 967. Emergency Price Control Act of 1942; amendment; applicability of, and construction with this act.

(a) Section 1 (b) of the Emergency Price Control Act of 1942 (section 901 (b) of this Appendix) is hereby amended by striking out "June 30, 1943" and substituting "June 30, 1944".

(b) All provisions (including prohibitions and penalties) of the Emergency Price Control Act of 1942 (sections 901–922, 923–946 of this Appendix) which are applicable with respect to orders or regulations under such Act shall, insofar as they are not inconsistent with the provisions of this Act [sections 961–964, 965–971 of this Appendix], be applicable in the same manner and for the same purposes with respect to regulations or orders issued by the Price Administrator in the exercise of any functions which may be delegated to him under authority of this Act.

(c) Nothing in this Act [sections 961–964, 965–971 of this Appendix] shall be construed to invalidate any provision of the Emergency Price Control Act of 1942 (sections 901–922, 923–946 of this Appendix) (except to the extent that such provisions are suspended under authority of section 2 (section 962 of this Appendix)), or to invalidate any regulation, price schedule, or order issued or effective under such Act. (Oct. 2, 1942, ch. 578, § 7, 56 Stat. 767.)

§ 968. Crop loans.

(a) The Commodity Credit Corporation is authorized and directed to make available upon any crop of the commodities cotton, corn, wheat, rice, tobacco, and peanuts harvested after December 31, 1941, and before the expiration of the two-year period beginning with the 1st day of January immediately following the date upon which the President by proclamation or the Congress by concurrent resolution declares that hostilities in the present war have terminated, if producers have not disapproved marketing quotas for such commodity for the marketing year beginning in the calendar year in which such crop is harvested, loans as follows:

(1) To cooperators (except cooperators outside the commercial corn-producing area, in the case of corn) at the rate in the case of cotton of 95 per centum, and at the rate in the case of the other commodities of 90 per centum, of the parity price;

(2) To cooperators outside the commercial corn-producing area, in the case of corn, at the rate of 75 per centum of the rate specified in (1) above;

(3) To noncooperators (except noncooperators outside the commercial corn-producing area, in the case of corn) at the rate of 60 per centum of the rate specified in (1) above and only on so much of the commodity as would be subject to penalty if marketed.

(b) All provisions of law applicable with respect to loans under the Agricultural Adjustment Act of 1938, as amended (Title 7, §§ 612c, 1281 et seq.; Title 15, §§ 713c, 713c–1; Title 16, §§ 590h, 590o), shall, insofar as they are not inconsistent with the provisions of this section, be applicable with respect to loans made under this section.

(c) In the case of any commodity with respect to which loans may be made at the rate provided in paragraph (1) of subsection (a), the President may fix the loan rate at any rate not less than the loan rate otherwise provided by law if he determines that the loan rate so fixed is necessary to prevent an increase in the cost of feed for livestock and poultry and to aid in the effective prosecution of the war. (Oct. 2, 1942, ch. 578 § 8, 56 Stat. 767, as amended June 30, 1944, ch. 325, title II, § 204, 58 Stat. 643; Oct. 3, 1944, ch. 479, § 37 (a), 58 Stat. 784.)

AMENDMENTS

1944—Subsec (a) (1) amended by acts June 30, 1944, and Oct. 3, 1944, both cited to text. Act June 30, 1944, raised 90 per centum to 92½ per centum Act Oct. 3, 1944, raised 92½ per centum to 95 per centum.

EFFECTIVE DATE

Section 204 of act June 30, 1944, cited to text, provided in part. "The amendment made by this section [section 204 of Act June 30, 1944, cited to text], shall be applicable with respect to crops harvested after December 31, 1943. In the case of loans made under such section 8 [section 968 of this Appendix], upon any of the 1944 crop of any commodity before the amendment made by this section takes effect, the Commodity Credit Corporation is authorized and directed to increase or provide for increasing the amount of such loans to the amount of the loans which would have been made if the loan rate specified in this section had been in effect at the time the loans were made."

Subsec (b) of section 37 of act Oct. 3, 1944, cited to text, provided: "(b) The amendment made by this section shall be applicable only with respect to crops harvested after December 31, 1943, but shall not apply to crops planted after 1944 In the case of loans made under such section 8 upon any of the 1944 crop of cotton before the amendment made by this section takes effect, the Commodity Credit Corporation is authorized and directed to increase or provide for increasing the amount of such loans to the amount of the loans which would have been made if the loan rate specified in the amendment made by this section had been in effect at the time the loans were made."

§ 969. Amendment of provision relating to encouragement of production of non-basic agricultural commodities.

(a) Section 4 (a) of the Act entitled "An Act to extend the life and increase the credit resources of the Commodity Credit Corporation, and for other purposes", approved July 1, 1941 (U. S. C., 1940 edition, Supp. I, Title 15, sec. 713a-8), is amended—

(1) By inserting after the words "so as to support" a comma and the following: "during the continuance of the present war and until the expiration of the two-year period beginning with the 1st day of January immediately following the date upon which the President by proclamation or the Congress by concurrent resolution declares that hostilities in the present war have terminated,".

(2) By striking out "85 per centum" and inserting in lieu thereof "90 per centum".

(3) By inserting after the word "tobacco" a comma and the word "peanuts".

(b) The amendments made by this section shall, irrespective of whether or not there is any further public announcement under such section 4 (a) (Title 15, § 713a–8 (a)), be applicable with respect to any commodity with respect to which a public announcement has heretofore been made under such section 4 (a) (Title 15, § 713a–8 (a)). (Oct. 2, 1942, ch. 578, § 9, 56 Stat 768.)

§ 970. Definition of wages and salaries.

When used in this Act [sections 961–964, 965–971 of this Appendix], the terms "wages" and "salaries"

shall include additional compensation, on an annual or other basis, paid to employees by their employers for personal services (excluding insurance and pension benefits in a reasonable amount to be determined by the President); but for the purpose of determining wages or salaries for any period prior to September 16, 1942, such additional compensation shall be taken into account only in cases where it has been customarily paid by employers to their employees. (Oct. 2, 1942, ch. 578, § 10, 56 Stat. 768.)

§ 971. Violations; penalties.

Any individual, corporation, partnership, or association willfully violating any provision of this Act [sections 961–964, 965–971 of this Appendix], or of any regulation promulgated thereunder, shall, upon conviction thereof, be subject to a fine of not more than $1,000, or to imprisonment for not more than one year, or to both such fine and imprisonment. (Oct 2, 1942, ch 578, § 11, 56 Stat. 768.)

MISSING PERSONS ACT (New)

ACT MAR. 7, 1942, CH. 166, 56 STAT. 143

Sec

1001 Definitions
1002 Missing, interned, or captive persons; continuance of pay and allowances
1003. Same; continuance or establishment by department head of allotments for dependents and insurance
1004 Same, continuance, suspension, or resumption of pay and allowances by department head; limitation on duration of allotments
1005 Same; finding of death upon year's absence; payment of death gratuity; repayment of death gratuity by missing person upon return
1006 Same, payment of allotments in case of captured or interned persons until death or return to jurisdiction
1007. Authority of department head to create new allotments and to continue or change amounts of old allotments.
1008 Penalty for fraudulent receipt of payments
1009 Determinations by department heads or designees; conclusiveness relative to status of personnel, payments, or death.
1010 Same; fact of dependency; authority to determine; conclusiveness.
1011 Settlement of accounts
1012 Moving dependents and effects of persons dead, injured, captured, etc.; appropriations chargeable with cost
1013 Income tax deferment for certain persons in government service not in position to pay taxes because of service
1014. Application of act to persons besieged by enemy.
1015 Effective date and termination of act.
1016 Amendment of Civil Service Retirement Act
1017 Authorization of lock for Saint Marys Falls Canal, Michigan.
1018 Repealed

§ 1001. Definitions.

For the purpose of this Act [sections 1001–1017 of this Appendix]—

(a) the term "person" means (1) commissioned officer, warrant officer, enlisted person (including persons selected under the Selective Training and Service Act, as amended (sections 301–318 of this Appendix)), member of the Army or Navy Nurse Corps (female), wherever serving; (2) commissioned officer of the Coast and Geodetic Survey or the Public Health Service; and (3) civilian officers and employees of departments during such time as they may be assigned for duty or serving outside the continental limits of the United States or in Alaska, exclusive of part-time or intermittent employees or native labor casually hired on an hourly or per diem basis;

(b) the term "active service" means active service in the Army, Navy, Marine Corps, and Coast Guard of the United States, including active Federal service performed by personnel of the retired and reserve components of these forces, the Coast and Geodetic Survey, the Public Health Service, and active Federal service performed by the civilian officers and employees defined in paragraph (a) (3) above;

(c) the term "dependent" as used in this Act [sections 1001–1017 of this Appendix] includes a lawful wife, unmarried child under twenty-one years of age. It includes also a dependent mother, father, or unmarried dependent stepchild or adopted child under twenty-one years of age, or such dependent as has been designated in official records, or an individual determined to be dependent by the head of the department concerned, or subordinate designated by him;

(d) the term "department", including such term when used in the amendment made by section 16 (section 1016 of this Appendix), means any executive department, independent establishment, or agency (including corporations) in the executive branch of the Federal Government. (Mar 7, 1942, ch. 166, § 1, 56 Stat. 143; July 1, 1944, ch 371, § 1, 58 Stat. 679.)

AMENDMENTS

1944—Subsec (a) (3) amended by act July 1, 1944, cited to text, which added ", exclusive of part-time or intermittent employees or native labor casually hired on an hourly or per diem basis."

Subsec (c) amended by act July 1, 1944, cited to text, which defined dependent in precise terms instead of referring to "U S. Code, title 37, sections 8 and 8 (a)"

EFFECTIVE DATE OF 1944 AMENDMENTS

Section 8 of act July 1, 1944, cited to text, provided. "The foregoing amendments to such Act [sections 1001–1017 of this Appendix] shall be effective in all respects as provided in section 15 of the Act of March 7, 1942 (56 Stat 147), as amended (56 Stat 1093, 50 App, U S C, Supp III, 1015), and payments under the retroactive provisions of such amendments are authorized to be paid from appropriations currently available."

SHORT TITLE

Section 7 of act July 1, 1944, cited to text, amended act Mar. 7, 1942, cited to text, by adding a new section thereto to read "Sec 19 This Act [sections 1001–1017 of this Appendix] may be cited as the 'Missing Persons Act'."

§ 1002. Missing, interned, or captive persons; continuance of pay and allowances.

Any person who is in active service and who is officially determined to be absent in a status of missing, missing in action, interned in a neutral country, captured by an enemy, beleaguered or besieged shall, for the period he is officially carried or determined to be in any such status, be entitled to receive or to have credited to his account the same pay and al-

lowances to which he was entitled at the beginning of such period of absence or may become entitled thereafter, and entitlement to pay and allowances shall terminate upon the date of receipt by the department concerned of evidence that the person is dead or upon the date of death prescribed or determined under provisions of section 5 of this Act [section 1005 of this Appendix]: *Provided*, That such entitlement to pay and allowances shall not terminate upon expiration of term of service during absence and in case of death during absence shall not terminate earlier than the dates herein prescribed: *Provided further*, That there shall be no entitlement to pay and allowances for any period during which such person may be officially determined absent from his post of duty without authority and he shall be indebted to the Government for any payments from amounts credited to his account for such period. (Mar. 7, 1942, ch. 166, § 2, 56 Stat. 144, as amended July 1, 1944, ch. 371 § 2, 58 Stat. 679)

AMENDMENTS

Act July 1, 1944, cited to text, amended section generally, providing, among other things, the termination date of pay and allowances

APPROPRIATIONS

Act June 23, 1942, ch 444, § 1, 56 Stat 389, authorized use of funds appropriated by Sixth Supplemental National Defense Appropriation Act 1942, act Apr 28, 1942, ch 247, 56 Stat 226, under heading "Naval Emergency Fund", for payments to persons subject to this section.

§ 1003. Same; continuance or establishment by department head of allotments for dependents and insurance.

For the period that any person is entitled under section 2 of this Act [section 1002 of this Appendix] to receive or be credited with pay and allowances, such allotments as may have been executed prior to the beginning of his absence, including allotments for the purchase of United States savings bonds, may be continued, except as otherwise herein provided, and notwithstanding any expiration of a period for which an allotment had been executed. In the absence of an allotment or when an allotment is insufficient for any purpose authorized by the head of the department concerned, such new allotments or increases as circumstances are deemed to warrant may be authorized by the head of the department concerned, or such subordinate as he may designate, payable during any period of the absent person's entitlement to pay and allowances under section 2 of this Act [section 1002 of this Appendix]: *Provided*, That the aggregate of all allotments in effect, from pay and allowances of an absent person, does not exceed the amount of pay and allowances such absent person would be permitted to allot under regulations of the department concerned: *Provided further*, That any premium paid by the Government on insurance issued on the life of a person, which is unearned by reason of being for a period subsequent to the date of death of such person, shall revert to the appropriation of the department concerned. (Mar. 7, 1942, ch. 166, § 3, 56 Stat. 144, as amended Dec. 24, 1942, ch. 828, § 1, 56 Stat. 1092; July 1, 1944, ch. 371, § 3, 58 Stat. 680.)

AMENDMENTS

1944—Act July 1, 1944, cited to text, amended section generally

1942—Act Dec 24, 1942, cited to text, amended provisos

EFFECTIVE DATE

Section 2 of act Dec 24, 1942, cited to text, provided: "This Act (act Dec. 24, 1942) shall be effective in all respects as provided in section 15 of the Act of March 7, 1942 (Public Law 490, Seventy-seventh Congress) (section 1015 of this Appendix)."

§ 1004. Same; continuance, suspension, or resumption of pay and allowances by department head; limitation on duration of allotments.

When circumstances are deemed to justify such action in the interests of a person entitled to receive or be credited with pay and allowances under section 2 of this Act [section 1002 of this Appendix], in the interests of the dependents of such person, or in the interests of the Government, the head of the department concerned, or such subordinates as he may designate, may direct the initiation, continuance, discontinuance, increase, decrease, suspension, or resumption of payments of allotments from the pay and allowances of such person, subject to the provisions of section 6 of this Act [section 1006 of this Appendix]. (Mar. 7, 1942, ch 166, § 4, 56 Stat. 144, as amended Dec. 24, 1942, ch. 828, § 1, 56 Stat. 1093; July 1, 1944, ch 371, § 4, 58 Stat. 680.)

AMENDMENTS

1944—Act July 1, 1944, cited to text, amended section generally, providing, among other changes, that the head of the department or any designated subordinate may initiate, discontinue, increase or decrease payments

1942—Act Dec 24, 1942, cited to text, amended second sentence

EFFECTIVE DATE

Effective date of amendment by act Dec. 24, 1942, see note under section 1003 of this Appendix

§ 1005. Same; departmental review; continuance of missing status or finding of death after year's absence; date of termination of pay and allowances.

When the twelve months' period from date of commencement of absence is about to expire in any case of a person missing or missing in action and no official report of death or of being a prisoner or of being interned has been received, the head of the department concerned shall cause a full review of the case to be made. Following such review and when the twelve months' absence shall have expired, or following any subsequent review of the case which shall be made whenever warranted by information received or other circumstances, the head of the department concerned is authorized to direct the continuance of the person's missing status, if the person may reasonably be presumed to be living, or is authorized to make a finding of death. When a finding of death is made it shall include the date upon which death shall be presumed to have occurred for the purposes of termination of crediting pay and allowances, settlements of accounts, and payments of death gratuities and such date shall be the day following the day of expiration of an absence of twelve months, or in cases in which the missing status shall have been continued as hereinbefore authorized, a day to be determined by the head of

the department. (Mar. 7, 1942, ch. 166, § 5, 56 Stat. 145, as amended Dec. 24, 1942, ch. 828, § 1, 56 Stat. 1093.)

AMENDMENTS

1942—Act Dec. 24, 1942, cited to text, amended section in its entirety.

EFFECTIVE DATE

Effective date of amendment by act Dec. 24, 1942, see note under section 1003 of this Appendix

§ 1006. Same; payment of allotments in case of captured or interned persons until death or return to jurisdiction; pay and allowances and allotments of persons continued in missing status.

When it is officially reported by the head of the department concerned that a person missing under the conditions specified in section 2 of this Act (section 1002 of this Appendix) is alive and in the hands of an enemy or is interned in a neutral country, the payments authorized by section 3 of this Act (section 1003 of this Appendix) are, subject to the provisions of section 2 of this Act (section 1002 of this Appendix), authorized to be made for a period not to extend beyond the date of the receipt by the head of the department concerned of evidence that the missing person is dead or has returned to the controllable jurisdiction of the department concerned. When a person missing or missing in action is continued in a missing status under section 5 of this Act (section 1005 of this Appendix), such person shall continue to be entitled to have pay and allowances credited as provided in section 2 of this Act (section 1002 of this Appendix) and payments of allotments, as provided in section 3 of this Act (section 1003 of this Appendix), are authorized to be continued, increased, or initiated. (Mar. 7, 1942, ch. 166, § 6, 56 Stat. 145, as amended Dec. 24, 1942, ch. 828, § 1, 56 Stat. 1093.)

AMENDMENTS

1942—Act Dec. 24, 1942, cited to text, added last sentence.

EFFECTIVE DATE

Effective date of amendment by act Dec 24, 1942, see note under section 1003 of this Appendix.

§ 1007. Authority of department head to create new allotments and to continue or change amounts of old allotments.

The head of the department concerned is hereby authorized to direct the payment of new allotments from the pay of persons in active service (other than persons entitled under section 2 or section 14 of this Act (section 1002 or 1014 of this Appendix) to receive pay and allowances) to increase or decrease the amount of any allotment heretofore or hereafter made by such persons and to continue payment of any allotments of such person which may have expired in November 1941 and any month subsequent thereto, with or without the consent of such person, subject in all cases to termination by specific request of such persons, whenever in the judgment of the head of the department such action is considered essential for the well-being and protection of dependents of persons in active service. (Mar. 7, 1942, ch. 166, § 7, 56 Stat. 145.)

§ 1008. Penalty for fraudulent receipt of payments.

Whoever shall obtain or receive any money, check, or allotment under this Act [sections 1001–1017 of this Appendix], without being entitled thereto, with intent to defraud shall be punished by a fine of not more than $2,000 or by imprisonment for not more than one year, or both. (Mar. 7, 1942, ch. 166, § 8, 56 Stat. 145.)

§ 1009. Determinations by department heads or designees; conclusiveness relative to status of personnel, payments, or death.

The head of the department concerned, or such subordinate as he may designate, shall have authority to make all determinations necessary in the administration of this Act [sections 1001–1017 of this Appendix], and for the purposes of this Act [sections 1001–1017 of this Appendix] determinations so made shall be conclusive as to death or finding of death, as to any other status dealt with by this Act [sections 1001–1017 of this Appendix], and as to any essential date including that upon which evidence or information is received in such department or by the head thereof. The determination of the head of the department concerned, or of such subordinate as he may designate, shall be conclusive as to whether information received concerning any person is to be construed and acted upon as an official report of death. When any information deemed to establish conclusively the death of any person is received in the department concerned, action shall be taken thereon as an official report of death, notwithstanding any prior action relating to death or other status of such person. If the twelve months' absence prescribed in section 5 of this Act [section 1005 of this Appendix] has expired, a finding of death shall be made whenever information received, or a lapse of time without information, shall be deemed to establish a reasonable presumption that any person in a missing or other status is no longer alive. Payment or settlement of an account made pursuant to a report, determination, or finding of death shall not be recovered or reopened by reason of a subsequent report or determination which fixes a date of death except that an account shall be reopened and settled upon the basis of any date of death so fixed which is later than that used as a basis for prior settlement. Determinations are authorized to be made by the head of the department concerned, or by such subordinate as he may designate, of entitlement of any person, under provisions of this Act [said sections], to pay and allowances, including credits and charges in his account, and all such determinations shall be conclusive: *Provided*, That no such account shall be charged or debited with any amount that any person in the lands [1] of an enemy may receive or be entitled to receive from, or have placed to his credit by, such enemy as pay, wages, allowances, or other compensation: *Provided further*, That where the account of any person has been charged or debited with allotments paid pursuant to this Act [sections 1001–1017 of this Appendix] any amount so charged or debited shall be recredited to such person's account in any case in which it is determined by the head of the department concerned, or such subordinate as he

may designate, that payment of such amount was induced by fraud or misrepresentation to which such person was not a party. When circumstances warrant reconsideration of any determination authorized to be made by this Act [sections 1001–1017 of this Appendix] the head of the department concerned, or such subordinate as he may designate, may change or modify a previous determination. Excepting allotments for unearned insurance premiums, any allotments paid from pay and allowances of any person for the period of the person's entitlement under the provisions of section 2 of this Act [section 1002 of this Appendix] to receive or have credited such pay and allowances shall not be subject to collection from the allottee as overpayments when payment thereof has been occasioned by delay in receipt of evidence of death, and any allotment payments for periods subsequent to the termination, under this Act [sections 1001–1017 of this Appendix] or otherwise, of entitlement to pay and allowances, the payment of which has been occasioned by delay in receipt of evidence of death, shall not be subject to collection from the allottee or charged against the pay of the deceased person. The head of the department concerned, or such subordinate as he may designate, may waive the recovery of erroneous payments or overpayments of allotments to dependents when recovery is deemed to be against equity and good conscience. In the settlement of the accounts of any disbursing officer credit shall be allowed for any erroneous payment or overpayment made by him in carrying out the provisions of this Act [sections 1001–1017 of this Appendix], except sections 13, 16, 17, and 18 [sections 1013, 1016, 1017, 1018 of this Appendix], in the absence of fraud or criminality on the part of the disbursing officer involved, and no recovery shall be made from any officer or employee authorizing any payment under such provisions in the absence of fraud or criminality on his part. (Mar. 7, 1942, ch. 166, § 9, 56 Stat 145, as amended July 1, 1944, ch. 371, § 5, 58 Stat. 680.)

[1] So in original. Probably should be "hands."

AMENDMENTS

1944—Act July 1, 1944, cited to text, amended section generally.

§ 1010. Same; fact of dependency; authority to determine; conclusiveness.

The determination of the fact of dependency under the provisions of this Act [sections 1001–1017 of this Appendix], the determination of the fact of dependency for the purpose of payment of all six months' death gratuities as authorized by law, and the determination of the fact of dependency under the provisions of any and all other laws providing for the payment of pay, allowances, or other emoluments to enlisted personnel in the Army, Navy, Marine Corps, and Coast Guard of the United States where such payments are contingent upon dependency, shall be made by the head of the department concerned, or by such subordinate as he may designate, and any such determination so made shall be final and conclusive. (Mar. 7, 1942, ch. 166, § 10, 56 Stat. 145, as amended July 1, 1944, ch. 371, § 6, 58 Stat. 681.)

AMENDMENTS

1944—Act July 1, 1944, cited to text, amended section by inserting "the determination of the fact of dependency for the purpose of payment of all six months' death gratuities as authorized by law", and substituting "personnel" for "men" following "enlisted."

§ 1011. Settlement of accounts.

The head of the department concerned, or such person as he may designate, is authorized to settle the accounts of persons for whose account payments have been made pursuant to the provisions of sections 2 to 7, both inclusive, of this Act (sections 1002–1007 of this Appendix), and the accounts of survivors of casualties to ships, stations and military installations which result in loss or destruction of disbursing records, and such settlements shall be conclusive upon the accounting officers of the Government in effecting settlements of the accounts of disbursing officers. (Mar. 7, 1942, ch. 166, § 11, 56 Stat. 146.)

§ 1012. Moving dependents and effects of persons dead, injured, captured, etc.; appropriations chargeable with cost.

The dependents and household and personal effects of any person on active duty (without regard to pay grade) who is officially reported as injured, dead, missing as the result of military or naval operations, interned in a neutral country, or captured by the enemy, may be moved (including packing and unpacking of household effects) to the official residence of record for any such person, or, upon application by such dependents, to such other locations as may be determined by the head of the department concerned or by such person as he may designate, by the use of either commercial or Government transportation: *Provided*, That the cost of such transportation, including packing and unpacking, shall be charged against appropriations currently available. (Mar. 7, 1942, ch. 166, § 12, 56 Stat. 146.)

§ 1013. Income tax deferment for certain persons in Government service not in position to pay taxes because of service.

Notwithstanding any other provision of law, in the case of any taxable year beginning after December 31, 1940, no Federal income-tax return of, or payment of any Federal income tax by—

(a) any individual in the military or naval forces of the United States, or

(b) any civilian officer or employee of any department

who, at the time any such return or payment would otherwise become due, is a prisoner of war or is otherwise detained by any foreign government with which the United States is at war, or

(c) any individual in the military or naval forces of the United States serving on sea duty or outside the continental United States at the time any such return or payment would otherwise become due,

shall become due until one of the following dates, whichever is the earliest:

(1) the fifteenth day of the third month following the month in which he ceases (except by reason of death or incompetency) to be a prisoner of war,

or to be detained by any foreign government with which the United States is at war, or to be a member of the military or naval forces of the United States serving on sea duty or outside the continental United States, as the case may be, unless prior to the expiration of such fifteenth day he again is a prisoner of war, or is detained by any foreign government with which the United States is at war, or is a member of the military or naval forces of the United States serving on sea duty or outside the continental United States;

(2) the fifteenth day of the third month following the month in which the present war with Germany, Italy, and Japan is terminated, as proclaimed by the President; or

(3) the fifteenth day of the third month following the month in which an executor, administrator, or conservator of the estate of the taxpayer is appointed.

Such due date is prescribed subject to the power of the Commissioner of Internal Revenue to extend the time for filing such return or paying such tax, as in other cases, and to assess and collect the tax as provided in sections 146, 273, and 274 of the Internal Revenue Code (sections 146, 273, and 274 of Title 26) in cases in which such assessment or collection is jeopardized and in cases of bankruptcy or receivership. For the purpose of this section, the term "continental United States" means the States and the District of Columbia, and the terms "individual" or "member" of the military or naval forces of the United States means any person in the Army of the United States, the United States Navy, the Marine Corps, the Army or Navy Nurse Corps (female), the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service. (Mar. 7, 1942, ch. 166, § 13, 56 Stat. 146.)

LIMITATION OF SECTION UNDER OTHER LAWS

Section 507 (b) (1) of the Revenue Act of 1942, act Oct 21, 1942, 4.30 p m., E. W. T, ch 619, title V, 56 Stat. 964, provided as follows: "The amendments made by this section (adding sections 3804 and 3805 to Title 26, and adding section 527 to this Appendix) shall not be construed to shorten any period fixed under the provisions of section 13 or 14 of the Act approved March 7, 1942 (Public Law 490—77th Congress), (sections 1013 and 1014 of this Appendix) within which any act may be done, except that any action or proceeding authorized under section 3804 (d) (1) of the Internal Revenue Code, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted without regard to the period so fixed"

§ 1014. Application of act to persons besieged by enemy.

The provisions of this Act [sections 1001–1017 of this Appendix], applicable to persons in the hands of an enemy, shall also apply to any person beleaguered or besieged by enemy forces. (Mar. 7, 1942, ch. 166, § 14, 56 Stat. 147)

CROSS REFERENCES

Limitation of section under other laws, see note under section 1013 of this Appendix.

§ 1015. Effective date and termination of act.

This Act [sections 1001–1017], except sections 13, 16, 17, and 18 (sections 1013, 1016, 1017 and 1018 of this Appendix), shall be effective from September 8, 1939, and shall remain in effect until the termination of the present war with Germany, Italy, and Japan, and for twelve months thereafter, or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate. (Mar. 7, 1942, ch. 166, § 15, 56 Stat. 147, as amended Dec. 24, 1942, ch. 828, § 1, 56 Stat. 1093.)

REFERENCES IN TEXT

Section 18 referred to in text and classified to section 1018 of this Appendix was repealed by Act June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

AMENDMENTS

1942—Act Dec 24, 1942, cited to text, substituted "and for twelve * * * may designate," for "as proclaimed by the President, and for twelve months thereafter."

EFFECTIVE DATE

Effective date of amendment by act Dec. 24, 1942, see note under section 1003 of this Appendix.

§ 1016. Amendment of Civil Service Retirement Act.

(a) The last sentence of subsection (c) of the first section of the Civil Service Retirement Act, approved May 29, 1930, as amended [sections 691 et seq. of Title 5], is amended by striking out "any elective officer,".

(b) Subsection (a) of section 2 of such Act of May 29, 1930, as amended [section 715 of Title 5], is amended by striking out ": *Provided, however*, That no provision of this or any other Act relating to automatic separation from the service shall have any application whatever to any elective officer".

(c) Subsection (a) of section 3 of such Act of May 29, 1930, as amended [section 693 of Title 5], is amended to read as follows:

"(a) This Act (Title 5, § 691 et seq.) shall apply to all officers and employees in or under the executive, judicial, and legislative branches of the United States Government, and to all officers and employees of the municipal government of the District of Columbia, except elective officers and heads of executive departments: *Provided*, That this Act (Title 5, § 691 et seq.) shall not apply to any such officer or employee of the United States or of the municipal government of the District of Columbia subject to another retirement system for such officers and employees of such governments: *Provided further*, That this Act (Title 5, § 691 et seq.) shall not apply to any officer or employee in the legislative branch of the Government within the classes of officers and employees which were made eligible for the benefits of this Act (Title 5, § 691 et seq.) by the Act of July 13, 1937 (Title 5, §§ 693b–693d, 698b, 715d, and 719a), until he gives notice in writing to the disbursing officer by whom his salary is paid, of his desire to come within the purview of this Act (Title 5, § 691 et seq.); and any officer or employee within such classes may, within sixty days after January 24, 1942, withdraw from the purview of this Act (Title 5, § 691 et seq.) by giving similar notice of such desire. In the case of any officer or employee in the service of the legislative branch of the Government on January 24, 1942, such notice of desire to come within the purview of this Act (Title 5, § 691 et seq.) must be given within the calendar year

1942. In the case of any officer or employee of the legislative branch of the Government who enters the service after January 24, 1942, such notice of desire to come within the purview of this Act (Title 5, § 691 et seq.) must be given within six months after the date of entrance to the service."

(d) The amounts deducted and withheld from the basic salary, pay, or compensation of any officer made ineligible for the benefits of such Act of May 29, 1930, as amended (Title 5, § 691 et seq.), by the amendments made by this section to such Act of May 29, 1930 (affecting Title 5, §§ 691 (c), 693 (a), 715 (a)), and deposited to the credit of the civil-service retirement and disability fund, and any additional amounts paid into such fund by such officer, shall be returned to such officer within thirty days after the date of enactment of this Act. (Mar. 7, 1942, ch. 166, § 16, 56 Stat 147.)

§ 1017. Authorization of lock for Saint Marys Falls Canal, Michigan.

The existing project for the Great Lakes and connecting channels is modified to provide for a new lock about eight hundred feet long, eighty feet wide, and thirty feet deep, at Saint Marys Falls Canal, Michigan, together with suitable approaches thereto, said lock to replace the present Weitzel lock and approaches, all in accordance with the recommendations contained in House Document Numbered 218, Seventy-seventh Congress, first session.

This improvement is hereby adopted and authorized and shall be prosecuted in the interest of national defense under the direction of the Secretary of War and supervision of the Chief of Engineers, subject to the conditions set forth in said document. (Mar. 7, 1942, ch 166, § 17, 56 Stat. 148)

§ 1018. Repealed. June 16, 1942, ch. 413, § 19, 56 Stat. 369, eff. June 1, 1942.

CODIFICATION

Section was from act Mar. 7, 1942, ch. 166, § 18, 56 Stat 148

Present provisions on this subject are contained in section 102 of Title 37, Pay and Allowances.

SMALL BUSINESS MOBILIZATION LAW (New)

ACT JUNE 11, 1942, CH. 404, 56 STAT. 351

Sec.

1101. Mobilization of productive capacity by Chairman of War Production Board, cooperation with other governmental agencies
1102 Powers of Chairman of the War Production Board.
1103 Certification of small business group as competent Government contractor as conclusive on Government agencies
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1106. Defense Plants Corporation as agent of corporation for administering loans, properties, etc.
1107. Participation in loans by the War Department, the Navy Department, and the Maritime Commission.
1108 Amendment of section 84 of Title 12.
1109 Amendment of section 606b of Title 15.
1110. Insured banks as depositaries of public money; duties; security; discrimination between banks prohibited; repeal of inconsistent laws.
1111 Construction with other laws and Executive Orders.
1112. Suspension of antitrust laws; certificate of necessity; reports, publication; termination of section.

CROSS REFERENCES

War and defense contract acts generally, see section 1151 et seq of this Appendix.

§ 1101. Mobilization of productive capacity by Chairman of War Production Board; cooperation with other governmental agencies.

In addition to the powers and duties of the Chairman of the War Production Board defined by Executive Order Numbered 9024 of January 16, 1942, and by Executive Order Numbered 9040 of January 24, 1942, it shall be the duty of the Chairman of the War Production Board, and he is hereby empowered, through a deputy to be appointed by him, to mobilize aggressively the productive capacity of all small business concerns, and to determine the means by which such concerns can be most efficiently and effectively utilized to augment war production.

It shall also be the duty of the Chairman of the War Production Board, and he is hereby empowered, through the deputy so appointed by him, to cooperate to the fullest practicable extent with the Director of Civilian Supply and other appropriate governmental agencies in the issuance of all orders limiting production by business enterprises, with a view to insuring that small business concerns will be most efficiently and effectively utilized in the production of articles, equipment, supplies, and materials for both war and essential civilian purposes. (June 11, 1942, ch. 404, § 1, 56 Stat. 351.)

§ 1102. Powers of Chairman of the War Production Board.

The Chairman of the War Production Board shall have power, and he is hereby directed, whenever and to the extent that he determines such action to be necessary—

(1) to make, or arrange with the Bureau of the Census or such other governmental agency as may be possessed of the necessary personnel and facilities for the making of, a complete inventory of all productive facilities in the United States which may be used for war production;

(2) to direct the attention of officers of the Government having procurement powers to the potential productive capacity of plants operated by small business concerns;

(3) to obtain information with respect to the extent and the terms upon which prime contractors with the Government have let subcontracts, and to take such action as he may deem appropriate to bring about the letting by such prime contractors of subcontracts upon fair and equitable terms and in the greatest volume practicable;

(4) to take such action as will result in the granting of such Government contracts to business concerns operating small plants as will provide them

with a sufficient incentive to engage in war production and to make such conversion of their plants as may be necessary to engage in war production;

(5) to certify to the Smaller War Plants Corporation established under section 4 of this Act (section 1104 of this Appendix) and to the Reconstruction Finance Corporation or any of its subsidiaries, the amount of funds necessary for the conversion to war production of any small plant or other plant interested in obtaining from the Smaller War Plants Corporation, or from the Reconstruction Finance Corporation, or any such subsidiary, the capital necessary to provide for such conversion;

(6) to certify to Government procurement officers with respect to the competency, as to capacity and credit, of any small business concern or group of such concerns to perform a specific Government procurement contract;

(7) to obtain from the Secretary of War, the Secretary of the Navy, the Director of the Procurement Division of the Treasury, the Reconstruction Finance Corporation and any subsidiary thereof, and any other Federal department, establishment, or agency engaged in war procurement or in the financing of war procurement or production, such reports concerning the letting of contracts and subcontracts and making of loans to business concerns as he may deem pertinent in carrying out his functions under this Act; and

(8) to make studies with respect to the means by which small business concerns may be supplied with essential raw materials and receive fair and reasonable treatment from all Government departments and agencies without interfering with the efficiency of the war-production program. (June 11, 1942, ch. 404, § 2, 56 Stat. 352.)

§ 1103. Certification of small business group as competent Government contractor as conclusive on Government agencies.

In any case in which a small business concern or group of such concerns has been certified by or under the authority of the Chairman of the War Production Board to be a competent Government contractor with respect to capacity and credit as to a specific Government procurement contract, the Secretary of War, the Secretary of the Navy, the Director of the Procurement Division of the Treasury, and all other officers of the Government having procurement powers are directed to accept such certification as conclusive, and are authorized to let such Government procurement contract to such concern or group of concerns without requiring it to meet any other requirements with respect to capacity and credit. The Congress hereby recognizes the fact that business concerns operating small plants are frequently unable to produce certain articles at as low a per unit cost as business concerns operating large plants and that, as a consequence of such fact, in order to mobilize the Nation's full productive capacity, including both large and small plants, it may be necessary for the Government to pay a higher per unit price for such articles to business concerns operating small plants than it pays to business concerns operating large plants. (June 11, 1942, ch. 404, § 3, 56 Stat. 352.)

§ 1104. Smaller War Plants Corporation—(a) Creation, location of principal office.

There is hereby created a body corporate under the name "Smaller War Plants Corporation" (hereinafter referred to as the "Corporation"). The principal office of the Corporation shall be located in the District of Columbia, but the Corporation may establish such branch offices in other places in the United States as may be determined by the board of directors.

(b) Capital stock.

The Corporation shall have capital stock of $350,000,000, subscribed for by the United States through the Secretary of the Treasury, and payment for which shall be subject to call in whole or in part by the board of directors of the Corporation. There is hereby authorized to be appropriated the sum of $350,000 000 for the purpose of enabling the Secretary of the Treasury to make payment for such capital stock when payment is called by the board of directors. Receipts for payments by the United States for or on account of such capital stock shall be issued by the Corporation to the Secretary of the Treasury and shall be evidence of the stock ownership by the United States.

(c) Appointment of board of directors; selection of chairman

The management of the Corporation shall be vested in a board of five directors who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are familiar with the problems of small business. The President shall designate one of the members as chairman.

(d) Span of life and general powers of corporation.

(d) The Corporation shall not have succession beyond December 31, 1946, except for purposes of liquidation, unless its life is extended beyond such date pursuant to an Act of Congress. It shall have power to adopt, alter, and use a corporate seal, which shall be judicially noticed; to make contracts; to lease such real estate as may be necessary for the transaction of its business; to sue and be sued, to complain and to defend, in any court of competent jurisdiction, State or Federal; to select employ, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary for the transaction of the business of the Corporation; to define their authority and duties, require bonds of them, and fix the penalties thereof; and to prescribe, amend, and repeal, by its board of directors, bylaws, rules, and regulations governing the manner in which its general business may be conducted and the powers granted to it by law may be exercised and enjoyed. The board of directors of the Corporation shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid. The Corporation shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government. The Corporation, with the consent of any board, commission, independent establishment, or executive department of the Govern-

ment, including any field service thereof, may avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this Act.

(e) Depositaries.

All moneys of the Corporation not otherwise employed may be deposited with the Treasurer of the United States subject to check by authority of the Corporation or in any Federal Reserve bank. The Federal Reserve banks are authorized and directed to act as depositaries, custodians, and fiscal agents for the Corporation in the general performance of its powers conferred by this Act [sections 1101–1112 of this Appendix]. All insured banks, when designated by the Secretary of the Treasury, shall act as depositaries, custodians, and financial agents for the Corporation.

(f) Power to make loans, purchase or lease property, contract with Government, let subcontracts, etc.; certification of competence for procurement contracts.

The Corporation is empowered (1) to make loans or advances, on such terms and conditions and with such maturities as it may determine, to enable small business concerns to finance plant construction, conversion, or expansion, or to finance the acquisition of equipment, facilities, machinery, supplies, or materials, or to supply such concerns with capital, to be used in the manufacture of articles, equipment, supplies, or materials for war or essential civilian purposes; and such loans or advances may be made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate or by the purchase of participations, or otherwise; (2) to purchase or lease such land, to purchase, lease, build, or expand such plants, and to purchase or produce such equipment, facilities, machinery, materials, or supplies, as may be needed to enable the Corporation to provide small business concerns with such land, plants, equipment, facilities, machinery, materials, or supplies as such concerns may require to engage in the production of such articles, equipment, supplies, or materials; (3) to lease, sell, or otherwise dispose of to any small business concern any such land, plants, equipment, facilities, machinery, materials, or supplies; (4) to enter into contracts with the United States Government and any department, agency, or officer thereof having procurement powers obligating the Corporation to furnish articles, equipment, supplies, or materials to the Government; and (5) to arrange for the performance of such contracts by letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Corporation to perform such contracts. In any case in which the Chairman of the War Production Board certifies to the Secretary of War, the Secretary of the Navy, the Director of the Procurement Division of the Treasury, or to any other officer of the Government having procurement powers, that the Smaller War Plants Corporation is competent to perform any specific Government procurement contract to be let by any such officer, it shall be the duty of such officer to let such procurement contract to such Corporation upon such terms and conditions as may be specified by the Chairman of the War Production Board. Such subcontracts may be let upon such terms and conditions as the Corporation may deem appropriate in accordance with such regulations as may be prescribed under section 201 of the First War Powers Act, 1941 (section 611 of this Appendix).

(g) Offenses and penalties.

(1) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any loan, or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of influencing in any way the action of the Corporation, or for the purpose of obtaining money, property, or anything of value, under this Act [sections 1101–1112 of this Appendix], shall be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both.

(2) Whoever, being connected in any capacity with the Corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to it or pledged or otherwise entrusted to it, or (2) with intent to defraud the Corporation or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Corporation, makes any false entry in any book, report, or statement of or to the Corporation, or, without being duly authorized, draws any order or issues, puts forth, or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree thereof, or (3) with intent to defraud participates, shares, receives directly or indirectly any money, profit, property, or benefit through any transaction, loan, commission, contract, or any other act of the Corporation, or (4) gives any unauthorized information concerning any future action or plan of the Corporation which might affect the value of securities, or, having such knowledge, invests or speculates, directly or indirectly, in the securities or property of any company or corporation receiving loans or other assistance from the Corporation, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.

(3) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U. S. C., Title 18, ch. 5, secs. 202 to 207, inclusive), insofar as applicable, are extended to apply to contracts or agreements with the Corporation under this Act [sections 1101–1112 of this Appendix]. (June 11, 1942, ch. 404, § 4, 56 Stat. 353, as amended Dec. 8, 1944, ch. 549, 58 Stat. 799; Apr. 27, 1945, ch. 98, §§ 1, 2 (a), 59 Stat. 95.)

AMENDMENTS

1945—Subsec. (c) amended by act Apr. 27, 1945, cited to text, which divested the Chairman of the War Production Board of the power of appointment of the board of directors and vested it in the President with the advice and consent of the Senate, and gave the power to designate a chairman to the President instead of as formerly to the board of directors, and omitted mention of a vice chairman.

Subsec (d) amended by act Apr. 27, 1945, cited to text, which substituted "December 31, 1946" for "July 1, 1946" in first sentence.

1944—Subsec. (b) amended by act Dec. 8, 1944, cited to text, which substituted "$35,000,000" for "$150,000,000" wherever appearing

CONTINUATION OF PERSONNEL OF BOARD OF DIRECTORS

Subsec. (b) of section 2 of act Apr. 27, 1945, cited to text, provided that directors holding office on April 27, 1945, should continue to do so until new directors were appointed by the President under the authority of subsec. (c) of this section.

TRANSFER OF FUNCTIONS

All duties with respect to veterans' preferences transferred to War Assets Corporation by Title 32, ch 23, 11 F. R. 408.

CROSS REFERENCES

Certification of amount of funds necessary to convert business to war production, see section 1102 of this Appendix.

Financial control of Corporation, see chapter 14 of Title 31, Money and Finance.

Insured banks, deposit of public money generally, see section 1110 of this title and section 265 of Title 12, Banks and Banking.

Transfer of loans, equipment, etc., to Defense Plants Corporation, see section 1106 of this Appendix.

EX. ORD NO. 9665 TRANSFER OF FUNCTIONS TO RECONSTRUCTION FINANCE CORPORATION AND DEPARTMENT OF COMMERCE

Ex. Ord. No. 9665, Dec. 27, 1945, 10 F. R. 15365, as corrected by 11 F. R. 3, provided:

By virtue of the authority vested in me by the Constitution and statutes, including Title I of the First War Powers Act, 1941 [sections 601–605 of this Appendix], and as President of the United States, it is hereby ordered as follows.

1. There are transferred to the Reconstruction Finance Corporation all functions of the Smaller War Plants Corporation, hereinafter referred to as the Corporation, under sections 4 (f) and 6 of the act of June 11, 1942, 56 Stat. 351 [this section and section 1106 of this Appendix], sections 18 (e) and 18 (f) of the Surplus Property Act of 1944, 58 Stat 765 [section 1627 (e), (f) of this Appendix], and the Contract Settlement Act of 1944, 58 Stat 649 [sections 101–125 of Title 41], except sections 20 (g) (1) and 21 (b) thereof [sections 120 (g) (1) and 121 (b) of Title 41] and except so much of section 20 (g) (2) [section 120 (g) (2) of Title 41] thereof as does not provide for making interim loans and guaranties, together with all personnel, property, records, assets, and liabilities of the Corporation except as shall be otherwise determined pursuant to the provisions of sections 2 or 4 hereof The functions of the board of directors of the Corporation which relate to the functions of the Corporation transferred by this section are transferred to the board of directors of the Reconstruction Finance Corporation.

2 All functions of the Corporation not transferred by section 1 of this order are transferred to the Department of Commerce, and all functions of the board of directors of the Corporation which are not transferred by the said section, together with the functions of the chairman as a member of the Contract Settlement Advisory Board (provided for in section 5 of the Contract Settlement Act of 1944) [section 105 of Title 41], are transferred to the Secretary of Commerce Such functions may be performed through such agencies and persons in the Department of Commerce as the Secretary shall designate, and one of such persons may receive a salary at a rate of not more than $10,000 per annum. There shall be transferred to the Department of Commerce so much of the personnel, property, and records of the Corporation, and of the funds of the Corporation available for administrative expenses, as the Director of the Bureau of the Budget shall determine to relate primarily to the functions transferred by this section.

3. The board of directors of the Reconstruction Finance Corporation and the Secretary of Commerce shall, respectively, submit the reports required by section 5 of the said act of June 11, 1942 [section 1105 of this Appendix], in connection with the functions transferred under sections 1 and 2 of this order; and expenditures in connection with the functions transferred under the said section 1 which may be considered as non-administrative expenses under Public Law 156, 79th Congress [act July 17, 1945, ch. 319, 59 Stat. 473], shall be determined by the chairman of the said board or by a person designated by such board

4. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the transfers provided for in this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

5 All prior regulations, rulings, and other directives relating to any function transferred by this order shall remain in effect except as they are in conflict with this order or are hereafter amended or revoked under proper authority.

6 All provisions of prior Executive orders in conflict with this order are amended accordingly.

7. This order shall be effective as of the opening of business January 28, 1946

§ 1105. Reports by Chairman of War Production Board.

The Chairman of the War Production Board shall make a report every sixty days of his operations under this Act [sections 1101–1112 of this Appendix] to the President, the President of the Senate, and the Speaker of the House of Representatives. Such report shall include the names of the business concerns to whom contracts are let, and for whom financing is arranged, by the Corporation, together with the amounts involved, and such report shall include such other information, and such comments and recommendations, with respect to the relation of small business concerns to the war effort, as the Chairman may deem appropriate. (June 11, 1942, ch. 404, § 5, 56 Stat. 355.)

§ 1106. Defense Plants Corporation as agent of corporation for administering loans, properties, etc.

Whenever the Smaller War Plants Corporation has completed any transaction under clause (1), (2), or (3) of subsection (f) of section 4 of this Act (section 1104 of this Appendix), it shall transfer the loan, advance, plant, equipment, facilities, machinery, materials, supplies, leases, or other property resulting from such transaction to the Defense Plants Corporation, and the Defense Plants Corporation shall service and administer such loan, advance, or property, as the agent of the Smaller War Plants Corporation, remitting to the Smaller War Plants Corporation any interest, principal, or other proceeds or collections, after deducting its actual expense of service and administration. (June 11, 1942, ch. 404, § 6, 56 Stat. 355.)

§ 1107. Participation in loans by the War Department, the Navy Department, and the Maritime Commission.

The War Department, the Navy Department, and the Maritime Commission are hereby authorized to make or participate in loans, guaranties, and commitments in accordance with Executive Order Numbered 9112 of March 26, 1942 (note following section 611 of this Appendix), and to participate in or to guarantee any loans made pursuant to this Act [sections 1101–1112 of this Appendix] with a view to increasing the production of war materials, supplies, or equipment; and in connection therewith they may use any funds heretofore or hereafter made available to them for purposes of procuring war materials, supplies, and equipment, or of expediting the production thereof. (June 11, 1942, ch. 404, § 7, 56 Stat. 355.)

§ 1108. Amendment of section 84 of Title 12.

Section 5200 of the Revised Statutes (Title 12, § 84), as amended, is amended by adding at the end thereof a new paragraph reading as follows:

"(10) Obligations shall not be subject under this section (Title 12, § 84) to any limitation based upon such capital and surplus to the extent that such obligations are secured or covered by guaranties, or by commitments or agreements to take over or to purchase, made by any Federal Reserve bank or by the United States or any department, bureau, board, commission, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States: *Provided*, That such guaranties, agreements, or commitments are unconditional and must be performed by payment of cash or its equivalent within sixty days after demand. The Comptroller of the Currency is hereby authorized to define the terms herein used if and when he may deem it necessary." (June 11, 1942, ch. 404, § 8, 56 Stat 355.)

§ 1109. Amendment of section 606b of Title 15.

Subparagraph (2) of the fourth paragraph of section 5d of the Reconstruction Finance Corporation Act (Title 15, § 606b), as amended, is hereby amended to read as follows:

"(2) To make loans to and purchase the obligations of any business enterprise, including, when requested by the Secretary of Commerce, subscription to the capital stock thereof, for any purpose deemed by the Corporation to be advantageous to the national defense. Such loans, purchases, or subscriptions shall be made under such terms and conditions and with such maturities as the Corporation may determine. The War Department and the Navy Department are hereby authorized to participate in or to guarantee any loans made by the Reconstruction Finance Corporation pursuant to this provision, and, in connection therewith, they may use any funds heretofore or hereafter made available for purposes of procuring war materials, supplies, and equipment." (June 11, 1942, ch. 404, § 9, 56 Stat. 355.)

§ 1110. Insured banks as depositaries of public money; duties; security; discrimination between banks prohibited; repeal of inconsistent laws.

All insured banks designated for that purpose by the Secretary of the Treasury shall be depositaries of public money of the United States (including, without being limited to, revenues and funds of the United States, and any funds the deposit of which is subject to the control or regulation of the United States or any of its officers, agents, or employees, and Postal Savings funds), and the Secretary is hereby authorized to deposit public money in such depositaries, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require of the insured banks thus designated satisfactory security by the deposit of United States bonds or otherwise, for the safekeeping and prompt payment of public money deposited with them and for the faithful performance of their duties as financial agents of the Government: *Provided*, That no such security shall be required for the safekeeping and prompt payment of such parts of the deposits of the public money in such banks as are insured deposits and each officer, employee, or agent of the United States having official custody of public funds and lawfully depositing the same in an insured bank shall, for the purpose of determining the amount of the insured deposits, be deemed a depositor in such custodial capacity separate and distinct from any other officer, employee, or agent of the United States having official custody of public funds and lawfully depositing the same in the same insured bank in custodial capacity. Notwithstanding any other provision of law, no department, board, agency, instrumentality, officer, employee, or agent of the United States shall issue or permit to continue in effect any regulations, rulings, or instructions, or enter into or approve any contracts or perform any other acts having to do with the deposit, disbursement, or expenditure of public funds, or the deposit, custody, or advance of funds subject to the control of the United States as trustee or otherwise which shall discriminate against or prefer national banking associations, State banks members of the Federal Reserve System, or insured banks not members of the Federal Reserve System, by class, or which shall require those enjoying the benefits, directly or indirectly, of disbursed public funds so to discriminate. All Acts or parts thereof in conflict herewith [sections 1101–1112 of this Appendix] are hereby repealed. The terms "insured bank" and "insured deposit" as used in this Act [said sections] shall be construed according to the definitions of such terms in the Act of August 23, 1935 (49 Stat. 684), as amended (U. S. C., Title 12, sec. 264). (June 11, 1942, ch. 404, § 10, 56 Stat. 356.)

CROSS REFERENCES

Smaller War Plants Corporation funds, deposit, see section 1104 (e) of this Appendix.

§ 1111. Construction with other laws and Executive Orders.

Nothing in this Act [sections 1101–1112 of this Appendix] shall be construed to modify or limit in any manner (1) the authority vested in the Chairman of the War Production Board by Executive Order Numbered 9024 of January 16, 1942, or Executive Order Numbered 9040 of January 24, 1942, or vested in him by an other Executive order or Act of Congress; or (2) the authority vested in the Reconstruction Finance Corporation or any of its subsidiaries by any Executive order or Act of Congress. (June 11, 1942, ch. 404, § 11, 56 Stat. 357.)

§ 1112. Suspension of antitrust laws; certificate of necessity; reports; publication; termination of section.

Whenever the Chairman of the War Production Board shall, after consultation with the Attorney General, find, and so certify to the Attorney General in writing, that the doing of any act or thing, or the omission to do any act or thing, by one or more persons during the period that this section is in effect, in compliance with any request or approval made by the Chairman in writing, is requisite to the prosecution of the war, such act, thing or omission shall be deemed in the public interest and no prosecution or civil action shall be commenced with reference thereto under the antitrust laws of the United States or the Federal Trade Commission Act. Such finding and certificate may in his discretion be withdrawn at any time by the Chairman by giving notice of such withdrawal to the Attorney General, whereupon the provisions of this section shall not apply to any subsequent act or omission by reason of such finding or certificate.

The Attorney General from time to time, but not less frequently than once every one hundred and twenty days, shall transmit to the Congress a report of operations under this section. Reports provided for under this section shall be transmitted to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, if the Senate or the House of Representatives, as the case may be, is not in session.

The Attorney General shall order published in the Federal Register every such certificate and, when he deems it in the public interest, the details of any plan, program or other arrangement promulgated under, or which is the basis of, any such certificate.

This section shall remain in force until six months after the termination of the present war or until such earlier time as the Congress by concurrent resolution or the President may designate, but no prosecution or civil action shall be commenced thereafter with reference to any act or omission occurring prior thereto if such prosecution or civil action would be barred by this section if it remained in force. (June 11, 1942, ch. 404, § 12, 56 Stat. 1112.)

REFERENCES IN TEXT

For "antitrust laws", mentioned in text, see sections 1–7 and 12–27 of Title 15, Commerce and Trade

For "Federal Trade Commission Act," mentioned in text, see sections 41–46, 47–58 of Title 15, Commerce and Trade, and section 610 of Title 7, Agriculture.

CROSS REFERENCES

Federal Register, contents generally, see section 301 et seq of Title 44, Public Printing and Documents.

POWERS VESTED IN SECRETARY OF AGRICULTURE

Powers granted by section as vested in Secretary of Agriculture in connection with Nation's wartime food program, see Ex. Ord No 9280, following section 601 of this Appendix

WAR AND DEFENSE CONTRACT ACTS (New)

ACT OF JUNE 28, 1940

Sec.

1151. Advance and partial payments on defense contracts, lien on payments; report to Congress.
1152. Contracts for acquisition, construction and repair of naval vessels, aircraft, and equipment therefor
(a) Negotiation authorized.
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1153 Limitation of provisions of section 496 of Title 34 to contracts in excess of $25,000
1154 Certification of necessity and cost of special additional equipment; report of cost thereof.
1155 Hours of labor of Navy Department and Coast Guard employees; overtime compensation; suspension of limitation of working hours
1156 Reemployment of retired employees, deductions from salary, separation from service, suspension of annuity, removal and reinstatement.
1157 Vacation pay in lieu of vacation for Navy and Coast Guard employees during emergency
1158. Limitation of cost of authorized vessels increased; suspension of limitations on payments to Navy Department employees, additional personnel authorized; construction and operation of facilities on government land, condemnation of private property and facilities authorized
1159. Modification of existing contracts
1160 Approval of contracts by Secretary of Navy
1161. Employment of aliens in certain capacities prohibited, penalties, definition of person.
1162 Termination of sections 1151-1162

ACT OF JULY 2, 1940

1171. Contracts for Army defense facilities.
(a) Construction of facilities at military posts, acquisition of military equipment, munitions and supplies, suspension of limitations on costs, compliance with certain contract conditions; cost methods of contracting
(b) Operation and maintenance of facilities; disposal of land and facilities
(c) Advance payments to contractors
1172 Contracts for emergencies affecting national defense; limitation of amount; report of expenditures; compliance with statutory conditions for contracts.

ACT OF JULY 11, 1941

1181. Contracts for acquisition, construction and repair of vessels, aircraft and equipment thereof, for Coast Guard.

ACT OF APRIL 28, 1942

1191. Renegotiation of contracts; determination and recovery of excess profits.
(a) Definitions
(b) Provisions required to be inserted in contracts in excess of $100,000
(c) Renegotiation of contract price on determination of excess profits; notice of renegotiation; conclusiveness of Board's order; withholding of amounts due contractors; actions by United States; limitations; agreements with contractors; filing of financial statements; powers of Board; Bureau of Internal Revenue services available; contracts included.

Sec.
1191. Renegotiation of contracts; determination and recovery of excess profits—Continued.
(d) War Contracts Price Adjustment Board; composition; seal; principal office; employees; delegation of powers and duties, division of Board, character of cases tried; review
(e) Petition for redetermination; limitation; jurisdiction of the Tax Court; powers and duties of court, payment of fees and expenses; finality of determination.
(f) Repricing of war contracts.
(g) Separability of section.
(h) Profits affected; termination date.
(i) Contracts exempted, Board's interpretation and application of exemptions.
(j) Persons authorized to prosecute claims against United States
(k) Limitation on authority of Secretaries of Departments.
(l) Short title.

ACT OF FEB 25, 1944

1192 Repricing of war contracts
(a) Definitions.
(b) Negotiation to fix price.
(c) Prosecution of claims against United States; jurisdiction, amount of recovery; limitation.
(d) Conscription of plants
(e) Delegation of powers by Department head.
(f) Provisions included in contracts by implication.

ACT OF DECEMBER 17, 1942

1201 Acquisition and operation of buildings and facilities by Secretary of Navy; report on contracts

CROSS REFERENCES

"Defense contractor" defined, see section 50 of Title 41, Public Contracts

Fixed fee to be limited to six per centum of cost, see section 768 of this Appendix

Honorable discharge from land and naval forces as substitute for birth certificate required for defense employment, see section 49 of Title 41, Public Contracts

Suspension of limitations on number of serviceable airplanes, etc., during war, see section 774 of this Appendix.

War contracts as exempt from certain provisions of law, see section 611 of this Appendix.

ACT OF JUNE 28, 1940

ACT JUNE 28, 1940, CH. 440, 54 STAT 676

EXTENSION OF PERIOD FOR WHICH OVERTIME RATES OF COMPENSATION MAY BE PAID

Res. July 3, 1942, ch. 482, 56 Stat 645, as amended Oct. 2, 1942, ch 577, 56 Stat 765, extended from June 30, 1942, to and including Nov 30, 1942, the provisions for the payment of overtime rates of compensation contained in this act

§ 1151. Advance and partial payments on defense contracts; lien on payments; report to Congress.

Whenever in the opinion of the President of the United States such course would be in the best interests of national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy, or the Secretary of the Treasury in the case of Coast Guard contracts, is authorized to advance, from appropriations available therefor, payments to contractors in amounts not exceeding 30 per centum of the contract price, upon such terms as such Secretary shall prescribe, and adequate security for the protection of the Government for the payments so made shall be required. The Secretary concerned is further authorized in his discretion to make partial payments on the balance of the contract price from time to time during the progress of the work, such partial payments not to exceed the value of the work already done, but to be subject to a lien as provided by the Act of August 22, 1911 (37 Stat. 32; 34 U. S. C., § 582), entitled "An Act authorizing the Secretary of the Navy to make partial payments for work already done under public contracts": *Provided,* That the Secretary concerned shall report every three months to the Congress the advance payments made under the authority of this section. (June 28, 1940, ch. 440, title I, § 1, 54 Stat. 676.)

§ 1152. Contracts for acquisition, construction and repair of naval vessels, aircraft, and equipment therefor—(a) (1) Negotiation authorized; priority of deliveries; open market purchases; bond; limitation of contractor's fee.

Whenever deemed by the President of the United States to be in the best interests of the national defense during the national emergency declared by the President on September 8, 1939, to exist, the Secretary of the Navy is hereby authorized to negotiate contracts for the acquisition, construction, repair, or alteration of complete naval vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment, with or without advertising or competitive bidding upon determination that the price is fair and reasonable. Deliveries of material under all orders placed pursuant to the authority of this paragraph and all other naval contracts or orders and deliveries of material under all Army contracts or orders shall, in the discretion of the President, take priority over all deliveries for private account or for export: *Provided,* That the Secretary of the Navy shall report every three months to the Congress the contracts entered into under the authority of this paragraph: *Provided further,* That contracts negotiated pursuant to the provisions of this paragraph shall not be deemed to be contracts for the purchase of such materials, supplies, articles, or equipment as may usually be bought in the open market within the meaning of section 9 of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; 41 U. S. C. §§ 35–45): *Provided further,* That nothing herein contained shall relieve a bidder or contractor of the obligation to furnish the bonds under the requirements of the Act of August 24, 1935 (49 Stat. 793; 40 U. S. C. § 270 (a) to (d): *Provided further,* That the cost-plus-a-percentage-of-cost system of contracting shall not be used under the authority granted by this paragraph to negotiate contracts; but this proviso shall not be construed to prohibit the use of the cost-plus-a-fixed-fee form of contract when such use is deemed necessary by the Secretary of the Navy: *And provided further,* That the fixed fee to be paid the contractor as a result of any contract entered into under the au-

thority of this paragraph, or any War Department contract entered into in the form of cost-plus-a-fixed-fee, shall not exceed 7 per centum of the estimated cost of the contract (exclusive of the fee as determined by the Secretary of the Navy or the Secretary of War, as the case may be).

(2) Material entitled to priority in delivery.

Deliveries of material to which priority may be assigned pursuant to paragraph (1) shall include, in addition to deliveries of material under contracts or orders of the Army or Navy, deliveries of material under—

(A) Contracts or orders for the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" (22 U. S. C. §§ 411–419);

(B) Contracts or orders which the President shall deem necessary or appropriate to promote the defense of the United States;

(C) Subcontracts or suborders which the President shall deem necessary or appropriate to the fulfillment of any contract or order as specified in this subsection (a).

Deliveries under any contract or order specified in this subsection (a) may be assigned priority over deliveries under any other contract or order; and the President may require acceptance of and performance under such contracts or orders in preference to other contracts or orders for the purpose of assuring such priority. Whenever the President is satified that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of any material or of any facilities for defense or for private account or for export, the President may allocate such material or facilities in such manner, upon such conditions and to such extent as he shall deem necessary or appropriate in the public interest and to promote the national defense.

(3) Inspection of records and property; investigations.

The President shall be entitled to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, any person (which, for the purpose of this subsection (a), shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not), and make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this subsection (a).

(4) Attendance of witnesses; production of evidence; fees; privilege of witnesses; disclosure of information.

For the purpose of obtaining any information, verifying any report required, or making any investigation pursuant to paragraph (3), the President may administer oaths and affirmations, and may require by subpena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided,* That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides or transacts business, if, prior to the return date specified in the subpena issued with respect thereto, such person furnishes the President with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the President as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. No person shall be excused from attending and testifying or from producing any books, records, or other documentary evidence or certified copies thereof or physical evidence in obedience to any such subpena, or in any action or proceeding which may be instituted under this subsection (a), on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be subject to prosecution and punishment or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The President shall not publish or disclose any information obtained under this paragraph which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the President determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding $1,000 or be imprisoned not exceeding two years, or both.

(5) Penalties for violation.

Any person who willfully performs any act prohibited, or willfully fails to perform any act required by, any provision of this subsection (a) or any rule, regulation, or order thereunder, whether heretofore or hereafter issued, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both.

(6) Jurisdiction of courts; venue of proceedings; service of process; costs.

The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States and

the courts of the Philippine Islands shall have jurisdiction of violations of this subsection (a) or any rule, regulation, or order or subpena thereunder, whether heretofore or hereafter issued, and of all civil actions under this subsection (a) to enforce any liability or duty created by, or to enjoin any violation of, this subsection (a) or any rule, regulation, order, or subpena thereunder whether heretofore or hereafter issued. Any criminal proceeding on account of any such violation may be brought in any district in which any act, failure to act, or transaction constituting the violation occurred. Any such civil action may be brought in any such district or in the district in which the defendant resides or transacts business. Process in such cases, criminal or civil, may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found; and subpena for witnesses who are required to attend a court in any district in any such case may run into any other district. No costs shall be assessed against the United States in any proceeding under this subsection (a).

(7) **Liability for default on contract or orders.**

No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this subsection (a) or any rule, regulation, or order issued thereunder, notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid

(8) **Exercise of powers by President.**

The President may exercise any power, authority, or discretion conferred on him by this subsection (a), through such department, agency, or officer of the Government as he may direct and in conformity with any rules or regulations which he may prescribe.

(9) **Injunction proceedings; jurisdiction; venue.**

The district courts of the United States are hereby given exclusive jurisdiction to enjoin or set aside, in whole or in part, any order suspending any priority or allocation, or denying a stay of any such suspension, that may have been issued by any person, officer, or agency, acting or purporting to act hereunder, or under any other law or authority.

Any action to enjoin or set aside any such order shall be brought within five days after the service thereof.

No suspension order shall take effect within five days after it has been served, or, if an application for a stay is made to the issuing authority within such five-day period, until the expiration of five days after service of an order denying the stay.

The venue of any such suit shall be in the district court of the United States for the district in which the petitioner has his principal place of business; and the respondent shall be subject to the jurisdiction of such court after ten days before the return day of the writ, either when (1) process shall have been served on any district manager or other agent of the respondent of similar or superior status; or (2) notice by registered mail shall have been given to respondent, or to the office of the Attorney General of the United States.

(b) **Assent by contractors to certain conditions of contract.**

After the date of approval of the Second Supplemental National Defense Appropriation Act, 1941 (September 9, 1940), no contract shall be made for the construction or manufacture of any complete naval vessel or any portion thereof, under the provisions of this section or otherwise, unless the contractor agrees, for the purposes of section 3 of the Act of March 27, 1934 (48 Stat. 505; 34 U. S. C. § 496), as amended—

(1) to pay into the Treasury profit in excess of 8 per centum (in lieu of the 10 per centum specified in such section 3) of the total contract prices of such contracts within the scope of this subsection as are completed by the particular contracting party within the income taxable year;

(2) that any profit in excess of 8.7 per centum of the cost of performing such contracts except prime contracts made on a cost-plus-a-fixed-fee basis as are completed by the contracting party within the income taxable year shall be considered to be profit in excess of 8 per centum of the total contract prices of such contracts; and

(3) that he will make no subcontract which is within the scope of such section 3, unless the subcontractor agrees to the foregoing conditions (June 28, 1940, ch. 440, title I, § 2, 54 Stat. 676, as amended Sept. 9, 1940, 9 a. m., E. S. T., ch. 717, title II, § 201, 54 Stat 875; May 31, 1941, ch. 157, 55 Stat. 236; Mar. 27, 1942, 3 p. m., ch. 199, title III, § 301, 56 Stat. 177; Dec. 20, 1944, ch 614, 58 Stat 827.)

AMENDMENTS

1944—Subsec (a) amended by act Dec. 20, 1944, cited to text, which added par. (9)

EXPIRATION DATE

Expiration of act Mar 27, 1942, cited to text, amending subsection (a) of this section, see section 645 of this Appendix

§ 1153. Limitation of provisions of section 496 of Title 34 to contracts in excess of $25,000.

The provisions of section 3 of the Act of March 27, 1934 (48 Stat 505), as amended by the Acts of June 25, 1936 (49 Stat. 1926), and April 3, 1939 (53 Stat. 560; 34 U. S. C. § 496), and as made applicable to contracts for aircraft or any portion thereof for the Army by such Act of April 3, 1939, shall, in the case of contracts or subcontracts entered into after the date of approval of this Act and during the period of the national emergency declared by the President on September 8, 1939, to exist, be limited to contracts or subcontracts where the award exceeds $25,000. (June 28, 1940, ch 440, title I, § 3, 54 Stat. 677.)

§ 1154. Certification of necessity and cost of special additional equipment; report of cost thereof.

In the case of every contract or subcontract for the construction or manufacture of any complete naval vessel or Army or Navy aircraft or any portion thereof which is entered into (whether before or

after the date of approval of this Act), the Secretary of War or the Secretary of the Navy, as the case may be, after agreement with the contractor or subcontractor, shall certify to the Commissioner of Internal Revenue as to (a) the necessity and cost of special additional equipment and facilities acquired to facilitate, during the national emergency declared by the President on September 8, 1939, to exist, the completion of such naval vessel or Army or Navy aircraft or portion thereof in private plants; and (b) the percentage of cost of such special additional equipment and facilities to be charged against such contract or subcontract. For all purposes of section 3 of the Act of March 27, 1934 (48 Stat. 505; 34 U. S C. § 496), as amended, such certification shall be subject to such regulations as the President may prescribe, but shall be binding upon the Commissioner of Internal Revenue, unless, within five days after receipt of such certification, he make formal objection thereto to the Secretary of the Navy or the Secretary of War as the case may be The part of such cost chargeable against the contract or subcontract in pursuance of such certification, shall, for the purposes of such section 3 (34 U S. C § 496), be considered to be a reduction of the contract price of the contract or subcontract. The amount charged against the contract or subcontract in pursuance of such certification shall, for the purposes of such section 3 (34 U. S C. § 496), be applied against and reduce the cost or other basis of such special additional equipment and facilities as of the date of installation thereof: *Provided*, That the Secretary of War or the Secretary of the Navy, as the case may be, shall report to the Congress, every three months, the cost of such special additional equipment and facilities to be borne by the Government under each contract. (June 28, 1940, ch. 440, title I, § 4, 54 Stat. 677.)

§ 1155. Hours of labor of Navy Department and Coast Guard employees; overtime compensation; suspension of limitation of working hours.

(a) Notwithstanding the provisions of any other law, the regular working hours of the Navy Department and the Coast Guard and their field services shall be eight hours a day or forty hours per week during the period of the national emergency declared by the President on September 8, 1939, to exist: *Provided*, That under such regulations as the head of the Department concerned may prescribe, and where additional employees cannot be obtained to meet the exigencies of the situation, these hours may be exceeded: *Provided further*, That compensation for employment in excess of forty hours in any administrative workweek computed at a rate not less than one and one-half times the regular rate shall be paid only to monthly, per diem, hourly, and piece-work employees, whose wages are set by the Act of July 16, 1862 (12 Stat 587) (section 505 of Title 5), as amended or modified; and also to professional and subprofessional employees and to blueprinters, photostat and rotaprint operators, inspectors, supervisory planners and estimators, and supervisory progressmen, and assistants to shop and plant superintendents of the CAF service, as defined by the Classification Act of March 4, 1923 (42 Stat. 1488; 5 U. S. C., ch. 13) (sections 661–663, 664–673 and 674 of Title 5), as amended: *Provided further*, That in determining the overtime compensation of per annum Government employees the pay for one day shall be considered to be one three-hundred-and-sixtieth of their respective per annum salaries: *Provided further*, That the President is authorized to suspend, in whole or in part, for the War and Navy Departments and for the Coast Guard and their field services, during the period of the national emergency declared by him on September 8, 1939, to exist, the provisions of the Act of March 3, 1931 (46 Stat. 1482; 5 U. S. C., § 26a), if in his judgment such course is necessary in the interest of national defense, and any regulations issued pursuant to the Act of March 14, 1936 (49 Stat. 1161; 5 U. S. C., sec. 29a), may be modified accordingly: *And provided further*, That notwithstanding the provisions of any other law, the President is hereby authorized, in his discretion, to prescribe regulations to establish such uniformity among the War and Navy Departments and the Coast Guard and their field services in regard to hours of work and compensation for overtime of their civilian employees as he may deem necessary in the interest of national defense.

(b) During the national emergency declared by the President on September 8, 1939, to exist, the provisions of the law prohibiting more than eight hours' labor in any one day of persons engaged upon work covered by Army, Navy, and Coast Guard contracts shall be suspended. (June 28, 1940, ch. 440, title I, § 5, 54 Stat. 678.)

REFERENCE IN TEXT

The provisions of the act of Mar. 3, 1931 (46 Stat 1482, 5 U S C § 26a), referred to in text was repealed by act June 30, 1945, ch 212, title VI, § 604 (c), 59 Stat. 303.

§ 1156. Reemployment of retired employees, deductions from salary, separation from service, suspension of annuity, removal and reinstatement.

Notwithstanding the provisions of section 2 of the Act of May 29, 1930 (46 Stat. 468) (section 715 of Title 5), and section 204 of the Act of June 30, 1932 (47 Stat. 404) (section 715a of Title 5), any person heretofore or hereafter retired under the Civil Service Retirement Act of May 29, 1930, as amended (chapter 14 of Title 5), may be reemployed in the service of the War and Navy Departments and the Federal Bureau of Investigation of the Department of Justice and be continued in such service not later than June 30, 1942: *Provided*, That there shall be deducted and withheld from the basic salary, pay, or compensation of such person and credited to his account as provided in section 12 (a) of the Act of May 29, 1930, as amended (section 724a of Title 5), the regular deductions prescribed by the said Act (section 719 of Title 5): *Provided further*, That upon separation from the service for any cause such person may elect to receive a refund of the total deductions so withheld together with interest at 4 per centum per annum compounded on June 30 of each year, or receive credit for the additional service in the computation of any annuity awarded thereafter:

Provided further, That payment of the annuity of such person shall be suspended during the period of such employment: *Provided further*, That during the national emergency declared by the President on September 8, 1939, to exist, the provisions of section 6 of the Act of August 24, 1912 (37 Stat. 555; 5 U. S. C. § 652), shall not apply to any civil-service employee of the War or Navy Departments or of the Coast Guard, or their field services, whose immediate removal is, in the opinion of the Secretary concerned warranted by the demands of national security, but nothing herein shall be construed to repeal, modify, or suspend the proviso in that section. Those persons summarily removed under the authority of this section may, if in the opinion of the Secretary concerned, subsequent investigation so warrants, be reinstated, and if so reinstated shall be allowed compensation for the period of such removal at the rate they were receiving on the date of removal: *And provided further*, That within thirty days after such removal any such person shall have an opportunity personally to appear before the official designated by the Secretary concerned and be fully informed of the reasons for such removal, and to submit, within thirty days thereafter, such statement or affidavits, or both, as he may desire to show why he should be retained and not removed. (June 28, 1940, ch. 440, title I, § 6, 54 Stat. 679, as amended Aug. 21, 1941, ch. 385, 55 Stat. 654.)

§ 1157. Vacation pay in lieu of vacation for Navy and Coast Guard employees during emergency.

The Act of March 14, 1936, entitled "An Act to provide for vacations to Government employees and for other purposes" (49 Stat. 1161) (sections 29a, 30b–30e, 30*l* of Title 5) is hereby amended by adding, after section 7 (section 30e of Title 5), a new section to read as follows:

"Sec. 8 Employees of the Navy Department and the Naval Establishment and of the Coast Guard may, during the period of the national emergency declared by the President on September 8, 1939, to exist, be employed during the time they would otherwise be on vacation without deprivation of their vacation pay for the time so worked. Employees who forego their vacations in accordance with the provisions of this section may be paid, in addition to their regular pay, the equivalent of the pay they would have drawn during the period of such vacation. The provisions of this section shall be applicable only to employees whose services at the time cannot, in the judgment of the Secretary of the Navy or the Secretary of the Treasury, as the case may be, be spared without detriment to the national defense." (Mar. 14, 1936, ch. 141, § 8, as added June 28, 1940, ch. 440, title I, § 7, 54 Stat. 679.)

§ 1158. Limitation of cost of authorized vessels increased; suspension of limitations on payments to Navy Department employees; additional personnel authorized; construction and operation of facilities on Government land; condemnation of private property and facilities authorized.

(a) The limit of cost of the vessels authorized by the Act of July 30, 1937 (50 Stat. 544) (section 498c–1 of Title 34), and any statutory limitation with respect to the cost of any other individual naval project of construction are hereby increased as may be necessary to expedite national defense and otherwise effectuate the purposes of this Act: *Provided*, That the monetary limitations on payments out of appropriations available to the Navy Department for employees in the Navy Department and for employees in the field service assigned to group IV (b) and those performing similar services carried under the Native and Alien Schedules of Wages of civil employees in the field services of the Navy Department shall be suspended during the limited national emergency declared by the President on September 8, 1939, to exist: *Provided further*, That the Secretary of the Navy is authorized to employ such additional personnel at the seat of government and elsewhere, and to provide out of any appropriations available to the Navy Department, for their salaries and for such printing and binding, communication service, supplies, and travel expenses, as he may deem necessary to carry out the purposes of this Act [sections 1151–1162 of this Appendix].

(b) Whenever the Secretary of the Navy finds it impossible to make contracts or obtain facilities to effectuate the purposes of this Act [sections 1151–1162 of this Appendix] in the procurement or construction of items authorized in connection with national defense he is hereby authorized to provide, out of appropriations available to the Navy Department for such purposes, the necessary buildings, facilities, utilities, and appurtenances thereto on Government owned land or elsewhere, and to operate them, either by means of Government personnel or otherwise: *Provided*, That the Secretary of the Navy shall report to the Congress, every three months, the contracts entered into under the provisions of this subsection. (June 28, 1940, ch. 440, title I, § 8, 54 Stat. 680, as amended Sept. 16, 1940, 3:08 p. m., E. S. T., ch. 720, § 9, 54 Stat. 892.)

NAVAL PUBLIC WORKS PROJECTS

Act Aug. 21, 1941, ch. 395, 55 Stat. 664, made the provisions of this section applicable to naval public-works projects authorized by said act and all prior acts

§ 1159. Modification of existing contracts.

The Secretary of the Navy and the Secretary of the Treasury are hereby authorized to modify existing contracts, including Coast Guard contracts, as the Secretary concerned may deem necessary to expedite military and naval defense, and to otherwise effectuate the purposes of this Act. (June 28, 1940, ch. 440, title I, § 9, 54 Stat. 680.)

§ 1160. Approval of contracts by Secretary of Navy.

Hereafter [after June 28, 1940] the approval of the Secretary of the Navy, acting by direction of the President, shall constitute approval by the President as required by section 4 of the Act approved April 25, 1939 (53 Stat. 590, 592), necessary to the validity of any contract entered into under authority contained in said section. (June 28, 1940, ch. 440, title I, § 10, 54 Stat. 680.)

§ 1161. Employment of aliens in certain capacities prohibited; penalties; definition of person.

(a) No aliens employed by a contractor in the performance of secret, confidential, or restricted

Government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials, unless the written consent of the head of the Government department concerned has first been obtained, and any person who willfully violates or through negligence permits the violation of the provisions of this subsection shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(b) Any alien who obtains employment on secret, confidential, or restricted Government contracts by willful misrepresentation of his alien status, or who makes such willful misrepresentation while seeking such employment, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(c) For the purpose of this section, the term "person" shall be construed to include an individual, partnership, association, corporation, or other business enterprise. (June 28, 1940, ch. 440, title I, § 11, 54 Stat. 680.)

§ 1162. Termination of sections 1151–1162.

The provisions of all preceding sections of this Act shall terminate June 30, 1942, unless the Congress shall otherwise provide (June 28, 1940, ch. 440, title I, § 12, 54 Stat. 681.)

EFFECTIVE DATES OF AMENDMENTS

Extension of period for overtime rates of compensation, see note preceding section 1151 of this Appendix; see also, note under section 1152 of this Appendix

ACT OF JULY 2, 1940

ACT JULY 2, 1940, CH. 508, 54 STAT. 712

§ 1171. Contracts for Army defense facilities—(a) Construction of facilities at military posts; acquisition of military equipment, munitions, and supplies; suspension of limitations on costs; compliance with certain contract conditions; cost methods of contracting.

In order to expedite the building up of the national defense, the Secretary of War is authorized, out of the moneys appropriated for the War Department for national-defense purposes for the fiscal year ending June 30, 1941, with or without advertising, (1) to provide for the necessary construction, rehabilitation, conversion, and installation at military posts, depots, stations, or other localities, of plants, buildings, facilities, utilities, and appurtenances thereto (including Government-owned facilities at privately owned plants and the expansion of such plants, and the acquisition of such land, and the purchase or lease of such structures, as may be necessary), for the development, manufacture, maintenance, and storage of military equipment, munitions, and supplies, and for shelter; (2) to provide for the development, purchase, manufacture, shipment, maintenance, and storage of military equipment, munitions, and supplies, and for shelter, at such places and under such conditions as he may deem necessary; and (3) to enter into such contracts (including contracts for educational orders, and for the exchange of deteriorated, unserviceable, obsolescent, or surplus military equipment, munitions, and supplies for other military equipment, munitions, and supplies of which there is a shortage), and to amend or supplement such existing contracts, as he may deem necessary to carry out the purposes specified in this section: *Provided*, That the limitations contained in sections 1136 (section 1339 of Title 10) and 3734 (sections 259 and 267 of Title 40) of the Revised Statutes, as amended, and any statutory limitation with respect to the cost of any individual project of construction, shall be suspended until and including June 30, 1942, with respect to any construction authorized by this Act (this section and section 1172 of this Appendix): *Provided further*, That no contract entered into pursuant to the provisions of this section which would otherwise be subject to the provisions of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; 41 U. S. C., §§ 35–45), shall be exempt from the provisions of such Act (sections 35–45 of Title 41) solely because of being entered into without advertising pursuant to the provisions of this section: *Provided further*, That the cost-plus-a-percentage-of-cost system of contracting shall not be used under this section; but this proviso shall not be construed to prohibit the use of the cost-plus-a-fixed-fee form of contract when such use is deemed necessary by the Secretary of War.

(b) Operation and maintenance of facilities; disposal of land and facilities.

The Secretary of War is further authorized, with or without advertising, to provide for the operation and maintenance of any plants, buildings, facilities, utilities, and appurtenances thereto constructed pursuant to the authorizations contained in this section and section 5, either by means of Government personnel or through the agency of selected qualified commercial manufacturers under contracts entered into with them, and, when he deems it necessary in the interest of the national defense, to lease, sell, or otherwise dispose of, any such plants, buildings, facilities, utilities, appurtenances thereto, and land, under such terms and conditions as he may deem advisable, and without regard to the provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412) (section 303b of Title 40).

(c) Advance payments to contractors.

Whenever, prior to July 1, 1942, the Secretary of War deems it necessary in the interest of the national defense, he is authorized, from appropriations available therefor, to advance payments to contractors with the War Department in amounts not exceeding 30 per centum of the contract price. Such advances shall be made upon such terms and conditions and with such adequate security as the Secretary of War shall prescribe. (July 2, 1940, 10:55 a. m., E. S. T., ch. 508, § 1, 54 Stat. 712, as amended Sept. 9, 1940, 9 a. m., E. S. T., ch. 717, title I, § 103, 54 Stat. 875.)

EXTENSION OF EFFECTIVE DATE

Provisions of this section were extended by acts June 30, 1941, 6:20 p m., E. S. T., ch. 262, § 9, 55 Stat 393 and June 5, 1942, ch. 340, § 13, 56 Stat. 317. Said act June 5,

1942, set out as section 773 of this Appendix, made this section applicable for duration of war and six months thereafter.

§ 1172. Contracts for emergencies affecting national defense; limitation of amount; report of expenditures; compliance with statutory conditions for contracts.

The President is authorized, with or without advertising, through the appropriate agencies of the Government (1) to provide for emergencies affecting the national security and defense and for each and every purpose connected therewith, including all of the objects and purposes specified under any appropriation available or to be made available to the War Department for the fiscal years 1940 and 1941; (2) to provide for the furnishing of Government-owned facilities at privately owned plants; (3) to provide for the procurement and training of civilian personnel necessary in connection with the protection of critical and essential items of equipment and material and the use or operation thereof; and (4) to provide for the procurement of strategic and critical materials in accordance with the Act of June 7, 1939 (sections 98–98f of Title 50), but the aggregate amount to be used by the President for all such purposes shall not exceed $66,000,000. The President is further authorized, through such agencies, to enter into contracts for such purposes in an aggregate amount not exceeding $66,000,000. An account shall be kept of all expenditures made or authorized under this section, and a report thereon shall be submitted to the Congress at the beginning of each session subsequent to the third session of the Seventy-sixth Congress: *Provided,* That no contract entered into pursuant to the provisions of this section which would otherwise be subject to the provisions of the Act entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", approved June 30, 1936 (49 Stat. 2036; 41 U. S. C., §§ 35–45), shall be exempt from the provisions of such Act solely because of being entered into without advertising pursuant to the provisions of this section. (July 2, 1940, 10: 55 a. m., E. S. T., ch. 508, § 5, 54 Stat. 714.)

ACT OF JULY 11, 1941

ACT JULY 11, 1941, CH. 290, § 3, 55 STAT. 585

§ 1181. Contracts for acquisition, construction and repair of vessels, aircraft and equipment thereof, for Coast Guard.

(a) The Secretary of the Treasury is hereby authorized, during the national emergency declared by the President on September 8, 1939, to exist, to negotiate contracts on behalf of the Coast Guard for the acquisition, construction, repair, or alteration of complete Coast Guard vessels or aircraft, or any portion thereof, including plans, spare parts, and equipment therefor, that have been or may be authorized, and also for machine tools and other similar equipment on the same basis and subject to the same limitations, and with the same privilege of priority in deliveries as is provided for similar contracts authorized to be negotiated by the Secretary of the Navy by section 2 (a) of the Act of June 28, 1940 (Public, Numbered 671, Seventy-sixth Congress, third session) (section 1152 (a) of this Appendix). (July 11, 1941, ch. 290, § 3, 55 Stat. 585.)

CODIFICATION

Section 3 (b) of act July 11, 1941, cited to text, authorized the Secretary of the Treasury to waive provisions of sections 270a–270d of Title 40. See note under section 270a of Title 40, Public Buildings, Property, and Works.

ACT OF APRIL 28, 1942

ACT APRIL 28, 1942, CH. 247, TITLE IV, § 403, 56 STAT. 245

CROSS REFERENCES

Applicability of act Apr. 28, 1942, to sections 89–96 of Title 35, see note under section 89 of Title 35, Patents.

§ 1191. Renegotiation of contracts; determination and recovery of excess profits—(a) Definitions.

For the purposes of this section—

(1) The term "Department" means the War Department, the Navy Department, the Treasury Department, the Maritime Commission, the War Shipping Administration, Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation, and Rubber Reserve Company, respectively.

(2) In the case of the Maritime Commission, the term "Secretary" means the Chairman of such Commission, in the case of the War Shipping Administration, the term "Secretary" means the Administrator of such Administration, and in the case of Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation, and Rubber Reserve Company, the term "Secretary" means the board of directors of the appropriate corporation.

(3) The terms "renegotiate" and "renegotiation" include a determination by agreement or order under this section of the amount of any excessive profits.

(4) (A) The term "excessive profits" means the portion of the profits derived from contracts with the Departments and subcontracts which is determined in accordance with this section to be excessive. In determining excessive profits there shall be taken into consideration the following factors:

(i) efficiency of contractor, with particular regard to attainment of quantity and quality production, reduction of costs and economy in the use of materials, facilities, and manpower;

(ii) reasonableness of costs and profits, with particular regard to volume of production, normal prewar earnings, and comparison of war and peacetime products;

(iii) amount and source of public and private capital employed and net worth;

(iv) extent of risk assumed, including the risk incident to reasonable pricing policies;

(v) nature and extent of contribution to the war effort, including inventive and developmental contribution and cooperation with the Government and other contractors in supplying technical assistance;

(vi) character of business, including complexity of manufacturing technique, character and extent of subcontracting, and rate of turnover;

(vii) such other factors the consideration of which the public interest and fair and equitable dealing may require, which factors shall be published in the

regulations of the Board from time to time as adopted.

(B) The term "profits derived from contracts with the Departments and subcontracts" means the excess of the amount received or accrued under such contracts and subcontracts over the costs paid or incurred with respect thereto. Such costs shall be determined in accordance with the method of cost accounting regularly employed by the contractor in keeping his books, but if no such method of cost accounting has been employed, or if the method so employed does not, in the opinion of the Board or, upon redetermination, in the opinion of The Tax Court of the United States properly reflect such costs, such costs shall be determined in accordance with such method as in the opinion of the Board or, upon redetermination, in the opinion of The Tax Court of the United States does properly reflect such costs. Irrespective of the method employed or prescribed for determining such costs, no item of cost shall be charged to any contract with a Department or subcontract or used in any manner for the purpose of determining such cost, to the extent that in the opinion of the Board or, upon redetermination, in the opinion of The Tax Court of the United States, such item is unreasonable or not properly chargeable to such contract or subcontract. Notwithstanding any other provisions of this section, all items estimated to be allowable as deductions and exclusions under Chapters 1 and 2E of the Internal Revenue Code [26 U. S. C. A. §§ 1 et seq. and 710 et seq.] (excluding taxes measured by income) shall, to the extent allocable to such contracts and subcontracts (or, in the case of the recomputation of the amortization deduction, allocable to contracts with the Departments and subcontracts), be allowed as items of cost, but in determining the amount of excessive profits to be eliminated proper adjustment shall be made on account of the taxes so excluded, other than Federal taxes, which are attributable to the portion of the profits which are not excessive.

(C) Notwithstanding any of the provisions of this section to the contrary, no amount shall be allowed as an item of cost (i) by reason of a recomputation of the amortization deduction pursuant to section 124 (d) of the Internal Revenue Code until after such recomputation has been made in connection with a determination of the taxes imposed by Chapters 1, 2A, 2B, 2D, and 2E of the Internal Revenue Code [26 U. S. C. A. §§ 1 et seq., 500 et seq., 600 et seq., 700 et seq., and 710 et seq.] for the fiscal year to which the excessive profits determined by the renegotiation are attributable or (ii) by reason of the application of a carry-over or carry-back under any circumstances. The absence of such a recomputation of the amortization deductions referred to in clause (i) above shall not constitute a cause for postponing the making of an agreement, or the entry of an order, determining the amount of excessive profits, or for staying the elimination thereof.

(D) Notwithstanding any of the provisions of subsection (c) (4) of this section to the contrary, in the case of a renegotiation which is made prior to such recomputation, there shall be repaid by the United States (without interest) to the contractor or subcontractor after such recomputation the amount of a net renegotiation rebate computed in the following described manner. There shall first be ascertained the portion of the excessive profits determined by the renegotiation which is attributable to the fiscal year with respect to which a net renegotiation rebate is claimed by the contractor or subcontractor (hereinafter referred to as "renegotiated year"). There shall then be ascertained the amount of the gross renegotiation rebate for the renegotiated year, which amount shall be an allocable part of the additional amortization deduction which is allowed for the renegotiated year upon the recomputation made pursuant to section 124 (d) of the Internal Revenue Code in connection with the determination of the taxes for such year and which is attributable to contracts with the Departments and subcontracts, except that the amount of the gross renegotiation rebate shall not exceed the amount of excessive profits eliminated for the renegotiated year pursuant to the renegotiation. The allocation of the additional amortization deduction attributable to contracts with the Departments and subcontracts, and the allocation of the additional amortization deduction to the renegotiated year shall be determined in accordance with regulations prescribed by the Board. There shall then be ascertained the amount of the contractor's or subcontractor's Federal tax benefit from the renegotiation for the renegotiated year. Such Federal tax benefit shall be the amount by which the taxes for the renegotiated year under Chapters 1, 2A, 2B, 2D, and 2E of the Internal Revenue Code [26 U. S. C. A. §§ 1 et seq., 500 et seq., 600 et seq., 700 et seq., and 710 et seq.] were decreased by reason of omitting from gross income (or by reason of the application of the provisions of section 3806 (a) of the Internal Revenue Code with respect to) that portion of the excessive profits for the renegotiated year which is equal to the amount of the gross renegotiation rebate. The amount by which the gross renegotiation rebate for the renegotiated year exceeds the amount of the contractor's or subcontractor's Federal tax benefit from the renegotiation for such year shall be the amount of the net renegotiation rebate for such year.

(5) The term "subcontract" means—

(A) Any purchase order or agreement to perform all or any part of the work, or to make or furnish any article, required for the performance of any other contract or subcontract, but such term does not include any purchase order or agreement to furnish office supplies; or

(B) Any contract or arrangement other than a contract or arrangement between two contracting parties, one of which parties is found by the Board to be a bona fide executive officer, partner, or full-time employee of the other contracting party, (i) any amount payable under which is contingent upon the procurement of a contract or contracts with a Department or of a subcontract or subcontracts, or determined with reference to the amount of such a contract or subcontract or such contracts or subcontracts, or (ii) under which any part of the serv-

ices performed or to be performed consists of the soliciting, attempting to procure, or procuring a contract or contracts with a Department or a subcontract or subcontracts: *Provided*, That nothing in this sentence shall be construed (1) to affect in any way the validity or construction of provisions in any contract with a Department or any subcontract, heretofore at any time or hereafter made, prohibiting the payment of contingent fees or commissions; or (2) to restrict in any way the authority of the Secretary or the Board to determine the nature or amount of selling expenses under subcontracts as defined in this subparagraph, as a proper element of the contract price or as a reimbursable item of cost, under a contract with a Department or a subcontract.

(6) The term "article" includes any material, part, assembly, machinery, equipment, or other personal property.

(7) The term "standard commercial article" means an article—

(A) which is identical in every material respect with an article which was manufactured and sold, and in general civilian, industrial, or commercial use prior to January 1, 1940,

(B) which is identical in every material respect with an article which is manufactured and sold, as a competitive product, by more than one manufacturer, or which is an article of the same kind and having the same use or uses as an article manufactured and sold, as a competitive product, by more than one manufacturer, and

(C) for which a maximum price has been established and is in effect under the Emergency Price Control Act of 1942, as amended [section 901 et seq. of this Appendix], or under the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes [sections 961–964, 965–971 of this Appendix and sections 713a–8, 713a–8 note of Title 15]", or which is sold at a price not in excess of the January 1, 1941, selling price.

An article made in whole or in part of substitute materials but otherwise identical in every material respect with the article with which it is compared under subparagraphs (A) and (B) shall be considered as identical in every material respect with such article with which it is so compared.

(8) The term "fiscal year" means the taxable year of the contractor or subcontractor under Chapter 1 of the Internal Revenue Code.

(9) The terms "received or accrued" and "paid or incurred" shall be construed according to the method of accounting employed by the contractor or subcontractor in keeping his books.

(b) Provisions required to be inserted in contracts in excess of $100,000.

Subject to subsection (i), the Secretary of each Department is authorized and directed to insert in each contract made by such Department thirty days or more after the date of the enactment of the Revenue Act of 1943 and involving an estimated amount of more than $100,000, a provision under which the contractor agrees—

(1) to the elimination of excessive profits through renegotiation;

(2) that there may be retained by the United States from amounts otherwise due the contractor, or that he will repay to the United States, if paid to him, any excessive profits;

(3) that he will insert in each subcontract described in subsection (a) (5) (A) involving an estimated amount of more than $100,000, and in each subcontract described in subsection (a) (5) (B) involving an estimated amount of more than $25,000, a provision under which the subcontractor agrees—

(A) to the elimination of excessive profits through renegotiation;

(B) that there may be retained by the contractor for the United States from amounts otherwise due the subcontractor, or that the subcontractor will repay to the United States, if paid to him, any excessive profits;

(C) that the contractor shall be relieved of all liability to the subcontractor on account of any amount so retained, or so repaid by the subcontractor to the United States;

(D) that he will insert in each subcontract described in subsection (a) (5) (A) involving an estimated amount of more than $100,000, and in each subcontract described in subsection (a) (5) (B) involving an estimated amount of more than $25,000, provisions corresponding to those of subparagraphs (A), (B), and (C) and to those of this subparagraph;

(4) that there may be retained by the United States from amounts otherwise due the contractor, or that he will repay to the United States, as the Secretary may direct, any amounts which under paragraph (3) (B) the contractor is directed to withhold from a subcontractor and which are actually unpaid at the time the contractor receives such direction.

The obligations assumed by the contractor or subcontractor under paragraph (1) or (3) (A), as the case may be, agreeing to the elimination of excessive profits through renegotiation shall be binding on him only if the contract or subcontract, as the case may be, is subject to subsection (c). A provision inserted in a contract or subcontract, which recites in substance that the contract or subcontract shall be deemed to contain all the provisions required by this subsection shall be sufficient compliance with this subsection. Whether or not there is inserted in a contract with a Department or subcontract, to which subsection (c) is applicable, the provisions specified in this subsection, such contract or subcontract, as the case may be, shall be considered as having been made subject to such subsection in the same manner and to the same extent as if such provisions had been inserted.

(c) Renegotiation of contract price on determination of excess profits; notice of renegotiation; conclusiveness of Board's order; withholding of amounts due contractors; actions by United States; limitations; agreements with contractors; filing of financial statements; powers of Board; Bureau of Internal Revenue services available; contracts included.

(1) Whenever, in the opinion of the Board, the amounts received or accrued under contracts with

the Departments and subcontracts may reflect excessive profits, the Board shall give to the contractor or subcontractor, as the case may be, reasonable notice of the time and place of a conference to be held with respect thereto. The mailing of such notice by registered mail to the contractor or subcontractor shall constitute the commencement of the renegotiation proceeding. At the conference, which may be adjourned from time to time, the Board shall endeavor to make a final or other agreement with the contractor or subcontractor with respect to the elimination of excessive profits received or accrued, and with respect to such other matters relating thereto as the Board deems advisable. Any such agreement, if made, may, with the consent of the contractor or subcontractor, also include provisions with respect to the elimination of excessive profits likely to be received or accrued. If the Board does not make an agreement with respect to the elimination of excessive profits received or accrued, it shall issue and enter an order determining the amount, if any, of such excessive profits, and forthwith give notice thereof by registered mail to the contractor or subcontractor. In the absence of the filing of a petition with The Tax Court of the United States under the provisions of and within the time limit prescribed in subsection (e) (1), such order shall be final and conclusive and shall not be subject to review or redetermination by any court or other agency. The Board shall exercise its powers with respect to the aggregate of the amounts received or accrued during the fiscal year (or such other period as may be fixed by mutual agreement) by a contractor or subcontractor under contracts with the Departments and subcontracts, and not separately with respect to amounts received or accrued under separate contracts with the Departments or subcontracts, except that the Board may exercise such powers separately with respect to amounts received or accrued by the contractor or subcontractor under any one or more separate contracts with the Departments or subcontracts at the request of the contractor or subcontractor. Whenever the Board makes a determination with respect to the amount of excessive profits, whether such determination is made by order or is embodied in an agreement with the contractor or subcontractor, it shall, at the request of the contractor or subcontractor, as the case may be, prepare and furnish such contractor or subcontractor with a statement of such determination, of the facts used as a basis therefor, and of its reasons for such determination. Such statement shall not be used in The Tax Court of the United States as proof of the facts or conclusions stated therein.

(2) Upon the making of an agreement, or the entry of an order, under paragraph (1) by the Board, or the entry of an order under subsection (e) by The Tax Court of the United States, determining excessive profits, the Board shall forthwith authorize and direct the Secretaries or any of them to eliminate such excessive profits (A) by reductions in the amounts otherwise payable to the contractor under contracts with the Departments, or by other revision of their terms; or (B) by withholding from amounts otherwise due to the contractor any amount of such excessive profits; or (C) by directing a contractor to withhold for the account of the United States, from amounts otherwise due to a subcontractor, any amount of such excessive profits of such subcontractor; or (D) by recovery from the contractor, through repayment, credit, or suit any amount of such excessive profits actually paid to him; or (E) by any combination of these methods, as is deemed desirable. Actions on behalf of the United States may be brought in the appropriate courts of the United States to recover from the contractor any amount of such excessive profits actually paid to him and not withheld or eliminated by some other method under this subsection. The surety under a contract or subcontract shall not be liable for the repayment of any excessive profits thereon. Each contractor and subcontractor is hereby indemnified by the United States against all claims by any subcontractor on account of amounts withheld from such subcontractor pursuant to this paragraph. All money recovered in respect of amounts paid to the contractor from appropriations from the Treasury by way of repayment or suit under this subsection shall be covered into the Treasury as miscellaneous receipts. Upon the withholding of any amount of excessive profits or the crediting of any amount of excessive profits against amounts otherwise due a contractor, the Secretary shall certify the amount thereof to the Treasury and the appropriations of his Department shall be reduced by an amount equal to the amount so withheld or credited. The amount of such reductions shall be transferred to the surplus fund of the Treasury. In eliminating excessive profits the Secretary shall allow the contractor or subcontractor credit for Federal income and excess profits taxes as provided in section 3806 of the Internal Revenue Code. For the purposes of this paragraph the term "contractor" includes a subcontractor.

(3) No proceeding to determine the amount of excessive profits shall be commenced more than one year after the close of the fiscal year in which such excessive profits were received or accrued, or more than one year after the statement required under paragraph (5) is filed with the Board, whichever is the later, and if such proceeding is not so commenced, then upon the expiration of one year following the close of such fiscal year, or one year following the date upon which such statement is so filed, whichever is the later, all liabilities of the contractor or subcontractor for excessive profits received or accrued during such fiscal year shall thereupon be discharged. If an agreement or order determining the amount of excessive profits is not made within one year following the commencement of the renegotiation proceeding, then upon the expiration of such one year all liabilities of the contractor or subcontractor for excessive profits with respect to which such proceeding was commenced shall thereupon be discharged, except that (A) if an order is made within such one year by the Secretary (or an officer or agency designated by the Secretary)

pursuant to a delegation of authority under subsection (d) (4), such one-year limitation shall not apply to review of such order by the Board, and (B) such one-year period may be extended by mutual agreement.

(4) For the purposes of this section the Board may make final or other agreements with a contractor or subcontractor for the elimination of excessive profits and for the discharge of any liability for excessive profits under this section. Such agreements may contain such terms and conditions as the Board deems advisable. Any such agreement shall be conclusive according to its terms; and except upon a showing of fraud or malfeasance or a willful misrepresentation of a material fact, (A) such agreement shall not for the purposes of this section be reopened as to the matters agreed upon, and shall not be modified by any officer, employee, or agent of the United States, and (B) such agreement and any determination made in accordance therewith shall not be annulled, modified, set aside, or disregarded in any suit, action, or proceeding.

(5) (A) Every contractor and subcontractor who holds contracts or subcontracts, to which the provisions of this subsection are applicable, shall, in such form and detail as the Board may by regulations prescribe, file with the Board on or before the first day of the fourth month following the close of the fiscal year (or if such fiscal year has closed on the date of the enactment of the Revenue Act of 1943 [Feb. 25, 1944], on or before the first day of the fourth month following the month in which such date of enactment falls), a financial statement setting forth such information as the Board may by regulations prescribe as necessary to carry out this section. In addition to the statement required under the preceding sentence, every such contractor or subcontractor shall, at such time or times and in such form and detail as the Board may by regulations prescribe, furnish the Board any information, records, or data which is determined by the Board to be necessary to carry out this section. Any person who willfully fails or refuses to furnish any statement, information, records, or data required of them under this subsection, or who knowingly furnishes any such statement, information, records, or data containing information which is false or misleading in any material respect, shall, upon conviction thereof, be punished by a fine of not more than $10,000 or imprisonment for not more than two years, or both.

(B) For the purposes of this section the Board shall have the same powers with respect to any such contractor or subcontractor that any agency designated by the President to exercise the powers conferred by Title XIII of the Second War Powers Act, 1942 [sections 643–643c of this Appendix], has with respect to any contractor to whom such title [sections 643–643c of this Appendix], is applicable. In the interest of economy and the avoidance of duplication of inspection and audit, the services of the Bureau of Internal Revenue shall, upon request of the Board and the approval of the Secretary of the Treasury, be made available to the extent determined by the Secretary of the Treasury for the purpose of making examinations and audits under this section.

(6) This subsection shall be applicable to all contracts and subcontracts, to the extent of amounts received or accrued thereunder in any fiscal year ending after June 30, 1943, whether such contracts or subcontracts were made on, prior to, or after the date of the enactment of the Revenue Act of 1943, and whether or not such contracts or subcontracts contain the provisions required under subsection (b), unless (A) the contract or subcontract provides otherwise pursuant to subsection (i), or is exempted under subsection (i), or (B) the aggregate of the amounts received or accrued in such fiscal year by the contractor or subcontractor and all persons under the control of or controlling or under common control with the contractor or subcontractor, under contracts with the Departments and subcontracts (including those described in clause (A), but excluding subcontracts described in subsection (a) (5) (B)) do not exceed $500 000 and under subcontracts described in subsection (a) (5) (B) do not exceed $25,000 for such fiscal year. If such fiscal year is a fractional part of twelve months, the $500,000 amount and the $25,000 amount shall be reduced to the same fractional part thereof for the purposes of this paragraph.

(d) War Contracts Price Adjustment Board; composition; seal; principal office; employees; delegation of powers and duties; division of Board; character of cases tried; review.

(1) There is hereby created a War Contracts Price Adjustment Board (in this section called the "Board"), which shall consist of six members. One of the members shall be an officer or employee of the Department of War and shall be appointed by the Secretary of War, one shall be an officer or employee of the Department of the Navy and shall be appointed by the Secretary of the Navy, one shall be an officer or employee of the Department of the Treasury and shall be appointed by the Secretary of the Treasury, one shall be an officer or employee of the United States Maritime Commission or the War Shipping Administration and shall be appointed jointly by the Chairman of the United States Maritime Commission and the Administrator of the War Shipping Administration, one shall be an officer or employee of the Reconstruction Finance Corporation and shall be appointed by the Chairman of the board of directors of the Reconstruction Finance Corporation, and one shall be an officer or employee of the War Production Board and shall be appointed by the Chairman of the War Production Board. The members of the Board shall not receive additional compensation for service on the Board but shall be allowed and paid necessary travel and subsistence expenses (or a per diem in lieu thereof) while away from their official station on duties of the Board. They shall elect a chairman from among their members. The Board shall have a seal which shall be judicially noticed.

(2) The principal office of the Board shall be in the District of Columbia, but it or any division thereof may meet and exercise its powers at any

other place within the United States. The Board may establish such number of field offices throughout the United States as it deems necessary to expedite the work of the Board. Four members of the Board shall constitute a quorum, and any power, function, or duty of the Board may be exercised or performed by a majority of the members present if the members present constitute at least a quorum.

(3) The Board is authorized, subject to the civil-service laws and the Classification Act of 1923, as amended [sections 661–663, 664–673 and 674 of Title 5], to employ and fix the compensation of such officers and employees as it deems necessary to assist it in carrying out its duties under this section. The Board may, with the consent of the head of the Department, agency, or instrumentality of the United States concerned, utilize the services of any officers or employees of the United States, and reimburse such Department, agency, or instrumentality for the services so utilized.

(4) The Board may delegate in whole or in part any power, function, or duty to the Secretary of a Department, and any power, function, or duty so delegated may be delegated in whole or in part by the Secretary to such officers or agencies of the United States as he may designate, and he may authorize successive redelegations of such powers, functions, and duties.

(5) The chairman of the Board may from time to time divide the Board into divisions of one or more members, assign the members of the Board thereto, and in case of a division of more than one member, designate the chief thereof. The Board may also, by regulations or otherwise, determine the character of cases to be conducted initially by the Board through an officer or officers of, or utilized by, the Board, the character of cases to be conducted initially by the various officers and agencies authorized to exercise powers of the Board pursuant to paragraph (4), the character of cases to be conducted initially by the various divisions of the Board, and the character of cases to be conducted initially by the Board itself. The Board may review any determination by any such officer, agency, or division on its own motion, or in its discretion at the request of any contractor or subcontractor aggrieved thereby Unless the Board upon its own motion initiates a review of such determination within 60 days from the date of such determination, or at the request of the contractor or subcontractor made within 60 days from the date of such determination initiates a review of such determination within 60 days from the date of such request, such determination shall be deemed the determination of the Board. Upon any review by the Board the Board may determine as the amount of excessive profits an amount either less than, equal to, or greater than that determined by the officer, agency, or division whose action is so reviewed.

(e) Petition for redetermination; limitation; jurisdiction of the Tax Court; powers and duties of court; payment of fees and expenses; finality of determination.

(1) Any contractor or subcontractor aggrieved by an order of the Board determining the amount of excessive profits received or accrued by such contractor or subcontractor may, within ninety days (not counting Sunday or a legal holiday in the District of Columbia as the last day) after the mailing of the notice of such order under subsection (c) (1), file a petition with The Tax Court of the United States for a redetermination thereof. Upon such filing such court shall have exclusive jurisdiction, by order, to finally determine the amount, if any, of such excessive profits received or accrued by the contractor or subcontractor, and such determination shall not be reviewed or redetermined by any court or agency. The court may determine as the amount of excessive profits an amount either less than, equal to, or greater than that determined by the Board. A proceeding before the Tax Court to finally determine the amount, if any, of excessive profits shall not be treated as a proceeding to review the determination of the Board, but shall be treated as a proceeding de novo. For the purposes of this subsection the court shall have the same powers and duties, insofar as applicable, in respect of the contractor, the subcontractor, the Board and the Secretary, and in respect of the attendance of witnesses and the production of papers, notice of hearings, hearings before divisions, review by the Tax Court of decisions of divisions, stenographic reporting, and reports of proceedings, as such court has under sections 1110, 1111, 1113, 1114, 1115 (a), 1116, 1117 (a), 1118, 1120, and 1121 of the Internal Revenue Code in the case of a proceeding to redetermine a deficiency. In the case of any witness for the Board or Secretary, the fees and mileage, and the expenses of taking any deposition shall be paid out of appropriations of the Board or Department available for that purpose, and in the case of any other witnesses, shall be paid, subject to rules prescribed by the court, by the party at whose instance the witness appears or the deposition is taken. The filing of a petition under this subsection shall not operate to stay the execution of the order of the Board under subsection (c) (2).

(2) Any contractor or subcontractor (excluding a subcontractor described in subsection (a) (5) (B)) aggrieved by a determination of the Secretary made prior to the date of the enactment of the Revenue Act of 1943, with respect to a fiscal year ending before July 1, 1943, as to the existence of excessive profits, which is not embodied in an agreement with the contractor or subcontractor, may, within ninety days (not counting Sunday or a legal holiday in the District of Columbia as the last day) after the date of the enactment of the Revenue Act of 1943 [Feb. 25, 1944], file a petition with The Tax Court of the United States for a redetermination thereof, and any such contractor or subcontractor aggrieved by a determination of the Secretary made on or after the date of the enactment of the Revenue Act of 1943 [Feb. 25, 1944], with respect to any such fiscal year, as to the existence of excessive profits, which is not embodied in an agreement with the contractor or subcontractor, may, within ninety days (not counting Sunday or a legal holiday in the District of Columbia as the last day) after the date of such determination, file a petition with The Tax

Court of the United States for a redetermination thereof. Upon such filing such court shall have the same jurisdiction, powers, and duties, and the proceeding shall be subject to the same provisions, as in the case of a petition filed with the court under paragraph (1), except that the amendments made to this section by the Revenue Act of 1943 which are not made applicable as of April 28, 1942, or to fiscal years ending before July 1, 1943, shall not apply.

(f) Repricing of war contracts.

For repricing of war contracts, see Title VIII of the Revenue Act of 1943 [section 1192 and note thereunder of this Appendix].

(g) Separability of section.

If any provision of this section or the application thereof to any person or circumstance is held invalid, the remainder of the section and the application of such provision to other persons or circumstances shall not be affected thereby.

(h) Profits affected; termination date.

This section shall apply only with respect to profits derived from contracts with the Departments and subcontracts which are determined under regulations prescribed by the Board to be reasonably allocable to performance prior to the close of the termination date. Notwithstanding the method of accounting employed by the contractor in keeping his books, profits determined to be so allocable shall be considered as having been received or accrued not later than the termination date. For the purpose of this subsection, the term "termination date" means whichever of the following dates first occurs—

(1) December 31, 1945; or

(2) the date proclaimed by the President as the date of the termination of hostilities in the present war; or

(3) the date specified in a concurrent resolution of the two Houses of Congress as the date of the termination of hostilities in the present war.

(i) Contracts exempted; Board's interpretation and application of exemptions.

(1) The provisions of this section shall not apply to—

(A) any contract by a Department with any other department, bureau, agency, or governmental corporation of the United States or with any Territory, possession, or State or any agency thereof or with any foreign government or any agency thereof; or

(B) any contract or subcontract for the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, which has not been processed, refined, or treated beyond the first form or state suitable for industrial use; or

(C) any contract or subcontract for an agricultural commodity in its raw or natural state, or if the commodity is not customarily sold or has not an established market in its raw or natural state, in the first form or state, beyond the raw or natural state, in which it is customarily sold or in which it has an established market. The term "agricultural commodity" as used herein shall include but shall not be limited to—

(i) commodities resulting from the cultivation of the soil such as grains of all kinds, fruits, nuts, vegetables, hay, straw, cotton, tobacco, sugar cane, and sugar beets;

(ii) natural resins, saps and gums of trees;

(iii) animals such as cattle, hogs, poultry, and sheep, fish and other marine life, and the produce of live animals, such as wool, eggs, milk and cream; or

(D) any contract or subcontract with an organization exempt from taxation under section 101 (6) of the Internal Revenue Code; or

(E) any contract with a Department, awarded as a result of competitive bidding, for the construction of any building, structure, improvement, or facility; or

(F) any subcontract, directly or indirectly under a contract or subcontract to which this section does not apply by reason of this paragraph.

(2) The Board is authorized by regulation to interpret and apply the exemptions provided for in paragraph (1) (A), (B), (C), (E), and (F), and interpret and apply the definition contained in subsection (a) (7).

(3) In the case of a contractor or subcontractor who produces or acquires the product of a mine, oil or gas well, or other mineral or natural deposit, or timber, and processes, refines, or treats such a product to and beyond the first form or state suitable for industrial use, or who produces or acquires an agricultural product and processes, refines, or treats such a product to and beyond the first form or state in which it is customarily sold or in which it has an established market, the Board shall prescribe such regulations as may be necessary to give such contractor or subcontractor a cost allowance substantially equivalent to the amount which would have been realized by such contractor or subcontractor if he had sold such product at such first form or state. Notwithstanding any other provisions of this section there shall be excluded from consideration in determining whether or not a contractor or subcontractor has received or accrued excessive profits that portion of the profits, derived from contracts with the Departments and subcontracts, attributable to the increment in value of the excess inventory. For the purposes of this paragraph the term "excess inventory" means inventory of products, hereinbefore described in this paragraph, acquired by the contractor or subcontractor in the form or at the state in which contracts for such products on hand or on contract would be exempted from this section by subsection (i) (1) (B) or (C), which is in excess of the inventory reasonably necessary to fulfill existing contracts or orders. That portion of the profits, derived from contracts with the Departments and subcontracts, attributable to the increment in value of the excess inventory, and the method of excluding such portion of profits from consideration in determining whether or not the contractor or subcontractor has received or accrued excessive profits, shall be determined in accordance with regulations prescribed by the Board. In the case of a renegotiation with respect to a fiscal year ending prior to

July 1, 1943, the portion of the profits, derived from contracts with the Departments and subcontracts, attributable to the increment in value of the excess inventory shall (to the extent such portion does not exceed the excessive profits determined) be credited or refunded to the contractor or subcontractor, and in case the determination of excessive profits was made prior to the date of the enactment of the Revenue Act of 1943, such credit or refund shall be made notwithstanding such determination is embodied in an agreement with the contractor or subcontractor, but in either case such credit or refund shall be made only if the contractor or subcontractor, within ninety days after the date of the enactment of the Revenue Act of 1943 [Feb. 25, 1944], files a claim therefor with the Secretary concerned.

(4) The Board is authorized, in its discretion, to exempt from some or all of the provisions of this section—

(A) any contract or subcontract to be performed outside of the territorial limits of the continental United States or in Alaska;

(B) any contracts or subcontracts under which, in the opinion of the Board, the profits can be determined with reasonable certainty when the contract price is established, such as certain classes of agreements for personal services, for the purchase of real property, perishable goods, or commodities the minimum price for the sale of which has been fixed by a public regulatory body, of leases and license agreements, and of agreements where the period of performance under such contract or subcontract will not be in excess of thirty days;

(C) any contract or subcontract or performance thereunder during a specified period or periods, if in the opinion of the Board, the provisions of the contract are otherwise adequate to prevent excessive profits;

(D) any contract or subcontract for the making or furnishing of a standard commercial article, if, in the opinion of the Board, competitive conditions affecting the sale of such article are such as will reasonably protect the Government against excessive prices,

(E) any contract or subcontract, if, in the opinion of the Board, competitive conditions affecting the making of such contract or subcontract are such as are likely to result in effective competition with respect to the contract or subcontract price; and

(F) any subcontract or group of subcontracts not otherwise exempt from the provisions of this section, if, in the opinion of the Board, it is not administratively feasible in the case of such subcontract or in the case of such group of subcontracts to determine and segregate the profits attributable to such subcontract or group of subcontracts from the profits attributable to activities not subject to renegotiation.

The Board may so exempt contracts and subcontracts both individually and by general classes or types.

(j) Persons authorized to prosecute claims against United States.

Nothing in sections 109 and 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203) or in section 190 of the Revised Statutes (U. S. C., title 5, sec. 99) shall be deemed to prevent any person by reason of service in a Department or the Board during the period (or a part thereof) beginning May 27, 1940, and ending six months after the termination of hostilities in the present war, as proclaimed by the President, from acting as counsel, agent, or attorney for prosecuting any claim against the United States: *Provided*, That such person shall not prosecute any claim against the United States (1) involving any subject matter directly connected with which such person was so employed, or (2) during the period such person is engaged in employment in a Department.

(k) Limitation on authority of Secretaries of Departments.

Nothing in this section shall be construed to limit or restrict any authority or discretion of the Secretary of a Department under the provisions of any other law.

(*l*) Short title.

This section may be cited as the "Renegotiation Act". (Apr. 28, 1942, ch. 247, title IV, § 403, 56 Stat. 245, as amended Oct. 21, 1942, ch. 619, title VIII, § 801 (a–c), 56 Stat. 982; July 1, 1943, ch. 185, § 1, 57 Stat 347; July 14, 1943, ch. 230, §§ 1–4, 57 Stat. 564; Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title VII, § 701 (b), 58 Stat. 78; June 30, 1945, ch. 210, § 1, 59 Stat. 294.)

AMENDMENTS

1945—Subsec. (h) amended by act June 30, 1945, cited to text, which amended said subsec. generally and substituted "December 31, 1945" for "December 31, 1944" as termination date

1944—Act Feb 25, 1944, cited to text, amended section generally

1943—Act July 14, 1943, cited to text, amended first sentence of subsec (a) (5), subsec (b) (3), the first paragraph of subsec (c) (6), and subsec (e)

Act July 1, 1943, cited to text, amended clauses (1) and (2) of subsec. (a) and added subsec. (k).

EFFECTIVE DATE

Act Feb 25, 1944, § 701 (b), cited to text, was made effective by section 701 (d) thereof, which provided as follows: "The amendments made by subsection (b) shall be effective only with respect to the fiscal years ending after June 30, 1943, except that (1) the amendments inserting subsections (a) (4) (C), (a) (4) (D), (*l*) (1) (C), (*l*) (1) (D), (*l*) (1) (F), (*l*) (3), and (*l*) in section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 [this section], shall be effective as if such amendments and subsections had been a part of section 403 of such Act [this section] on the date of its enactment, and (2) the amendments adding subsection (d) and (e) (2) to section 403 of such Act [this section] shall be effective from the date of the enactment of this Act [this section]."

Section 5 of act July 14, 1943, cited to text, provided that the amendments made by that act, affecting subsecs (a) (5), (b) (3), (c) (6), and (e), should be effective as of Apr. 28, 1942

Act Oct 21, 1942, affecting subsecs (a–c), (f), (*l*) and (j) of this section, was made effective as of April 28, 1942, by section 801 (d) thereof

TERMS USED

Section 701 (a) of act Feb. 25, 1944, cited to text, provided as follows: "Terms used in this section [section 701 of Act Feb. 25, 1944, cited to text] shall have the same meaning as when used in section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942."

CROSS REFERENCES

Termination and settlement of war contracts, see sections 101–125 of Title 41, Public Contracts.

Surplus Property Act of 1944, see sections 1611–1646 of this Appendix

War Mobilization and Reconversion Act of 1944, see sections 1651–1678 of this Appendix.

WAR DEPARTMENT NOTICE

May 21, 1943, 8 F. R 7404

EXEMPTION FROM RENEGOTIATION OF CONTRACTS

Authority for exemption from renegotiation under section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended by section 801 of the Revenue Act of 1942 (section 1191 of this Appendix)

Pursuant to subsection 403 (i) (2) (iii) of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended (section 1191 of this Appendix), and the delegation to me from the Secretary of War, dated November 4, 1942, the chief of any technical service and the Commanding General, Army Air Forces, are hereby authorized.

(1) To exempt from renegotiation under section 403, as amended (section 1191 of this Appendix), any contract, letter contract, letter purchase order, letter order, or letter of intent, which has been terminated for the convenience of the Government, and any agreement making a negotiated settlement of the whole or any part of the amount due from the Government by reason of the termination of any such instrument, whenever he finds that the provisions of such settlement agreement are adequate to prevent the realization of excessive profits from the performance of any such instrument; and

(2) To delegate to any officer or civilian employee under his direction the authority and discretion to make such exemptions in accordance with paragraph 1 and under such conditions as he may prescribe

PROC. NO 2631. SPECIFICATION OF THE TERMINATION DATE AS PROVIDED IN THIS SECTION

Proc No 2631, Nov 16, 1944, 9 F R 13739, provided

Whereas subsection (h) of the Renegotiation Act (section 403, as amended, of the Sixth Supplemental National Defense Appropriation Act, 1942, approved April 28, 1942 (56 Stat 226, 245), as amended by section 701 of the Revenue Act of 1943, enacted February 25, 1944 (58 Stat 26, 78)) [this section] provides in part:

This section shall apply only with respect to profits derived from contracts with the Departments and subcontracts which are attributable to performance prior to the termination date For the purposes of this subsection—

* * * * *

(2) The term "termination date" means—

(A) December 31, 1944; or

(B) If the President not later than December 1, 1944, finds and by proclamation declares that competitive conditions have not been restored, such date not later than June 30, 1945, as may be specified by the President in such proclamation as the termination date

* * * * *

except that in no event shall the termination date extend beyond the date proclaimed by the President as the date of termination of hostilities in the present war, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is the earlier;

And whereas hostilities in the present war have not terminated, and the continued necessity of devoting a very large proportion of the production of the nation to the successful prosecution of the present war has prevented the restoration of competitive conditions:

Now, therefore, I, Franklin D Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by the statutory provisions above set out, (1) do hereby find and declare that competitive conditions have not been restored, and (2) do hereby specify June 30, 1945, as the termination date within the meaning of subsection (h) of the Renegotiation Act [this section].

ACT OF FEBRUARY 25, 1944

ACT FEB. 25, 1944, CH. 63, TITLE VIII, § 801, 58 STAT. 92

§ 1192. Repricing of war contracts—(a) Definitions.

As used in this section the terms "Department", "Secretary" and "article" shall have the same meanings as in subsection (a) of the Renegotiation Act [section 1191 of this Appendix].

(b) Negotiation to fix price.

When the Secretary of a Department deems that the price of any article or service of any kind, which is required by his Department or directly or indirectly required, furnished, or offered in connection with, or as a part of, the performance or procurement of any contract with his Department or of any subcontract thereunder, is unreasonable or unfair, the Secretary may require the person furnishing or offering to furnish such article or service to negotiate to fix a fair and reasonable price therefor. If such person refuses to agree to a price for such article or service which the Secretary considers fair and reasonable, the Secretary by order may fix the price payable to such person for furnishing such article or service after the effective date of the order, whether under existing agreements or otherwise. The order may prescribe the period during which the price so fixed shall be effective and such other terms and conditions as the Secretary deems appropriate.

(c) Prosecution of claims against United States; jurisdiction; amount of recovery; limitation.

Any person aggrieved by an order fixing a price under this section may sue the United States in any appropriate court. In such suit, such person shall be entitled to recover from the United States the amount of any difference between (1) fair and just compensation for the articles and services furnished under the terms of the order and (2) the price fixed for such articles and services by the order; but if the prices so fixed by the order are found to exceed fair and just compensation for such articles and services, such person shall be liable to the United States in such suit for the amount of this excess. Any such suit shall be brought within six months after the order by the Secretary on which it is based, or after the expiration of the period or periods specified in such order, whichever last occurs. Such a suit shall not stay the order involved.

(d) Conscription of plants.

Whenever any person wilfully refuses, or wilfully fails to furnish any such articles or services at the price fixed by an order of the Secretary in accordance with this section, the President shall have power to take immediate possession of the plant or plants of such person and to operate them in accordance with section 9 of the Selective Training and Service Act of 1940, as amended [section 309 of this Appendix].

(e) Delegation of powers by Department head.

The authority and discretion herein conferred upon the Secretary of each Department may be

delegated in whole or in part by him to such individuals or agencies as he may designate in his Department, or in any other Department with the consent of the Secretary of that Department, and he may authorize such individuals or agencies to make further delegations of such authority and discretion.

(f) Provisions included in contracts by implication.

Every purchase order or agreement, or contract to make or furnish any article or service of any kind, which is required by a Department or directly or indirectly required, furnished, or offered in connection with, or as a part of, the performance or procurement of any contract with such Department or of any subcontract thereunder, shall, if made thirty days or more after the date of the enactment of this Act this section be deemed to contain a provision under which the person making or furnishing such article or service agrees that notwithstanding other provisions of the purchase order, agreement, or contract, he shall be entitled to receive for such article or service only the fair and just compensation provided for in subsection (c). (Feb. 25, 1944, 12.49 p. m., E. W. T., ch. 63, title VIII, § 801, 58 Stat. 92.)

EFFECTIVE AND TERMINATION DATE

Section 802 (a, b) of act Feb. 25, 1944, cited to text, as amended June 30, 1945, ch. 210, § 2, 59 Stat. 295, provided as follows

"(a) Section 801 shall be effective from the date of the enactment of this Act

"(b) Section 801 (this section) shall not apply to any contract with a Department or any subcontract made after (1) the date proclaimed by the President as the date of the termination of hostilities in the present war, or (2) the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, or (3) December 31, 1945, whichever date is the earlier."

CROSS REFERENCES

Termination and settlement of war contracts, see sections 101-125 of Title 41, Public Contracts

Surplus Property Act of 1944, see sections 1611–1646 of this Appendix

War Mobilization and Reconversion Act of 1944, see sections 1651–1678 of this Appendix.

ACT OF DECEMBER 17, 1942

ACT DEC 17, 1942, CH. 739, 56 STAT. 1053

§ 1201. Acquisition and operation of buildings and facilities by Secretary of Navy; report on contracts.

Whenever the Secretary of the Navy finds it impossible to make contracts or obtain facilities in the procurement or construction of items authorized in connection with the prosecution of war he is hereby authorized to provide, out of appropriations available to the Navy Department for such purposes, the necessary buildings, facilities, utilities, and appurtenances thereto on Government-owned land or elsewhere, and to provide for their operation, either by means of Government personnel or otherwise: *Provided*, That the Secretary of the Navy shall report to the Congress, every three months, the contracts entered into under the provisions of this section. (Dec. 17, 1942, ch. 739, § 1, 56 Stat. 1053.)

EFFECTIVE DATE

Section 4 of act Dec 17, 1942, cited to text, provided as follows: "This Act shall be effective from June 30, 1942, and shall remain in force until the termination of the present war or until such earlier time as the Congress by concurrent resolution or the President by proclamation may designate."

NATIONAL EMERGENCY AND WAR SHIPPING ACTS (New)

ACT OF JUNE 11, 1940

Sec.
1251. Determination of foreign construction costs of vessels.

ACT OF MAY 2, 1941

1261. Negotiation of contracts without advertisements or bids until six months after end of war.
1262. Charter of Commission's vessels to private operators for foreign trade until six months after end of war.
1263. Working hours and overtime of employees engaged in Commission's ship-construction and national-defense work

ACT OF JUNE 6, 1941

1271. Purchase, requisition, etc of foreign vessels authorized during national emergency, compensation, claims against vessels.
1272. Availability of appropriation funds.
1273 Charter of domestic and foreign vessels, insurance, inapplicability to Neutrality Act of 1939
1274 Purchase of domestic or foreign vessels, operated or chartered by Commission.
1275. Documentation of vessels requisitioned, purchased, etc; waiver of or exception to existing laws, coastwise trade permits; repair of vessels; effect of termination of Act.

ACT OF JULY 14, 1941

1281. Priorities in transportation by merchant vessels during National Emergency, issuance of warrants.
1282. Form and content of warrants, supervision of vessel by owner or charterer; effect on coastwise laws
1283. Vessels holding warrants as entitled to priorities for loading, discharging, etc
1284. Policy of Commission respecting priorities; prohibition against exactions for privilege of carrying cargoes, warrants for coastwise vessels transporting coal
1285 Definition of citizens of the United States.
1286 Penalties, jurisdiction of offenses committed in Canal Zone and Philippine Islands.

ACT OF MARCH 24, 1943

1291. Rights of American seamen on privately owned and operated American vessels extended to seamen employed through the War Shipping Administration; exceptions; definitions
1292. Insurance awards by War Shipping Administrators; findings and actions as conclusive.
1293. Payment of compensation; insurance.
1294 United States as entitled to all benefits of exemption and limitation of liability accorded to owners of vessels
1295. Termination of section 1291 (a); authority of United States Maritime Commission vested in Administrator of War Shipping Administration.

ACT OF APRIL 29, 1943

1301. Return of fishing vessels, vessels of 1000 tons or less, and Great Lakes vessels to private ownership.
1302. Same, determination of availability, repayment of compensation to United States, less reasonable allowances.
1303. Same, failure or waiver of return rights; sale of vessels; limited use.
1304. Same; payment of expenses.

ACT OF JULY 9, 1943

Sec.
1311. Protection of vessels, harbors, ports, or water-front facilities; penalty for violation.
1312. Same; termination of Act.

CROSS REFERENCES

Jurisdiction of prizes taken during present war, see sections 821–828 of this Appendix.

Medals, insignia and decorations for merchant seamen, see section 751 et seq. of this Appendix.

ACT OF JUNE 11, 1940

ACT JUNE 11, 1940, CH. 327, 54 STAT. 306

§ 1251. Determination of foreign construction costs of vessels.

For the period of one year from the date of the enactment of this joint resolution or until the revocation within such one-year period of the proclamations heretofore issued by the President under section 1 (a) of the Neutrality Act of 1939 (section 441 of Title 22), the United States Maritime Commission is authorized to make, upon the basis of conditions existing during the period prior to September 3, 1939, the determinations under section 502 (b) of the Merchant Marine Act, 1936, as amended (subsec. (b) of section 1152 of Title 46), of estimated foreign cost of vessels covered by construction contracts executed after that date. (June 11, 1940, ch. 327, 54 Stat. 306, as amended May 2, 1941, ch. 84, § 1, 55 Stat. 148; June 16, 1942, ch. 416, 56 Stat. 370.)

TERMINATION OF SECTION

Res June 11, 1940, cited to text, "shall continue in effect during the national emergency declared by the President on September 8, 1939, to exist (Proc. No 2352, set out preceding section 1 of this Appendix), but not after June 30, 1942", by authority of act May 2, 1941, cited to text.

Res June 16, 1942, cited to text, extended provisions of Res. June 11, 1940, and act May 2, 1941, also cited, until six months after the end of the present war shall have been proclaimed, or such earlier time as Congress by concurrent resolution with the President may designate.

ACT OF MAY 2, 1941

ACT MAY 2, 1941, CH. 84, 55 STAT. 148

§ 1261. Negotiation of contracts without advertisements or bids until six months after end of war.

(a) Whenever deemed by the President of the United States to be in the best interests of the national commerce and defense during the national emergency declared by the President on September 8, 1939, to exist (Proc. No. 2352, set out in note preceding section 1 of this Appendix), but not after June 30, 1942, (1) the United States Maritime Commission is hereby authorized, subject to the provisions of subsections (b) and (c) hereof, to negotiate contracts for the acquisition, construction, reconstruction, alteration, reconditioning, repair, outfitting, or equipping of complete vessels, or any portion thereof, including plans, spare parts, and equipment therefor, that the Commission has been or may be authorized to acquire, construct, reconstruct, alter, recondition, repair, outfit, or equip, pursuant to the Merchant Marine Act, 1936, as amended (section 1101 et seq. of Title 46), or section 4 of Public Law Numbered 5, Seventy-seventh Congress, approved February 6, 1941 (section 1125a of Title 46), with or without advertising or competitive bidding upon determination that the price is fair and reasonable; (2) upon its determination that such action is in the best interests of the national commerce and defense because of changes in conditions occurring after the execution of its contracts heretofore or hereafter entered into for the construction, reconstruction, alteration, reconditioning, repair, outfitting, or equipping of vessels, the Commission is hereby authorized to modify such contracts in conformity with provisions hereof relating to negotiated contracts, and to adjust the payments to be made thereunder, but the aggregate amount payable to the contractor under any contract modified pursuant hereto shall not exceed the amount which would have been payable if the contract as modified had been entered into under the authority of this section; (3) the furnishing of materials and performance of work required for or in connection with contracts made by the Commission for the acquisition, construction, reconstruction, alteration, reconditioning, repair, outfitting, or equipping of vessels shall, in the discretion of the President, take priority over the furnishing of materials or performance of work for private account or for export.

(b) The provisions of Public Law Numbered 831, Seventy-sixth Congress, approved October 10, 1940 (54 Stat. 1092 (note under section 326 of Title 40)) (relating to compensation for all hours worked by laborers and mechanics in excess of eight hours per day or forty hours per week at not less than one-and-one-half times the basic rate of pay), shall apply in respect of any contract negotiated pursuant to subsection (a) hereof.

(c) The cost-plus-a-percentage-of-cost system of contracting shall not be used under the authority to negotiate contracts granted by subsection (a) hereof, but contracts may be used providing for payment of cost plus a fixed fee, or cost plus a fixed fee with such bonuses and penalties as the Commission may deem necessary to secure maximum performance under such contracts, if for each contract (1) such fixed fee does not exceed 7 per centum of the estimated cost of the contract (exclusive of the fee and any bonuses payable thereunder) as determined by the Commission at the time of entering into such contract, and (2) the aggregate of such fixed fee plus any such bonuses payable thereunder does not exceed 10 per centum of such estimated cost. Performance or payment bonds required of the contractor under the Act of August 24, 1935 (49 Stat. 793; U. S. C., Title 40, sec. 270a to 270d), may be waived by the Commission with respect to any contract negotiated or modified hereunder providing for payment of cost plus a fee as herein authorized. Any contract negotiated or modified hereunder providing for payment of cost plus a fee as herein authorized shall be excluded from consideration in the determination of profit of the contractor under section 505 (b) (2) of the Merchant Marine Act, 1936, as amended (section 1155 (b) (2) of Title 46).

(d) The Commission shall report every three months to the Congress the contracts entered into or modified under the authority hereof and not included in a prior report. (May 2, 1941, ch. 84, § 2, 55 Stat. 148, as amended June 16, 1942, ch. 416, 56 Stat. 370.)

TERMINATION OF SECTION

Res. June 16, 1942, cited to text, extended provisions of act May 2, 1941, also cited, until six months after the end of the present war shall have been proclaimed, or such earlier time as Congress by concurrent resolution or the President may designate.

§ 1262. Charter of Commission's vessels to private operators for foreign trade until six months after end of war.

Whenever, during the national emergency declared by the President on September 8, 1939, to exist (Proc. No. 2352, set out preceding section 1 of this Appendix), but not after June 30, 1942, the Maritime Commission determines that operation in the foreign trade under charter to a private operator of any vessel of the Commission available for the purposes hereof is necessary for the maintenance of the foreign commerce of the United States, and that the necessary service cannot be so provided as to meet effectively such needs under the provisions of the Merchant Marine Act, 1936, as amended (section 1101 et seq. of Title 46), the Commission may, notwithstanding any other provision of law, charter such vessel to a private operator, a citizen of the United States (as defined in section 2 of the Shipping Act, 1916, as amended (sections 802 and 803 of Title 46)), for use in such foreign trades or services as the Commission may prescribe, on time or bare-boat basis, with or without competitive bidding or advertisement, upon such terms and conditions, for such period or periods, and subject to such restrictions, as the Commission may deem necessary or desirable for the protection of the public interest, and at such rate of charter as it may deem to be fair and reasonable in view of the attendant circumstances, but if the vessel is one constructed under the said Act (section 1101 et seq. of Title 46), not lower than the minimum charter hire would be if the vessel were chartered under the provisions of section 714 of the said Act, as amended (section 1204 of Title 46). Nothing in this Act (sections 1261–1263 of this Appendix and note under section 1251 of this Appendix) shall be construed to modify or affect any provision of the Neutrality Act of 1939, as amended (section 441 et seq. of Title 22). (May 2, 1941, ch. 84, § 3, 55 Stat. 149, as amended June 16, 1942, ch. 416, 56 Stat. 370.)

CROSS REFERENCES

Termination of section, see note under section 1261 of this Appendix.

§ 1263. Repealed. May 7, 1943, ch. 93, § 5, 57 Stat. 77.

CODIFICATION

Section, relating to working hours and overtime pay of Maritime Commission ship construction and other employees, was from act May 2, 1941, ch. 84, § 4, 55 Stat 150, as amended by act June 16, 1942, ch. 416, 56 Stat. 370. For provisions on war overtime pay, see sections 1401–1415 of this Appendix.

ACT OF JUNE 6, 1941

ACT JUNE 6, 1941, CH. 174, 55 STAT. 242

§ 1271. Purchase, requisition, etc., of foreign vessels authorized during national emergency; compensation; claims against vessels.

Whereas Congress has power to provide for the common defense and general welfare and to regulate commerce with foreign nations and whereas for this purpose embargo Acts and nonintercourse Acts have from time to time been passed and whereas the commerce of the United States is at the present time interrupted and the general welfare of its citizens is threatened and an emergency has been declared, for the purposes of national defense, during the existence of the national emergency declared by the President on September 8, 1939, to exist, but not after June 30, 1942, the President is authorized and empowered, through such agency or officer as he shall designate, to purchase, requisition, for any period during such emergency charter or requisition the use of, or take over the title to, or the possession of, for such use or disposition as he shall direct, any foreign merchant vessel which is lying idle in waters within the jurisdiction of the United States, including the Philippine Islands and the Canal Zone, and which is necessary to the national defense: *Provided*, That just compensation shall be determined and made to the owner or owners of any such vessel in accordance with the applicable provisions of section 902 of the Merchant Marine Act, 1936, as amended (section 1242 of Title 46): *Provided further*, That such compensation hereunder, or advances on account thereof, shall be deposited with the Treasurer of the United States, and the fund so deposited shall be available for the payment of such compensation, and shall be subject to be applied to the payment of the amount of any valid claim by way of mortgage or maritime lien or attachment lien upon such vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requisition or taking of title or possession; the holder of any such claim may commence prior to June 30, 1943, or within six months after the first such deposit with the Treasurer and publication of notice thereof in the Federal Register, whichever date is later, and maintain in the United States district court from whose custody such vessel has been or may be taken or in whose territorial jurisdiction the vessel was lying at the time of requisition or taking of title or possession, a suit in admiralty according to the principles of libels in rem against the fund, which shall proceed and be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties, and any decree in said suit shall be paid out of the first and all subsequent deposits of compensation; and such suit shall be commenced in the manner provided by section 2 of the Suits in Admiralty Act (section 742 of Title 46) and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney

General and the United States Maritime Commission and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction: *Provided further,* That if the Maritime Commission, after consideration by it of evidence submitted to it within ten days after the approval of this Act, shall find that on September 3, 1939, and continuously thereafter, any vessel was exclusively owned, used and operated for its exclusive sovereign purposes by a sovereign nation making claim therefor, such vessel may be taken under this section only by purchase or charter; and in determining said ownership, use and operation the Commission shall disregard (1) all contributions made in whole or in part at any time to the construction, repair, reconditioning, equipping or operation of said vessel, (2) all such matters, in nature similar to or dissimilar from, the foregoing clause as in the opinion of the Commission are immaterial or irrelevant to the determination of such ownership Use of such vessel at any time since September 3, 1939, in commercial trade shall be presumptively deemed to show that said vessel is not owned, used and operated by a sovereign nation for its sovereign purposes. The final determination by the Maritime Commission shall be conclusive: *Provided further,* That if any vessel shall be found under the proviso next preceding to be exclusively owned, used and operated by any sovereign nation so that it can only be chartered or purchased, and such vessel shall be chartered or purchased, then the cash to be paid for said charter or purchase, to the extent that may be necessary, after payment of existing claims and liens of creditors against said vessel, shall be held for application upon such debt, if any, as may be due to the United States from the sovereign nation so found to have exclusive ownership to said vessel: *Provided further,* That the Maritime Commission and the Department of Justice are authorized to make just provisions out of funds provided in section 2 of this Act (section 1272 of this Appendix) for employees displaced by the taking of any ship hereunder and report to the Congress their action within thirty days after the enactment of this Act. (June 6, 1941, 11 a. m., E. S. T., ch. 174, § 1, 55 Stat. 242, as amended June 16, 1942, ch. 416, 56 Stat. 370; Mar. 24, 1943, ch. 26, § 3 (a), 57 Stat. 48.)

AMENDMENTS

1943—Act Mar 24, 1943, cited to text, amended second proviso

EX ORD NO. 9350 CONFERRING CERTAIN ADDITIONAL AUTHORITY UPON THE ADMINISTRATOR OF THE WAR SHIPPING ADMINISTRATION

Ex Ord No 9350, June 10, 1943, 8 F R. 7887, provided:

By virtue of the authority vested in me by the act entitled "An Act to authorize the acquisition by the United States of title to or the use of domestic or foreign merchant vessels for urgent needs of commerce and national defense, and for other purposes," approved June 6, 1941 (55 Stat. 242), as extended by the act of June 16, 1942, 56 Stat. 370 (section 1271 of this Appendix), it is ordered as follows:

1. The Administrator of the War Shipping Administration is hereby authorized to exercise until six months after the termination of the present war shall have been proclaimed the authority vested in him by Executive Order No 9054 of February 7, 1942 (set out as note under section 1295 of this Appendix), to purchase, requisition, charter, requisition the use of, or take over the title to, or the possession of, foreign merchant vessels lying idle in the waters within the jurisdiction of the United States, including the Philippine Islands and the Canal Zone; and any such vessel so acquired may be documented under the laws of the United States or of any foreign country.

2 All acts of the Administrator of the War Shipping Administration subsequent to June 30, 1942, with respect to any matters or things authorized by paragraph 1 hereof are hereby ratified

CROSS REFERENCES

Carrying or possessing explosives or dangerous weapons on vessels taken over under this act, see sections 503, 504, of Title 18, Criminal Code and Criminal Procedure

Return of Government-held fishing vessels to private ownership, see section 1301 of this Appendix.

Seizure of Merchant Marine Training Ships for Coast Guard, see note preceding section 51 of Title 14, Coast Guard

§ 1272. Availability of appropriation funds.

Funds appropriated by the Act of March 27, 1941 (ch 30) (Public Law 23, Seventy-seventh Congress), are hereby made available to carry out the provisions of section 1 hereof (section 1271 of this Appendix), including payment of the costs of repair, reconstruction, or reconditioning necessary or incidental to the use or disposition under this Act (sections 1271–1275 of this Appendix) of vessels acquired, or the use or possession of which is acquired, under such section. (June 6, 1941, 11 a. m., E. S. T., ch. 174, § 2, 55 Stat. 243, as amended June 16, 1942, ch. 416, 56 Stat. 370.)

§ 1273. Charter of domestic and foreign vessels; insurance; inapplicability to Neutrality Act of 1939.

(a) During the national emergency declared by the President on September 8, 1939, to exist, but not after June 30, 1942, the United States Maritime Commission, whenever it finds that vessels in addition to those otherwise available are necessary for transportation of foreign commerce of the United States or of commodities essential to the national defense, is authorized, notwithstanding any other provision of law, (1) to charter any vessel, whether undocumented or documented under the laws of the United States or of a foreign country, deemed by the Commission to be suitable for such transportation, without regard to the provisions of section 3709 of the Revised Statutes, on a time-charter or bare-boat basis, upon such terms and conditions (Title 41, § 5), and for such period or periods, as the Commission may deem necessary or desirable in the public interest, and at such rate of hire as it may deem to be fair and reasonable in view of the attendant circumstances, and (2) to charter any vessel chartered by the Commission under clause (1) hereof to a private operator, a citizen of the United States (including a corporation, partnership, or association, only if it is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended) (section 802 of Title 46), or to any department or agency of the United States Government, without regard to the provisions of title VII of the Merchant Marine Act, 1936 (sections 1191–1204 of Title 46), on time-charter or bare-boat basis,

for use in any foreign trade or service or as otherwise hereinafter provided, upon such terms and conditions, for such period or periods, and subject to such restrictions as the Commission may deem necessary or desirable for the protection of the public interest, and at such rate of hire as it may deem to be fair and reasonable. Any department or agency of the United States Government is authorized to enter into such charters. All moneys received by the Commission under the provisions of this subsection shall be deposited in the construction fund of the Commission, and all disbursements made by the Commission in carrying out the provisions of this subsection shall be paid from such fund

(b) The Commission is authorized to provide such insurance and reinsurance with respect to vessels (including any interest or liability of the owner, charterer, or agent) chartered, purchased, requisitioned, or the title to which or the possession of which is taken over, under this Act [sections 1271–1275 of this Appendix], as it may deem necessary in connection with the operation, use, or disposition thereof under this Act, whenever it appears to the Commission that adequate and satisfactory insurance is not otherwise obtainable at reasonable rates and upon reasonable terms and conditions. The fund established pursuant to Public Resolution Numbered 94, Seventy-sixth Congress, approved July 18, 1940 (ch. 639) (54 Stat. 766), shall be available for all purposes of this subsection; and all moneys received from premiums and from salvage or other recoveries and all receipts in connection with such insurance shall be deposited to the credit of such fund, and all disbursements made by the Commission in carrying out the provisions of this subsection, including the payment of return premiums and all liabilities incurred hereunder, shall be paid from such fund. The provisions of sections 225 and 226 (a) to (e), inclusive, of the Merchant Marine Act, 1936, as amended (sections 1128d, 1128e of Title 46) shall be applicable in the administration of this subsection.

(c) Nothing in this Act [sections 1271–1275 of this Appendix] shall be construed to modify or affect any provision of the Neutrality Act of 1939, as amended (sections 441–457 of Title 22). (June 6, 1941, 11 a. m., E. S. T., ch. 174, § 3, 55 Stat. 243, as amended June 16, 1942, ch. 416, 56 Stat. 370; Mar. 24, 1943, ch. 26, § 3 (j), 57 Stat. 51.)

AMENDMENTS

1943—Subsec. (b) was amended by act Mar. 24, 1943, cited to text, which affected clause in parentheses in first sentence

§ 1274. Purchase of domestic or foreign vessels; operated or chartered by Commission.

Whenever the United States Maritime Commission is authorized to charter vessels under section 3 hereof (section 1273 of this Appendix), it is further authorized, notwithstanding any other provision of law, to purchase any vessel, whether undocumented or documented under the laws of the United States or of a foreign country, deemed by the Commission to be suitable for transportation of foreign commerce of the United States or of commodities essential to the national defense, without regard to the provisions of section 3709 of the Revised Statutes (Title 41, § 5), at such price and upon such terms and conditions as it may deem fair and reasonable and in the public interest. Such vessels and vessels otherwise acquired by or made available to the Commission may be chartered as provided in section 3 of this Act (section 1273 of this Appendix), or operated by the Commission upon such terms and conditions as it may deem desirable and in the public interest, giving primary consideration to the needs of national defense, and when so chartered or operated may be insured as provided in said section 3; but no vessel constructed under the provisions of the Merchant Marine Act, 1936, as amended (chapter 27 of Title 46), may be chartered to a private operator hereunder. All moneys received by the Commission under the provisions of this section shall be deposited in the construction fund of the Commission, and all disbursements made by the Commission in carrying out the provisions of this section or section 5 (f) (section 1275 (f) of this Appendix) (except as provided in section 2 (section 1272 of this Appendix)) shall be paid from such fund. (June 6, 1942, 11 a. m., E. S. T., ch. 174, § 4, 55 Stat. 244, as amended June 16, 1942, ch. 416, 56 Stat. 370; Mar. 24, 1943, ch. 26, § 3 (k), 57 Stat. 51.)

AMENDMENTS

1943—Act Mar 24, 1943, cited to text, inserted words "and when so chartered or operated may be insured as provided in said section 3."

Return of Government-held fishing vessels to private ownership, see section 1301 of this Appendix

§ 1275. Documentation of vessels requisitioned, purchased, etc.; waiver of or exception to existing laws; coastwise trade permits; repair of vessels; effect of termination of act.

(a) Notwithstanding any other provision of law, during the effective period of section 3 of this Act (section 1273 of this Appendix) any vessel (except a vessel constructed under the provisions of the Merchant Marine Act, 1936, as amended), not documented under the laws of the United States, acquired by or made available to the Commission under this Act or otherwise, may (1) in the discretion of the Secretary of Commerce be documented as a vessel of the United States under such rules and regulations or orders, and with such limitations, as the Secretary of Commerce may prescribe or issue as necessary or appropriate to carry out the purposes and provisions of this Act [sections 1271–1275 of this Appendix]; and (2) in accordance with the provisions of subsection (c) hereof engage in the coastwise trade when so documented. Any document issued to a vessel under the provisions of this Act [said sections] shall be surrendered at any time that such surrender may be ordered by the Secretary of Commerce. No vessel, the surrender of the documents of which has been so ordered, shall, after the effective date of such order, have the status of a vessel of the United States unless documented anew.

(b) Notwithstanding any other provisions of law, the President may, by rules and regulations or or-

ders, waive compliance with any provision of law relating to masters, officers, members of the crew, or crew accommodations on any vessel documented under authority of this Act [said sections] to such extent and upon such terms as he finds necessary because of the lack of physical facilities on said ships, and because of the need to employ aliens for their operation. No vessel shall cease to enjoy the benefits and privileges of a vessel of the United States by reason of the employment of any person in accordance with the provisions of this subsection.

(c) Any vessel while documented under the provisions of this Act [said sections], when chartered hereunder by the Commission to other Government agencies or departments or to private operators, may engage in the coastwise trade under permits issued by the Commission, which is hereby authorized to issue permits for such purpose pursuant to such rules and regulations as it may prescribe. The Commission is hereby authorized to prescribe such rules and regulations as it may deem necessary or appropriate to carry out the purposes and provisions of this Act.

(d) The second paragraph of section 9 of the Shipping Act, 1916, as amended (section 808 of Title 46) shall not apply with respect to vessels chartered to other Government agencies or departments or to private operators under section 3 or section 4 of this Act (section 1273 or section 1274 of this Appendix)

(e) Existing laws covering the inspection of steam vessels are hereby made applicable to vessels documented under this Act [said sections] only to such extent and upon such conditions as may be required by the regulations of the Board of Supervising Inspectors with the approval of the Secretary of Commerce: *Provided,* That in determining to what extent those laws should be made applicable, due consideration shall be given to the primary purpose of transporting commodities essential to the national defense.

(f) The Commission without regard to the provisions of section 3709 of the Revised Statutes (section 5 of Title 41) may repair, reconstruct, or recondition any vessels to be utilized under this Act [sections 1271–1275 of this Appendix]. Any other Government department or agency by which any vessel is acquired or chartered, or to which any vessel is transferred or made available under this Act [said sections] may, with the aid of any funds available, and without regard to the provisions of said section 3709 (section 5 of Title 41), repair, reconstruct, or recondition any such vessels to meet the needs of the services intended, or provide facilities for such repair, reconstruction, or reconditioning.

(g) In case of voyage of a vessel documented under the provisions of this Act [sections 1271–1275 of this Appendix] is begun before the date of termination of the effective period of section 3 (section 1273 of this Appendix), but is completed after such date, the provisions of this section shall continue in effect with respect to such vessel until such voyage is completed.

(h) When used in this Act [sections 1271–1275 of this Appendix], the term "documented" means "registered" and "enrolled and licensed". (June 6, 1941, 11 a. m., E. S. T., ch. 174, § 5, 55 Stat. 244, as amended June 16, 1942, ch. 416, 56 Stat. 370.)

EX ORD. NO. 8869. WAIVING PROVISIONS OF ACT JUNE 6, 1941, CH. 174, § 5 (b), RELATING TO MASTER, CREW, ETC. ON CERTAIN VESSELS

Ex. Ord. No. 8869, Aug 23, 1941, 6 F. R. 4351, provided in part:

Now, therefore, by virtue of the authority vested in me by the above-quoted statutory provisions (section 5 (b) of act June 6, 1941, ch. 174, 55 Stat. 242), it is hereby ordered as follows:

1. The Secretary of Commerce, from time to time upon request of the United States Maritime Commission, is authorized and directed to make due investigation of the physical facilities on each vessel documented under the authority of the said act of June 6, 1941, and of the need to employ aliens for the operation of the vessel

2 Whenever the Secretary of Commerce, upon the basis of his investigation as to any such vessel, shall find (a) that the physical facilities of the vessel are not adequate to meet the requirements of the laws of the United States, or (b) that the employment of an alien master, officers, or crew is necessary for its operation, he shall certify such finding or findings, and the extent to and the terms upon which the waiver of compliance with any of the said laws may be made with safety and is necessitated by reason of such finding or findings, to the United States Maritime Commission, whereupon such provisions of law shall be waived to the extent and upon the terms set forth in such certification.

ACT OF JULY 14, 1941

ACT JULY 14, 1941, CH. 297, 55 STAT 591

§ 1281. Priorities in transportation by merchant vessels during National Emergency; issuance of warrants.

During the emergency declared by the President on May 27, 1941, to exist but not after June 30, 1943, the President may, notwithstanding any other provisions of law, whenever he deems it in the interest of national defense, including the maintenance of essential supplies and services, authorize the United States Maritime Commission to issue warrants as hereinafter provided with respect to any vessel documented under the laws of the United States or any vessel not so documented but owned by a citizen of the United States. Such warrants may also be issued to foreign-flag vessels not owned by citizens of the United States upon application therefor by the owner of said vessel or the charterer thereof on behalf of such owner. Such application shall be in such form as the United States Maritime Commission may prescribe. All warrants shall be issued and may be revoked pursuant to regulations issued by the United States Maritime Commission with the approval of the President. (July 14, 1941, ch. 297, § 1, 55 Stat. 591, as amended June 16, 1942, ch. 416, 56 Stat. 370.)

§ 1282. Form and content of warrants; supervision of vessel by owner or charterer; effect on coastwise laws.

The warrants to be issued pursuant to this Act [sections 1281–1286 of this Appendix] shall be in such form as the Maritime Commission shall prescribe, and shall set forth the conditions to be complied with by the affected vessel as a condition to receiving the priorities and other advantages pro-

vided in this Act [said sections], by reference to an undertaking of the owner or charterer with respect to the trades in which such vessel shall be employed, the voyages which it shall undertake, the class or classes of cargo or passengers to be carried, the fair and reasonable maximum rate of charter-hire or equivalent, and such incidental and supplementary matters as appear to the United States Maritime Commission to be necessary or expedient for the purposes of the warrant. Nothing in this Act [said sections] shall authorize the United States Maritime Commission to require the owner or charterer to relinquish the manning, storing, victualing, supplying, fueling, maintaining, or repairing of his vessel to any other person or persons. Nothing in this Act [said sections] shall be deemed to alter, amend, or repeal any of the coastwise laws of the United States (July 14, 1941, ch. 297, § 2, 55 Stat. 591, as amended June 16, 1942, ch. 416, 56 Stat. 370.)

§ 1283. Vessels holding warrants as entitled to priorities for loading, discharging, etc.

Vessels holding warrants issued pursuant to this Act [sections 1281–1286 of this Appendix] shall be entitled to priority over merchant vessels not holding such warrants, with respect to the use of facilities for loading, discharging, lighterage or storage of cargoes, the procurement of bunker fuel or coal, and the towing, overhauling, drydocking or repair of such vessels. Vessels holding warrants shall have such priority as among themselves, as the United States Maritime Commission shall determine to be necessary and advisable in the interests of national defense, or as may be specified in the warrants. Persons in the United States, including the Philippine Islands and the Canal Zone, furnishing any of the above-mentioned facilities shall be authorized, and under rules and regulations prescribed by the United States Maritime Commission with the approval of the President may be required, to grant such priorities, anything in any contract whether heretofore or hereafter made to the contrary notwithstanding. (July 14, 1941, ch. 297, § 3, 55 Stat. 592, as amended June 16, 1942, ch. 416, 56 Stat. 370.)

§ 1284. Policy of Commission respecting priorities; prohibition against exactions for privilege of carrying cargoes; warrants for coastwise vessels transporting coal.

In the administration of this Act [sections 1281–1286 of this Appendix] it shall be the policy of the Commission to make fair and reasonable provision for priorities with respect to (1) the importation of substantial quantities of strategic and critical materials, (2) the transportation of substantial quantities of materials when such transportation is requested by any defense agency, and (3) the transportation in the foreign or domestic commerce of the United States of substantial quantities of materials deemed by the Commission to be essential to the defense of the United States: *Provided*, That there shall be no unjust discrimination between ports of the United States. Nothing in this Act [said sections] shall authorize the exaction of any sum from the holder of a warrant solely for the privilege of carrying cargo on any route. Vessels that on January 1, 1941, were engaged primarily in the coastwise transportation of coal for national defense and domestic consumption shall be granted warrants only so long as they continue in the same service as of said date, except that in case any such vessel ceased, before June 15, 1941, to engage in such transportation of coal and before such date became principally engaged in the transportation of defense materials, the Commission may grant such vessel a warrant for such service as it deems suitable pursuant to section 2. (July 14, 1941, ch. 297, § 4, 55 Stat. 592, as amended June 16, 1942, ch. 416, 56 Stat. 370.)

§ 1285. Definition of citizen of the United States.

The term "citizen of the United States" as used in this Act [sections 1281–1286 of this Appendix] includes corporations, partnerships, and associations existing, authorized, or organized under the laws of the United States or any State, district, Territory, or possession thereof. (July 14, 1941, ch. 297, § 5, 55 Stat. 592, as amended June 16, 1942, ch. 416, 56 Stat. 370.)

§ 1286. Penalties; jurisdiction of offenses committed in Canal Zone and Philippine Islands.

Whoever willfully violates any rule, regulation, or order issued under the authority conferred herein shall be punished by a fine of not more than $5,000, or by imprisonment for not more than two years or both: *Provided*, That the District Court of the Canal Zone and the several courts of first instance of the Commonwealth of the Philippine Islands shall have jurisdiction over offenses committed against the provisions of this Act [sections 1281–1286 of this Appendix] within the Canal Zone and the Philippine Islands, respectively. (July 14, 1941, ch. 297, § 6, 55 Stat. 592, as amended June 16, 1942, ch. 416, 56 Stat. 370.)

ACT OF MARCH 24, 1943

ACT MARCH 24, 1943, CH. 26, 57 STAT. 45

§ 1291. Rights of American seamen on privately owned and operated American vessels extended to seamen employed through the War Shipping Administration; exceptions; definitions.

(a) Officers and members of crews (hereinafter referred to as "seamen") employed on United States or foreign flag vessels as employees of the United States through the War Shipping Administration shall, with respect to (1) laws administered by the Public Health Service and the Social Security Act (chapter 7 of Title 42), as amended by subsection (b) (2) and (3) of this section; (2) death, injuries, illness, maintenance and cure, loss of effects, detention, or repatriation, or claims arising therefrom not covered by the foregoing clause (1); and (3) collection of wages and bonuses and making of allotments, have all of the rights, benefits, exemptions, privileges, and liabilities, under law applicable to citizens of the United States employed as seamen on privately owned and operated American vessels. Such seamen, because of the temporary wartime character of their employment by the War Shipping Administration, shall not be considered as officers or employees of the United States for the

purposes of the United States Employees Compensation Act, as amended (chapter 15 of Title 5); the Civil Service Retirement Act, as amended (chapter 14 of Title 5); the Act of Congress approved March 7, 1942 (Public Law 490, Seventy-seventh Congress) (sections 1001–1017 of this Appendix; Title 5, §§ 691, 693, 715; Title 34, § 943); or the Act entitled "An Act to provide benefits for the injury, disability, death, or detention of employees of contractors with the United States and certain other persons or reimbursement therefor", approved December 2, 1942 (Public Law 784, Seventy-seventh Congress) (Title 42, §§ 1701–1717). Claims arising under clause (1) hereof shall be enforced in the same manner as such claims would be enforced if the seaman were employed on a privately owned and operated American vessel. Any claim referred to in clause (2) or (3) hereof shall, if administratively disallowed in whole or in part, be enforced pursuant to the provisions of the Suits in Admiralty Act (Title 46, §§ 741–752), notwithstanding the vessel on which the seaman is employed is not a merchant vessel within the meaning of such Act. Any claim, right, or cause of action of or in respect of any such seaman accruing on or after October 1, 1941, and prior to the date of enactment of this section may be enforced, and upon the election of the seaman or his surviving dependent or beneficiary, or his legal representative to do so shall be governed, as if this section had been in effect when such claim, right, or cause of action accrued, such election to be made in accordance with rules and regulations prescribed by the Administrator, War Shipping Administration. Rights of any seaman under the Social Security Act (chapter 7 of Title 42), as amended by subsection (b) (2) and (3), and claims therefor shall be governed solely by the provisions of such Act, so amended. When used in this subsection the term "administratively disallowed" means a denial of a written claim in accordance with rules or regulations prescribed by the Administrator, War Shipping Administration. When used in this subsection the terms "War Shipping Administration" and "Administrator, War Shipping Administration" shall be deemed to include the United States Maritime Commission with respect to the period beginning October 1, 1941, and ending February 11, 1942, and the term "seaman" shall be deemed to include any seaman employed as an employee of the United States through the War Shipping Administration on vessels made available to or subchartered to other agencies or departments of the United States.

(b) (1) Section 1426 of the Internal Revenue Code (53 Stat. 177, 1383; 26 U. S. C. 1426) is amended by adding at the end thereof the following new subsection:

"(i) *Officers and Members of Crews Employed by War Shipping Administration.*—The term 'employment' shall include such service as is determined by the Administrator, War Shipping Administration, to be performed after September 30, 1941, and prior to the termination of title I of the First War Powers Act, 1941,[1] on or in connection with any vessel by an officer or member of the crew as an employee of the United States employed through the War Shipping Administration, or, in respect of such service performed before February 11, 1942, the United States Maritime Commission, but shall not include any such service performed (1) under a contract entered into without the United States and during the performance of which the vessel does not touch at a port in the United States, or (2) on a vessel documented under the laws of any foreign country and bareboat chartered to the War Shipping Administration. The term 'wages' means, with respect to service which constitutes employment by reason of this subsection, such amount of remuneration as is determined (subject to the provisions of this section) by the Administrator, War Shipping Administration, to be paid for such service. The Administrator and such agents as he may designate for the purpose are authorized and directed to comply with the provisions of the internal revenue laws on behalf of the United States as the employer of individuals whose service constitutes employment by reason of this subsection, but the Administrator and his agents shall not be liable for the tax on any employee imposed by section 1400 (unless the Administrator or his agent collects such tax from the employee) with respect to service performed before the date of enactment of this subsection which constitutes employment by reason of the enactment of this subsection."

(2) Section 209 of the Social Security Act, as amended (U. S. C., title 42, sec 409), is amended by adding at the end thereof the following new subsection:

"(o) (1) *Officers and Members of Crews Employed by War Shipping Administration.*—The term 'employment' shall include such service as is determined by the Administrator, War Shipping Administration, to be performed after September 30, 1941, and prior to the termination of title I of the First War Powers Act, 1941,[1] on or in connection with any vessel by an officer or member of the crew as an employee of the United States employed through the War Shipping Administration or, in respect to such service performed before February 11, 1942, the United States Maritime Commission, but shall not include any such service performed (1) under a contract entered into without the United States and during the performance of which the vessel does not touch at a port in the United States, or (2) on a vessel documented under the laws of any foreign country and bareboat chartered to the War Shipping Administration."

"(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of this subsection, or the periods of such services, or the amounts of remuneration for such services, or the periods in which or for which such remuneration was paid, but shall accept the determinations with respect thereto of the Administrator, War Shipping Administration, and such agents as he may designate, as evidenced by returns filed by such Administrator as an employer pursuant to section 1426 (i) of the Internal Revenue Code and certifications made pursu-

ant to this subsection. Such determinations shall be final and conclusive.

"(3) The Administrator, War Shipping Administration, is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the War Shipping Administrator under this subsection, which the Board finds necessary in administering this title.

"(4) This subsection shall be effective as of September 30, 1941."

(3) Section 907 of the Social Security Act Amendments of 1939 (set out as note under Title 26, § 1400) is amended by inserting after the phrase "attaining age sixty-five," the following: "and 1 per centum of any wages paid him for services which constitute employment by virtue of subsection (o) of section 209 of the Social Security Act, as amended (Title 42, § 409),".

(c) The War Shipping Administration and its agents or persons acting on its behalf or for its account may, for convenience of administration, with the approval of the Administrator, make payments of any taxes, fees, charges, or exactions to the United States or its agencies. (Mar. 24, 1943, ch. 26, § 1, 57 Stat. 45, as amended Apr. 4, 1944, ch. 161, §§ 1, 2, 58 Stat 188.)

[1] Termination of war and six months thereafter, see section 621 of this Appendix

AMENDMENTS

1944—Subsec (b) (1) amended by act Apr 4, 1944, § 1, cited to text, which inserted a comma and "but shall not * * * War Shipping Administration" preceding period at end of first sentence

Subsec (b) (2) amended by act Apr. 4, 1944, § 2, cited to text, which inserted a comma and "but shall not * * * War Shipping Administration" preceding period at end of subd (1)

§ 1292. Insurance awards by War Shipping Administrator; findings and actions as conclusive.

(a) Section 222 (f) of Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended (Public Law 523, Seventy-seventh Congress) (Title 46, § 1128a), is amended by inserting before the period at the end thereof a semicolon and the following: "and, whenever the Commission shall insure any risks included under subsection (d) or (e) of this section, or under this subsection insofar as it concerns liabilities relating to the master, officers, and crews of such vessels or to other persons transported thereon, the insurance on such risks may include marine risks to the extent that the Commission determines to be necessary or advisable".

(b) Whenever the Administrator, War Shipping Administration, finds that, on or after October 1, 1941, and before thirty days after the date of enactment of this subsection, a master, officer, or member of the crew of, or any persons transported on, a vessel owned by or chartered to the Maritime Commission or the War Shipping Administration or operated by, or for the account of, or at the direction or under the control of the Commission or the Administration, has suffered death, injury, detention, or other casualty, for which the War Shipping Administration would be authorized to provide insurance under Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended by this Act [Title 46, § 1128a], the Administrator may declare that such death, injury, detention, or other casualty, shall be deemed and considered to be covered by such insurance at the time of the disaster or accident, if the Administrator finds that such action is required to make equitable provision for loss or injury related to the war effort and not otherwise adequately provided for: *Provided*, That in making provision for insurance under this subsection the Administrator shall not provide for payments in excess of those generally provided for in comparable cases under insurance hereafter furnished under the said Subtitle—Insurance of Title II [Title 46, § 1128a], as amended: *Provided further*, That any money paid to any person by reason of insurance provided for under this subsection shall apply in pro tanto satisfaction of the claim of such person against the United States arising from the same loss or injury. There shall be no recovery of any money paid on account of insurance provided for the master, officers, or members of the crew of, or individuals transported on, any vessel under this subsection or under Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended [sections 1128–1128h of Title 46], from any person who in the judgment of the Administrator, War Shipping Administration, is without fault, and when in the judgment of the Administrator such recovery would defeat the purposes of benefits otherwise authorized or would be against equity and good conscience. The declarations, findings, and actions of or by the Administrator under this subsection shall be final and conclusive.

(c) The Administrator, War Shipping Administration, is also authorized to make payments, in accordance with rate schedules provided by the United States Employees' Compensation Act [sections 751–791, and 793 of Title 5], to a master, officer, or member of the crew of, or any persons transported on, a vessel owned by or chartered to the Maritime Commission or the War Shipping Administration or operated by, or for the account of, or at the direction or under the control of the Commission or the Administration, for permanent total or partial disability as long as such disability resulting from causes related to the war effort whether heretofore or hereafter arising exists; such payments to commence if and when insurance benefits provided by the War Shipping Administration for such person shall have been exhausted.

(d) The War Shipping Administration shall have the right of intervention and a lien and right of recovery in the cases and to the extent of any payments paid and payable under this section or under Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended [sections 1128–1128h of Title 46], in the manner provided in the last paragraph of subsection (c) of section 105 of the Act approved December 2, 1942 (Public Law 784, 77th Congress; 42 U. S. C., sec. 1701), as amended by Public Law 216, 78th Congress, approved Decem-

ber 23, 1943. Any amounts recovered under this provision shall be covered into the marine and war-risk insurance fund, War Shipping Administration. (Mar. 24, 1943, ch. 26, § 2, 57 Stat. 47, as amended Sept. 30, 1944, ch. 451, 58 Stat. 758.)

AMENDMENTS

1944—Act Sept 30, 1944, cited to text, amended section by inserting sentence beginning "There shall be no" in subsec. (b), and by adding subsecs. (c) and (d).

§ 1293. Payment of compensation; insurance.

(a) The second proviso of section 1 of the Act of June 6, 1941 (Public Law 101, Seventy-seventh Congress), as amended (section 1271 of this Appendix), is hereby amended to read as follows: "*Provided further*, That such compensation hereunder, or advances on account thereof, shall be deposited with the Treasurer of the United States, and the fund so deposited shall be available for the payment of such compensation, and shall be subject to be applied to the payment of the amount of any valid claim by way of mortgage or maritime lien or attachment lien upon such vessel, or of any stipulation therefor in a court of the United States, or of any State, subsisting at the time of such requisition or taking of title or possession; the holder of any such claim may commence prior to June 30, 1943, or within six months after the first such deposit with the Treasurer and publication of notice thereof in the Federal Register, whichever date is later, and maintain in the United States district court from whose custody such vessel has been or may be taken or in whose territorial jurisdiction the vessel was lying at the time of requisition or taking of title or possession, a suit in admiralty according to the principles of libels in rem against the fund, which shall proceed and be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties, and any decree in said suit shall be paid out of the first and all subsequent deposits of compensation; and such suit shall be commenced in the manner provided by section 2 of the Suits in Admiralty Act (Title 46, section 742) and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney General and the United States Maritime Commission and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction."

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, of just compensation therefor that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended (Title 46, § 1242), or the Act of June 6, 1941 (Public Law 101, Seventy-seventh Congress) (sections 1271–1275 of this Appendix), is not required by the United States, and after such determination has been made and notice thereof has been published in the Federal Register, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however*, That no such determination shall be made with respect to any vessel after the expiration of a period of two months after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. Except as provided by Executive Order Numbered 9001–A, December 27, 1941 (set out following this section), such a determination may be made by the Administrator, War Shipping Administration, with respect to any vessel title to which has been requisitioned pursuant to the Act of June 6, 1941 (Public Law 101, Seventy-seventh Congress) (sections 1271–1275 of this Appendix), and which vessel thereafter has been lost or destroyed or converted to naval or military use by the United States, upon owner's consent and certification by the Secretary of State that understanding had been reached between the United States and the diplomatic representatives of the country of which the owner of such vessel was a national, that such title requisition instead of requisition for use was necessitated by the circumstances existing at the date of requisitioning, but that such vessel should be returned after the termination of the national emergency declared by the President on May 27, 1941.

(c) In the event that a vessel the title or use and possession of which is requisitioned or taken pursuant to section 902 of the Merchant Marine Act, 1936, as amended (Title 46, § 1242), or the Act of June 6, 1941 (Public Law 101, Seventy-seventh Congress) (sections 1271–1275 of this Appendix), is in the custody of any court, State or Federal, it shall be the duty of all agents and officers of the court having possession, custody, or control of said vessel, forthwith upon the filing with the clerk of said court of a certified copy of the order of requisitioning or taking, and without further order of the court, to comply with said requisitioning or taking and to permit the representatives of the United States Maritime Commission or the War Shipping Administration, as the case may be, to take possession, custody, and control of said vessel.

(d) Section 902 of the Merchant Marine Act, 1936, as amended (Title 46, § 1242), is hereby amended by adding at the end of subsection (d) thereof a paragraph to read as follows:

"The existence of any valid claim by way of mortgage or maritime claim or attachment lien upon such vessel shall not prevent the taking thereof pursuant to this section: *Provided, however*, That in the event any such claim exists the United States Maritime Commission may in its discretion deposit such portion of the compensation hereunder, or advances on account thereof, as may equal but not exceed the amount of such claims in respect of the vessel, with the Treasurer of the United States, and the fund so deposited shall be available for the payment of such compensation, and shall be subject to be applied to the payment of the amount of any valid claim by way of mortgage or maritime lien or attachment lien upon such vessel, or of any stipulation

therefor in a court of the United States, or of any State, subsisting at the time of such requisition or taking of title or possession; the holder of any such claim may commence prior to June 30, 1943, or within six months after the first such deposit with the Treasurer and publication of notice thereof in the Federal Register, whichever date is later, and maintain in the United States district court from whose custody such vessel has been or may be taken or in whose territorial jurisdiction the vessel was lying at the time of requisitioning or taking of title or possession, a suit in admiralty according to the principles of libels in rem against the fund, which shall proceed and be heard and determined according to the principles of law and to the rules of practice obtaining in like cases between private parties, and any decree in said suit shall be paid out of the first and all subsequent deposits of compensation; and such suit shall be commenced in the manner provided by section 2 of the Suits in Admiralty Act (Title 46, § 742) and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney General and the United States Maritime Commission and due notice shall under order of the court be given to all interested persons, and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction."

(e) (1) The second sentence of section 223 of Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended (Public Law 523, Seventy-seventh Congress) (Title 46, § 1128b), is amended by inserting before the period at the end thereof a comma and the following: "but the Commission may allow fair and reasonable compensation to any company authorized to do an insurance business in any State of the United States for servicing insurance written by such company as an underwriting agent for the Commission, and such compensation may include an allowance for expenses reasonably incurred by such agent but such expenses shall not include any commission paid by such agent in excess of 5 per centum of the premiums in respect of such insurance".

(2) The last sentence of such section 223 (Title 46, § 1128b) is amended by striking out the clause in parentheses, and by inserting before the period at the end of such sentence a comma and the following: "but in no case shall such allowance to the carrier provide for payment by the carrier of commissions in excess of 5 per centum of the premiums paid for that portion of the direct insurance so reinsured".

(f) Section 224 (a) of Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended (Public Law 523, Seventy-seventh Congress) (Title 46, § 1128c), is amended by striking out the words "section 222" and inserting in lieu thereof the words "sections 222 and 229" and by inserting after the word "subtitle" and before the comma following such word the words "or in section 10 of the Merchant Marine Act, 1920, as amended".

(g) Section 225 of Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended (Public Law 523, Seventy-seventh Congress) (Title 46, § 1128d), is amended by adding at the end thereof the following: "All persons having or claiming to have an interest in such insurance, or who it is believed might assert such an interest, may be made parties to such suit, either initially or upon the motion of either party. In any case where the Commission acknowledges the indebtedness of the United States on account of such insurance, and there may be a dispute as to the person or persons entitled to receive payment, the United States may bring an action in the nature of a bill of interpleader against the persons having or claiming to have any interest in such insurance, or who it is believed might assert such an interest, in the District Court of the United States for the District of Columbia, or in the district court in and for the district in which any such person resides. In either of such actions any person claiming to have an interest in such insurance, or who it is believed might assert such an interest, if not an inhabitant of or found within the district within which either of such actions is brought, may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct, and if it be shown to the satisfaction of the court that persons unknown might assert a claim on account of such insurance, the court may direct service upon such persons unknown by publication in the Federal Register. Judgment in any such action shall discharge the United States from further liability to any parties to such action, and to all persons where service by publication upon persons unknown is directed by the court. The procedure herein provided shall apply to all actions now pending against the United States under the provisions of this subtitle, as amended."

(h) Section 226 (f) of Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended (Public Law 523, Seventy-seventh Congress) (Title 46, § 1128e), is amended by adding at the end thereof a new paragraph to read as follows:

"(3) The term 'risks of war' shall include those losses which, in accordance with commercial practice prevailing from time to time, are excluded from marine insurance coverage under 'free of capture and seizure' clauses or clauses analogous thereto."

(i) Subtitle—Insurance of Title II of the Merchant Marine Act, 1936, as amended (Public Law 523, Seventy-seventh Congress), is amended by adding at the end thereof a section (Title 46, § 1128h) to read as follows:

"Sec. 229. In addition to the insurance functions authorized by the other sections of this subtitle, the War Shipping Administration may insure directly, or may reinsure in whole or in part any company authorized to do business in any State in the United States and which shall insure directly, any person who shall perform services or provide facilities for or with respect to any American or foreign flag vessel, public or private, or any naval vessel of a foreign government against legal liabilities (except liability to employees in respect of employer's liability and workmen's compensation) that may be incurred by such person in connection with the performance of such services or the providing of such facilities,

whenever in the opinion of the Administrator, War Shipping Administration, such insurance or reinsurance is required in the prosecution of the war effort and cannot be obtained at reasonable rates or upon reasonable conditions from approved companies authorized to do an insurance business in any State of the United States."

(j) The clause in parentheses in the first sentence of section 3 (b) of the Act of June 6, 1941, as amended (Public Law 101, Seventy-seventh Congress) (section 1273 of this Appendix), is amended to read as follows: "(including any interest or liability of the owner, charterer, or agent)".

(k) The second sentence of section 4 of such Act of June 6, 1941 (section 1274 of this Appendix), is amended by inserting after the words "national defense" and before the semicolon a comma and the following: "and when so chartered or operated may be insured as provided in said section 3". (Mar. 24, 1943, ch. 26, § 3, 57 Stat. 48.)

EX. ORD NO. 9001–A AUTHORIZING AND DIRECTING THE UNITED STATES MARITIME COMMISSION TO RESELL THE S S "NORMANDIE" TO THE FORMER OWNERS

Ex Ord No 9001–A, Dec. 27, 1941, 7 F. R 801, provided:

Whereas section 1 of the act of Congress approved June 6, 1941 (Public Law 101, 77th Congress) (section 1271, of this Appendix), provides, in part:

* * * during the existence of the national emergency declared by the President on September 8, 1939, to exist, but not after June 30, 1942, the President is authorized and empowered, through such agency or officer as he shall designate, to purchase, requisition, for any period during such emergency charter or requisition the use of, or take over the title to, or the possession of, for such use or disposition as he shall direct, any foreign merchant vessel which is lying idle in waters within the jurisdiction of the United States, including the Philippine Islands and the Canal Zone, and which is necessary to the national defense * * *

And whereas the United States Maritime Commission (herein called the "Commission"), by virtue of the authority vested in it by the aforesaid act and by the Executive order dated June 6, 1941, and amendment thereto, took over the title to the possession of the S. S. *Normandie*, a foreign merchant vessel lying idle in waters within the jurisdiction of the United States, effective as of December 16, 1941,

And whereas the French Government has requested that said vessel, unless lost, be returned to the former owners thereof when the present emergency shall have ceased and the United States shall no longer have need of said vessel:

Now, therefore, by virtue of the authority vested in me by the aforesaid act, it is hereby ordered that, without limiting the authority of the Commission under the provisions of sections 3, 4, and 5 of the aforesaid act (sections 1273–1275 of this appendix), or under the said Executive order or amendment thereto, or under any other provision of law, the Commission is authorized, upon such terms and conditions as the Commission shall deem desirable and conducive to the national defense, to agree to resell the S S *Normandie* to the former owners thereof, or their successors, and to re-deliver the same to said former owners, or their successors, whenever the present emergency shall have ceased and the Commission shall determine that the United States no longer has need of said vessel

§ 1294. United States as entitled to all benefits of exemption and limitation of liability accorded to owners of vessels.

The United States shall, with respect to vessels owned by or chartered to the War Shipping Administrator under bareboat charter or time charter or operated directly by such Administrator or for his account, be entitled to the benefits of all exemptions and of all limitations of liability accorded by law to the owners of vessels. With respect to any such vessel, the term "the United States" shall include agents or other persons acting for or on behalf of the Administrator in connection with the operation thereof. (Mar. 24, 1943, ch. 26, § 4, 57 Stat. 51.)

§ 1295. Termination of section 1291 (a); authority of United States Maritime Commission vested in Administrator of War Shipping Administration.

The provisions of section 1 (a) of this Act (section 1291 of this Appendix) shall remain in force until the termination of title 1 of the First War Powers Act, 1941.[1] The termination of the provisions of such section shall not affect any act done or any right accruing or accrued, or any suit or proceeding had or commenced in any cause before such termination, but all rights and liabilities under law as modified by such provisions shall continue, and may be enforced in the same manner as if such provisions had not terminated. The authority conferred upon the United States Maritime Commission by any provision of this Act [sections 1292–1295 of this Appendix] shall be vested in and exercised by the Administrator of the War Shipping Administration in conformity with the Executive order of February 7, 1942 (Numbered 9054; 7 F. R. 837), as heretofore or hereafter amended. (Mar. 24, 1943, ch. 26, § 5, 57 Stat. 51.)

[1] Termination of war and six months thereafter, see section 621 of this Appendix

EX ORD. NO. 9054 ESTABLISHING A WAR SHIPPING ADMINISTRATION IN THE EXECUTIVE OFFICE OF THE PRESIDENT AND DEFINING ITS FUNCTIONS AND DUTIES

Ex Ord No 9054, Feb. 7, 1942, 7 F R 837, as amended by Ex Ord No 9244, Sept 16, 1942, 7 F R 7327, provided:

By virtue of the authority vested in me by the Constitution and Statutes of the United States, including the First War Powers Act, 1941 (sections 601–622 of this Appendix) approved December 18, 1941, as President of the United States and Commander in Chief of the Army and Navy, and in order to assure the most effective utilization of the shipping of the United States for the successful prosecution of the war, it is hereby ordered:

1. There is established within the Office for Emergency Management of the Executive Office of the President a War Shipping Administration under the direction of an Administrator who shall be appointed by and responsible to the President

2. The Administrator shall perform the following functions and duties:

a Control the operation, purchase, charter, requisition, and use of all ocean vessels under the flag or control of the United States, except (1) combatant vessels of the Army, Navy, and Coast Guard; fleet auxiliaries of the Navy, and transports owned by the Army and Navy, and (2) vessels engaged in coastwise, intercoastal, and inland transportation under the control of the Director of the Office of Defense Transportation.

b. Allocate vessels under the flag or control of the United States for use by the Army, Navy, other Federal departments, and agencies, and the governments of the United Nations

(c) Provide insurance and reinsurance pursuant to the Merchant Marine Act, 1920, as amended (chapter 24 of Title 46), Merchant Marine Act, 1936, as amended (chapter 27 of Title 46), and the Act of June 6, 1941 (Public Law 101, 77th Congress) (sections 1271–1275 of this Appendix).

d Establish the conditions to be complied with as a condition to receiving priorities and other advantages as

provided in Public Law 173, Seventy-seventh Congress, approved July 14, 1941 (sections 1281–1286 of this Appendix).

e. Represent the United States Government in dealing with the British Ministry of War Transport and with similar shipping agencies of nations allied with the United States in the prosecution of the war, in matters related to the use of shipping.

f. Maintain current data on the availability of shipping in being and under construction and furnish such data on request to the Departments of War and the Navy, and other Federal departments and agencies concerned with the import or export of war materials and commodities.

g. Keep the President informed with regard to the progress made in carrying out this Order and perform such related duties as the President shall from time to time assign or delegate to him

(h) Exercise the power, authority and discretion conferred upon the President by Section 902 (e) of the Merchant Marine Act of 1936, as amended

(i) With respect to all matters for which the Administrator may be responsible under terms of the Order, exercise in like manner as the United States Maritime Commission, all of the functions, powers and duties with respect to contracts and payments, and the audit of books and records, conferred upon the Commission by Executive Order No. 9001, December 27, 1941 (set out under section 611 of this Appendix), and Executive Order No 9127, April 10, 1942 (set out under section 643 of this Appendix), and Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public Law 528, 77th Congress) (section 1191 of this Appendix).

(j) Exercise in like manner as the United States Maritime Commission all the functions, powers, authority and discretion with regard to the acquisition (including requisition) and disposition of property conferred upon the United States Maritime Commission by the Executive Orders No 8942, No. 9138, and No. 9129 (set out as note under section 632 of this Appendix), dated November 19, 1941, April 17, 1942, and April 13, 1942, respectively.

(k) Exercise in like manner as the United States Maritime Commission all the functions, powers, duties, authority and discretion conferred on the Commission by the Suits in Admiralty Act approved March 9, 1920 (41 Stat 525, Chapter 95). (Title 46, §§ 741-752) (As amended by Ex Ord No 9244, Sept 16, 1942, 7 F R. 7327)

3 The functions, duties and powers conferred by law upon the United States Maritime Commission with respect to the operation, purchase, charter, insurance, repair, maintenance, and requisition of vessels and facilities required for the operation thereof and the issuance of warrants with respect thereto under the Merchant Marine Act, 1936, as amended (chapter 27 of Title 46), the Act of June 6, 1941 (Public Law 101, 77th Congress), the Act of July 14, 1941 (Public Law 173, 77th Congress) (sections 1281–1286 of this Appendix), the Act of May 2, 1941 (Public Law 46, 77th Congress) (sections 1261-1263 of this Appendix), the Act of October 16, 1941 (Public Law 274, 77th Congress), as amended (sections 721–724 of this Appendix), First Supplemental National Defense Appropriation Act, 1942 (Public Law 247, 77th Congress), the First War Powers Act, 1941, the Act of February 6, 1941 (Public Law 5, 77th Congress) (ch. 409, 55 Stat 669), Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public Law 528, 77th Congress) (section 1191 of this Appendix), Executive Order No. 8771, dated June 6, 1941, as amended, Executive Order No 9001 (set out under section 611 of this Appendix), dated December 27, 1941, Executive Order No 9127, dated April 10, 1942 (set out under section 643 of this Appendix), and under any other provisions of law, including Executive Orders, are hereby transferred to the Administrator; and such part of the existing personnel of the United States Maritime Commission, together with such records and public property as the Administrator may deem necessary to the full exercise of his functions and duties prescribed by this Order are hereby assigned to the War Shipping Administration (As amended by Ex Ord. No. 9244, Sept. 16, 1942, 7 F. R 7327)

4. Vessels under the control of the War Shipping Administration shall constitute a pool to be allocated by the Administrator for use by the Army, Navy, other Federal departments and agencies, and the governments of the United Nations. In allocating the use of such vessels, the Administrator shall comply with strategic military requirements.

5 For the purpose of carrying out the provisions of this Order, the Administrator is authorized to utilize the services of available and appropriate personnel of the United States Maritime Commission, the War and Navy Departments, and other government departments and agencies which are engaged in activities related to the operation of shipping. The Administrator may require, and other government departments and agencies are directed to make available to the Administrator, such information, reports and statistics regarding shipping requirements as the Administrator may deem necessary to enable him properly to determine and administer the allocation of vessels and space thereon, except in regard to vessels of the Army and Navy excluded in Section 2 and those engaged on special secret military missions (As amended by Ex Ord. No. 9244, Sept. 16, 1942, 7 F. R. 7327)

6. In the discharge of his responsibilities the Administrator shall collaborate with existing military, naval, and civil departments and agencies of the government which perform maritime functions connected with transportation overseas, in order to secure the most effective utilization of shipping in the prosecution of the war The Administrator particularly shall maintain close liaison with the Departments of War and the Navy through the Assistant Chief of Staff for Transportation and Supply and the Director, Naval Transportation Service, respectively, with respect to the movement of military and naval personnel and supplies; and with the Director of the Office of Defense Transportation with respect to the relation of overseas transportation to coastwise and intercoastal shipping and inland transportation With respect to the overseas transportation of cargoes essential to the war production effort and the civilian economy the Administrator shall be guided by schedules transmitted to him by the Chairman of the War Production Board prescribing the priority of movement of such commodities and materials

7 The Administrator may establish committees or groups of advisors representing two or more departments of the Federal government, or agencies or missions of governments allied with the United States in the prosecution of the war, as the case may require to carry out the purposes of this Order. Further, he may appoint representatives to such joint missions or boards dealing with matters within the scope of this Order as may be established with governments associated with the United States in the prosecution of the war.

8 Within the purposes of this Order, the Administrator is authorized to issue such directives concerning shipping operations as he may deem necessary or appropriate, and his decisions shall be final with respect to the functions and authorities so vested in him. The Administrator may exercise the powers, authority and discretion conferred upon him by this Order through such officials or agencies and in such manner as he may determine.

9 The Administrator is further authorized within the limits of such funds as may be allocated, transferred, or appropriated to the War Shipping Administration to employ necessary personnel and make provisions for necessary supplies, facilities, and services. So much of the unexpended balances of appropriations, allocations, or other funds available (including funds and contract authority available for the fiscal year ending June 30, 1942) for the use of the United States Maritime Commission in the exercise of the functions transferred to the Administrator and the War Shipping Administration, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the War Shipping Administration for use in carrying out the functions and authority transferred to the Administrator and the War Shipping Administration pursuant to the provisions of this Order. In determining the amounts to be transferred from the United States Mari-

time Commission, the Director of the Bureau of the Budget may include amounts necessary to provide for the liquidation of obligations previously incurred by the United States Maritime Commission against such appropriations, allocations or other funds prior to the transfer: *Provided*, That the use of the unexpended appropriations, allocations or other funds transferred by this Section shall be subject to the provisions of Section 3 of the First War Powers Act, 1941 (section 603 of this Appendix).

EX. ORD NO. 9387. ESTABLISHING AN ADVISORY BOARD ON JUST COMPENSATION AND PRESCRIBING ITS FUNCTIONS

Ex Ord No. 9387, Oct. 15, 1943, 8 F. R. 14105, provided:

The War Shipping Administration was established to insure the fullest utilization of our shipping facilities for the successful prosecution of the war. Substantially all the vessels of the United States Merchant Marine, including many fishing boats and other small craft, have been requisitioned by the United States through the Administrator, War Shipping Administration. In some cases this requisition was only of the use of the vessel, in others it included full title. In determining the amount of just compensation which the United States is required to pay under applicable statutes, numerous questions of fact and law must be solved. By obtaining guidance in these matters, the operations of the War Shipping Administration will be greatly facilitated and the determination of the proper compensation to be paid for individual vessels will be more speedily accomplished

Now, therefore, by virtue of the authority vested in me by the Constitution and the statutes and particularly by the First War Powers Act, 1941 (sections 601–622 of this Appendix), as President of the United States and Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. There is hereby established a Board, to be known as the Advisory Board on Just Compensation (hereinafter referred to as the Board), whose composition, powers, functions and responsibilities are defined herein.

2 The Board shall consist of the following members. Judge Learned Hand, Judge John J. Parker, and Judge Joseph C Hutcheson, Jr. The members of the Board shall serve for a period of three months or for such lesser period of time as may be required for the completion of the functions of the Board as set forth in paragraph 4 of this order.

3. The Board shall be furnished by the War Shipping Administration with such professional, technical, clerical, stenographic and other personnel as may be selected by the Board to assist it in carrying out its functions.

4 The Board, in accordance with the applicable provisions of the Constitution and the laws of the United States, shall establish fair and equitable standards, rules and formulae of general applicability for the guidance of the War Shipping Administration in determining the just compensation to be paid for all vessels requisitioned, purchased, chartered or insured by the Administration The Board may prescribe such rules, regulations and procedures as it deems necessary or advisable in carrying out its functions.

5 In determining the amount of just compensation which should be paid for each vessel, the War Shipping Administration will be guided by the general standards, rules and formulae established by the Board.

ACT OF APRIL 29, 1943

ACT APRIL 29, 1943, CH 81, 57 STAT 69

§ 1301. Return of fishing vessels, vessels of 1000 tons or less, and Great Lakes vessels to private ownership.

Any vessel formerly used or suitable for use in the fisheries or industries related thereto, any vessel of one thousand gross tons (determined in accordance with the provisions of section 77 of Title 46 of the United States Code) or less, and any vessel employed on the Great Lakes during the year preceding its acquisition by the United States, the title to which has been or may hereafter be acquired by the United States through purchase or requisition except any vessel seventeen years of age or older traded in under the provisions of section 510, Merchant Marine Act, 1936, as amended [section 1160 of Title 46], or any other provision of law may be returned to private ownership in accordance with the provisions of this Act [sections 1301–1304 of this Appendix]. (Apr. 29, 1943, ch. 81, § 1, 57 Stat. 69, as amended May 18, 1944, ch. 199, § 1, 58 Stat. 223.)

AMENDMENTS

1944—Act May 18, 1944, cited to text, amended section generally by making it applicable to vessels of 1000 tons or less and Great Lakes vessels in addition to fishing vessels

§ 1302. Same; determination of availability; repayment of compensation to United States, less reasonable allowances.

Every such vessel shall, upon determination by the department or agency having possession thereof that the vessel is no longer needed or can be spared by such department or agency without detriment to its service, be made available to the Administrator of the War Shipping Administration (hereinafter referred to as the Administrator), who shall notify the owner from whom such vessel was purchased or requisitioned that the vessel may be returned to such owner upon repayment to the United States of the compensation paid therefor less such allowances as the Administrator may deem reasonable (1) to cover the cost of such reconditioning as the Administrator after consultation with the owner deems necessary to restore the vessel to condition and utility at least as good as when acquired by the United States (ordinary wear and tear excepted), and (2) to compensate such owner for the use of the vessel by the United States, and upon compliance with such other terms and conditions as the Administrator may prescribe. The determination of such allowances by the Administrator shall be final notwithstanding any other provision of law. (Apr. 29, 1943, ch. 81, § 2, 57 Stat. 69, as amended May 18, 1944, ch. 199, § 2, 58 Stat. 223.)

AMENDMENTS

1944—Act May 18, 1944, cited to text, amended section by omitting in subd. (1) of the first sentence "and the owner may find necessary to make the vessel suitable for use in the fisheries or industries related thereto" preceding "(ordinary wear and tear excepted)", and inserted in lieu thereof "after consultation with the owner deems necessary to restore the vessel to condition and utility at least as good as when acquired by the United States".

§ 1303. Same; failure or waiver of return rights; sale of vessels; limited use.

If any such owner to whom compensation has been paid or a tender of compensation has been made shall fail, within a reasonable time after notice (which time shall be specified in the notice but may be extended by the Administrator) to make arrangements satisfactory to the Administrator for such return of the vessel or shall expressly waive the right thereto, the Administrator may advertise the vessel for sale upon competitive sealed bids subject to such terms and conditions as the Administrator

may prescribe, including in the case of any vessel used in the commercial fisheries or industries related thereto immediately prior to the acquisition of such vessel by the United States, a requirement that the vessel will not be used for a period of two years from date of sale, other than in the commercial fisheries or industries related thereto: *Provided, however,* That the Administrator may reject any bid which does not equal the purchase price or compensation paid or payable by the United States for such vessel less a reasonable allowance to cover the cost of reconditioning as hereinabove defined. (Apr. 29, 1943, ch. 81, § 3, 57 Stat. 69, as amended May 18, 1944, ch. 199, § 3, 58 Stat. 224.)

AMENDMENTS

1944—Act May 18, 1944, cited to text, amended section by inserting "to whom compensation has been paid or a tender of compensation has been made" following "If any such owner", "in the case of any vessel used in the commercial fisheries or industries related thereto immediately prior to the acquisition of such vessel by the United States" following "Administrator may prescribe, including", omitting "of assurance" following "a requirement", changing "one year" to "two years", and inserting "commercial" preceding "fisheries" preceding "or industries related thereto:".

§ 1304. Same; payment of expenses.

The Administrator may withhold from the funds received for the return or sale of any such vessel the expenses incurred by him in such return or sale, and shall pay over the balance of such receipts to the department or agency by which such vessel was made available. (Apr. 29, 1943, ch 81, § 4, 57 Stat. 70, as amended May 18, 1944, ch. 199, § 4, 58 Stat. 224.)

AMENDMENTS

1944—Act May 18, 1944, cited to text, reenacted section in toto.

ACT OF JULY 9, 1943

ACT JULY 9, 1943, CH. 212, 57 STAT. 391

§ 1311. Protection of vessels, harbors, ports, or water-front facilities; penalty for violation.

Whoever willfully shall violate any regulation or order promulgated or approved by the Secretary of the Navy pursuant to lawful authority for the protection or security of vessels, harbors, ports, or water-front facilities, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse, or other unsatisfactory conditions thereon, or the ingress thereto, or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident, or by enemy action, sabotage, or other subversive acts, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than one year, or both. (July 9, 1943, ch. 212, § 1, 57 Stat. 391.)

§ 1312. Same; termination of act.

The provisions of this Act shall remain in effect only until six months after the cessation of hostilities in the present war. (July 9, 1943, ch. 212, § 2, 57 Stat. 391.)

FARM LABOR SUPPLY APPROPRIATION ACT, 1944 (New)

ACT FEB. 14, 1944, CH. 16, 58 STAT. 11

Sec.
1351. Appropriation to provide adequate supply of agricultural workers, period of availability.
1352. Same; payments to States.
1353 Same; purpose of expenditures by Administrator of Food Production and Distribution; cooperation of Administrator with other agencies.
1354 Same; limitations on use of funds.
1355. Same; payments as liable to withholding tax; definitions; deposit of certain receipts; transfer of C C C camps, applicability of social security, immigration and alien registration laws; amendment and supersedure of act April 29, 1943, ch. 82, 57 Stat. 70; use of prisoners of war; short title.

§ 1351. Appropriation to provide adequate supply of agricultural workers; period of availability.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, namely:

For assisting in providing an adequate supply of workers for the production, harvesting, and preparation for markets of agricultural commodities essential to the prosecution of the war, $30,000,000, which sum, together with the amount appropriated in the Act of April 29, 1943 (Public Law 45) [set out as a note under this section], shall be merged into one fund, to remain available until December 31, 1944, and to be expended by the War Food Administrator (hereinafter referred to as the "Administrator"), appointed pursuant to Executive Order Numbered 9334, dated April 19, 1943 [set out as note under section 601 of this Appendix]. (Feb. 14, 1944, ch. 16, title I, § 1, 58 Stat. 11.)

FARM LABOR ACT OF 1943

Act Apr 29, 1943, ch 82, §§ 1–5, 57 Stat 70, as amended by act June 9, 1943, ch. 119, 57 Stat 125, act Dec. 23, 1943, ch 381, § 1, 57 Stat. 643, and act Feb. 14, 1944, cited to text, provided as follows:

"That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $26,100,000, to remain available until the date of the enactment into law of House Joint Resolution 208 of the Seventy-eighth Congress, to be expended by the Administrator of Food Production and Distribution (hereinafter referred to as the 'Administrator'), appointed pursuant to Executive Order Numbered 9322, dated March 26, 1943 [set out as a note under section 601 of this Appendix], for assisting in providing an adequate supply of workers for the production and harvesting of agricultural commodities essential to the prosecution of the war, as follows.

"Sec. 2 (a) For the purpose of assisting in providing an adequate supply of workers for the production and harvesting of agricultural commodities within the several States, the Administrator shall apportion among the several States, on the basis of need, not less than $9,000,000 and not more than $13,050,000 of the sum appropriated by section 1 and the sums so apportioned shall be available for payment to such States for expenditure by the agricultural extension services of the land-grant colleges in such States in accordance with such agreements as may be entered into by the Administrator and such extension services and subject to the supervision of the Administrator. The purposes for which such funds may be expended by such extension services shall include, among other things, (1) the recruiting, placement (including the placement of workers as tenants or sharecroppers), and training of such workers, (2) transportation, supervision, subsistence, protection, health and medical and burial

services, and shelter for such workers and their families and necessary personal property; (3) lease, repair, alteration, and operation of labor supply centers and other necessary facilities and services, including former Civilian Conservation Corps camps; (4) advancing to workers of sums due from employers within the United States who are under contractual obligation to reimburse such extension services for such advances; (5) employment of personnel and other administrative expenses; and (6) payment to or reimbursement of other public or private agencies or individuals for furnishing services or facilities for such purposes. Such extension services may enter into agreements with other public and private agencies and individuals and utilize the facilities and services of such agencies and individuals in carrying out the purposes of this section.

"(b) The Administrator shall certify to the Secretary of the Treasury, from time to time, the amounts to be paid to each State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State, at the time or times fixed by the Administrator, the amounts so certified

"Sec 3. (a) Not more than $13,050,000 of the funds appropriated by section 1 and not apportioned by the Administrator among the several States pursuant to section 2 shall be available for expenditure by the Administrator. The purposes for which such funds may be expended shall include, among other things, (1) the recruiting and transportation of workers and their families and necessary personal property, within the United States and elsewhere; (2) furnishing, by loans or otherwise, of health and medical and burial services, training, subsistence, allowances, protection, and shelter for such workers and their families; (3) advancing to workers of sums due from employers within the United States who are under contractual obligation to reimburse the United States for such advances; (4) lease, repair, alteration, and operation of labor supply centers and other necessary facilities and services; and (5) operating personnel and expenses to carry out the above purposes.

"(b) Not more than 2 per centum of the funds appropriated by section 1 hereof shall be available for administrative expenses of the Administrator, including (1) the employment of persons and organizations, by contract or otherwise, at the seat of government and elsewhere; (2) purchase, exchange, operation, and maintenance of passenger-carrying vehicles; (3) printing and binding; (4) travel expenses of persons employed in administrative, supervisory, or facilitating capacities within a foreign country or from a foreign country to the United States and return, including such expenses to first-duty stations; and (5) payment to or reimbursement of other agencies or individuals for administrative expenses incurred by them.

"(c) For the purpose of this joint resolution, the Administrator is authorized—

"(1) to utilize the facilities, services, and personnel of units and agencies within the Department of Agriculture, to enter into agreements with other public or private agencies or individuals; to utilize (pursuant to such agreements) the facilities and services of such agencies and individuals and to delegate to them functions under this joint resolution; and to allocate or transfer funds to (in addition to the transfers authorized by the Department of Agriculture Appropriation Acts for the fiscal years 1943 and 1944), or otherwise to pay or reimburse such units, agencies, and individuals for expenses in connection therewith;

"(2) to accept and utilize voluntary and uncompensated services, and

"(3) to cooperate with the Secretary of State in the negotiation or renegotiation of agreements with foreign governments relating to the importation of workers into the United States.

"Sec. 4. (a) No part of the funds herein appropriated shall be expended for the transportation of any worker from the county where he resides or is working to a place of employment outside of such county without the prior consent in writing of the county extension agent of such county, if such worker has resided in such county for a period of one year or more immediately prior thereto and has been engaged in agricultural labor as his principal occupation during such period.

"(b) No part of the funds herein appropriated, or heretofore appropriated or made available to any department or agency of the Government for the recruiting, transportation, or placement of agricultural workers, shall be used directly or indirectly to fix, regulate, or impose minimum wages or housing standards, to regulate hours of work, or to impose or enforce collective-bargaining requirements or union membership, with respect to any agricultural labor, except with respect to workers imported into the United States from a foreign country and then only to the extent required to comply with agreements with the government of such foreign country: *Provided*, That nothing herein contained shall prevent the expenditure of such funds in connection with the negotiation of agreements with employers of agricultural workers which may provide that prevailing wage rates shall be paid for particular crops and areas involved and that shelter shall be provided for such workers.

"Sec. 5. (a) Funds appropriated by this joint resolution may be expended without regard to section 3709 of the Revised Statutes [Title 41, § 5].

"(b) Any payments made by the United States or other public or private agencies or employers to aliens brought into the United States under this joint resolution shall not be subject to deduction or withholding under section 143 (b) of the Internal Revenue Code [Title 26, § 143 (b)].

"(c) For the purpose of this joint resolution—

"(1) the term 'State' includes Alaska, Hawaii, and Puerto Rico;

"(2) the term 'worker' includes nationals of the United States and aliens;

"(3) the term 'agricultural labor' includes any services or activities included within the provisions of section 3 (f) of the Fair Labor Standards Act of 1938 [Title 29, § 203 (f)] or section 1426 (h) of the Internal Revenue Code [Title 26, § 1426 (b)].

"(d) Effective July 1, 1943, notwithstanding section 3 of the Act of June 29, 1936 (U. S. C., title 40, sec. 433), receipts derived for the account of the United States from the use and occupancy of agricultural labor supply centers, including camps and facilities heretofore used by or under the control of the Farm Security Administration, shall be deposited in the Treasury as miscellaneous receipts.

"(e) The former Civilian Conservation Corps camps shall be transferred without charge to the Administrator, to the extent that he deems necessary to carry out the purposes of this joint resolution. *Provided*, That no such camp which is being utilized by any other agency of the Government, or which has been transferred to any State, county, municipality, or nonprofit organization, shall be transferred to the Administrator under this subsection without the consent of such agency, State, county, municipality, or organization.

"(f) Notwithstanding provisions of title I of the Social Security Act, as amended [Title 42, §§ 301–306] (relating to grants to States for old-age assistance), and of appropriations for payments thereunder, in any case in which any State pays old-age assistance to any individual at a rate not in excess of the rate of old-age assistance paid to such individual during the month of July 1943, any failure to take into consideration any income and resources of such individual arising from agricultural labor performed by him as an employee, or from labor otherwise performed by him in connection with the raising or harvesting of agricultural commodities, after the date of enactment of this joint resolution and prior to the seventh calendar month occurring after the termination of hostilities in the present war, as proclaimed by the President, shall not be a basis of excluding payments made to such individual in computing payments made to States under section 3 of such title [Title 42, § 303], of refusing to approve a State plan under section 2 of such title [Title 42, § 302], or of withholding certification pursuant to section 4 of such title [Title 42, § 3041.]

"(g) In order to facilitate the employment by agricultural employers in the United States of native-born residents of North America, South America, and Central

America, and the islands adjacent thereto, desiring to perform agricultural labor in the United States, during continuation of hostilities in the present war, any such resident desiring to enter the United States for that purpose shall be exempt from the payment of head tax required by Section 2 of the Immigration Act of February 5, 1917 [Title 8, § 132], and from other admission charges, and shall be exempt from those excluding provisions of Section 3 of such Act [Title 8, § 136], which relate to contract laborers, the requirements of literacy, and the payment of passage by corporations, foreign government or others; and any such resident shall be admitted to perform agricultural labor in the United States for such time and under such conditions (but not including the exaction of bond to insure ultimate departure from the United States) as may be required by regulations prescribed by the Commissioner of Immigration and Naturalization with the approval of the Attorney General; and in the event such regulations require documentary evidence of the country of birth of any such resident which he is unable to furnish, such requirement may be waived by the admitting officer of the United States at the point where such resident seeks entry into the United States if such official has other proof satisfactory to him that such resident is a native of the country claimed as his birthplace. Each such resident shall be provided with an identification card (with his photograph and fingerprints) to be prescribed under such regulations which shall be in lieu of all other documentary requirements, including the registration at time of entry or after entry required by the Alien Registration Act of 1940 [Title 8, §§ 137, 155, 156a, 451–460, and Title 18, §§ 9–13]. Any such resident admitted under the foregoing provisions who fails to maintain the status for which he was admitted or to depart from the United States in accordance with the terms of his admission shall be taken into custody under a warrant issued by the Attorney General at any time after entry and deported in accordance with Section 20 of the Immigration Act of February 5, 1917 [Title 8, § 156] Sections 5 and 6 of such Act [Title 8, §§ 139, 142] shall not apply to the importation of aliens under this joint resolution. No provision of this joint resolution shall authorize the admission into the United States of any enemy alien."

MIGRATION OF WORKERS

Title II of act Feb 14, 1944, cited to text, provided as follows: "To enable the War Manpower Commission to provide, in accordance with regulations prescribed by the Chairman of said Commission, for the temporary migration of workers from foreign countries within the Western Hemisphere (pursuant to agreements between the United States and such foreign countries) for employment in the continental United States with industries and services essential to the preservation, marketing, or distribution of agricultural products, including the timber and lumber industries, and including the transportation of such workers from points outside the United States to ports of entry of the United States and return (including transportation from place of employment in the United States to port of entry of the United States in any case of default by an employer to provide such transportation to a worker, in which event the employer shall be liable to the United States for the cost thereof), cost of temporary maintenance of workers in reception centers in foreign countries and in the United States, when necessary, reasonable subsistence and emergency medical care of such workers from the time of reporting for transportation to the United States or return to the country of origin until arrival at the destination, necessary assistance to meet emergency health and welfare problems while in the United States, when such assistance is not otherwise available to such persons, and guarantees of employment while in the United States to the extent agreed upon with the foreign country from which the worker is imported, fiscal year 1944, $1,359,200, of which not to exceed $97,200 shall be available for all administrative expenses necessary for the foregoing, including not to exceed $10,000 for temporary employment of administrative personnel outside continental United States, not to exceed $1,000 for printing and binding outside continental United States without regard to section 3709 of the Revised Statutes [Title 41, § 5] and section 11 of the Act of March 1, 1919, (44 U. S. C. 111), and not to exceed $20,000 for travel expenses: *Provided*, That no transportation of workers shall be allowed hereunder unless the employer and the worker have entered into a contract for employment approved by said Chairman or his designee, and unless said Chairman certifies that reasonably adequate use is being made of local labor supply: *Provided further*, That this appropriation shall remain available after June 30, 1944, for the purpose of fulfilling guarantees and other obligations theretofore incurred with respect to such foreign workers and for all other purposes connected with the protection and ultimate return of any workers theretofore transported: *Provided further*, That no part of this appropriation shall be available for the recruitment or transportation of workers for employment in agriculture for which provision is made in Title I of this Act [sections 1351-1355 of this Appendix]: *Provided further*, That the general provisions under the caption 'Executive Office of the President—Office for Emergency Management', contained in the National War Agencies Appropriation Act, 1944 [Act July 12, 1943, ch. 228, 57 Stat. 522], and applicable to the constituent agencies of the Office for Emergency Management contained therein shall be applicable to the appropriations to the War Manpower Commission contained in this paragraph."

ADDITIONAL APPROPRIATION

Additional funds were authorized to be merged with available funds as follows:

1945—$20,000,000 by act Dec 22, 1944 ch 660, title I, § 101, 58 Stat. 863

CONTINUATION OF ACT, ADDITIONAL APPROPRIATION

The First Deficiency Appropriation Act, 1946, act Dec 28, 1945, ch. 589, title I, 59 Stat 645, provided in part that the authority and funds authorized by sections 1351–1355 of this Appendix are continued through Dec. 31, 1946, to assist in providing an adequate supply of agricultural labor for the production, harvesting, and preparation for markets of agricultural commodities essential to the orderly transition from war to peace and for carrying out the other purposes of said sections, and, in addition to the amount continued available, there is appropriated the sum of $25,000,000 for such purposes, to be merged with the funds continued available.

§ 1352. Same; payments to States.

(a) For the purpose of assisting in providing an adequate supply of workers for the production and harvesting of agricultural commodities within the several States, the Administrator shall apportion among the several States, on the basis of need, not less than $14,000,000 and not more than $18,500,000 of the sum appropriated by section 1 [section 1351 of this Appendix] (including apportionments heretofore made) and the sums so apportioned shall be available for payment to such States for expenditure by the agricultural extension services of the land-grant colleges in such States in accordance with such agreements as may be entered into by the Administrator and such extension services and subject to the supervision of the Administrator. The purposes for which such funds may be expended by such extension services shall include, among other things, (1) the recruiting, placement (including the placement of workers as tenants or sharecroppers), and training of such workers; (2) transportation, supervision, subsistence, protection, health and medical and burial services, and shelter for such workers and their families and necessary personal property; (3) lease, repair, alteration, and operation of labor

supply centers and other necessary facilities and services, including former Civilian Conservation Corps camps, and not to exceed $100,000 for the construction of labor supply centers and other necessary facilities and services (not to exceed $20,000 for any one center); (4) advancing to workers of sums due from employers within the United States who are under contractual obligation to reimburse such extension services for such advances; (5) employment of personnel and other administrative expenses; (6) payment to or reimbursement of other public or private agencies or individuals for furnishing services or facilities for such purposes; and (7) rendering assistance with respect to the deferment of agricultural labor, including among other things the furnishing of information on the contribution that individuals subject to selective service are making to agricultural production. Such extension services may enter into agreements with other public and private agencies and individuals and utilize the facilities and services of such agencies and individuals in carrying out the purposes of this section.

(b) The Administrator shall certify to the Secretary of the Treasury, from time to time, the amounts to be paid to each State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State, at the time or times fixed by the Administrator, the amounts so certified. (Feb. 14, 1944, ch. 16, title I, § 2, 58 Stat. 12.)

ADDITIONAL PAYMENTS TO STATES

The First Deficiency Appropriation Act, 1946, act Dec 28, 1945, ch. 539, title I, 59 Stat. 645, provided in part that not less than $7,000,000 of the additional $25,000,000 appropriated by this act shall be apportioned among the several States in the manner and for the purposes specified in this section, and of the amount so apportioned, not more than $100,000 may be expended by the State agricultural expansion services for the construction of labor supply centers under the limitations of this section.

§ 1353. Same; purpose of expenditures by Administrator of Food Production and Distribution; cooperation of Administrator with other agencies.

(a) The funds appropriated by section 1 [section 1351 of this Appendix] and not apportioned by the Administrator among the several States pursuant to section 2 [section 1352 of this Appendix] shall be available for expenditure by the Administrator. The purposes for which such funds may be expended shall include, among other things, (1) the recruiting and transportation of workers and their families and necessary personal property, within the United States and elsewhere; (2) furnishing, by loans or otherwise, of health and medical and burial services, training, subsistence, allowances, protection, and shelter for such workers and their families, including the furnishing of health and medical services to (a) agricultural workers and their families housed in any labor supply center operated as a part of this program, or (b) migratory agricultural workers and their families who, without recruitment or assistance of any Government agency, have entered the area served by any such labor supply center and are engaged in agricultural work in such area, and to whom adequate health and medical services are not otherwise available; (3) advancing to workers of sums due from employers within the United States who are under contractual obligation to reimburse the United States for such advances, the repayments from employers for such advances to be credited to the funds available to the Administrator; (4) determination and payment of claims (not exceeding $50 in any one case) of workers recruited in foreign countries (a) who, in preparation for transportation to or from the United States and subsequent failure of such transportation, have suffered losses, or (b) who have been transported to the United States and during said transportation, including embarkation and debarkation, have suffered the loss of or damage to personal effects; (5) lease, repair, alteration, relocation, and operation of labor supply centers and other necessary facilities and services; and (6) operating personnel and expenses to carry out the above purposes.

(b) The Administrator is authorized and directed to enter into agreements with the agricultural extension services of the land-grant colleges in the respective States to furnish, on behalf of the United States, for domestic interstate agricultural workers and their families and foreign agricultural workers and their families, while such workers are employed within any such State, any or all of the following services or functions which such State extension services are willing to undertake: Health and medical and burial services, training, subsistence, allowances, supervision, protection and shelter, maintenance and keeping of records of compliance with contracts and international agreements or treaties respecting such workers, and health and medical services for agricultural workers and their families encompassed by clauses (a) and (b) of subsection (a) (2) of this section. The Administrator may require the modification or termination of any agreement with any such extension service whenever he finds such action to be necessary in order to carry out the terms of any treaty or international agreement to which the United States of America is signatory. Whenever a satisfactory agreement cannot be negotiated with any such extension service, or pending the negotiation of an agreement, or whenever the Administrator finds it necessary to terminate an agreement, he shall carry out the foregoing responsibilities and functions with respect to such workers and their families by direct expenditure by the War Food Administration. The Administrator shall allocate to any State extension service from the amount made available by this section, in the manner provided in section 2 of this title [section 1352 of this Appendix], such funds as may be necessary to carry out the duties and responsibilities agreed upon by the Administrator and such State extension service under the provisions of this subsection. The Administrator is further authorized, in connection with the purposes of this subsection, to loan to any State any labor supply center and the facilities and equipment thereof, owned by the United States, under such terms and conditions as he may specify.

(c) Not more than 1½ per centum of the combined sum of the appropriation in Public Law 45,

Seventy-eighth Congress [set out as a note under section 1351 of this Appendix], and the direct appropriation in section 1 hereof [section 1351 of this Appendix], shall be available for administrative expenses of the Administrator under such Public Law 45 and this Act [sections 1351–1355 of this Appendix], including (1) the employment of persons and organizations, by contract or otherwise, at the seat of government and elsewhere; (2) purchase, exchange, operation, and maintenance of passenger-carrying vehicles; (3) printing and binding; (4) travel expenses of persons employed in administrative, supervisory, or facilitating capacities within a foreign country or from a foreign country to the United States and return, including such expenses to first-duty stations; and (5) payment to or reimbursement of other agencies or individuals for administrative expenses incurred by them.

(d) For the purpose of this title [sections 1351–1355 of this Appendix], the Administrator is authorized—

(1) to utilize the facilities, services, and personnel of units and agencies within the Department of Agriculture; to enter into agreements with other public or private agencies or individuals; to utilize (pursuant to such agreements) the facilities and services of such agencies and individuals and to delegate to them functions under this title [sections 1351–1355 of this Appendix]; and to allocate or transfer funds to (in addition to the transfers authorized by the Department of Agriculture Appropriation Acts for the fiscal years 1944 and 1945), or otherwise to pay or reimburse such units, agencies, and individuals for expenses in connection therewith;

(2) to accept and utilize voluntary and uncompensated services; and

(3) to cooperate with the Secretary of State in the negotiation or renegotiation of agreements with foreign governments relating to the importation of workers into the United States. (Feb. 14, 1944, ch. 16, title I, § 3, 58 Stat. 12.)

EXPENSE LIMITATION

Act Apr. 1, 1944, ch 152, title I, § 1, 58 Stat. 157, provided in part:

"Notwithstanding the percentage limitation in section 3 (c) of the Farm Labor Supply Appropriation Act, 1944, [section 1353 (c) of this Appendix] a total amount not exceeding $972,000 shall be available for administrative expenses pursuant to such section under the combined sum of the direct appropriation in section 1 of such Act [section 1351 of this Appendix] and the appropriation in Public Law 45 of the Seventy-eighth Congress [set out as a note under section 1351 of this Appendix]."

ADMINISTRATIVE EXPENSES

The First Deficiency Appropriation Act, 1946, act Dec. 28, 1945, ch. 589, title I, 59 Stat. 645, provided in part that in addition to the amount made available prior to Dec. 28, 1945, for administrative expenses pursuant to subsec. (c) of this section, there is made available, out of said funds, the sum of $562,023 for such purposes.

§ 1354. Same; limitations on use of funds.

(a) No part of the funds appropriated in this title [sections 1351–1355 of this Appendix] shall be expended for the transportation of any worker from the county where he resides or is working to a place of employment outside of such county without the prior consent in writing of the county extension agent of such county, if such worker has resided in such county for a period of one year or more immediately prior thereto and has been engaged in agricultural labor as his principal occupation during such period.

(b) No part of the funds appropriated in this title [sections 1351–1355 of this Appendix], or heretofore appropriated or made available to any department or agency of the Government for the recruiting, transportation, or placement of agricultural workers, shall be used directly or indirectly to fix, regulate, or impose minimum wages or housing standards, to regulate hours of work, or to impose or enforce collective-bargaining requirements or union membership, with respect to any agricultural labor, except with respect to workers imported into the United States from a foreign country and then only to the extent required to comply with agreements with the government of such foreign country: *Provided*, That nothing herein contained shall prevent the expenditure of such funds in connection with the negotiation of agreements with employers of agricultural workers which may provide that prevailing wage rates shall be paid for particular crops and areas involved and that shelter shall be provided for such workers.

(c) No part of the funds appropriated in this title [sections 1351–1355 of this Appendix] shall be used for the establishment or maintenance of regional offices. (Feb. 14, 1944, ch. 16, title I, § 4, 58 Stat. 14.)

§ 1355. Same; payments as liable to withholding tax; definitions; deposit of certain receipts; transfer of C. C. C. camps, applicability of social security, immigration and alien registration laws; amendment and supersedure of act April 29, 1943, ch. 82, 57 Stat. 70; use of prisoners of war; short title.

(a) Funds appropriated by this title [sections 1351–1355 of this Appendix] may be expended without regard to section 3709 of the Revised Statutes [Title 41, § 5].

(b) Any payments made by the United States or other public or private agencies or employers to aliens brought into the United States under this title shall not be subject to deduction or withholding under section 143 (b) of the Internal Revenue Code [Title 26, § 143 (b)].

(c) For the purpose of this title [sections 1351–1355 of this Appendix]—

(1) the term "State" includes Alaska, Hawaii, and Puerto Rico;

(2) the term "worker" includes nationals of the United States and aliens;

(3) the term "agricultural labor" includes any services or activities included within the provisions of section 3 (f) of the Fair Labor Standards Act of 1938 [Title 29, § 203 (f)] or section 1426 (h) of the Internal Revenue Code [Title 26, § 1426 (h)].

(d) Effective July 1, 1943, notwithstanding section 3 of the Act of June 29, 1936 (U. S. C., title 40, sec. 433), receipts derived for the account of the United States from the use and occupancy of agricultural labor supply centers, including camps and facilities heretofore used by or under the control of the Farm Security Administration, shall be deposited in the

Treasury as miscellaneous receipts: *Provided*, That all receipts derived from the furnishing of subsistence to workers shall be credited to the appropriation in section 1 [section 1351 of this Appendix] and be available for expenditure by the Administrator for the replenishment of subsistence supplies and for expenses incident to the furnishing of such subsistence.

(e) The former Civilian Conservation Corps camps shall be transferred without charge to the Administrator, to the extent that he deems necessary to carry out the purposes of this title [sections 1351–1355 of this Appendix]: *Provided*, That no such camp which is being utilized by any other agency of the Government, or which has been transferred to any State, county, municipality, or nonprofit organization, shall be transferred to the Administrator under this subsection without the consent of such agency, State, county, municipality, or organization.

(f) Notwithstanding provisions of title I of the Social Security Act, as amended [Title 42, §§ 301–306] (relating to grants to States for old-age assistance), and of appropriations for payments thereunder, in any case in which any State pays old-age assistance to any individual at a rate not in excess of the rate of old-age assistance paid to such individual during the month of July 1943, any failure to take into consideration any income and resources of such individual arising from agricultural labor performed by him as an employee, or from labor otherwise performed by him in connection with the raising or harvesting of agricultural commodities, after the date of enactment of this Act [sections 1351–1355 of this Appendix] and prior to the seventh calendar month occurring after the termination of hostilities in the present war, as proclaimed by the President shall not be a basis of excluding payments made to such individual in computing payments made to States under section 3 of such title [Title 42, § 303], of refusing to approve a State plan under section 2 of such title [Title 42, § 302], or of withholding certification pursuant to section 4 of such title [Title 42, § 304].

(g) In order to facilitate the employment by agricultural employers in the United States of native-born residents of North America, South America, and Central America, and the islands adjacent thereto, desiring to perform agricultural labor in the United States, during continuation of hostilities in the present war, any such resident desiring to enter the United States for that purpose shall be exempt from the payment of head tax required by section 2 of the Immigration Act of February 5, 1917 [Title 8, § 132], and from other admission charges, and shall be exempt from those excluding provisions of section 3 of such Act [Title 8, § 136] which relate to contract laborers, the requirements of literacy, and the payment of passage by corporations, foreign government, or others; and any such resident shall be admitted to perform agricultural labor in the United States for such time and under such conditions (but not including the exaction of bond to insure ultimate departure from the United States) as may be required by regulations prescribed by the Commissioner of Immigration and Naturalization with the approval of the Attorney General; and in the event such regulations require documentary evidence of the country of birth of any such resident which he is unable to furnish, such requirement may be waived by the admitting officer of the United States at the point where such resident seeks entry into the United States if such official has other proof satisfactory to him that such resident is a native of the country claimed as his birthplace. Each such resident shall be provided with an identification card (with his photograph and fingerprints) to be prescribed under such regulations which shall be in lieu of all other documentary requirements, including the registration at time of entry or after entry required by the Alien Registration Act of 1940 [Title 8, §§ 137, 155, 156a, 451–460 and Title 18, §§ 9–13]. Any such resident admitted under the foregoing provisions who fails to maintain the status for which he was admitted or to depart from the United States in accordance with the terms of his admission shall be taken into custody under a warrant issued by the Attorney General at any time after entry and deported in accordance with section 20 of the Immigration Act of February 5, 1917 [Title 8, § 156]. Sections 5 and 6 of such Act [Title 8, §§ 139, 142] shall not apply to the importation of aliens under this title [sections 1351–1355 of this Appendix]. No provision of this title shall authorize the admission into the United States of any enemy alien.

(h) When authorized by the Administrator, workers under the program may be used in the packing, canning, freezing, drying, or other processing of perishable or seasonable agricultural products.

(i) This title [sections 1351–1355 of this Appendix], except as otherwise provided herein, shall take effect upon the date of its enactment into law [Feb. 14, 1944] and shall thereupon supersede the Act of April 29, 1943 (Public Law 45) [set out as a note under section 1351 of this Appendix], to the extent that such Act is inconsistent with this title [sections 1351–1355 of this Appendix].

(j) If the Administrator finds that there is inadequate farm labor in any area, the Administrator and the agricultural extension service of the land-grant colleges in the respective States are hereby authorized, for the purposes of this title [sections 1351–1355 of this Appendix], to negotiate directly with the War Department for the utilization of prisoners of war and the emergency use of soldiers of the United States for the production and harvesting of agricultural commodities within the several States upon such terms and conditions as may be mutually agreed upon, subject, in the case of prisoners of war, to the terms of any treaties or international agreements to which the United States of America is signatory and which are now in effect. For the purposes of this title [sections 1351–1355 of this Appendix], the War Department may utilize the Administrator and the extension services in the respective States to make such investigations and certifications with respect to the need for utilizing prisoners of war and the emergency use of soldiers of the United States and with respect to the terms

and conditions of employment, as may be required by the War Department in order to assure that the terms of such treaties or international agreements are complied with.

(k) The Act of April 29, 1943 (Public Law 45), as amended [set out as a note under section 1351 of this Appendix], is hereby further amended by striking out "January 31, 1944" and inserting "the date of enactment into law of House Joint Resolution 208 of the Seventy-eighth Congress". All obligations incurred during the period between January 31, 1944, and the date of the enactment into law of this Act [sections 1351–1355 of this Appendix] in anticipation of such appropriations and authority are hereby ratified and confirmed if in accordance with the terms of such Public Law 45, as amended.

(*l*) This title [sections 1351–1355 of this Appendix] may be cited as the "Farm Labor Supply Appropriation Act, 1944". (Feb. 14, 1944, ch. 16, title I, § 5, 58 Stat. 14.)

EXCLUSION OF INCOME FROM NURSING SERVICES IN COMPUTATION OF BASES FOR PAYMENTS TO STATES

Act Apr. 25, 1945, ch. 95, Title I, 59 Stat. 80, provided in part: "Section 5 (f) of Public Law 45, Seventy-eighth Congress, approved April 29, 1943 (50 U. S. C. App. § 1355), is hereby amended so as to include income and resources from performance of service as a nurse as an employee, or in connection with the care of sick or confined persons as an employee, in addition to income and resources from agricultural labor or labor performed in connection with the raising or harvesting of agricultural commodities as an employee, as income which shall not be a basis of excluding payments made to such an individual in computing payments as in such section provided."

AGRICULTURAL WORKERS; EXTENSION OF WORK PERMITS

The First Deficiency Appropriation Act, 1946, act Dec. 28, 1945, ch. 589, title I, 59 Stat. 615, provided in part that agricultural workers may be admitted into the United States to perform agricultural labor in accordance with the provisions of subsec. (g) of this section during the continuance of this program, notwithstanding any official determination of the cessation of hostilities in the present war.

WAR OVERTIME PAY ACT OF 1943 (New)

Sec
1401. Officers and employees within application of Act.
1402 Computation of overtime compensation; time off in lieu of overtime compensation
1403. Same; legislative and judicial employees, employees for whom overtime schedules are not feasible; additional compensation in lieu of overtime rate; limitation of additional compensation.
1404. Same; application to Senate official reporters and employees.
1405. Repeal of certain wage overtime provisions.
1406. Suspension of Saturday half-holiday law.
1407. Construction with other laws authorizing overtime compensation.
1408. Adjustment of gross inequities in pay differentials.
1409 Administrative rules and regulations.
1410. Change of salaries and number of legislative employees; limitation of salaries; certification of changes.
1411. Report on number of employees required in executive branch departments; determinations by Budget Director, transfer of released employees
1412 Overtime or additional compensation as part of annual income under other laws.
1413. Application of Act to certain employees of Army Transportation Corps, and Coast and Geodetic Survey.
1414. Effective date and termination of Act
1415. Short title.

§ 1401. Officers and employees within application of act.

This Act [sections 1401–1415 of this Appendix] shall apply to all civilian officers and employees (including officers and employees whose wages are fixed on a monthly or yearly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose, except those in or under the Government Printing Office or the Tennessee Valley Authority) in or under the United States Government, including Government-owned or controlled corporations, and to those employees of the District of Columbia municipal government who occupy positions subject to the Classification Act of 1923 (Title 5, §§ 661–663, 664–673, 674), as amended, except that this Act [sections 1401–1415 of this Appendix] shall not apply to (a) elected officials; (b) judges; (c) heads of departments, independent establishments, and agencies; (d) officers and employees in the field service of the Post Office Department; (e) employees whose wages are fixed on a daily or hourly basis and adjusted from time to time in accordance with prevailing rates by wage boards or similar administrative authority serving the same purpose; (f) employees outside the continental limits of the United States, including Alaska, who are paid in accordance with local prevailing native wage rates for the area in which employed; (g) officers and employees of the Inland Waterways Corporation; and (h) individuals to whom the provisions of section 1 (a) of the Act entitled "An Act to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes", approved March 24, 1943 (Public Law Numbered 17, Seventy-eighth Congress) (section 1291 of this Appendix), are applicable. As used in this section the term "elected officials" shall not include officers elected by the Senate or House of Representatives who are not members of either body. (May 7, 1943, ch. 93, § 1, 57 Stat. 75.)

§ 1402. Computation of overtime compensation; time off in lieu of overtime compensation.

Officers and employees to whom this Act [sections 1401–1415 of this Appendix] applies and who are not entitled to additional compensation under section 3 (section 1403 of this Appendix) shall be paid overtime compensation computed on the same basis as the overtime compensation which was authorized to be paid under Public Law Numbered 821, Seventy-seventh Congress (Title 5, § 29, note): *Provided*, That such overtime compensation shall be paid only on the portion of an officer's or employee's basic rate of compensation not in excess of $2,900 per annum: *Provided further*, That such overtime compensation shall be paid on such portion of an officer's or employee's basic rate of compensation notwithstanding the fact that such payment will cause his aggregate compensation to exceed a rate of $5,000 per annum: *And provided further*, That in lieu of overtime compensation for work in excess of forty-eight hours in any administrative workweek, the heads of departments, establishments, and agen-

cies may in their discretion grant per annum employees compensatory time off from duty. (May 7, 1943, ch. 93, § 2, 57 Stat. 76.)

WAIVER OF RESTRICTIONS IN APPROPRIATIONS LIMITING AMOUNTS PAYABLE FOR PERSONAL SERVICES

Act Apr. 1, 1944, ch. 152, title II, § 202, 58 Stat. 176, provided: "The restrictions contained in appropriations or affecting appropriations or other funds, available during the fiscal year 1944, limiting the amounts which may be expended for personal services or for other purposes, are hereby waived to the extent necessary to meet the cost of overtime and additional compensation authorized by the Act of April 1, 1943 (Public Law 22) [set out as a note under section 63 of Title 3], the Act of May 7, 1943 (Public Law 49) [sections 1401–1415 of this Appendix], and by other legislation enacted during or applicable to the fiscal year 1944 authorizing overtime and additional compensation for civilian employees of the Government: *Provided,* That the head of any department, establishment, or agency is hereby authorized to allocate from the sum herein appropriated under any appropriation title administered by him to any subappropriation under such title such amount as may be necessary for the purposes of the section."

BASIC RATE FOR OVERTIME COMPUTATION

Act Apr 1, 1944, ch. 152, title II, § 203, 58 Stat 176, provided: "No part of any appropriation contained in this or any other Act shall be used to pay to regular, full-time civilian officers and employees, subject to the Classification Act of 1923, as amended [sections 661–663, 664–673, and 674 of Title 5], whose basic compensation is determined on a daily or hourly basis, overtime compensation, pursuant to the joint resolution of December 22, 1942 (56 Stat 1068) [set out as notes under sections 26a and 29 of Title 5], and the Act of May 7, 1943 (Public, Numbered 49, Seventy-eighth Congress) [sections 1401–1415 of this Appendix], on any basis other than at the rate of one and one-half times the basic rate of payment for work actually performed by such officers and employees in excess of forty hours per week, without proration or the use of any formula which has been adopted to determine the daily compensation of per annum officers and employees; it being declared to be and to have been the true intent and meaning of the aforesaid enactments to provide for the payment of the overtime compensation of such employees only upon the basis herein described: *Provided,* That any overtime compensation in excess of the compensation so authorized under the above joint resolution and Act which has been paid in reliance upon, and in accordance with, any decision or decisions of the Comptroller General is hereby approved and the Comptroller General shall allow credit therefor in the accounts of the officers accountable therefor, and shall make no charges against any certifying officer because of certification of such excess overtime compensation: *Provided further,* That no claim shall be considered by the General Accounting Office on account of any payment prohibited by this section."

§ 1403. Same; legislative and judicial employees; employees for whom overtime schedules are not feasible; additional compensation in lieu of overtime rate; limitation of additional compensation.

(a) Except as provided in subsection (c), officers and employees to whom this Act [sections 1401–1415 of this Appendix] applies and whose hours of duty are intermittent or irregular, officers and employees in or under the legislative and judicial branches (except those in the Library of Congress, or the Botanic Garden, and per annum employees in or under the Office of the Architect of the Capitol who are regularly required to work not less than forty-eight hours per week) to whom this Act [said sections] applies, and, subject to the approval of the Civil Service Commission, officers and employees whose hours of work are governed by those of private establishments which they serve and for whom on this account overtime work schedules are not feasible, shall be paid, in lieu of the overtime compensation authorized under section 2 of this Act (section 1402 of this Appendix), additional compensation at the rate of (1) $300 per annum if their earned basic compensation is at a rate of less than $2,000 per annum, or (2) 15 per centum of so much of their earned basic compensation as is not in excess of a rate of $2,900 per annum if their earned basic compensation is at a rate of $2,000 per annum or more.

(b) Any officer or employee to whom this Act (sections 1401–1415 of this Appendix) applies and who is entitled to no additional compensation under subsection (a) or subsection (c) for a pay period shall be paid for such pay period, in lieu of overtime compensation under section 2 (section 1402 of this Appendix), additional compensation at the rate of (1) $300 per annum if his earned basic compensation is less than $2,000 per annum, or (2) 15 per centum of so much of his earned basic compensation as is not in excess of $2,900 per annum if his earned basic compensation is at the rate of $2,000 per annum or more, unless his overtime compensation under section 2 (section 1402 of this Appendix) for such pay period is at least equal to such additional compensation

(c) Any officer or employee to whom this Act [sections 1401–1415 of this Appendix] applies and whose hours of duty are less than full time, or whose compensation is based upon other than a time period basis shall be paid, in lieu of overtime compensation or additional compensation under the foregoing provisions of this Act [said sections], additional compensation at a rate of 15 per centum of so much of their earned basic compensation as is not in excess of a rate of $2,900 per annum.

(d) In no case shall any officer or employee be paid additional compensation under this section for any pay period amounting to more than 25 per centum of his earned basic compensation for such pay period. (May 7, 1943, ch. 93, § 3, 57 Stat. 76, as amended Sept. 30, 1944, ch. 450, 58 Stat. 758.)

AMENDMENTS

1944—Subsec. (b) amended by act Sept. 30, 1944, cited to text, which substituted "(1) $300 per annum * * * such additional compensation" for "$300 per annum, unless his overtime compensation under section 2 for such pay period is at least equal to such additional compensation.".

§ 1404. Same; application to Senate official reporters and employees.

The provisions of section 3 of this Act (section 1403 of this Appendix) shall apply to the official reporters of proceedings and debates of the Senate and their employees. (May 7, 1943, ch. 93, § 4, 57 Stat. 77.)

§ 1405. Repeal of certain wage overtime provisions.

The Act approved February 10, 1942 (Public Law Numbered 450, Seventy-seventh Congress), (section 241, note of Title 49) and section 4 of the Act approved May 2, 1941 (Public Law Numbered 46, Seventy-seventh Congress), as amended, (note prec.

§ 1251 of Title 46) are hereby repealed. (May 7, 1943, ch. 93, § 5, 57 Stat. 77.)

§ 1406. Suspension of Saturday half-holiday law.

The provisions of the Saturday half-holiday law of March 3, 1931 (46 Stat. 1482; U. S. C., Title 5, sec. 26 (a)), are hereby suspended for the period during which this Act [sections 1401–1415 of this Appendix] is in effect. (May 7, 1943, ch. 93, § 6, 57 Stat. 77.)

REFERENCES IN TEXT

Saturday half-holiday law of Mar. 3, 1931 (46 Stat. 1482; U. S. C., title 5, sec. 26 (a)), referred to in text was repealed by act June 30, 1945, ch. 212, title VI, § 604 (c), 59 Stat. 303

§ 1407. Construction with other laws authorizing overtime compensation.

The provisions of this Act [sections 1401–1415 of this Appendix] shall not operate to prevent payment for overtime services in accordance with any of the following statutes: Act of February 13, 1911, as amended (U. S. C., Title 19, secs. 261 and 267); Act of July 24, 1919 (41 Stat. 241; U. S. C., Title 7, sec. 394); Act of June 17, 1930, as amended (U. S. C., Title 19, secs. 1450, 1451, and 1452); Act of March 2, 1931 (46 Stat. 1467; U. S. C., Title 8, secs. 109a and 109b); Act of May 27, 1936, as amended (52 Stat. 345; U. S. C., Title 46, sec. 382b); Act of March 23, 1941 (Public Law Numbered 20, Seventy-seventh Congress): *Provided*, That the overtime services covered by such payment shall not also form a basis for overtime compensation under this Act. (May 7, 1943, ch. 93, § 7, 57 Stat. 77.)

§ 1408. Adjustment of gross inequities in pay differentials.

Whenever the Civil Service Commission shall find that within the same Government organization and at the same location gross inequities exist, to such extent as to interfere with the prosecution of the war, between basic per annum rates of pay fixed for any class of positions under the Classification Act of 1923, as amended (Title 5, §§ 661–663, 664–673, 674), and the compensation of employees whose basic rates of pay are fixed by wage boards or similar administrative authority serving the same purpose, the Commission is hereby empowered, in order to correct or reduce such inequities, to establish as the minimum rate of pay for such class of positions any rate within the range of pay fixed by the Classification Act of 1923, as amended (Title 5, §§ 661–663, 664–673, 674), for the grade to which such class of positions is allocated under such Act. (May 7, 1943, ch. 93, § 8, 57 Stat. 77.)

§ 1409. Administrative rules and regulations.

The Civil Service Commission is authorized and directed to promulgate such rules and regulations as may be necessary and proper for the purpose of coordinating and supervising the administration of the provisions of the foregoing sections of this Act insofar as such provisions affect employees in or under the executive branch of the Government. (May 7, 1943, ch. 93, § 9, 57 Stat. 77.)

REGULATIONS

Regulations implementing this act were published in U. S. Code Cong. Service 1943, pp. 6-91, 6-95, 6-229, 6-339.

§ 1410. Change of salaries and number of legislative employees; limitation of salaries; certification of changes.

Representatives, Delegates, the Resident Commissioner from Puerto Rico, and chairmen of standing committees may rearrange or change the schedule of salaries and the number of employees in their respective offices or committees: *Provided*, That such changes shall not increase the aggregate of the salaries provided for such offices or committees by law: *Provided further*, That no salary shall be fixed hereunder at a rate in excess of $4,500 per annum and no action shall be taken to reduce any salary which is specifically fixed by law at a rate higher than $4,500: *Provided further*, That Representatives, Delegates, the Resident Commissioner from Puerto Rico, and committee chairmen, on or before the tenth day of the month in which such changes are to become effective, shall certify in writing such changes or rearrangements to the disbursing office which shall thereafter pay such employees in accord with such changed schedule. (May 7, 1943, ch. 93, § 10, 57 Stat. 77.)

§ 1411. Report on number of employees required in executive branch departments; determinations by Budget Director; transfer of released employees.

The heads of departments and agencies in the executive branch, whose employees are affected by the provisions of this Act [sections 1401–1415 of this Appendix], shall present to the Director of the Bureau of the Budget and to the Congress such information as the Director shall from time to time, but not less frequently than the first day of each quarter, require for the purpose of determining the number of employees required for the proper and efficient exercise of the functions of their respective departments and agencies. The Director shall, from time to time, but not less frequently than the thirtieth day after the beginning of each quarter, determine the number of employees so required, and any personnel of any such department or agency in excess thereof shall be released at such times as the Director shall order. Such determination shall be reported to the Congress each quarter. Sections 2 and 3 of this Act (sections 1402 and 1403 of this Appendix) shall cease to be applicable to the employees of such department or agency unless the head thereof shall certify within thirty days from the effective date so prescribed by the Director that the number of employees of his agency does not exceed the number determined by the Director to be required for the proper and efficient exercise of its functions. Any determinations and directions made by the Director under the authority of Public Law 821, Seventy-seventh Congress (Title 5, §§ 26a, 29, notes), are hereby continued in effect until modified by him. The Civil Service Commission is authorized to transfer to other departments and agencies any employees released pursuant to this section whose services are needed in and can be effectively utilized by such other departments or agencies, and the services of these employees are to be utilized by the departments and agencies before additional employees are recruited. (May 7, 1943, ch. 93, § 11, 57 Stat. 78.)

§ 1412. Overtime or additional compensation as part of annual income under other laws.

Amounts received as overtime compensation or additional compensation under this Act [sections 1401–1415 of this Appendix] shall not be considered in determining the amount of a person's annual income or annual rate of compensation for the purposes of paragraph II (a) of part III of Veterans Regulation Numbered 1 (a), as amended (Title 38, following § 726), or section 212 of title II of the Act entitled "An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932, as amended. (May 7, 1943, ch. 93, § 12, 57 Stat. 78.)

§ 1413. Application of act to certain employees of Army Transportation Corps, and Coast and Geodetic Survey.

This Act [sections 1401–1415 of this Appendix] shall not apply to civilian employees of the Transportation Corps of the Army of the United States on vessels operated by the United States or to vessel employees of the Coast and Geodetic Survey, and such employees may be compensated in accordance with the wage practices of the maritime industry. (May 7, 1943, ch. 93, § 13, 57 Stat. 78.)

§ 1414. Effective date and termination of act.

This Act [sections 1401–1415 of this Appendix] shall take effect on May 1, 1943, and shall terminate on June 30, 1945, or such earlier date as the Congress by concurrent resolution may prescribe. (May 7, 1943, ch. 93, § 14, 57 Stat. 78.)

§ 1415. Short title.

This Act [sections 1401–1415 of this Appendix] may be cited as the "War Overtime Pay Act of 1943". (May 7, 1943, ch. 93, § 15, 57 Stat. 78.)

TRAINING OF NURSES THROUGH GRANTS TO INSTITUTIONS (New)

Sec

1451. Appropriation to assure supply of nurses for armed forces and other needs; discrimination prohibited.
1452. Approval of institution's plan for training nurses; scope of plan
1453. Payments to institutions having approved training plans
1454. Recruitment by nonprofit organizations of student and graduate nurses; compensation.
1455. Conclusiveness of determinations under sections 1453 and 1454
1456 Computation of payments under sections 1453 and 1454; certification and payment of amounts due
1457 Insignia for student nurses in lieu of payment under section 1453.
1458. Discrimination against institution prohibited
1459 Rules and regulations; advisory committee, appointment, compensation, travel and subsistence expenses.
1460 Effective date; termination of Act; exceptions
1461. Transfer of student nurses to Federal hospitals; continuation of training; compensation, travel expenses, quarters, subsistence, laundry, hospital and medical care; disability and death benefits.
1462. Insignia for graduate nurses; penalty for unauthorized wearing of insignia and uniforms.

§ 1451. Appropriation to assure supply of nurses for armed forces and other needs; discrimination prohibited.

For the purpose of assuring a supply of nurses for the armed forces, governmental and civilian hospitals, health agencies, and war industries, there are hereby authorized to be appropriated sums sufficient to carry out the purposes of this Act (sections 1451–1460 of this Appendix): *Provided*, That there shall be no discrimination in the administration of the benefits and appropriations made under the respective provisions of this Act (sections 1451–1460 of this Appendix), on account of race, creed, or color. Such sums shall be used for making payments to schools of nursing or other institutions which have submitted, and had approved by the Surgeon General of the Public Health Service (hereinafter referred to as the Surgeon General), plans for nurses' training, for making payments under section 4 (section 1454 of this Appendix), and for all necessary expenses of the Public Health Service in administering the provisions of this Act (sections 1451–1460 of this Appendix). (June 15, 1943, ch. 126, § 1, 57 Stat. 153.)

MERGER OF APPROPRIATIONS

The Federal Security Agency Appropriations Act, 1946, act July 3, 1945, ch. 263, title II, 59 Stat. 370, provided in part that the appropriation contained therein for the training of nurses under the act of June 3, 1943 (sections 1451–1460 of this Appendix) was made available for transfer and consolidation with the appropriations of St. Elizabeths and Freedmen's hospitals to cover cost of items furnished to student nurses in training. Similar provisions were carried in acts June 28, 1944, ch 302, title II, 58 Stat. 557, Apr. 1, 1944, ch. 152, title I, 58 Stat. 152.

§ 1452. Approval of institution's plan for training nurses; scope of plan.

A plan for training of nurses may be limited to student-nurse training, or to postgraduate or refresher-nursing courses, or may include both. A plan submitted by any institution may be approved only if it provides—

(a) That no student or graduate nurse will be included under the plan unless in the judgment of the head of the institution such nurse will be available for military or other Federal governmental or essential civilian services for the duration of the present war, and such nurse so states in her application for inclusion under the plan;

(b) That nurses under the plan will be provided courses of study and training meeting standards prescribed by the Surgeon General;

(c) That the institution will furnish student nurses under the plan (without charge for tuition, fees, or other expenses) courses of study and training, uniforms, insignia, and maintenance in accordance with regulations of the Surgeon General;

(d) That the institution will pay student nurses under the plan a stipend at not less than the following monthly rates: $15 for the first nine months of study; $20 for the following fifteen to twenty-one months of combined study and practice, depending upon the curriculum of such institution;

(e) That the institution will either afford student nurses under the plan an opportunity to complete their course of training until graduation at such institution and will pay such student nurse a stipend at a monthly rate not less than $30 for the period following the period of combined study and practice and prior to graduation, or will transfer such student, after completion of the period of combined

study and practice and prior to graduation, for training in some other institution, but only if such training may be credited toward graduation, and the institution to which the nurse is transferred agrees to pay her a stipend at a monthly rate of not less than $30 until graduation; and

(f) That where extramural credit toward graduation can be given under the law of the State in which the institution is located, such institution will make transfers to Federal hospitals, under the conditions specified in subsection (e), in any case where a student nurse desires such transfer and appropriate request for such transfer is made on behalf of such hospital. (June 15, 1943, ch. 126, § 2, 57 Stat. 153.)

CROSS REFERENCES

Monthly rate of pay, see Ex Ord. No. 9439 set out under section 1461 of this Appendix.

§ 1453. Payments to institutions having approved training plans.

From the sums appropriated therefor the Secretary of the Treasury shall pay each institution, with a plan approved under section 2 (section 1452 of this Appendix)—

(1) with respect to items furnished student nurses thereunder, amounts determined by the Surgeon General to compensate such institution for—

(A) reasonable tuition and fees for the courses of study and training;

(B) reasonable maintenance provided pursuant to section 2 (section 1452 of this Appendix) for the first nine months of their course of study and training, to the extent that such maintenance is not compensated for by the value of their services during such period;

(C) uniforms and insignia, provided in accordance with section 2; and

(D) the minimum rate of stipend specified in section 2 (section 1452 of this Appendix) for periods prior to completion of the course of combined study and training referred to in such section; and

(2) with respect to items furnished graduate nurses thereunder, amounts determined by the Surgeon General to compensate such institution for reasonable tuition and fees for postgraduate and refresher course of study, and reasonable maintenance for graduate nurses undertaking postgraduate courses, or such portion of such amounts as may be determined in accordance with regulations of the Surgeon General. (June 15, 1943, ch. 126, § 3, 57 Stat. 154.)

§ 1454. Recruitment by nonprofit organizations of student and graduate nurses; compensation.

The Surgeon General is authorized, with the approval of the Federal Security Administrator, to enter into agreements with nonprofit organizations for the recruitment of student and graduate nurses for training and courses under plans approved pursuant to this Act (sections 1451–1460 of this Appendix), and to compensate such organizations therefor, but in no case shall such compensation exceed the necessary cost, as determined by him, of rendering such service. (June 15, 1943, ch. 126, § 4, 57 Stat. 154.)

§ 1455. Conclusiveness of determinations under sections 1453 and 1454.

Determinations under section 3 or 4 (section 1453 or 1454 of this Appendix) of amounts which any institution or organization shall receive shall be conclusive upon such institution or organization and upon any officer or agency of the Government. (June 15, 1943, ch. 126, § 5, 57 Stat. 155.)

§ 1456. Computation of payments under sections 1453 and 1454; certification and payment of amounts due.

The method of computing and paying the amounts referred to in sections 3 and 4 (sections 1453 and 1454 of this Appendix) shall be as follows:

(a) The Surgeon General shall from time to time, on a prepayment or reimbursement basis, estimate or make determination of the amount for each institution or organization, which amount shall be reduced or increased, as the case may be, by any sum by which he finds that unadjusted payments with respect to any prior period were greater or less than the amount which should have been paid to such institution or organization pursuant to section 3 or 4 (section 1453 or 1454 of this Appendix) for such prior period, and shall certify the amount so estimated or determined and so reduced or increased to the Secretary of the Treasury.

(b) The Secretary of the Treasury shall thereupon through the Division of Disbursement of the Treasury Department and prior to audit or settlement by the General Accounting Office pay the institution or organization at the time or times fixed by the Surgeon General the amount so certified. (June 15, 1943, ch. 126, § 6, 57 Stat. 155.)

§ 1457. Insignia for student nurses in lieu of payment under section 1453.

In lieu of payment therefor under section 3 [section 1453 of this Appendix] the Surgeon General is authorized, without regard to section 3709 of the Revised Statutes [section 5 of Title 41], to procure and provide uniforms and insignia for student nurses under a plan approved under section 2 [section 1452 of this Appendix]. (June 15, 1943, ch. 126, § 7, 57 Stat. 155, as amended Mar. 4, 1944, ch. 83, 58 Stat. 112.)

AMENDMENTS

1944—Act Mar. 4, 1944, cited to text, amended section by striking out "is authorized to procure and provide insignia" and inserting in lieu thereof "is authorized, without regard to section 3709 of the Revised Statutes, to procure and provide uniforms and insignia".

§ 1458. Discrimination against institution prohibited.

There shall be no discrimination against any institution on account of the size thereof or the number of nurses employed or student nurses training therein. (June 15, 1943, ch. 126, § 8, 57 Stat. 155.)

§ 1459 Rules and regulations; advisory committee, appointment, compensation, travel and subsistence expenses.

The Surgeon General with the approval of the Federal Security Administrator is hereby authorized to promulgate such rules and regulations as may be

necessary to carry out the purposes of this Act (sections 1451–1460 of this Appendix). Such rules and regulations shall be promulgated after conference with an advisory committee of not less than five members consisting of representatives of the nursing profession, hospitals, and accredited nurses training institutions. The members of the committee shall be appointed by the Federal Security Administrator. The members of the committee shall not receive any compensation for their services on the committee, but shall be reimbursed for all necessary travel and subsistence expenses (or receive a per diem in lieu thereof not to exceed $10 to be fixed by the Federal Security Administrator) while away from their respective places of residence on the business of the committee. (June 15, 1943, ch. 126, § 9, 57 Stat. 155.)

§ 1460. Effective date; termination of act; exceptions.

This Act (sections 1451–1460 of this Appendix) shall cease to be in effect upon the date of the termination of hostilities in the present war as determined by the President or upon such earlier date as the Congress by concurrent resolution or the President may designate, except for purposes of (a) making computations, payments, and adjustments in payments with respect to recruitment, training, and courses prior to such date, and (b) making computations, payments, and adjustments in payments so as to permit continuance, after such date, of training and courses by graduate or student nurses who were receiving training or courses ninety days prior to such date. (June 15, 1943, ch. 126, § 10, 57 Stat. 155.)

§ 1461. Transfer of student nurses to Federal hospitals; continuation of training; compensation, travel expenses, quarters, subsistence, laundry, hospital and medical care; disability and death benefits.

(a) The head of any department, establishment, or other Federal agency is hereby authorized to request and accept transfers of student nurses, transferable pursuant to subsections (e) and (f) of section 2 [section 1452 of this Appendix], to any Federal hospital operated by his agency in the continental United States, exclusive of Alaska, and to provide for the continued training of such student nurses requisite to graduation: *Provided*, That the period of training in no case shall extend beyond the period required for graduation by the institution from which the student nurse was transferred, but may be terminated at any time prior thereto as the interests of the service may require.

(b) During the period of such training student nurses shall be entitled to a stipend at such uniform monthly rate as may be prescribed by the President, and shall be entitled to (1) travel expenses as authorized by the Subsistence Expense Act of 1926, as amended [sections 821–823, 827–833 of Title 5] including travel incident to their initial transfer and in returning to the location from which transferred upon completion or termination of the period of training; (2) quarters, subsistence, and laundry (including laundering of uniforms) while at Federal hospitals; and (3) necessary medical and hospital care in Federal hospital facilities: *Provided*, That no student nurse receiving a stipend, fixed pursuant to this section, shall be entitled to any overtime or additional compensation under the War Overtime Pay Act of 1943 [sections 1401–1415 of this Appendix]. The appropriate appropriations of the agencies concerned are hereby made available for the purposes of this section.

(c) Should any student nurse so transferred and in training suffer disability or death while in the performance of duty, she or her dependents shall be entitled, under the same conditions and to the same extent, to the benefits which are provided for civil employees of the United States by the Act of September 7, 1916, as amended (39 Stat. 742; 5 U. S. C. 751–793). (June 15, 1943, ch. 126, § 11, as added Mar. 4, 1944, ch. 83, 58 Stat. 112.)

EX. ORD. NO. 9439. UNIFORM MONTHLY RATE OF PAY FOR STUDENT NURSES TRANSFERRED TO FEDERAL HOSPITALS

Ex Ord No. 9439, May 4, 1944, 9 F R. 4839, provided:

By virtue of and pursuant to the authority vested in me by section 11 (b) of the act of June 15, 1943 (Public Law 74, 78th Congress), as amended by the act of March 4, 1944 (Public Law 248, 78th Congress) [this section] student nurses transferred to any Federal hospital in the continental United States, exclusive of Alaska, pursuant to subsections (e) and (f) of section 2 of the said act of June 15, 1943 [section 1452 of this Appendix], shall be paid a stipend at the monthly rate of sixty dollars for that period of training requisite to graduation: *Provided*, That the period of training in no case shall extend beyond the period required for graduation by the institution from which the student nurse was transferred, but may be terminated at any time prior thereto as the interests of the service may require.

§ 1462. Insignia for graduate nurses; penalty for unauthorized wearing of insignia and uniforms.

The Surgeon General shall designate distinctive insignia to be worn by nurses who have been graduated pursuant to training received under this Act [sections 1451–1462 of this Appendix] and who in accordance with their undertaking are engaged in essential civilian nursing services for the duration of the present war. Such insignia and the uniforms and insignia designated by the Surgeon General in accordance with section 2 [section 1452 of this Appendix] to be worn by student nurses receiving training and courses under plans approved pursuant to this Act [sections 1451–1462 of this Appendix], or any distinctive part of such insignia or uniform, or any insignia or uniform any part of which is similar to a distinctive part thereof, shall not be worn by any unauthorized person, under the penalties provided by the Act of June 3, 1916 (39 Stat. 216, as amended; 10 U. S. C. 1393), for the unlawful wearing of the uniform of the United States Army, Navy, or Marine Corps. (June 15, 1943, ch. 126, § 12, as added Mar. 4, 1944, ch. 83, 58 Stat. 112.)

CIVILIAN REEMPLOYMENT OF MEMBERS OF MERCHANT MARINE (New)

Sec.

1471. Service in the merchant marine; definition; persons entitled to certificate of service.
1472. Restoration to civilian employment; persons entitled; terms and conditions.
1473. Proceedings to compel employer's compliance with section 1472; fees or costs.
1474 Additional compensation to certain civilian employees during period of merchant marine service
1475. Rules and regulations.

CROSS REFERENCES

Restoration to civilian employment of members of land or naval forces, see section 308 of this Appendix.

§ 1471. Service in the merchant marine; definition; persons entitled to certificate of service.

When used in this Act (sections 1471–1475 of this Appendix) the term "service in the merchant marine" means service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the Administrator, as an enrollee in the United States Maritime Service on active duty, and, to such extent as the Administrator shall prescribe, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the Administrator. Any person entering service in the merchant marine after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941, who, in accordance with rules and regulations prescribed by the Administrator, War Shipping Administration, completes a period of substantially continuous service in the merchant marine, shall be entitled to a certificate to that effect from the Administrator upon completion of such period, which shall include a record of any special proficiency or merit obtained. (June 23, 1943, ch. 142, § 1, 57 Stat. 162.)

§ 1472. Restoration to civilian employment; persons entitled; terms and conditions.

(a) In the case of any such person who, in order to perform service in the merchant marine, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within forty days after completion of such service—

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such person shall be restored to such position or to a position of like seniority, status, and pay;

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

(b) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (a) shall be considered as having been on furlough or leave of absence during his period of service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person entered such service, and shall not be discharged from such position without reasonable cause within one year after such restoration. (June 23, 1943, ch. 142, § 2, 57 Stat. 162.)

§ 1473. Proceedings to compel employer's compliance with section 1472; fees or costs.

In case any private employer fails or refuses to comply with the provisions of section 2 (section 1472 of this Appendix), the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided,* That no fees or court costs shall be taxed against the person so applying for such benefits. (June 23, 1943, ch. 142, § 3, 57 Stat 162.)

§ 1474. Additional compensation to certain civilian employees during period of merchant marine service.

Employees of the United States Government, its Territories or possessions, or the District of Columbia (including employers of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), who, subsequent to May 1, 1940, shall have entered upon service in the merchant marine, shall be entitled to receive, in addition to any pay for such service, compensation in their civilian positions covering their accumulated or current accrued leave, or to elect to have such leave remain to their credit until their return from such service. (June 23, 1943, ch. 142, § 4, 57 Stat. 163.)

CROSS REFERENCES

Lump sum payments for accumulated or accrued annual leave upon separation from service, see sections 61b–61e of Title 5, Executive Departments and Government Officers and Employees

§ 1475. Rules and regulations.

The Administrator, War Shipping Administration, may make such rules and regulations as he deems necessary or appropriate to carry out the provisions of this Act (sections 1451–1455 of this Appendix). (June 23, 1943, ch. 142, § 5, 57 Stat. 163.)

WAR LABOR DISPUTES ACT (New)

Sec
1501. Short title.
1502. Definitions.
1503. Power of President to take possession of plants, amendment of section 309 of this Appendix
1504. Terms of employment at government-operated plants.
1505. Application to War Labor Board for change in terms of employment at government-operated plants
1506 Interference with government operation of plants
1507. Functions and duties of the National War Labor Board.
1508. Notice of threatened interruptions in war production; continuance of operation for thirty days after notice; balloting by employees on disputed issues; plants excepted; penalty for violation
1509. Political contributions by labor organizations; amendment of section 251 of Title 2.
1510 Termination of Act.
1511 Separability clause.

§ 1501. Short title.

This Act (sections 1501–1511 of this Appendix) may be cited as the "War Labor Disputes Act". (June 25, 1943, ch. 144, § 1, 57 Stat. 163.)

§ 1502. Definitions.

As used in this Act (sections 1501–1511 of this Appendix)—

(a) The term "person" means an individual, partnership, association, corporation, business trust, or any organized group of persons.

(b) The term "war contract" means—

(1) a contract with the United States entered into on behalf of the United States by an officer or employee of the Department of War, the Department of the Navy, or the United States Maritime Commission;

(2) a contract with the United States entered into by the United States pursuant to an Act entitled "An Act to promote the defense of the United States" (Title 22, §§ 411–419);

(3) a contract, whether or not with the United States, for the production, manufacture, construction, reconstruction, installation, maintenance, storage, repair, mining, or transportation of—

(A) any weapon, munition, aircraft, vessel, or boat;

(B) any building, structure or facility;

(C) any machinery, tool, material, supply, article, or commodity; or

(D) any component material or part of or equipment for any article described in subparagraph (A), (B), or (C);

the production, manufacture, construction, reconstruction, installation, maintenance, storage, repair, mining, or transportation of which by the contractor in question is found by the President as being contracted for in the prosecution of the war.

(c) The term "war contractor" means the person producing, manufacturing, constructing, reconstructing, installing, maintaining, storing, repairing, mining, or transporting under a war contract or a person whose plant, mine, or facility is equipped for the manufacture, production, or mining of any articles or materials which may be required in the prosecution of the war or which may be useful in connection therewith; but such term shall not include a carrier, as defined in title I of the Railway Labor Act (Title 45 §§ 151–163), or a carrier by air subject to title II of such Act (Title 45, §§ 181–188).

(d) the terms "employer", "employee", "representative", "labor organization", and "labor dispute" shall have the same meaning as in section 2 of the National Labor Relations Act (Title 29, § 152). (June 25, 1943, ch. 144, § 2, 57 Stat. 164.)

SECRETARY OF LABOR

Secretary authorized by presidential letter, Aug 13, 1943, 8 F R 11281, to exercise power vested in President to make findings by par (3) of subsec. (b) of this section.

§ 1503. Power of President to take possession of plants; amendment of section 309 of this Appendix.

Section 9 of the Selective Training and Service Act of 1940 (section 309 of this Appendix) is hereby amended by adding at the end thereof the following new paragraph:

"The power of the President under the foregoing provisions of this section to take immediate possession of any plant upon a failure to comply with any such provisions, and the authority granted by this section for the use and operation by the United States or in its interests of any plant of which possession is so taken, shall also apply as hereinafter provided to any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required for the war effort or which may be useful in connection therewith. Such power and authority may be exercised by the President through such department or agency of the Government as he may designate, and may be exercised with respect to any such plant, mine, or facility whenever the President finds, after investigation, and proclaims that there is an interruption of the operation of such plant, mine, or facility as a result of a strike or other labor disturbance, that the war effort will be unduly impeded or delayed by such interruption, and that the exercise of such power and authority is necessary to insure the operation of such plant, mine, or facility in the interest of the war effort: *Provided*, That whenever any such plant, mine, or facility has been or is hereafter so taken by reason of a strike, lock-out, threatened strike, threatened lock-out, work stoppage, or other cause, such plant, mine, or facility shall be returned to the owners thereof as soon as practicable, but in no event more than sixty days after the restoration of the productive efficiency thereof prevailing prior to the taking of possession thereof: *Provided further*, That possession of any plant, mine, or facility shall not be taken under authority of this section after the termination of hostilities in the present war, as proclaimed by the President, or after

the termination of the War Labor Disputes Act (sections 1501–1511 of this Appendix); and the authority to operate any such plant, mine, or facility under the provisions of this section shall terminate at the end of six months after the termination of such hostilities as so proclaimed." (June 25, 1943, ch. 144, § 3, 57 Stat. 164.)

§ 1504. Terms of employment at government-operated plants.

Except as provided in section 5 hereof (section 1505 of this Appendix), in any case in which possession of any plant, mine, or facility has been or shall be hereafter taken under the authority granted by section 9 of the Selective Training and Service Act of 1940, as amended (section 309 of this Appendix), such plant, mine, or facility, while so possessed, shall be operated under the terms and conditions of employment which were in effect at the time possession of such plant, mine, or facility was so taken. (June 25, 1943, ch. 144, § 4, 57 Stat. 165.)

§ 1505. Application to War Labor Board for change in terms of employment at government-operated plants.

When possession of any plant, mine, or facility has been or shall be hereafter taken under authority of section 9 of the Selective Training and Service Act of 1940, as amended (section 309 of this Appendix), the Government agency operating such plant, mine, or facility, or a majority of the employees of such plant, mine, or facility or their representatives, may apply to the National War Labor Board for a change in wages or other terms or conditions of employment in such plant, mine, or facility. Upon receipt of any such application, and after such hearings and investigations as it deems necessary, such Board may order any changes in such wages, or other terms and conditions, which it deems to be fair and reasonable and not in conflict with any Act of Congress or any Executive order issued thereunder. Any such order of the Board shall, upon approval by the President, be complied with by the Government agency operating such plant, mine, or facility. (June 25, 1943, ch. 144, § 5, 57 Stat. 165.)

§ 1506. Interference with government operation of plants.

(a) Whenever any plant, mine, or facility is in the possession of the United States, it shall be unlawful for any person (1) to coerce, instigate, induce, conspire with, or encourage any person, to interfere, by lock-out, strike, slow-down, or other interruption, with the operation of such plant, mine, or facility, or (2) to aid any such lock-out, strike, slow-down, or other interruption interfering with the operation of such plant, mine, or facility by giving direction or guidance in the conduct of such interruption, or by providing funds for the conduct or direction thereof or for the payment of strike, unemployment, or other benefits to those participating therein. No individual shall be deemed to have violated the provisions of this section by reason only of his having ceased work or having refused to continue to work or to accept employment.

(b) Any person who willfully violates any provision of this section shall be subject to a fine of not more than $5,000, or to imprisonment for not more than one year, or both. (June 25, 1943, ch. 144, § 6, 57 Stat. 165.)

§ 1507. Functions and duties of the National War Labor Board.

(a) The National War Labor Board (hereinafter in this section called the "Board"), established by Executive Order Numbered 9017, dated January 12, 1942, in addition to all powers conferred on it by section 1 (a) of the Emergency Price Control Act of 1942 (section 901 (a) of this Appendix), and by any Executive order or regulation issued under the provisions of the Act of October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (sections 901, 961–971 of this Appendix and Title 15, § 713a–8 and note), and by any other statute, shall have the following powers and duties:

(1) Whenever the United States Conciliation Service (hereinafter called the "Conciliation Service") certifies that a labor dispute exists which may lead to substantial interference with the war effort, and cannot be settled by collective bargaining or conciliation, to summon both parties to such dispute before it and conduct a public hearing on the merits of the dispute. If in the opinion of the Board a labor dispute has become so serious that it may lead to substantial interference with the war effort, the Board may take such action on its own motion. At such hearing both parties shall be given full notice and opportunity to be heard, but the failure of either party to appear shall not deprive the Board of jurisdiction to proceed to a hearing and order.

(2) To decide the dispute, and provide by order the wages and hours and all other terms and conditions (customarily included in collective-bargaining agreements) governing the relations between the parties, which shall be in effect until further order of the Board. In making any such decision the Board shall conform to the provisions of the Fair Labor Standards Act of 1938, as amended (Title 29, §§ 201–219); the National Labor Relations Act (Title 29, §§ 151–166); the Emergency Price Control Act of 1942, as amended (sections 901–946 of this Appendix); and the Act of October 2, 1942, as amended (sections 901, 961–971 of this Appendix; and Title 15, § 713a–8 and note), and all other applicable provisions of law; and where no other law is applicable the order of the Board shall provide for terms and conditions to govern relations between the parties which shall be fair and equitable to employer and employee under all the circumstances of the case.

(3) To require the attendance of witnesses and the production of such papers, documents, and records as may be material to its investigation of facts in any labor dispute, and to issue subpenas requiring such attendance or production.

(4) To apply to any Federal district court for an order requiring any person within its juris-

diction to obey a subpena issued by the Board; and jurisdiction is hereby conferred on any such court to issue such an order.

(b) The Board, by its Chairman, shall have power to issue subpenas requiring the attendance and testimony of witnesses, and the production of any books, papers, records, or other documents, material to any inquiry or hearing before the Board or any designated member or agent thereof. Such subpenas shall be enforceable in the same manner, and subject to the same penalties, as subpenas issued by the President under title III of the Second War Powers Act, approved March 27, 1942 (section 633 of this Appendix).

(c) No member of the Board shall be permitted to participate in any decision in which such member has a direct interest as an officer, employee, or representative of either party to the dispute.

(d) Subsections (a) (1) and (2) shall not apply with respect to any plant, mine, or facility of which possession has been taken by the United States.

(e) The Board shall not have any powers under this section with respect to any matter within the purview of the Railway Labor Act, as amended (Title 45, §§ 151–188). (June 25, 1943, ch. 144, § 7, 57 Stat. 166.)

TRANSFER OF FUNCTIONS

Section 2 of Ex. Ord. No 9617, Sept 19, 1945, 10 F. R. 11929, set out as a note under section 601 of this Appendix, provided for the transfer to the Department of Labor of all functions, officers, employees, records, property, and funds of the National War Labor Board.

TERMINATION OF NATIONAL WAR LABOR BOARD

Ex. Ord. No. 9672, Jan. 3, 1946, 11 F. R. 221, set out as a note under section 964 of this Appendix established the National Wage Stabilization Board to have all the powers, functions, and responsibilities of the National War Labor Board, and terminated the National War Labor Board

EX ORD No 9017. ESTABLISHMENT OF NATIONAL WAR LABOR BOARD

Ex Ord. No. 9017, Jan. 12, 1942, 7 F. R. 237, provided:

Whereas by reason of the state of war declared to exist by joint resolutions of the Congress, approved December 8, 1941 and December 11, 1941, respectively, (Public Laws Nos 328, 331, 332, 77th Congress), (note preceding section 1 of this Appendix), the national interest demands that there shall be no interruption of any work which contributes to the effective prosecution of the war; and

Whereas as a result of a conference of representatives of labor and industry which met at the call of the President on December 17, 1941, it has been agreed that for the duration of the war there shall be no strikes or lockouts, and that all labor disputes shall be settled by peaceful means, and that a National War Labor Board be established for the peaceful adjustment of such disputes:

Now, therefore, by virtue of the authority vested in me by the Constitution and the statutes of the United States, it is hereby ordered:

1. There is hereby created in the office for Emergency Management a National War Labor Board, hereinafter referred to as the Board. The Board shall be composed of twelve special commissioners to be appointed by the President. Four of the members shall be representative of the public, four shall be representative of employees; and four shall be representative of employers. The President shall designate the Chairman and Vice-Chairman of the Board from the members representing the public. The President shall appoint four alternate members representative of employees and four representative of employers, to serve as Board members in the absence of regular members representative of their respective groups. Six members or alternate members of the Board, including not less than two members from each of the groups represented on the Board, shall constitute a quorum. A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board

2. This Order does not apply to labor disputes for which procedures for adjustment or settlement are otherwise provided until those procedures have been exhausted.

3 The procedures for adjusting and settling labor disputes which might interrupt work which contributes to the effective prosecution of the war shall be as follows. (a) The parties shall first resort to direct negotiations or to the procedures provided in a collective bargaining agreement. (b) If not settled in this manner, the Commissioners of Conciliation of the Department of Labor shall be notified if they have not already intervened in the dispute. (c) If not promptly settled by conciliation, the Secretary of Labor shall certify the dispute to the Board: *Provided, however,* That the Board in its discretion after consultation with the Secretary may take jurisdiction of the dispute on its own motion. After it takes jurisdiction, the Board shall finally determine the dispute, and for this purpose may use mediation, voluntary arbitration, or arbitration under rules established by the Board

4. The Board shall have power to promulgate rules and regulations appropriate for the performance of its duties.

5. The members of the Board (including alternates) shall receive necessary traveling expenses, and, unless their compensation is otherwise prescribed by the President, shall receive in addition to traveling expenses $25 00 per diem for subsistence expense on such days as they are actually engaged in the performance of duties pursuant to this Order. The Board is authorized to appoint and fix the compensation of its officers, examiners, mediators, umpires, and arbitrators, and the Chairman is authorized to appoint and fix the compensation of other necessary employees of the Board The Board shall avail itself, insofar as practicable, of the services and facilities of the Office for Emergency Management and of other departments and agencies of the Government.

6. Upon the appointment of the Board and the designation of its Chairman, the National Defense Mediation Board established by Executive Order No 8716 of March 19, 1941, shall cease to exist All employees of the National Defense Mediation Board shall be transferred to the Board without acquiring by such transfer any change in grade or civil service status. All records, papers, and property, and all unexpended funds and appropriations for the use and maintenance of the National Defense Mediation Board shall be transferred to the Board All duties with respect to cases certified to the National Defense Mediation Board shall be assumed by the Board for discharge under the provisions of this Order.

7 Nothing herein shall be construed as superseding or in conflict with the provisions of the Railway Labor Act (Act of May 20, 1926, as amended, 44 Stat 577; 48 Stat. 926, 1185; 49 Stat. 1169, 45 U. S Code § 151), the National Labor Relations Act (Act of July 5, 1935, 49 Stat. 457; 29 U S Code § 151 et seq), the Fair Labor Standards Act (Act of June 25, 1938; 52 Stat 1060; 29 U S Code § 201 et seq.), and the Act to provide conditions for the purchase of supplies, etc., approved June 30, 1936 (49 Stat. 2036; 41 U. S. Code, §§ 35–45), or the Act amending the Act of March 3, 1931, relating to the rate of wages for laborers and mechanics, approved August 30, 1935 (49 Stat. 1011, 40 U. S Code, § 276 et seq.).

EX ORD. No 9370. AUTHORIZING ECONOMIC STABILIZATION DIRECTOR TO TAKE CERTAIN ACTION IN CONNECTION WITH ENFORCEMENT OF DIRECTIVES OF NATIONAL WAR LABOR BOARD

Ex Ord. No 9370, Aug. 16, 1943, 8 F. R 11463, provided:

By virtue of the authority vested in me by the Constitution and the statutes of the United States, it is hereby ordered:

In order to effectuate compliance with directive orders of the National War Labor Board in cases in which the Board reports to the Director of Economic Stabilization

that its orders have not been complied with, the Director is authorized and directed, in furtherance of the effective prosecution of the war, to issue such directives as he may deem necessary:

(a) To other departments or agencies of the Government directing the taking of appropriate action relating to withholding or withdrawing from a non-complying employer any priorities, benefits or privileges extended, or contracts entered into, by executive action of the Government, until the National War Labor Board has reported that compliance has been effectuated;

(b) To any Government agency operating a plant, mine or facility, possession of which has been taken by the President under section 3 of the War Labor Disputes Act (section 1503 of this Appendix) directing such agency to apply to the National War Labor Board, under section 5 of said act (section 1505 of this Appendix) for an order withholding or withdrawing from a non-complying labor union any benefits, privileges or rights accruing to it under the terms or conditions of employment in effect (whether by agreement between the parties or by order of the National War Labor Board, or both) when possession was taken, until such time as the non-complying labor union has demonstrated to the satisfaction of the National War Labor Board its willingness and capacity to comply; but, when the check-off is denied, dues received from the check-off shall be held in escrow for the benefit of the union to be delivered to it upon compliance by it.

(c) To the War Manpower Commission, in the case of non-complying individuals, directing the entry of appropriate orders relating to the modification or cancellation of draft deferments or employment privileges, or both

EX. ORD. NO. 9535 PUBLIC MEMBERS OF THE NATIONAL WAR LABOR BOARD

Ex. Ord. No 9535, Apr. 5, 1945, 10 F R 3721, amending Ex. Ord. No. 9017, set out above, provided:

By virtue of the authority vested in me by the Constitution and the statutes of the United States, it is hereby ordered as follows:

1. Executive Order No. 9017 of January 12, 1942 [set out as a note under this section] establishing the National War Labor Board, is amended by increasing the number of public members of the said Board from four to eight. Not more than four of such members shall vote on any one matter.

2. Executive Order No 9038 of January 24, 1942, providing for the appointment of associate members of the National War Labor Board, and Executive Order No 9395–A of November 20, 1943, providing for the appointment of alternate public members of the said Board, are hereby revoked.

§ 1508. Notice of threatened interruptions in war production; continuance of operation for thirty days after notice; balloting by employees on disputed issues; plants excepted; penalty for violation.

(a) In order that the President may be apprised of labor disputes which threaten seriously to interrupt war production, and in order that employees may have an opportunity to express themselves, free from restraint or coercion, as to whether they will permit such interruptions in wartime—

(1) The representative of the employees of a war contractor, shall give to the Secretary of Labor, the National War Labor Board, and the National Labor Relations Board, notice of any such labor dispute involving such contractor and employees, together with a statement of the issues giving rise thereto.

(2) For not less than thirty days after any notice under paragraph (1) is given, the contractor and his employees shall continue production under all the conditions which prevailed when such dispute arose, except as they may be modified by mutual agreement or by decision of the National War Labor Board.

(3) On the thirtieth day after notice under paragraph (1) is given by the representative of the employees, unless such dispute has been settled, the National Labor Relations Board shall forthwith take a secret ballot of the employees in the plant, plants, mine, mines, facility, facilities, bargaining unit, or bargaining units, as the case may be, with respect to which the dispute is applicable on the question whether they will permit any such interruption of war production. The National Labor Relations Board shall include on the ballot a concise statement of the major issues involved in the dispute and of the efforts being made and the facilities being utilized for the settlement of such dispute. The National Labor Relations Board shall by order forthwith certify the results of such balloting, and such results shall be open to public inspection. The National Labor Relations Board may provide for preparing such ballot and distributing it to the employees at any time after such notice has been given.

(b) Subsection (a) shall not apply with respect to any plant, mine, or facility of which possession has been taken by the United States.

(c) Any person who is under a duty to perform any act required under subsection (a) and who willfully fails or refuses to perform such act shall be liable for damages resulting from such failure or refusal to any person injured thereby and to the United States if so injured. The district courts of the United States shall have jurisdiction to hear and determine any proceedings instituted pursuant to this subsection in the same manner and to the same extent as in the case of proceedings instituted under section 24 (14) of the Judicial Code (Title 28, § 41, (14)). (June 25, 1943, ch. 144, § 8, 57 Stat. 167.)

TERMINATION OF NATIONAL WAR LABOR BOARD

Termination of Board and transfer of functions, etc., see note set out under section 1507 of this Appendix.

§ 1509. Political contributions by labor organizations; amendment of section 251 of Title 2.

Section 313 of the Federal Corrupt Practices Act, 1925 (U. S. C., 1940 edition, title 2, sec. 251), is amended to read as follows:

"SEC. 313. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in connection with any election to any political office, or for any corporation whatever, or any labor organization to make a contribution in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation or labor organization which makes any contribution in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution by the corporation or labor organization, as the case may be, in violation of this

section shall be fined not more than $1,000 or imprisoned for not more than one year, or both. For the purposes of this section 'labor organization' shall have the same meaning as under the National Labor Relations Act (Title 29, §§ 151–166)." (June 25, 1943, ch. 144, § 9, 57 Stat. 167.)

§ 1510. Termination of act.

Except as to offenses committed prior to such date, the provisions of this Act (sections 1501–1511 of this Appendix) and the amendments made by this Act (affecting section 309 of this Appendix and Title 2, § 251) shall cease to be effective at the end of six months following the termination of hostilities in the present war, as proclaimed by the President, or upon the date (prior to the date of such proclamation) of the passage of a concurrent resolution of the two Houses of Congress stating that such provisions and amendments shall cease to be effective. (June 25, 1943, ch. 144, § 10, 57 Stat. 168.)

§ 1511. Separability clause.

If any provision of this Act (sections 1501–1511 of this Appendix) or of any amendment made by this Act, (affecting section 309 of this Appendix and Title 2, § 251) or the application of such provision to any person or circumstance, is held invalid, the remainder of the Act (sections 1501–1511 of this Appendix) and of such amendments, and the application of such provision to other persons or circumstances, shall not be affected thereby. (June 25, 1943, ch. 144, § 11, 57 Stat. 168.)

VOLUNTARY ENLISTMENTS IN THE REGULAR MILITARY ESTABLISHMENT (New)

ACT OF JUNE 1, 1945, CH. 168, 59 STAT. 230

Sec.

1531. Enlistments and reenlistments in the Regular Army; periods; age.
1532. Regulations.
1533. Report to Congress by Secretary of War; termination of authority to accept enlistments and reenlistments.
1534. Promotion after six months' service in seventh grade.

§ 1531. Enlistments and reenlistments in the Regular Army; periods; age.

Notwithstanding the limitations contained in any other provision of law, the Secretary of War is authorized and directed to accept original enlistments and reenlistments in the Regular Army for periods of eighteen months or two or three years, at the option of the person so enlisted, from among qualified male persons not less than seventeen years of age, including persons in active service in the Army of the United States or any component thereof: *Provided*, That upon the presentation of satisfactory evidence as to his age and upon written application for discharge by his parent or guardian presented to the Secretary of War within six months after the date of his enlistment, any man enlisted under the provisions of this Act [sections 1531–1534 of this Appendix] who is under twenty-one years of age and who has enlisted without the written consent of his parent or guardian, if any, shall be discharged from that portion of his contract of enlistment as extends beyond the duration of the present wars and six months thereafter: *Provided further*, That such person, when discharged from the service, shall receive the form of discharge and the travel and other allowances to which his service after enlistment shall entitled [1] him: *Provided further*, That no person under the age of eighteen years shall be enlisted without the written consent of his parents or guardians, and the Secretary of War shall, upon the application of the parents or guardians of any such person enlisted without their written consent, discharge such person from the military service with pay and with the form of discharge certificate to which the service of such person, after enlistment, shall entitle him. Nothing contained in this Act [sections 1531–1534 of this Appendix] shall be construed to deprive any person of any right to reenlistment in the Regular Army under any other provision of law. Any qualified and acceptable member of the Army of the United States, or of any component thereof, who has performed active service therein for a period of not less than six months, shall, upon his application, be accepted for an enlistment period of one year plus the period of any furlough granted at the beginning of such enlistment. No person who is serving under an enlistment contracted on or after June 1, 1945, shall be entitled, before the expiration of the period of such enlistment, to enlist for an enlistment period which will expire before the expiration of the enlistment period for which he is so serving. (June 1, 1945, ch. 168, 59 Stat. 230, as amended Oct. 6, 1945, ch. 393, § 3 (a), 59 Stat. 538.)

[1] So in original. Probably should read "entitle".

AMENDMENTS

1945—Act Oct. 6, 1945, cited to text, amended section generally.

EFFECTIVE DATE

Subsec. (b) of section 4 of act Oct. 6, 1945, cited to text, provided: "The amendment made by this section shall be effective as if it had been part of such Act of June 1, 1945 [section 1531 of this title], when such Act was originally enacted [June 1, 1945]."

SHORT TITLE

Short title of act Oct. 6, 1945, cited to text, see note set out under section 635 of Title 10, Army.

CROSS REFERENCES

Recruiting campaigns for voluntary enlistments and reenlistments, see sections 635–637 of Title 10, Army, and sections 187–189 of Title 34, Navy.

§ 1532. Regulations.

The Secretary of War is authorized to promulgate such regulations as may be necessary to effectuate the purposes of this Act [sections 1531–1534 of this Appendix]. (June 1, 1945, ch. 168, § 2, as added Oct. 6, 1945, ch. 393, § 3 (a), 59 Stat. 538.)

EFFECTIVE DATE

Effective date, see note under section 1531 of this Appendix.

SHORT TITLE

Short title of act Oct. 6, 1945, cited to text, see note set out under section 635 of Title 10, Army.

§ 1533. Report to Congress by Secretary of War; termination of authority to accept enlistments and reenlistments.

The Secretary of War shall report to the Congress quarterly, the first such report to be made as of December 31, 1945, the number of enlisted men on active

duty in the Regular Army who have been enlisted or reenlisted on or after June 1, 1945. The authority conferred by section 1 [section 1531 of this Appendix] to accept original enlistments and reenlistments in the Regular Army shall terminate on June 30, 1947. (June 1, 1945, ch. 168, § 3, as added Oct 6, 1945, ch. 393, § 3 (a), 59 Stat. 538.)

EFFECTIVE DATE

Effective date, see note under section 1531 of this Appendix.

SHORT TITLE

Short title of act Oct. 6, 1945, cited to text, see note set out under section 635 of Title 10, Army.

§ 1534. Promotion after six months' service in seventh grade.

Any person who enlists or reenlists in the Regular Military Establishment on or after June 1, 1945, in the seventh grade, upon the completion of six months' active service, shall unless sooner promoted, be promoted to the sixth grade, providing he meets such qualifications as may be prescribed in regulations promulgated by the Secretary of War. (June 1, 1945, ch. 168, § 4, as added Oct. 6, 1945, ch. 393, § 3 (a), 59 Stat. 538.)

EFFECTIVE DATE

Effective date, see note under section 1531 of this Appendix.

SHORT TITLE

Short title of act Oct. 6, 1945, cited to text, see note set out under section 635 of Title 10, Army.

WOMEN'S ARMY CORPS (New)

ACT JULY 1, 1943, CH. 187, 57 STAT. 371

Sec

1551. Establishment and duration of corps; authorized strength.
1552. Qualifications for membership; application of other laws and regulations.
1553. Officers, eligibility; rank; jurisdiction, powers, rights and privileges
1554. Same; uniforms, insignia, accessories and equipment; issuance, allowance for, and disposition of.
1555. Women's Army Auxiliary Corps Act repealed; exception, application of certain provisions thereof to Women's Army Corps; termination of service in Women's Army Auxiliary Corps, transportation or allowance to discharged members.

CROSS REFERENCES

Women's Army Auxiliary Corps, see section 1701 et seq. of Title 10, Army.

§ 1551. Establishment and duration of corps; authorized strength.

There is hereby established in the Army of the United States, for the period of the present war and for six months thereafter or for such shorter period as the Congress by concurrent resolution or the President by proclamation shall prescribe, a component to be known as the "Women's Army Corps". The total number of women enlisted or appointed in the Women's Army Corps shall not exceed the number authorized from time to time by the President. (July 1, 1943, ch. 187, § 1, 57 Stat. 371.)

EX. ORD. NO. 9364. PRESCRIBING STRENGTH OF THE WOMEN'S ARMY CORPS

Ex Ord No. 9364, July 26, 1943, 8 F. R. 10477, provided:

By virtue of and pursuant to the authority vested in me by the act entitled "An Act to establish a Women's Army Corps for service in the Army of the United States", approved July 1, 1943 (Public Law 110, 78th Congress) (sections 1551–1555 of this Appendix), it is hereby ordered that the total number of women enlisted or appointed in the Women's Army Corps shall not exceed two hundred thousand.

EX ORD. NO. 9365. WOMEN'S ARMY CORPS SERVICE MEDAL

Ex Ord No. 9365, July 29, 1943, 8 F R. 10651, provided:

By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

There is hereby established the Women's Army Corps Service Medal, which shall include suitable appurtenances. Such medal may be awarded, under such regulations as the Secretary of War may prescribe, to members of the Women's Army Corps for honorable service performed by them in the Women's Army Auxiliary Corps.

§ 1552. Qualifications for membership; application of other laws and regulations.

The enlisted personnel of such corps shall consist of women of excellent character in good physical health, who are enlisted in the Army of the United States under the provisions of the last paragraph of section 127a of the National Defense Act, as amended (54 Stat. 213) (Title 10, § 634), and who are on the date of such enlistment citizens of the United States between the ages of twenty and fifty years. All laws and regulations now or hereafter applicable to enlisted men or former enlisted men of the Army of the United States and their dependents and beneficiaries shall, in like cases and except where otherwise expressly provided, be applicable respectively to enlisted personnel and former enlisted personnel of such corps and their dependents and beneficiaries. (July 1, 1943, ch. 187, § 2, 57 Stat. 371.)

§ 1553. Officers; eligibility; rank; jurisdiction, powers, rights and privileges.

The commissioned officers of such corps shall consist of women appointed as officers in the Army of the United States under the provisions of the joint resolution of September 22, 1941 (55 Stat. 728) (Title 10, § 484, note), and ordered into the active military service of the United States. The commanding officer of such corps shall be a colonel and such officers of lower rank shall be appointed as the Secretary of War may prescribe: *Provided,* That physicians and nurses shall not be enlisted in this corps: *And provided further,* That commissioned officers and noncommissioned officers of the Women's Army Corps shall exercise command only over women of the Women's Army Corps and other members of the Army of the United States specifically placed under their command. They and their dependents and beneficiaries shall have all of the rights, privileges, and benefits accorded in like cases to other persons under that Act (Title 10, § 484, note), except where otherwise expressly provided (July 1, 1943, ch. 187, § 3, 57 Stat. 371.)

§ 1554. Same; uniforms, insignia, accessories and equipment; issuance, allowance for, and disposition of.

Notwithstanding any other provision of law, no woman appointed as an officer in the Army of the United States under the provisions hereof who has previously held an appointment as an officer of the Women's Army Auxiliary Corps established pursuant

to the provisions of the Act of May 14, 1942 (Public Law 554, Seventy-seventh Congress) (Title 10, §§ 1701–1718), shall be entitled to any uniform allowance payable to officers of the Army of the United States. Such officers who have not received a complete issue of uniforms, insignia, accessories, and equipment prescribed under the provisions of section 8 of such Act of May 14, 1942 (Title 10, § 1708), may be issued the remainder of such prescribed articles, and all such officers who have heretofore received, or may hereafter receive such complete issue, or any part thereof, may retain such articles as their personal property. (July 1, 1943, ch. 187, § 4, 57 Stat. 371.)

§ 1555. Women's Army Auxiliary Corps Act repealed; exception; application of certain provisions thereof to Women's Army Corps; termination of service in Women's Army Auxiliary Corps; transportation or allowance to discharged members.

Effective on the last day of the second calendar month following the date of the approval of this Act, the Act of May 14, 1942, as amended (Title 10, §§ 1393, 1701–1718, and section 511 of this Appendix) except section 11 thereof (Title 10, § 1711), is hereby repealed. Section 11 of such Act of May 14, 1942 (Title 10, § 1711), shall not be applicable to enlisted personnel or commissioned officers of the corps established by this Act except in cases in which its applicability is based upon the status of such enlisted personnel or commissioned officers as former members of the corps established by such Act of May 14, 1942 (Title 10, §§ 1393, 1701–1718, and section 511 of this Appendix). Enlistment or acceptance of appointment under the provisions of this Act shall terminate service under the Act of May 14, 1942 (Title 10, §§ 1393, 1701–1718, and section 511 of this Appendix), and personnel who were enrolled or appointed under the Act last mentioned who do not so enlist or accept appointment hereunder will be discharged. The Secretary of War is authorized to provide transportation and sleeping accommodations, or an allowance in lieu thereof at the rate of 5 cents per mile, for the travel from her last duty post to the place of her acceptance for appointment or enrollment to any member of the Women's Army Auxiliary Corps established pursuant to the provisions of such Act of May 14, 1942 (Title 10, §§ 1393, 1701–1718, and section 511 of this Appendix) who is not appointed or enlisted in the Army of the United States pursuant to the provisions of this Act. (July 1, 1943, ch. 187, § 5, 57 Stat. 371.)

UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION (New)

JOINT RES. MARCH 28, 1944, CH. 135, 58 STAT. 122

Sec.
1571 Appropriation; agreement incorporated.
1572 Disbursements under President's direction; quarterly report to Congress.
1573 Extent of rehabilitation.
1574. Area included for relief
1575 Congressional approval necessary for new obligations.
1576 Approval of contributions by Congress.
1577. Reservations; extent or rehabilitation.
1578. Same; limitation on contracts and obligations.

§ 1571. Appropriation; agreement incorporated.

There is hereby authorized to be appropriated to the President such sums, not to exceed $2,700,000,000 in the aggregate, as the Congress may determine from time to time to be appropriate for participation by the United States (including contributions in funds or otherwise and all necessary expenses related thereto) in the work of the United Nations Relief and Rehabilitation Administration, established by an agreement concluded by the United Nations and Associated Governments on November 9, 1943, reading as follows:

"AGREEMENT FOR UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION

"The Governments or Authorities whose duly authorized representatives have subscribed hereto,

"Being United Nations or being associated with the United Nations in this war,

"Being determined that immediately upon the liberation of any area by the armed forces of the United Nations or as a consequence of retreat of the enemy the population thereof shall receive aid and relief from their sufferings, food, clothing and shelter, aid in the prevention of pestilence and in the recovery of the health of the people, and that preparation and arrangements shall be made for the return of prisoners and exiles to their homes and for assistance in the resumption of urgently needed agricultural and industrial production and the restoration of essential services,

"Have agreed as follows:

"ARTICLE I

"There is hereby established the United Nations Relief and Rehabilitation Administration.

"1. The Administration shall have power to acquire, hold and convey property, to enter into contracts and undertake obligations, to designate or create agencies and to review the activities of agencies so created, to manage undertakings and in general to perform any legal act appropriate to its objects and purposes.

"2 Subject to the provisions of Article VII, the purposes and functions of the Administration shall be as follows:

"(a) To plan, coordinate, administer or arrange for the administration of measures for the relief of victims of war in any area under the control of any of the United Nations through the provision of food, fuel, clothing, shelter and other basic necessities, medical and other essential services; and to facilitate in such areas, so far as necessary to the adequate provision of relief, the production and transportation of these articles and the furnishing of these services. The form of activities of the Administration within the territory of a member government wherein that government exercises administrative authority and the responsibility to be assumed by the member government for carrying out measures planned by the Administration therein shall be determined after consultation with and with the consent of the member government.

"(b) To formulate and recommend measures for individual or joint action by any or all of the member

governments for the coordination of purchasing, the use of ships and other procurement activities in the period following the cessation of hostilities, with a view to integrating the plans and activities of the Administration with the total movement of supplies, and for the purpose of achieving an equitable distribution of available supplies. The Administration may administer such coordination measures as may be authorized by the member governments concerned.

"(c) To study, formulate and recommend for individual or joint action by any or all of the member governments measures with respect to such related matters, arising out of its experience in planning and performing the work of relief and rehabilitation, as may be proposed by any of the member governments. Such proposals shall be studied and recommendations formulated if the proposals are supported by a vote of the Council, and the recommendations shall be referred to any or all of the member governments for individual or joint action if approved by unanimous vote of the Central Committee and by vote of the Council.

"ARTICLE II

"MEMBERSHIP

"The members of the United Nations Relief and Rehabilitation Administration shall be the governments or authorities signatory hereto and such other governments or authorities as may upon application for membership be admitted thereto by action of the Council. The Council may, if it desires, authorize the Central Committee to accept new members between sessions of the Council.

"Wherever the term 'member government' is used in this Agreement it shall be construed to mean a member of the Administration whether a government or an authority.

"ARTICLE III

"THE COUNCIL

"1. Each member government shall name one representative, and such alternates as may be necessary, upon the Council of the United Nations Relief and Rehabilitation Administration which shall be the policy-making body of the Administration. The Council shall, for each of its sessions, select one of its members to preside at the session. The Council shall determine its own rules of procedure. Unless otherwise provided by the Agreement or by action of the Council, the Council shall vote by simple majority.

"2. The Council shall be convened in regular session not less than twice a year by the Central Committee. It may be convened in special session whenever the Central Committee shall deem necessary, and shall be convened within thirty days after request therefor by one-third of the members of the Council.

"3. The Central Committee of the Council shall consist of the representatives of China, the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America, with the Director General presiding, without vote. Between sessions of the Council it shall when necessary make policy decisions of an emergency nature. All such decisions shall be recorded in the minutes of the Central Committee which shall be communicated promptly to each member government. Such decisions shall be open to reconsideration by the Council at any regular session or at any special session called in accordance with Article III, paragraph 2. The Central Committee shall invite the participation of the representative of any member government at those of its meetings at which action of special interest to such government is discussed. It shall invite the participation of the representative serving as Chairman of the Committee on Supplies of the Council at those of its meetings at which policies affecting the provision of supplies are discussed.

"4. The Committee on Supplies of the Council shall consist of the members of the Council, or their alternates, representing those member governments likely to be principal suppliers of materials for relief and rehabilitation. The members shall be appointed by the Council, and the Council may authorize the Central Committee to make emergency appointments between sessions of the Council, such appointments to continue until the next session of the Council. The Committee on Supplies shall consider, formulate and recommend to the Council and the Central Committee policies designed to assure the provision of required supplies. The Central Committee shall from time to time meet with the Committee on Supplies to review policy matters affecting supplies.

"5. The Committee of the Council for Europe shall consist of all the members of the Council, or their alternates, representing member governments of territories within the European area and such other members of the Council representing other governments directly concerned with the problems of relief and rehabilitation in the European area as shall be appointed by the Council; the Council may authorize the Central Committee to make these appointments in cases of emergency between sessions of the Council, such appointments to continue until the next session of the Council. The Committee of the Council for the Far East shall consist of all the members of the Council, or their alternates, representing member governments of territories within the Far Eastern area and such other members of the Council representing other governments directly concerned with the problems of relief and rehabilitation in the Far Eastern area as shall be appointed by the Council; the Council may authorize the Central Committee to make these appointments in cases of emergency between sessions of the Council, such appointments to continue until the next session of the Council. The regional committees shall normally meet within their respective areas. They shall consider and recommend to the Council and the Central Committee policies with respect to relief and rehabilitation within their respective areas. The Committee of the Council for Europe shall replace the Inter-Allied Committee on European Post-war Relief established in London on September 24, 1941, and the records of the latter

shall be made available to the Committee for Europe.

"6. The Council shall establish such other standing regional committees as it shall consider desirable, the functions of such committees and the method of appointing their members being identical to that provided in Article III, paragraph 5, with respect to the Committees of the Council for Europe and for the Far East. The Council shall also establish such other standing committees as it considers desirable to advise it, and, in intervals between sessions of the Council, to advise the Central Committee. For such standing technical committees as may be established, in respect of particular problems such as nutrition, health, agriculture, transport, repatriation, and finance, the members may be members of the Council or alternates nominated by them because of special competence in their respective fields of work. The members shall be appointed by the Council, and the Council may authorize the Central Committee to make emergency appointments between sessions of the Council, such appointments to continue until the next session of the Council. Should a regional committee so desire, subcommittees of the standing technical committees shall be established by the technical committees in consultation with the regional committees, to advise the regional committees.

"7. The travel and other expenses of members of the Council and of members of its committees shall be borne by the governments which they represent.

"8. All reports and recommendations of committees of the Council shall be transmitted to the Director General for distribution to the Council and the Central Committee by the secretariat of the Council established under the provisions of Article IV, paragraph 4.

"ARTICLE IV

"THE DIRECTOR GENERAL

"1. The executive authority of the United Nations Relief and Rehabilitation Administration shall be in the Director General, who shall be appointed by the Council on the nomination by unanimous vote of the Central Committee. The Director General may be removed by the Council on recommendation by unanimous vote of the Central Committee.

"2. The Director General shall have full power and authority for carrying out relief operations contemplated by Article I, paragraph 2 (a), within the limits of available resources and the broad policies determined by the Council or its Central Committee. Immediately upon taking office he shall in conjunction with the military and other appropriate authorities of the United Nations prepare plans for the emergency relief of the civilian population in any area occupied by the armed forces of any of the United Nations, arrange for the procurement and assembly of the necessary supplies and create or select the emergency organization required for this purpose. In arranging for the procurement, transportation, and distribution of supplies and services, he and his representatives shall consult and collaborate with the appropriate authorities of the United Nations and shall, wherever practicable, use the facilities made available by such authorities. Foreign voluntary relief agencies may not engage in activity in any area receiving relief from the Administration without the consent and unless subject to the regulation of the Director General. The powers and duties of the Director General are subject to the limitations of Article VII.

"3. The Director General shall also be responsible for the organization and direction of the functions contemplated by Article I, paragraphs 2 (b) and 2 (c).

"4. The Director General shall appoint such Deputy Directors General, officers, expert personnel, and staff at his headquarters and elsewhere, including field missions, as he shall find necessary, and he may delegate to them such of his powers as he may deem appropriate. The Director General, or upon his authorization the Deputy Directors General, shall supply such secretariat and other staff and facilities as shall be required by the Council and its committees, including the regional committees and subcommittees. Such Deputy Directors General as shall be assigned special functions within a region shall attend meetings of the regional standing committee whenever possible and shall keep it advised on the progress of the relief and rehabilitation program within the region.

"5. The Director General shall make periodic reports to the Central Committee and to the Council covering the progress of the Administration's activities. The reports shall be made public except for such portions as the Central Committee may consider it necessary, in the interest of the United Nations, to keep confidential; if a report affects the interests of a member government in such a way as to render it questionable whether it should be published, such government shall have an opportunity of expressing its views on the question of publication. The Director General shall also arrange to have prepared periodic reports covering the activities of the Administration within each region and he shall transmit such reports with his comments thereon to the Council, the Central Committee and the respective regional committees.

"ARTICLE V

"SUPPLIES AND RESOURCES

"1. In so far as its appropriate constitutional bodies shall authorize, each member government will contribute to the support of the Administration in order to accomplish the purposes of Article I, paragraph 2 (a). The amount and character of the contributions of each member government under this provision will be determined from time to time by its appropriate constitutional bodies. All such contributions received by the Administration shall be accounted for.

"2. The supplies and resources made available by the member governments shall be kept in review in relation to prospective requirements by the Director General, who shall initiate action with the member governments with a view to assuring such additional supplies and resources as may be required.

"3. All purchases by any of the member governments, to be made outside their own territories during the war for relief or rehabilitation purposes, shall be made only after consultation with the Director General, and shall, so far as practicable, be carried out through the appropriate United Nations agency.

"ARTICLE VI

"ADMINISTRATIVE EXPENSES

"The Director General shall submit to the Council an annual budget, and from time to time such supplementary budgets as may be required, covering the necessary administrative expenses of the Administration. Upon approval of a budget by the Council the total amount approved shall be allocated to the member governments in proportions to be determined by the Council. Each member government undertakes, subject to the requirements of its constitutional procedure, to contribute to the Administration promptly its share of the administrative expenses so determined.

"ARTICLE VII

"Notwithstanding any other provision herein contained, while hostilities or other military necessities exist in any area, the Administration and its Director General shall not undertake activities therein without the consent of the military command of that area, and unless subject to such control as the command may find necessary. The determination that such hostilities or military necessities exist in any area shall be made by its military commander.

"ARTICLE VIII

"AMENDMENT

"The provisions of this Agreement may be amended as follows:

"a. Amendments involving new obligations for member governments shall require the approval of the Council by a two-thirds vote and shall take effect for each member government on acceptance by it;

"b. Amendments involving modification of Article III or Article IV shall take effect on adoption by the Council by a two-thirds vote, including the votes of all the members of the Central Committee;

"c. Other amendments shall take effect on adoption by the Council by a two-thirds vote.

"ARTICLE IX

"ENTRY INTO FORCE

"This Agreement shall enter into force with respect to each signatory on the date when the Agreement is signed by that signatory, unless otherwise specified by such signatory.

"ARTICLE X

"WITHDRAWAL

"Any member government may give notice of withdrawal from the Administration at any time after the expiration of six months from the entry into force of the Agreement for that government. Such notice shall take effect twelve months after the date of its communication to the Director General subject to the member government having met by that time all financial, supply or other material obligations accepted or undertaken by it." (Mar. 28, 1944, ch. 135, § 1, 58 Stat. 122, as amended Dec. 18, 1945, ch. 580, 59 Stat. 612.)

AMENDMENTS

1945—Act Dec. 18, 1945, cited to text, amended section by striking "$1,350,000,000" and inserting in lieu thereof "$2,700,000,000".

TERMINATION DATE

Section 9 of Joint Res. Mar. 28, 1944, as amended by act Dec. 18, 1945, both cited to text, provided: "The authorizations contained in this joint resolution [sections 1571–1573 of this Appendix] shall expire on June 30, 1947."

OFFICERS AND EMPLOYEES DETAILED TO ADMINISTRATION

The United Nations Relief and Rehabilitation Administration Appropriation Act of 1945, act June 30, 1944, ch. 324, title II, § 201, 58 Stat. 629, provided in part: "Any officer or employee of any executive department, independent establishment, or agency who is detailed to the United Nations Relief and Rehabilitation Administration and compensated hereunder [June 30, 1944, ch. 324, title II, § 201, 58 Stat. 629], either directly or by reimbursement of applicable appropriations or funds, shall, while so detailed, retain and be entitled to the rights, benefits, privileges, and status of an officer or employee of the United States and of the department, independent establishment, or agency from which detailed."

ADDITIONAL APPROPRIATIONS

Act Dec. 14, 1945, ch. 577, 59 Stat. 609, popularly known as the United Nations Relief and Rehabilitation Administration Participation Act of 1946, provided for an additional appropriation of $550,000,000 to be available for the fiscal year 1946, and also requested the President to facilitate the admission to recipient countries of duly accredited members of the American press and radio in order that they be permitted to report without censorship on the utilization and distribution of U. N. R. R A services and supplies.

§ 1572. Disbursements under President's direction; quarterly report to Congress.

Amounts appropriated under this resolution shall be expended under the direction of the President pursuant to section 1 hereof [section 1571 of this Appendix]. The President shall submit to the Congress quarterly reports of expenditures made under any such appropriations and of operations under the Agreement. (Mar. 28, 1944, ch. 135, § 2, 58 Stat. 127.)

TERMINATION DATE

Termination date, see note under section 1571 of this Appendix.

EX ORD. NO. 9453. PARTICIPATION BY THE UNITED STATES IN THE WORK OF THE UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION

Ex Ord. No 9453, July 6, 1944, 9 F. R 7637, provided: By virtue of the authority vested in me as President of the United States by the Constitution and statutes, and in order to facilitate the participation of the United States in the work of the United Nations Relief and Rehabilitation Administration, it is hereby ordered as follows:

1. Subject to such policies and directions as the President may from time to time prescribe, the Administrator of the Foreign Economic Administration is authorized and directed to exercise and perform, through any Executive department, independent establishment, or agency, all the functions and authority with respect to the expenditure of funds, and the provision of supplies and services related thereto, vested in the President by Public Law 267, approved March 28, 1944 [section 1571 et seq. of this Appendix], and the United Nations Relief and Rehabilitation Administration Participation Appropriation Act, 1945 [Act June 30, 1944, ch. 324, title II, §§ 201–203, 58 Stat. 629.]

2. Subject to the provisions of the Agreement for United Nations Relief and Rehabilitation Administration, concluded November 9, 1943, the United States representative on the Council of the United Nations Relief and Rehabilitation Administration, as named by the President, shall designate or arrange for the designation of United States alternates on the Council and of United States members and alternates on committees and subcommittees of the Council.

3. All activities of the United States Government pertaining to its participation and membership in the United Nations Relief and Rehabilitation Administration shall be carried on in conformity with the foreign policy of the United States as defined by the Secretary of State.

§ 1573. Extent of rehabilitation.

In the adoption of this joint resolution the Congress expresses its approval of and reliance upon the policy adopted by the United Nations Relief and Rehabilitation Administration at the first session of the Council, summarized in paragraph 11 of Resolution Numbered 12, and reading as follows:

"11. The task of rehabilitation must not be considered as the beginning of reconstruction—it is coterminous with relief. No new construction or reconstruction work is contemplated, but only rehabilitation as defined in the preamble of the Agreement. Problems, such as unemployment, are important, but not determining factors. They are consequences and, at the same time, motives of action. The Administration cannot be called upon to help restore continuous employment in the world." (Mar. 28, 1944, ch. 135, § 3, 58 Stat. 127.)

TERMINATION DATE

Termination date, see note under section 1571 of this Appendix.

§ 1574. Area included for relief.

In expressing its approval of this joint resolution, it is the recommendation of Congress that insofar as funds and facilities permit, any area (except within enemy territory and while occupied by the enemy) important to the military operations of the United Nations which is stricken by famine or disease may be included in the benefits to be made available through the United Nations Relief and Rehabilitation Administration. (Mar. 28, 1944, ch. 135, § 4, 58 Stat. 127.)

TERMINATION DATE

Termination date, see note under section 1571 of this Appendix.

§ 1575. Congressional approval necessary for new obligations.

No amendment under article VIII (a) of the agreement involving any new obligation for the United States shall be binding upon the United States without approval by joint resolution of Congress. (Mar. 28, 1944, ch. 135, § 5, 58 Stat. 128.)

TERMINATION DATE

Termination date, see note under section 1571 of this Appendix.

§ 1576. Approval of contributions by Congress.

In adopting this joint resolution the Congress does so with the following reservation:

That in the case of the United States the appropriate constitutional body to determine the amount and character and time of the contributions of the United States is the Congress of the United States. (Mar. 28, 1944, ch. 135, § 6, 58 Stat. 128.)

TERMINATION DATE

Termination date, see note under section 1571 of this Appendix.

§ 1577. Reservations; extent of rehabilitation.

In adopting this joint resolution the Congress does so with the following reservation:

That it is understood that the provision in paragraph 11 of resolution numbered 12 adopted at the first session of the council, referred to in section 3 of this joint resolution [section 1573 of this Appendix] and reading "The task of rehabilitation must not be considered as the beginning of reconstruction—it is coterminous with relief", contemplates that rehabilitation means and is confined only to such activities as are necessary to relief. (Mar. 28, 1944, ch. 135, § 7, 58 Stat. 128)

TERMINATION DATE

Termination date, see note under section 1571 of this Appendix.

§ 1578. Same; limitation on contracts and obligations.

(a) In adopting this joint resolution [sections 1571–1578 of this Appendix] the Congress does so with the following recommendations:

A. That the United States member of the control committee of the United Nations Relief and Rehabilitation Administration is requested, by appropriate resolutions or agreements, to secure favorable action by that committee or by the United Nations Relief and Rehabilitation Administration Council to attain the following objectives:

(1) That all trade agreements and all barter agreements of a recipient country with other nations, together with satisfactory information on all exports from, and imports into, such country, whether for governmental or private account, will be made available to the United Nations Relief and Rehabilitation Administration.

(2) That each recipient country shall supply accredited United Nations Relief and Rehabilitation Administration personnel with all necessary facilities, credentials, documents, and safe conduct in carrying out the objectives of the United Nations Relief and Rehabilitation Administration agreement, including all necessary inspections and investigations.

(3) That the Administration, if it determines such a course to be desirable, will be permitted, during the period of its operations in a recipient country, to retain title to all motor-transport equipment supplied by the Administration and will also be permitted to route such equipment and to direct the use of the fuel and lubricants supplied by the Administration.

B. That the President is requested, through appropriate channels, to facilitate the admission to recipient countries of properly accredited members of the American press and radio in order that they be permitted to report without censorship on the utilization and distribution of United Nations Relief and Rehabilitation Administration supplies and services.

[b][1] That the United Nations Relief and Rehabilitation Administration shall not be authorized to enter into contracts or undertake or incur obliga-

tions beyond the limits of appropriations made under this authorization and by other countries and receipts from other sources. (Mar. 28, 1944, ch. 135, § 8, 58 Stat. 128, as amended Dec. 18, 1945, ch. 580, 59 Stat. 612.)

[1] Congress in enacting subsec. (a) failed to designate former text of section as subsec. (b) which omission has been supplied by the Editor.

AMENDMENTS

1945—Subsec. (a) added by act Dec. 18, 1945, cited to text.

TERMINATION DATE

Termination date, see note under section 1571 of this Appendix.

TEMPORARY APPOINTMENTS OF ARMY NURSE CORPS MEMBERS, ETC., AS OFFICERS OF ARMY OF THE UNITED STATES (New)

ACT JUNE 22, 1944, CH 272, 58 STAT. 324

Sec.

1591. Army Nurse Corps members, dietetic, and physical-therapy personnel of Medical Department, etc.; authority and command, appointment as effecting prior appointment.
1592. Rights, privileges, and benefits
1593. Retirement, grade and pay
1594. Computation of length of service of Army Nurse Corps personnel.
1595. Computation of length of service of dietetic and physical-therapy personnel.
1596. Uniform allowance of certain appointees; completion of issue of uniforms, etc., complete issue as personal property.
1597. Blanket appointment by President; grade corresponding to relative rank, effective date; pay and allowances; oath of office.
1598. Transportation allowances.

§ 1591. Army Nurse Corps members, dietetic, and physical-therapy personnel of Medical Department, etc.; authority and command; appointment as affecting prior appointment.

Notwithstanding any other provision of law, members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices) appointed under the provisions of the Act of December 22, 1942 (56 Stat. 1072) [section 164 of Title 10], and female persons having the necessary qualifications for appointments in such department as female dietetic or physical-therapy personnel under the provisions of the Act of December 22, 1942 (56 Stat. 1072) [section 164 of Title 10], may be appointed as officers in the Army of the United States under the provisions of the joint resolution of September 22, 1941 (55 Stat. 728), as amended by the Act of July 7, 1943 (Public Law 114, Seventy-eighth Congress) [set out as a note under section 484 of Title 10], in the grades therein prescribed, and assigned, respectively, to the Army Nurse Corps and Medical Department of the Army. All persons so appointed and assigned shall have authority in and about military hospitals as regards medical and sanitary matters and all other work within the scope of their professional duties next after other officers of the Medical Department and, except as above provided, shall exercise command only over those members of the Army of the United States specifically placed under their command. Members of the Army Nurse Corps so appointed and assigned shall not by acceptance of their appointments vacate their appointments in the Army Nurse Corps. (June 22, 1944, ch. 272, § 1, 58 Stat. 324.)

EX ORD. NO. 9454. ACTUAL RANK

Ex Ord. No. 9454, July 10, 1944, 9 F.R. 7803, provided: By virtue of the authority vested in me as President of the United States by the act of June 22, 1944 (Public Law 350, 78th Congress) (sections 1591–1598 of this Appendix), I hereby appoint, commission and order to active duty, effective this date, as officers in the Army of the United States under the provisions of the joint resolution of September 22, 1941 (55 Stat. 728), as amended [see out as note under section 484 of Title 10], in commissioned grades corresponding to the relative rank each such person holds on this date, all members of the Army Nurse Corps on active duty on June 22, 1944, and all female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices), appointed under the provisions of the act of December 22, 1942 (56 Stat. 1072) [this section, section 81 note of this title, and section 113 note of Title 37], on active duty in the Medical Department of the Army on June 22, 1944

§ 1592. Rights, privileges, and benefits.

All persons appointed and assigned as officers in the Army of the United States under the provisions of section 1 of this Act [section 1591 of this Appendix] and their dependents and beneficiaries shall have all the rights, privileges, and benefits accorded in like cases to other persons appointed under the joint resolution of September 22, 1941 (55 Stat. 728) [set out as a note under section 484 of Title 10], as amended, except where otherwise expressly provided in this or any subsequent Act. (June 22, 1944, ch. 272, § 2, 58 Stat. 325.)

§ 1593. Retirement; grade and pay.

In addition to members of the Army Nurse Corps, any person appointed and assigned as an officer in the Army of the United States under the provisions of section 1 of this Act [section 1591 of this Appendix] shall be eligible to be retired under any law providing for the retirement of members of the Army Nurse Corps, and any such person, including members of the Army Nurse Corps, who, while serving under such appointment and assignment, is so retired for disability shall receive retired pay at the rate of 75 per centum of the active duty base and longevity pay received by her while serving in the highest grade in which she served under any such appointment and assignment, and, notwithstanding any other provision of law, shall be placed upon the Army Nurse Corps retired list in such highest grade. Any member of the Army Nurse Corps retired between December 7, 1941, and the date of enactment of this Act [June 22, 1944] for disability and any female dietitian or physical-therapy aide so retired between January 12, 1943, and the date of enactment of this Act [June 22, 1944] shall receive, effective on the first day of the first month next following the date of enactment of this Act [June 22, 1944], retired pay at the rate of 75 per centum of the highest active duty base and longevity pay received by her while serving in the Army Nurse Corps or Medical Department of the Army, as the case may be, during the above-cited applicable period: *Pro-*

vided, That nothing contained in this section shall operate to reduce the retired pay presently received by any nurse, female dietitian, or physical-therapy aide. (June 22, 1944, ch. 272, § 3, 58 Stat. 325.)

§ 1594. Computation of length of service of Army Nurse Corps personnel.

In computing years of service for all purposes of members of the Army Nurse Corps appointed and assigned under the provisions of section 1 of this Act [section 1591 of this Appendix] there shall be credited active service in the Army Nurse Corps and in the Navy Nurse Corps, active service as a contract nurse prior to February 2, 1901, and service rendered pursuant to an appointment under this Act [sections 1591–1598 of this Appendix]. (June 22, 1944, ch. 272, § 4, 58 Stat. 325.)

§ 1595. Computation of length of service of dietetic and physical-therapy personnel.

In computing years of service for all purposes of female dietetic and physical-therapy personnel appointed and assigned under the provisions of section 1 of this Act [section 1591 of this Appendix] there shall be credited all active full-time service (except as a student or apprentice) in the dietetic or physical-therapy categories rendered subsequent to April 6, 1917, as a civilian employee of the War Department, service rendered pursuant to an appointment as a female dietitian or physical-therapy aide under the provisions of the Act of December 22, 1942 (56 Stat. 1072) [section 164 of Title 10], and service rendered pursuant to an appointment under this Act [sections 1591–1598 of this Appendix]. (June 22, 1944, ch. 272, § 5, 58 Stat 325.)

§ 1596. Uniform allowance of certain appointees; completion of issue of uniforms, etc., complete issue as personal property.

Notwithstanding any other provision of law, no woman appointed and assigned under the provisions of section 1 of this Act [section 1591 of this Appendix] who is a member of the Army Nurse Corps or who has previously held an appointment as a female dietitian or physical-therapy aide under the provisions of the Act of December 22, 1942 (56 Stat. 1072) [section 164 of Title 10], shall be entitled to any uniform allowance payable to officers of the Army of the United States. Any such woman who, either as a member of the Army Nurse Corps or a dietitian or physical-therapy aide, has not received a complete issue of uniforms, insignia, accessories, and equipment prescribed by regulations of the Secretary of War for persons in the respective categories may be issued the remainder of such prescribed articles, and any such woman who has heretofore or may hereafter receive such complete issue, or any part thereof, may retain such articles as her personal property. (June 22, 1944, ch. 272, § 6, 58 Stat. 325.)

§ 1597. Blanket appointment by President; grade corresponding to relative rank; effective date; pay and allowances; oath of office.

For the purpose of effectuating prompt and equitable appointments under section 1 of this Act [section 1591 of this Appendix] of the personnel mentioned in the title of this Act [members of the Army Nurse Corps, female persons having the necessary qualifications for appointment in such corps, female dietetic and physical-therapy personnel of the Medical Department of the Army (exclusive of students and apprentices), and female persons having the necessary qualifications for appointment in such department as female dietetic or physical-therapy personnel] who are on active duty on the date of enactment of this Act [June 22, 1944], the President is authorized to appoint, in commissioned grades corresponding to the relative rank held by such personnel on the effective date of the order of appointment, all or any part of such personnel by means of a blanket order without specifying the names of the personnel so appointed. Any person so appointed by such blanket order shall be deemed for all purposes to have accepted her appointment as an officer in the Army of the United States upon the effective date of such blanket order unless she shall expressly decline such appointment, and shall receive from such date the pay and allowances of the commissioned grade to which she was so appointed. No such person who, upon receiving an appointment in the Army of the United States, shall have subscribed to the oath of office required by section 1757, Revised Statutes [section 16 of Title 5], shall be required to renew such oath or to take a new oath upon her appointment as a commissioned officer, if her service in the Army of the United States after the taking of such oath shall have been continuous. (June 22, 1944, ch. 272, § 7, 58 Stat. 326.)

§ 1598. Transportation allowances.

Women appointed in the Army Nurse Corps, female dietitians and physical-therapy aides appointed in the Medical Department of the Army under the provisions of the Act of December 22, 1942 (56 Stat. 1072) [section 164 of Title 10], and women appointed from civilian life under the provisions of section 1 of this Act [section 1591 of this Appendix] shall receive for travel performed under competent orders from home to first-duty station the mileage allowance provided for persons appointed as officers under the joint resolution of September 22, 1941 (55 Stat. 728) [set out as a note under section 484 of Title 10]. This section shall be applicable with respect to travel performed on or after December 22, 1942. (June 22, 1944, ch. 272, § 8, 58 Stat. 326.)

DISPOSAL OF MATERIALS ON PUBLIC LANDS
(New)

ACT SEPT. 27, 1944, CH. 416, 58 STAT. 745

Sec.
1601. Rules and regulations governing disposal of materials; payment, lands excluded
1602. Disposition of moneys received from sale of materials.
1603. Public notice of disposition; limitation; termination date.

§ 1601. Rules and regulations governing disposal of materials; payment; lands excluded.

The Secretary of the Interior, under such rules as he may prescribe, may dispose of sand, stone, gravel, vegetation, and timber or other forest products, on public lands of the United States which are

under his exclusive jurisdiction, if the disposal of such materials is not otherwise expressly authorized by law and if such disposal would not be detrimental to the public interest. Such materials may be disposed of only upon the payment of adequate compensation therefor, to be determined by the Secretary, and only after public notice of the disposal has been given prior thereto in such manner as may be prescribed by the Secretary. Nothing in this section shall be construed to apply to any national park or national monument or to any Indian lands or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by executive order for the use of Indians. (Sept. 27, 1944, ch. 416, § 1, 58 Stat. 745.)

§ 1602. Disposition of moneys received from sale of materials.

All moneys received from the disposal of materials under this Act [sections 1601–1603 of this Appendix] shall be disposed of in the same manner as moneys received from the sale of public lands. (Sept. 27, 1944, ch. 416, § 2, 58 Stat. 745.)

§ 1603. Public notice of disposition; limitation; termination date.

Before disposing of any such materials referred to in section 1 [section 1601 of this Appendix], the Secretary shall first give public notice, published in a newspaper published in the county where such materials are located and if no newspaper is published in such county, then in the county nearest thereto, for at least thirty days, of his intention to dispose of such materials. No such materials in excess of $10,000 shall be disposed of unless authorized by laws of the United States. The powers granted in this Act [sections 1601–1603 of this Appendix] shall cease to exist at the cessation of hostilities in the present war as determined by the President by proclamation or the Congress by concurrent resolution and the provisions of this Act [sections 1601–1603 of this Appendix] shall not apply where disposal of such materials have been expressly prohibited by laws of the United States. (Sept. 27, 1944, ch. 416, § 3, 58 Stat. 745.)

SURPLUS PROPERTY ACT OF 1944 (New)

ACT OCT. 3, 1944, CH. 479, 58 STAT. 765

Sec.

1611. Declaration of general objectives.
1612. Definitions.
1613. General rule regarding disposition of surplus property.
1614. Surplus Property Board, composition; appointment; compensation, and term of office; employment of personnel.
1614a Establishment of Surplus Property Administration; appointment, compensation, and term of office of Administrator (New).
1614b. Abolishment of Surplus Property Board; effective date, transfer of functions, property, and personnel to Administrator; effectiveness of Board's regulations and administrative acts (New).
1615. Duties and authority of Board.
1616. Board's cooperation with Government agencies.
1617. Delegation of authority by Government Agencies.
1618. Issuance of regulations by Board; scope; regulations by Government agencies; publication.
1619. Designation of disposal agencies.
Sec.
1620. Declaration and disposition of surplus property.
(a) Survey by owning agency of property.
(b) Reports by owning agency.
(c) Report to Congress by Board on failure of owning agency to report surplus.
(d) Disposition by disposal agency; delayed dispositions.
(e) Uniform public notice.
(f) Property processed, produced, or donated by the American Red Cross.
(g) Inventory records; availability for inspection.
1621. Utilization of surplus property by federal agencies.
1622. Disposal to local governments and nonprofit institutions.
(a) Exemption from taxation; fulfillment of legitimate needs.
(b) Donation of property.
(c) Airports, harbors, and port terminals.
(d) Power transmission lines
(e) Repurchase of original rights-of-way.
(f) Priority of disposal.
1623. Disposition by owning agency; limitations.
1624. Methods of disposition; execution of documents.
1625 Disposition to veterans.
1626 Disposition in rural areas.
1627. Disposition to small business.
(a) Prevention of discrimination.
(b) Preference to purchasers of small amounts.
(c) Cooperation between Smaller War Plants Corporation and Board
(d) Consultation with small business on needs.
(e) Purchase of property by Smaller War Plants Corporation.
(f) Guarantee of loans by Smaller War Plants Corporation.
1628 Disposal of plants
(a) Report to Congress; contents.
(b) Interim and additional reports.
(c) Disposition of particular classes of plants.
(d) Disposition of surplus plants' material and equipment.
(e) Exceptions
1629. Applicability of antitrust laws to disposal; notification to Attorney General of proposed disposal; definition of antitrust laws.
1630. Formulation of policies for disposal of surplus agricultural commodities; restrictions on sale of cotton and woolen goods and farm commodities.
1631. Stock piling.
(a) Transferral of strategic minerals and metals; definition.
(b) Withholding from transfer for six months period
(c) Transfer of strategic materials; definition; removal from strategic list
(d) Report to Congress by Army and Navy Munitions Board.
1632. Disposal of surplus real property.
(a) Definitions.
(b) Property to be disposed.
(c) Classification of property.
(d) Preference to former owner; rights of tenant; price limitation.
(e) Division of agricultural property into family-size units; division of property unsuitable for agriculture
(f) Preference to veterans; procedure.
(g) Rights of beneficiaries of former owner or veteran; order or succession; limitation on preference right.
(h) Termination of purchase privileges.
(i) Limitations on disposal of agricultural lands; financial assistance by Department of Agriculture.
(j) Approval of deed or instrument of transfer; warranty deeds.
1633 Reports to Congress.
1634. Conclusiveness of title of purchaser.

Sec.
1635. Civil remedies for fraudulent acts; jurisdiction; remedies as additional.
1636. Practice by former employees; penalties.
1637. Amendment of section 590a of Title 18.
1638. Competitive bidding.
1639. Disposition of proceeds.
(a) Miscellaneous proceeds.
(b) Reimbursement of particular funds or appropriations.
(c) Deposit in special refund account.
(d) Credit against contract cost.
(e) Management of mortgage or lien held as security.
1640. Use of appropriated funds; appropriations.
1641. Dispositions outside United States.
1642. Restrictions on importation of surplus property into United States; exemptions.
1643. Saving provisions.
1644. Temporary applicability of existing procedures.
1645. Disposition and removal of termination inventories; duties of contracting agencies and Board; cooperation between Board and Director of Contract Settlement; definitions.
1646 Amendment of section 968 of this Appendix; effective date.

§ 1611. Declaration of general objectives.

The Congress hereby declares that the objectives of this Act [sections 1611–1646 of this Appendix] are to facilitate and regulate the orderly disposal of surplus property so as—

(a) to assure the most effective use of such property for war purposes and the common defense;

(b) to give maximum aid in the reestablishment of a peacetime economy of free independent private enterprise, the development of the maximum of independent operators in trade, industry, and agriculture, and to stimulate full employment;

(c) to facilitate the transition of enterprises from wartime to peacetime production and of individuals from wartime to peacetime employment;

(d) to discourage monopolistic practices and to strengthen and preserve the competitive position of small business concerns in an economy of free enterprise;

(e) to foster and to render more secure family-type farming as the traditional and desirable pattern of American agriculture;

(f) to afford returning veterans an opportunity to establish themselves as proprietors of agricultural, business, and professional enterprises;

(g) to encourage and foster post-war employment opportunities;

(h) to assure the sale of surplus property in such quantities and on such terms as will discourage disposal to speculators or for speculative purposes;

(i) to establish and develop foreign markets and promote mutually advantageous economic relations between the United States and other countries by the orderly disposition of surplus property in other countries;

(j) to avoid dislocations of the domestic economy and of international economic relations;

(k) to foster the wide distribution of surplus commodities to consumers at fair prices;

(l) to effect broad and equitable distribution of surplus property;

(m) to achieve the prompt and full utilization of surplus property at fair prices to the consumer through disposal at home and abroad with due regard for the protection of free markets and competitive prices from dislocation resulting from uncontrolled dumping;

(n) to utilize normal channels of trade and commerce to the extent consistent with efficient and economic distribution and the promotion of the general objectives of this Act [such sections] (without discriminating against the establishment of new enterprises);

(o) to promote production, employment of labor, and utilization of the productive capacity and the natural and agricultural resources of the country;

(p) to foster the development of new independent enterprise;

(q) to prevent insofar as possible unusual and excessive profits being made out of surplus property;

(r) to dispose of surplus property as promptly as feasible without fostering monopoly or restraint of trade, or unduly disturbing the economy, or encouraging hoarding of such property, and to facilitate prompt redistribution of such property to consumers;

(s) to dispose of surplus Government-owned transportation facilities and equipment in such manner as to promote an adequate and economical national transportation system; and

(t) except as otherwise provided, to obtain for the Government, as nearly as possible, the fair value of surplus property upon its disposition. (Oct. 3, 1944, ch. 479, § 2, 58 Stat. 766.)

SHORT TITLE

Section 1 of act Oct 3, 1944, cited to text, provided: "That this Act [sections 1611–1646 of this Appendix] may be cited as the 'Surplus Property Act of 1944'."

EXPIRATION DATE

Section 38 of act Oct. 3, 1944, cited to text, provided: "Unless extended by law, this Act [sections 1611-1646 of this Appendix], shall expire at the end of three years following the date of the cessation of hostilities in the present war. For the purposes of this section the term 'date of the cessation of hostilities in the present war' means the date proclaimed by the President as the date of such cessation, or the date specified in a concurrent resolution of the two Houses of Congress as the date of such cessation, whichever is the earlier."

SEPARABILITY PROVISIONS

Section 39 of act Oct. 3, 1944, cited to text, provided: "If any provision of this Act [sections 1611–1646 of this Appendix], or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act [such sections] or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

CROSS REFERENCES

Contract Settlement Act of 1944, see sections 101–125 of Title 41, Public Contracts.

Reconversion Act, see section 1191 of this Appendix.

Repricing of war contracts, see section 1192 of this Appendix

War Mobilization and Reconversion Act of 1944, see sections 1651–1678 of this Appendix.

§ 1612. Definitions.

As used in this Act [sections 1611–1646 of this Appendix]—

(a) The term "Government agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Federal

Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(b) The term "owning agency", in the case of any property, means the executive department, the independent agency in the executive branch of the Federal Government, or the corporation (if a Government agency), having control of such property otherwise than solely as a disposal agency.

(c) The term "disposal agency" means any Government agency designated under section 10 [section 1619 of this Appendix] to dispose of one or more classes of surplus property.

(d) The term "property" means any interest, owned by the United States or any Government agency, in real or personal property, of any kind, wherever located, but does not include (1) the public domain, or such lands withdrawn or reserved from the public domain as the Surplus Property Board (created by section 5 [section 1614 of this Appendix]) determines are suitable for return to the public domain for disposition under the general land laws, or (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines.

(e) The term "surplus property" means any property which has been determined to be surplus to the needs and responsibilities of the owning agency in accordance with section 11 [section 1620 of this Appendix].

(f) The term "contractor inventory" means (1) any property related to a terminated contract of any type with a Government agency or to a subcontract thereunder and (2) any property acquired under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete performance thereunder and (3) any property which the Government is obligated to take over under any type of contract as a result of any change in the specifications or plans thereunder.

(g) The term "care and handling" includes completing, repairing, converting, rehabilitating, operating, maintaining, preserving, protecting, insuring, storing, packing, handling, and transporting, and, in the case of property which is dangerous to public health or safety destroying, or rendering innocuous, such property.

(h) The term "person" means any individual, corporation, partnership, firm, association, trust, estate, or other entity.

(i) The term "State" includes the several States, Territories, and possessions of the United States, and the District of Columbia.

(j) The term "tax-supported institution" means any scientific, literary, educational, public-health, or public-welfare institution which is supported in whole or in part through the use of funds derived from taxation by the United States, or by any State or political subdivision thereof.

(k) The term "veteran" means any person in the active military or naval service of the United States during the present war, or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions. (Oct. 3, 1944, ch. 479, § 3, 58 Stat. 767.)

§ 1613. General rule regarding disposition of surplus property.

Surplus property shall be disposed of to such extent, at such times, in such areas, by such agencies, at such prices, upon such terms and conditions, and in such manner, as may be prescribed in or pursuant to this Act [sections 1611–1646 of this Appendix]. (Oct. 3, 1944, ch. 479, § 4, 58 Stat. 768.)

§ 1614. Surplus Property Board; composition; appointment; compensation, and term of office; employment of personnel.

(a) There is hereby established in the Office of War Mobilization, and in its successor, a Surplus Property Board (hereinafter called the "Board"), which shall be composed of three members, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of $12,000 per annum. The term of office of the members shall be two years, except that the term of office of the members first appointed shall expire two years from the date of the enactment of this Act [October 3, 1944], and the next succeeding terms shall then begin, and any person appointed to fill a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term of such member shall be appointed only for such unexpired term. The President shall designate one of the members of the Board as Chairman.

(b) The Board may, within the limits of funds which may be made available, appoint and fix the compensation of such officers and employees, and may make such expenditures for supplies, facilities, and services, as may be necessary to carry out its functions. Without regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended [sections 661–663, 664–673 and 674 of Title 5], the Board may appoint such special assistants, and may employ such certified public accountants, qualified cost accountants, industrial engineers, appraisers, and other experts, and fix their compensation, and may contract with such certified public accounting firms and qualified firms of engineers, as may be necessary to carry out its functions. (Oct. 3, 1944, ch. 479, § 5, 58 Stat. 768.)

TRANSFER OF FUNCTIONS

Transfer of records, office equipment, unexpended funds and personnel from the Surplus War Property Administrator to the Surplus Property Board, see Ex. Ord. No. 9488, Oct. 3, 1944, 9 F. R. 12145, set out as a note under sections 1651 and 1677 (b) of this Appendix.

Abolishment of the Board and the transfer of all its functions, property and personnel to the Surplus Property Administrator effective Sept. 26, 1945, see sections 1614a and 1614b of this Appendix.

§ 1614a. Establishment of Surplus Property Administration; appointment, compensation, and term of office of Administrator.

There is established in the Office of War Mobilization and Reconversion a Surplus Property Adminis-

tration which shall be headed by a Surplus Property Administrator. The Administrator shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate of $12,000 per year. The term of office o the Administrator shall be two years. (Sept. 18, 1945, ch. 368, § 1, 59 Stat. 533.)

CODIFICATION

Section was not enacted as a part of the Surplus Property Act of 1944.

§ 1614b. Abolishment of Surplus Property Board; effective date; transfer of functions, property, and personnel to Administrator; effectiveness of Board's regulations and administrative acts.

(a) Effective at the time the Surplus Property Administrator first appointed under this Act [sections 1614a and 1614b of this Appendix] qualifies and takes office, the Surplus Property Board created by section 5 of the Surplus Property Act of 1944 [1614 of this Appendix] is abolished, all of its functions are transferred to, and shall be exercised by, the Surplus Property Administrator, and all of its personnel (except the members thereof), records, and property (including office equipment) are transferred to, and shall become, respectively, the personnel, records, and property of the Surplus Property Administration.

(b) So much of the unexpended balances of appropriations, allocations, or other funds available for the use of the Surplus Property Board in the exercise of any function transferred by this Act [sections 1614a and 1614b of this Appendix] shall be transferred to the Surplus Property Administration for use in connection with the exercise of the functions so transferred.

(c) All regulations, policies, determinations, authorizations, requirements, designations, and other actions of the Surplus Property Board, made, prescribed, or performed before the transfer of functions provided by subsection (a) of this section shall, except to the extent rescinded, modified, superseded, or made inapplicable by the Surplus Property Administrator, have the same effect as if such transfer had not been made; but functions vested in the Surplus Property Board by any such regulation, policy, determination, authorization, requirement, designation, or other action shall, insofar as they are to be exercised after the transfer, be considered as vested in the Surplus Property Administrator. (Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533.)

CODIFICATION

Section was not enacted as a part of the Surplus Property Act of 1944.

§ 1615. Duties and authority of Board.

The activities of the Board shall be coordinated with the programs of the armed forces of the United States in the interests of the war effort. Until peace is concluded the needs of the armed forces are hereby declared and shall remain paramount. The Board shall have general supervision and direction, as provided in this Act [sections 1611–1646 of this Appendix], over (1) the care and handling and disposition of surplus property, and (2) the transfer of surplus property between Government agencies. (Oct. 3, 1944, ch. 479, § 6, 58 Stat. 768.)

§ 1616. Board's cooperation with Government agencies.

The Board shall advise and consult with other interested Government agencies with a view to obtaining all aid and assistance possible in coordinating the functions of the several agencies affected by the disposition of surplus property. (Oct. 3, 1944, ch. 479, § 7, 58 Stat. 768.)

§ 1617. Delegation of authority by Government agencies.

The head of any Government agency, except the Board, may delegate, and authorize successive redelegations of, any authority conferred upon him or his agency by or pursuant to this Act [sections 1611–1646 of this Appendix], to any officer, agent, or employee of such agency or, with the approval of the Board, to any other Government agency. (Oct. 3, 1944, ch. 479, § 8, 58 Stat. 768.)

§ 1618. Issuance of regulations by Board; scope; regulations by Government agencies; publication.

(a) The Board shall prescribe regulations to effectuate the provisions of this Act [sections 1611–1646 of this Appendix]. In formulating such regulations, the Board shall be guided by the objectives of this Act [such sections].

(b) Regulations issued pursuant to subsection (a) may, except as otherwise provided in this Act [such sections], contain provisions prescribing the extent to which, the times at which, the areas in which, the agencies by which, the prices at which, and the terms and conditions under which, surplus property may be disposed of, and the extent to which and the conditions under which surplus property shall be subject to care and handling.

(c) Each Government agency shall carry out regulations of the Board expeditiously and shall issue such further regulations, not inconsistent with the regulations of the Board, as it deems necessary or desirable to carry out the provisions of this Act [such sections].

(d) Regulations prescribed under this Act [such sections] shall be published in the Federal Register. (Oct. 3, 1944, ch. 479, § 9, 58 Stat. 769.)

§ 1619. Designation of disposal agencies.

(a) Except as provided in subsection (b) of this section, the Board shall designate one or more Government agencies to act as disposal agencies under this Act [such sections]. In exercising its authority to designate disposal agencies, the Board shall assign surplus property for disposal by the fewest number of Government agencies practicable and, so far as it deems feasible, shall centralize in one disposal agency responsibility for the disposal of all property of the same type or class.

(b) The United States Maritime Commission shall be the sole disposal agency for surplus vessels which the Commission determines to be merchant vessels or capable of conversion to merchant use, and such vessels shall be disposed of only in accordance with the provisions of the Merchant Marine Act, 1936, as amended [sections 1101–1111, 1112–1155, 1156–1242,

and 1243–1279 of Title 46], and other laws authorizing the sale of such vessels. (Oct. 3, 1944, ch. 479, § 10, 58 Stat. 769.)

§ 1620. Declaration and disposition of surplus property—(a) Survey by owning agency of property.

Each owning agency shall have the duty and responsibility continuously to survey the property in its control and to determine which of such property is surplus to its needs and responsibilities.

(b) Reports by owning agency.

Each owning agency shall promptly report to the Board and the appropriate disposal agency all surplus property in its control which the owning agency does not dispose of under section 14 [section 1623 of this Appendix].

(c) Report to Congress by Board on failure of owning agency to report surplus.

Whenever in the course of the performance of its duties under this Act [sections 1611–1646 of this Appendix], the Board has reason to believe that any owning agency has property in its control which is surplus to its needs and responsibilities and which it has not reported as such, the Board shall promptly report that fact to the Senate and House of Representatives. Each owning agency and each disposal agency shall submit to the Board (1) such information and reports with respect to surplus property in the control of the agency, in such form, and at such reasonable times, as the Board may direct; (2) such information and reports with respect to other property in the control of the agency, to such extent, and in such form, as the Board may direct and as the agency deems consistent with national security.

(d) Disposition by disposal agency; delayed dispositions.

When any surplus property is reported to any disposal agency under subsection (b) of this section, the disposal agency shall have responsibility and authority for the disposition of such property, and for the care and handling of such property pending its disposition, in accordance with regulations prescribed by the Board. Where the disposal agency is not prepared at the time of its designation under this Act [such sections] to undertake the care and handling of such surplus property the Board may postpone the responsibility of the agency to assume its duty for care and handling for such period as the Board deems necessary to permit the preparation of the agency therefor.

(e) Uniform public notice.

The Board shall prescribe regulations necessary to provide, so far as practicable, for uniform and wide public notice concerning surplus property available for sale, and for uniform and adequate time intervals between notice and sale so that all interested purchasers may have a fair opportunity to buy.

(f) Property processed, produced, or donated by the American Red Cross.

No surplus property which was processed, produced, or donated by the American Red Cross for any Government agency shall be disposed of except after notice to and consultation with the American Red Cross. All or any portion of such property may be donated to the American Red Cross, upon its request, solely for charitable purposes.

(g) Inventory records; availability for inspection.

Each disposal agency shall maintain in each of its disposal offices such records of its inventories of surplus property and of each disposal transaction negotiated by that office as the Board may prescribe. The information in such records shall be available at all reasonable times for public inspection. (Oct 3, 1944, ch. 479, § 11, 58 Stat. 769.)

§ 1621. Utilization of surplus property by federal agencies.

(a) It shall be the duty of the Board to facilitate the transfer of surplus property from one Government agency to other Government agencies for their use; and the transfer of surplus property under this section shall be given priority over all other disposals provided for in this Act [sections 1611–1646 of this Appendix].

(b) It shall be the responsibility of all Government agencies, in order to avoid making purchases through commercial channels, continuously to consult the records of surplus property established by the Board and to determine whether their requirements can be satisfied out of such surplus property. It shall also be the responsibility of the head of each Government agency to submit to the Board such estimates of the needs of the agency and such reports in relation thereto as the Board may deem necessary to promote the fullest utilization of surplus property. It shall be the responsibility of the Board to determine whether Government agencies are acquiring surplus property to the fullest possible extent, and to notify agencies whenever, in its judgment, they are not so doing.

(c) The disposal agency responsible for any such property shall transfer it to the Government agency acquiring it at the fair value of the property as fixed by the disposal agency, under regulations prescribed by the Board, unless transfer without reimbursement or transfer of funds is otherwise authorized by law. (Oct. 3, 1944, ch. 479, § 12, 58 Stat. 770.)

§ 1622. Disposal to local governments and nonprofit institutions—(a) Exemption from taxation; fulfillment of legitimate needs.

The Board shall prescribe regulations for the disposition of surplus property to States and their political subdivisions and instrumentalities, and to tax-supported and nonprofit institutions, and shall determine on the basis of need what transfers shall be made. In formulating such regulations the Board shall be guided by the objectives of this Act [sections 1611–1646 of this Appendix] and shall give effect to the following policies to the extent feasible and in the public interest:

(1) (A) Surplus property that is appropriate for school, classroom, or other educational use may be sold or leased to the States and their political subdivisions and instrumentalities, and tax-supported educational institutions, and to other nonprofit educational institutions which have been held ex-

empt from taxation under section 101 (6) of the Internal Revenue Code [section 101 (6) of Title 26].

(B) Surplus medical supplies, equipment, and property suitable for use in the protection of public health, including research, may be sold or leased to the States and their political subdivisions and instrumentalities, and to tax-supported medical institutions, and to hospitals or other similar institutions not operated for profit which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code [section 101 (6) of Title 26].

(C) In fixing the sale or lease value of property to be disposed of under subparagraph (A) and subparagraph (B) of this paragraph, the Board shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or institution.

(2) Surplus property shall be disposed of so as to afford public and governmental institutions, nonprofit or tax-supported educational institutions, charitable and eleemosynary institutions, non-profit or tax-supported hospitals and similar institutions, States, their political subdivisions and instrumentalities, and volunteer fire companies, an opportunity to fulfill, in the public interest, their legitimate needs.

(b) Donation of property.

Under regulations prescribed by the Board, whenever the Government agency authorized to dispose of any property finds that it has no commercial value or that the cost of its care and handling and disposition would exceed the estimated proceeds, the agency may donate such property to any agency or institution supported by the Federal Government or any State or local government, or to any nonprofit educational or charitable organization, or, if that is not feasible, shall destroy or otherwise dispose of such property, but, except in the case of property the immediate destruction of which is necessary or desirable either because of the nature of the property or because of the expense or difficulty of its care and handling, no property shall be destroyed until thirty days after public notice of the proposed destruction thereof has been given (and a copy of such notice given to the Board at the beginning of such thirty-day period) and an attempt has been made within such thirty days to dispose of such property otherwise than by destruction.

(c) Airports, harbors, and port terminals.

No airport and no harbor or port terminal, including necessary operating equipment, shall be otherwise disposed of until it has first been offered, under regulations to be prescribed by the Board, for sale or lease to the State, political subdivision thereof, and any municipality, in which it is situated, and to all municipalities in the vicinity thereof.

(d) Power transmission lines.

Whenever any State or political subdivision thereof, or any State or Government agency or instrumentality certifies to the Board that any power transmission line determined to be surplus property under the provisions of this Act [sections 1611–1646 of this Appendix] is needful for or adaptable to the requirements of any public or cooperative power project, such line and the right-of-way acquired for its construction shall not be sold, leased for more than one year, or otherwise disposed of, except as provided in section 12 [section 1621 of this Appendix] or this section, unless specifically authorized by Act of Congress.

(e) Repurchase of original rights-of-way.

In disposing of any surplus real property, as defined in section 23, on or across which highways or streets had been established and constructed and were being maintained by the States or their political subdivisions or instrumentalities at the time such surplus real property was acquired by the Government, and where such highways or streets were vacated, destroyed, or shut off from general public use in order to meet the requirements and serve the purposes of the Government, the States or their political subdivisions or instrumentalities first shall be given a reasonable time, to be fixed by the Board, in which to repurchase the original rights-of-way on which such highways or streets were established and in which to purchase such new or additional rights-of-way as may be required for reestablishing, in whole or in part, such highways or streets of greater width or on new and more adequate locations, at a price not exceeding that paid therefor by the Government.

(f) Priority of disposal.

The disposal of surplus property under this section to States and political subdivisions and instrumentalities thereof shall be given priority over all other disposals of property provided for in this Act except transfers under section 12 [section 1621 of this Appendix]. (Oct. 3, 1944, ch. 479, § 13, 58 Stat. 770.)

§ 1623. Disposition by owning agency; limitations.

(a) Subject only to the regulations of the Board with respect to price policies, any owning agency may dispose of any property for the purpose of war production or authorize any contractor with such agency or subcontractor thereunder to retain or dispose of any contractor inventories for the purpose of war production. The Board may empower any owning agency, subject to the regulations of the Board, to authorize any contractor with such agency or subcontractor thereunder to retain or dispose of any contractor inventories for any other purpose which in the opinion of the Board is not contrary to the objectives of this Act [sections 1611–1646 of this Appendix]. Where any owning agency takes possession of any contractor inventory from any contractor with the agency or subcontractor thereunder, such property shall be disposed of only in accordance with the provisions of this Act [such sections].

(b) Subject only to subsection (c) of this section, any owning agency may dispose of—

(1) any property which is damaged or worn beyond economical repair;

(2) any waste, salvage, scrap, or other similar items;

(3) any product of industrial, research, agricultural, or livestock operations, or of any public

works construction or maintenance project, carried on by such agency;

which does not consist of strategic minerals and metals, as defined in section 22 [section 1631 of this Appendix].

(c) Whenever the Board deems such action necessary to effectuate the objectives and policies of this Act [such sections], the Board, by regulations, shall restrict the authority of any owning agency to dispose of any class of surplus property under subsection (b) of this section. (Oct. 3, 1944, ch. 479, § 14, 58 Stat. 772.)

§ 1624. Methods of disposition; execution of documents.

(a) Notwithstanding the provisions of any other law but subject to the provisions of this Act [sections 1611–1646 of this Appendix], whenever any Government agency is authorized to dispose of property under this Act [such sections], then the agency may dispose of such property by sale, exchange, lease, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions, as the agency deems proper: *Provided, however,* That in the case of raw materials, consumer goods, and small tools, hardware, and nonassembled articles which may be used in the manufacture of more than one type of product, no extension of credit under this Act [such sections] shall be for a longer period than three years.

(b) Any owning agency or disposal agency may execute such documents for the transfer of title or other interest in property or take such other action as it deems necessary or proper to transfer or dispose of property or otherwise to carry out the provisions of this Aot [such sections], and, in the case of surplus property, shall do so to the extent required by the regulations of the Board. (Oct. 3, 1944, ch. 479, § 15, 58 Stat. 772.)

§ 1625. Disposition to veterans.

The Board shall prescribe regulations to effectuate the objectives of this Act [sections 1611–1646 of this Appendix] to aid veterans to establish and maintain their own small business, professional, or agricultural enterprises, by affording veterans suitable preferences to the extent feasible and consistent with the policies of this Act [such sections] in the acquisition of the types of surplus property useful in such enterprises. (Oct. 3, 1944, ch. 479, § 16, 58 Stat. 773.)

§ 1626. Disposition in rural areas.

The Board shall devise ways and means and prescribe regulations in cooperation with the War Food Administrator providing for the sale of surplus property in such quantities in rural localities and in such manner as will assure farmers and farmers' cooperative associations equal opportunity with others to purchase surplus property: *Provided, however,* That in cases where a shortage of trucks, machinery, and equipment impairs farm production, a program shall be developed by the Board in cooperation with the Agricultural Adjustment Agency whereby a reasonable portion of the surplus supply will be made available for sale in rural areas to farmers and farmers' cooperative associations. (Oct. 3, 1944, ch. 479, § 17, 58 Stat. 773.)

§ 1627. Disposition to small business—(a) Prevention of discrimination.

It shall be the duty of the Board to devise ways and means and prescribe regulations to prevent any discrimination against small business in the disposal and distribution and use of any surplus property.

(b) Preference to purchasers of small amounts.

The Board shall by regulations determine, or provide for the determination, as to all surplus property in the hands of each disposal agency, the size of lots in which, and the areas in which, the various classes of such property should be offered consistently with the usual and customary commercial practice with respect to such class. The available supply of each class in each area shall be so disposed of as to give to prospective purchasers, within such area, of any particular amount (not smaller than the smallest lot consistent with such commercial practice) preference (by affording them reasonable opportunity to acquire the desired amount) over prospective purchasers of larger amounts.

(c) Cooperation between Smaller War Plants Corporation and Board.

The Smaller War Plants Corporation is hereby specifically charged with the responsibility of cooperating with the Board and with the owning and disposal agencies, of making surveys from time to time, and bringing to the attention of the agencies and the Board the needs and requirements of small business and any cases or situations which have resulted in or would effect discrimination against small business in the purchase or acquisition of surplus property by them and in the disposal thereof by the agencies.

(d) Consultation with small business on needs.

The Smaller War Plants Corporation is hereby authorized and directed to consult with small business to obtain full information concerning the needs of small business for surplus property.

(e) Purchase of property by Smaller War Plants Corporation.

The Smaller War Plants Corporation shall have the power to purchase any surplus property for resale, subject to regulations of the Board, to small business (and is empowered to receive other property in exchange as partial or full payment therefor), when in its judgment, such disposition is required to preserve and strengthen the competitive position of small business, or will assist the Corporation in the discharge of the duties and responsibilities imposed upon it. The provisions of subsections (a) and (c) of section 12 [section 1621 of this Appendix] shall be applicable to purchases made by the Smaller War Plants Corporation under this subsection.

(f) Guarantee of loans by Smaller War Plants Corporation.

The Smaller War Plants Corporation is hereby authorized, for the purpose of carrying out the ob-

jectives of this section, to make or guarantee loans to small business enterprises in connection with the acquisition, conversion, and operation of plants and facilities which have been determined to be surplus property, and, in cooperation with the disposal agencies, to arrange for sales of surplus property to small business concerns on credit or time bases. (Oct. 3, 1944, ch. 479, § 18, 58 Stat. 773.)

§ 1628. Disposal of plants—(a) Report to Congress; contents.

The Board, in cooperation with the various disposal agencies, shall prepare and submit to the Congress within three months after enactment of this Act [October 3, 1944], a report as to each of the following classes of surplus property (not including any plant which cost the Government less than $5,000,000): (1) aluminum plants and facilities; (2) magnesium plants and facilities; (3) synthetic rubber plants and facilities; (4) chemical plants and facilities; (5) aviation gasoline plants and facilities; (6) iron and steel plants and facilities; (7) pipe lines and facilities used for transporting oil; (8) patents, processes, techniques, and inventions, except such as are necessary to the operation of the plants and facilities herein listed; (9) aircraft plants and facilities and aircraft and aircraft parts; (10) shipyards and facilities; (11) transportation facilities; and (12) radio and electrical equipment:

(A) Describing the amount, cost, and location of the property and setting forth other descriptive information relative to the use of the property;

(B) Outlining the economic problems that may be created by disposition of the property;

(C) Setting forth a plan or program for the care and handling, disposition, and use of the property consistent with the policies and objectives set forth in this Act [sections 1611–1646 of this Appendix].

(b) Interim and additional reports.

In the event that it is not possible within such period to prepare and submit a complete report to the Congress as to any class of property, the Board shall submit an interim report three months after the enactment of this Act [October 3, 1944], and shall submit a complete report as soon thereafter as possible. If the Board determines that it is desirable to alter or change any such plan or program or to prepare a report on any other class of property, it shall prepare in accordance with the provisions of this subsection and submit to the Congress an additional report, setting forth the altered or changed plan or program or a plan or program relating to the new class of property.

(c) Disposition of particular classes of plants.

Whenever the Board may deem it to be in the interest of the objectives of this Act [sections 1611–1646 of this Appendix] it may authorize the disposition of any surplus property listed in classes 9 to 12, inclusive, of subsection (a) of this section. With respect to the property listed in classes 1 to 8, inclusive, no disposition shall be made or authorized until thirty days (or sixty days in the case of aluminum plants and facilities) after such report (or additional report) has been made while Congress is in session, except that the Board may authorize any disposal agency to lease any such property for a term of not more than five years.

(d) Disposition of surplus plants' material and equipment.

The Board may authorize any disposal agency to dispose of any materials or equipment related to any surplus plant covered by this section, if such materials and equipment are not necessary for the operation of the plant in the manner for which it is designed.

(e) Exceptions.

This section shall not apply to any Government-owned equipment, structure, or other property operated as an integral part of a privately owned plant and not capable of economic operation as a separate and independent unit. (Oct. 3, 1944, ch. 479, § 19, 58 Stat. 774, as amended Oct. 22, 1945, ch. 432, 59 Stat. 546.)

AMENDMENTS

1945—Subsec. (c) amended by act Oct. 22, 1945, cited to text, which inserted "(or sixty days in the case of aluminum plants and facilities)" following "thirty days".

§ 1629. Applicability of antitrust laws to disposal; notification to Attorney General of proposed disposal; definition of antitrust laws.

Whenever any disposal agency shall begin negotiations for the disposition to private interests of a plant or plants or other property, which cost the Government $1,000,000 or more, or of patents, processes, techniques or inventions, irrespective of cost, the disposal agency shall promptly notify the Attorney General of the proposed disposition and the probable terms or conditions thereof. Within a reasonable time, in no event to exceed ninety days after receiving such notification, the Attorney General shall advise the Board and the disposal agency whether, in his opinion, the proposed disposition will violate the antitrust laws. Upon the request of the Attorney General, the Board or other Government agency shall furnish or cause to be furnished such information as it may possess which the Attorney General determines to be appropriate or necessary to enable him to give the advice called for by this section or to determine whether any other disposition of surplus property violates the antitrust laws. Nothing in this Act [sections 1611–1646 of this Appendix] shall impair, amend, or modify the antitrust laws or limit and prevent their application to persons who buy or otherwise acquire property under the provisions of this Act [such sections]. As used in this section, the term "antitrust laws" includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended [sections 1–7 of Title 15]; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended [sections 12, 13, 14–21, 22–27, and 44 of Title 15, section 412 of Title 18, sections 381–383, 386–390a of Title 28 and sections 52 and 53 of Title 29]; the Federal Trade Commission Act [sections 41–46 and 47–58a of Title 15]; and the Act of August 27, 1894 (ch. 349, secs. 73, 74, 28 Stat. 570), as amended [sections 8 and 9 of Title 15]. (Oct. 3, 1944, ch. 479, § 20, 58 Stat. 775.)

§ 1630. Formulation of policies for disposal of surplus agricultural commodities; restrictions on sale of cotton and woolen goods and farm commodities.

(a) Subject to the supervision of the Board, the War Food Administrator, or his successor, shall be solely responsible for the formulation of policies with respect to the disposal of surplus agricultural commodities and surplus foods processed from agricultural commodities, which shall be administered by the disposal agency or agencies designated by the Board. Such policies shall be so formulated as to prevent surplus agricultural commodities, or surplus food processed from agricultural commodities, from being dumped on the market in a disorderly manner and disrupting the market prices for agricultural commodities.

(b) The Board shall not exercise any of its powers under this Act [sections 1611–1646 of this Appendix] with relation to disposal of surplus cotton or woolen goods except with the approval in writing of the War Food Administrator or his successor.

(c) Surplus farm commodities shall not be sold in the United States under this Act in quantities in excess of, or at prices less than, those applicable with respect to sales of such commodities by the Commodity Credit Corporation, or at less than current prevailing market prices, whichever may be the higher, unless such commodities are being disposed of, pursuant to this Act [such section], only for export; and the Commodity Credit Corporation may dispose of or cause to be disposed of for cash or its equivalent in goods or for adequately secured credit, for export only, and at competitive world prices, any farm commodity or product thereof without regard to restrictions with respect to the disposal of commodities imposed upon it by any law: *Provided*, That no food or food product shall be sold or otherwise disposed of under this subsection for export (1) if there is a shortage of such food or food product in the United States or if such sale or other disposition may result in such a shortage, or (2) if such food or food product is needed to supply the normal demands of consumers in the United States. (Oct 3, 1944, ch. 479, § 21, 58 Stat. 775.)

§ 1631. Stock piling—(a) Transfer of strategic minerals and metals; definition.

All Government-owned accumulations of strategic minerals and metals, including those owned by any Government corporation, shall be transferred by the owning agency, when determined to be surplus pursuant to this Act [sections 1611–1646 of this Appendix], to the account of the Treasury Procurement Division and shall be added to the stock pile authorized by the Act of June 7, 1939 (53 Stat. 811), as amended [sections 98–98f of Title 50], and shall be subject to its provisions: *Provided*, That contractor inventory shall be so transferred only when the owning agency has taken possession of and determinated such inventory to be surplus. The minerals and metals may be transferred in any form in which they are held, but the owning agency or the Treasury Procurement Division is authorized either before or after such legal transfer to cause such minerals or metals to be put into forms best suited for storage and use for the common defense As used in this section the phrase "strategic minerals and metals" means copper, lead, zinc, tin, magnesium, manganese, chromite, nickel, molybdenum, tungsten, mercury, mica, quartz crystals, industrial diamonds, cadmium, fluorspar, cobalt, tantalite, antimony, vanadium, platinum, beryl, graphite (and to which may be added aluminum or any other minerals or metals in such quantities or amounts as the Army and Navy Munitions Board may determine to be necessary for the stock pile authorized by the Act of June 7, 1939) [sections 98–98f of Title 50], and shall include ores, concentrates, alloys, scrap, and partially and completely fabricated articles of which the principal components by value consist of such minerals and metals, but shall not include such fabricated articles as the Army and Navy determine are not suitable for their use in the form in which fabricated and which may be disposed of commercially at value substantially in excess of the metal market price of the component minerals and metals of such fabricated articles

(b) Withholding from transfer for six months period.

Pending a determination by the War Production Board that the supplies of the respective strategic minerals and metals available to industry are sufficient to meet the current requirements of industry, the owning agency subject to the regulations prescribed by the Surplus Property Board shall withhold from transfer under this section an amount of such minerals and metals equal to the deficiency, if any, estimated by the War Production Board as likely to exist for the requirements of industry for a period of six months for purposes other than war production; and may dispose of the minerals and metals so withheld to the extent necessary to meet any such deficiency actually found to exist by the War Production Board, at the market price of the respective minerals and metals.

(c) Transfer of strategic materials; definition; removal from strategic list.

Any Government-owned accumulations of strategic materials shall at the request of the War and Navy Departments be transferred by the owning agency, when determined to be surplus pursuant to this Act, to the account of the Treasury Procurement Division and shall be added to the stock pile authorized by the Act of June 7, 1939 (53 Stat. 811), as amended [sections 98–98f of Title 50], and shall be subject to its provisions. The materials may be transferred in any form in which they are held and they shall thereafter be put into forms best suited for storage and use for the common defense. The term "strategic materials" as used in this subsection means all materials except strategic minerals and metals as defined in subsection (a) of this section and includes all materials in group A or in group B of the list of strategic and critical materials determined upon by the Army and Navy Munitions Board on March 6, 1944, as amended from time to time, but shall not include any of such materials which the Army and Navy determine do not meet the specifications suitable for common defense or are in excess of the needs thereof. The Army and

Navy Munitions Board is authorized to direct the removal from the list of any of the materials as defined in this subsection, in which event they shall be disposed of under the provisions of this Act [sections 1611–1646 of this Appendix].

(d) Report to Congress by Army and Navy Munitions Board.

Within three months following the enactment of this Act [October 3, 1944] the Army and Navy Munitions Board shall submit to Congress its recommendations respecting the maximum and minimum amounts of each strategic mineral or metal which in its opinion should be held in the stock pile authorized by the Act of June 7, 1939 [sections 98–98f of Title 50]. After one year from the submission of such recommendations, unless the Congress provides otherwise by law, the Board may authorize the proper disposal agencies to dispose of any Government-owned accumulations of strategic minerals and metals including those owned by any Government corporation when determined to be surplus pursuant to this Act [sections 1611–1646 of this Appendix]. (Oct. 3, 1944, ch. 479, § 22, 58 Stat. 776.)

§ 1632. Disposal of surplus real property—(a) Definitions.

As used in this section—

(1) The term "real property" means property consisting of land, together with any fixtures and improvements thereon, located outside of the District of Columbia, but does not include war housing, industrial plants, factories, or similar structures and facilities, or the sites thereof, or land which the Board determines is essential to the use of any of the foregoing; and

(2) The term "surplus real property" means real property which has been determined under section 11 [section 1620 of this Appendix] to be surplus property.

(b) Property to be disposed.

Surplus real property which is not disposed of to Government agencies under section 12 [section 1621 of this Appendix] or to States or their political subdivisions or instrumentalities under section 13 [section 1622 of this Appendix] shall be disposed of in accordance with this section.

(c) Classification of property.

Immediately after the reporting of surplus real property to the Board under section 11 [section 1620 of this Appendix], the Board shall classify such property as agricultural, grazing, forest, mineral, or otherwise, as it may deem advisable. The classification may be revised from time to time.

(d) Preference to former owner; rights of tenant; price limitation.

(1) (A) In the case of any surplus real property which was acquired by any Government agency after December 31, 1939, the person from whom such property was acquired shall be given notice, in such manner (which may include publication) as the Board by regulation may prescribe, that the property is to be disposed of by the United States and shall be entitled to purchase such property, in substantially the identical tract as when acquired from such person, at private sale at any time during the period of ninety days following such notice: *Provided,* That such period shall be extended in any case when it appears that such extension is necessary or appropriate to facilitate the sale of any surplus real property under this subsection.

(B) In the case of real property acquired by any Government agency after December 31, 1939, which either—

(i) has not been determined under section 11 [section 1620 of this Appendix] to be surplus property, or

(ii) has been disposed of under section 12 [section 1621 of this Appendix] or 13 [section 1622 of this Appendix], or

(iii) is classified as suitable for a purpose different from that for which it was used when acquired by the Government, and with respect to which the person from whom it was acquired has signified an intention not to exercise the privilege granted under subparagraph (A),

the person from whom such property was acquired may be offered other surplus real property in the same area for purchase at private sale, if such other property is classified as suitable for the purpose for which the property so acquired was used when so acquired, and is otherwise similar to the property so acquired.

(2) In the case of surplus real property which was acquired by any Government agency after December 31, 1939, and which is classified as suitable for agricultural use, if any tenant (who was a tenant at the time of acquisition) of the person from whom such property was acquired, signifies, within a period of ninety days following public notice of sale, his intention to purchase such property, and no person has exercised his privilege under paragraph (1) (A), such tenant shall be entitled to purchase such property, in substantially the identical tract as when acquired by such Government agency, at private sale at any time during such ninety-day period.

(3) The price to be paid for surplus real property sold under this subsection shall be a price not greater than that for which it was acquired by the United States, such acquisition price being properly adjusted to reflect any increase or decrease in the value of such property resulting from action by the United States, or a price equal to the market price at the time of sale of such property, whichever price is the lower.

(4) The Board may by regulation prescribe methods for the identification of persons entitled to exercise the privileges conferred by this subsection.

(e) Division of agricultural property into family-size units; division of property unsuitable for agriculture.

If any surplus real property is not disposed of under subsection (d)—

(1) such property, if classified as suitable for agricultural use, shall be subdivided, as provided by the Board, whenever practicable into economic family-size units (taking into consideration the variations in sizes of economic units in different localities); and

(2) such property, if not classified as suitable for agricultural use, shall be subdivided into the appropriate units in which the Board deems the property should be disposed of, giving due consideration to the character of the property, the economic use to which it is likely to be put, and the objectives of disposition as set forth in this Act [sections 1611–1646 of this Appendix].

(f) Preference to veterans; procedure.

(1) Whenever any surplus real property classified as suitable for agricultural, residential, or small business purposes is to be disposed of, except as provided in subsection (d) of this section, veterans shall be granted a preference in the purchase of such property over nonveterans.

(2) The following procedure shall govern the exercise of veterans' preference rights under this subsection: The disposal agency, under regulations prescribed by the Board, shall fix the price of each unit into which the property is subdivided under subsection (e) after taking into consideration the then current market value, the character of the property, and, if income producing property, the estimated earning capacity thereof. Before any such property is disposed of, except under subsection (d), any veteran may apply for the purchase of any or all units offered for sale at the price so fixed. The Board shall prescribe the time within which application shall be made and shall give such notice thereof as it deems reasonable to enable veterans to exercise their rights under this subsection. The Board shall provide for the selection of the purchaser of each unit by lot from among the applicants for the unit. If any applicant is selected as the purchaser of more than one unit, he shall elect which one to take, whereupon the right to purchase the remaining units shall go to the remaining applicants in the order in which their names were drawn. No veteran may apply for the purchase of any property under the provisions of this subsection if he has previously exercised a preference right under this section and has acquired property pursuant thereto. Sales to veterans under this subsection shall be upon such terms as the Board may prescribe.

(g) Rights of beneficiaries of former owner or veteran; order of succession; limitation on preference right.

In the case of the death of a person entitled under this section to rights as a former owner or veteran, his spouse and children, in that order, shall succeed to such rights of the decedent existing at the time of his death. Any preference right under subsection (f) to which a person would have been entitled except for his death while in the active military or naval service of the United States, shall be extended to his spouse and children, in that order. No preference right may be assigned or exercised by power of attorney or through a power to select except as may be permitted by regulations prescribed by the Board in order to prevent the loss of such right by the holder thereof.

(h) Termination of purchase privileges.

A certificate by the disposal agency that the provisions of subsections (d), (f), and (g) have been complied with in the case of any property and that no qualified applicant has made application to exercise his privilege to purchase within the time limits fixed by or pursuant to this Act [sections 1611–1646 of this Appendix], shall terminate all privileges to purchase such property.

(i) Limitations on disposal of agricultural lands; financial assistance by Department of Agriculture.

In the case of surplus real property which is classified as suitable for agricultural use and which is not disposed of under subsection (d) or (f), such property (after subdivision as provided in subsection (e) (1)) shall be disposed of insofar as possible only to persons who expect to cultivate the land and to operate it for a livelihood. The Department of Agriculture is authorized and directed, within the limits of its current functions under the Bankhead-Jones Farm Tenant Act [sections 1000–1029 of Title 7], to extend needed financial and other assistance to persons eligible for such assistance under the Bankhead-Jones Farm Tenant Act [sections 1000–1029 of Title 7] and the Servicemen's Readjustment Act of 1944 [sections 693–697e of Title 38], in connection with the disposal of surplus agricultural lands pursuant to this subsection.

(j) Approval of deed or instrument of transfer; warranty deeds.

In the case of sales of real property under this section or under any other provision of this Act [sections 1611–1646 of this Appendix], the form of deed or instrument of transfer shall be approved by the Attorney General. Deeds or other instruments containing general or special warranties of title may be issued and delivered to purchasers provided such warranties have been recommended and approved by the Attorney General. In determining whether general or special warranty deeds to properties may be issued and delivered, the Attorney General is authorized to approve the issuance and delivery of warranty deeds where titles are subject to infirmities of such character that in his opinion the interests of the United States will not be jeopardized under its warranty. (Oct. 3, 1944, ch. 479, § 23, 58 Stat. 777.)

§ 1633. Reports to Congress.

Within three months after the enactment of this Act [October 3, 1944], and thereafter in January, April, July, and October of each year, the Board shall submit to the Senate and House of Representatives a progress report on the exercise of its authority and discretion under this Act [sections 1611–1646 of this Appendix], the status of surplus property disposition, and such other pertinent information on the administration of the Act [such sections] as will enable the Congress to evaluate its administration and the need for amendments and related legislation. (Oct. 3, 1944, ch. 479, § 24, 58 Stat. 780.)

§ 1634. Conclusiveness of title of purchaser.

A deed, bill of sale, lease, or other instrument executed by or on behalf of any Government agency purporting to transfer title or any other interest in property under this Act [sections 1611–1646 of

this Appendix] shall be conclusive evidence of compliance with the provisions of this Act [such sections] insofar as title or other interest of any bona fide purchasers for value, or lessees, as the case may be, is concerned. (Oct. 3, 1944, ch. 479, § 25, 58 Stat. 780.)

§ 1635. Civil remedies for fraudulent acts; jurisdiction; remedies as additional.

(a) Where any property is disposed of in accordance with this Act [sections 1611–1646 of this Appendix] and any regulations prescribed under this Act [such sections], no officer or employee of the Government shall (1) be liable with respect to such disposition except for his own fraud or (2) be accountable for the collection of any purchase price which is determined to be uncollectible by the agency responsible therefor.

(b) Every person who shall use or engage in or cause to be used or engaged in any fraudulent trick, scheme, or device, for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any payment, property, or other benefits from the United States or any Government agency in connection with the disposition of property under this Act [such sections]; or who enters into an agreement, combination, or conspiracy to do any of the foregoing—

(1) shall pay to the United States the sum of $2,000 for each such act, and double the amount of any damage which the United States may have sustained by reason thereof, together with the costs of suit; or

(2) shall, if the United States shall so elect, pay to the United States, as liquidated damages, a sum equal to twice the consideration agreed to be given by such person to the United States or any Government agency; or

(3) shall, if the United States shall so elect, restore to the United States the property thus secured and obtained and the United States shall retain as liquidated damages any consideration given to the United States or any Government agency for such property.

(c) The several district courts of the United States, the District Court of the United States for the District of Columbia, and the several district courts of the Territories of the United States, within whose jurisdictional limits the person, or persons, doing or committing such act, or any one of them, resides or shall be found, shall wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit.

(d) The civil remedies provided in this section shall be in addition to all other criminal penalties and civil remedies provided by law. (Oct. 3, 1944, ch. 479, § 26, 58 Stat. 780.)

§ 1636. Practice by former employees; penalties.

No person employed by any Government agency, including commissioned officers assigned to duty in such agency, shall, during the period such person is engaged in such employment or service, or for a period of two years after the time when such employment or service has ceased, act as counsel, attorney, or agent, or be employed as representative, in connection with any matter involving the disposition of surplus property by the agency in which such person was employed, if such person during his employment with such agency ratified, approved, or authorized the disposition of any surplus property pursuant to the provisions of this Act [sections 1611–1646 of this Appendix] or recommended any such approval, authorization, or ratification as part of his official duties. Any person violating the provisions of this section shall be fined not more than $10,000, or imprisoned for not more than one year, or both. (Oct. 3, 1944, ch. 479, § 27, 58 Stat. 781.)

§ 1637. Amendment of section 590a of Title 18.

The first section of the Act of August 24, 1942 (56 Stat. 747), as amended [section 590a of Title 18], is amended to read as follows:

"The running of any existing statute of limitations applicable to any offense against the laws of the United States (1) involving defrauding or attempts to defraud the United States or any agency thereof whether by conspiracy or not, and in any manner, or (2) committed in connection with the negotiation, procurement, award, performance, payment for, interim financing, cancelation or other termination or settlement, of any contract, subcontract, or purchase order which is connected with or related to the prosecution of the present war, or with any disposition of termination inventory by any war contractor or Government agency, or (3) committed in connection with the care and handling and disposal of property under the Surplus Property Act of 1944 [sections 1611–1646 of this Appendix], shall be suspended until three years after the termination of hostilities in the present war as proclaimed by the President or by a concurrent resolution of the two Houses of Congress. This section shall apply to acts, offenses, or transactions where the existing statute of limitations has not yet fully run, but it shall not apply to acts, offenses, or transactions which are already barred by provisions of existing law." (Oct. 3, 1944, ch. 479, § 28, 58 Stat. 781.)

§ 1638. Competitive bidding.

Surplus property disposals may be made without regard to any provision in existing law for competitive bidding, unless the Board shall determine that disposal by competitive bid will in a given case better effectuate the policy of the Act [sections 1611–1646 of this Appendix]. (Oct. 3, 1944, ch. 479, § 29, 58 Stat. 781.)

§ 1639. Disposition of proceeds—(a) Miscellaneous proceeds.

All proceeds from any transfer or disposition of property under this Act [sections 1611–1644 of this Appendix] shall be covered into the Treasury as miscellaneous receipts, except as provided in subsections (b), (c), and (d) of this section.

(b) Reimbursement of particular funds or appropriations.

Where the property transferred or disposed of was acquired by the use of funds either not appropriated from the general fund of the Treasury or appropriated from the general fund of the Treasury but by

law reimbursable from assessment, tax, or other revenue or receipts, then upon the request of the interested agency the net proceeds of the disposition or transfer shall be credited to the reimbursable fund or appropriation or paid to the owning agency. As used in this subsection the term "net proceeds of the disposition or transfer" means the proceeds of the disposition or transfer minus all expenses incurred for care and handling and disposition or transfer.

(c) Deposit in special refund account.

To the extent authorized by the Board, any Government agency disposing of property under this Act [such sections] (1) may deposit, in a special account with the Treasurer of the United States, such amount of the proceeds of such dispositions as it deems necessary to permit appropriate refunds to purchasers when any disposition is rescinded or does not become final, or payments for breach of any warranty, and (2) may withdraw therefrom amounts so to be refunded or paid, without regard to the origin of the funds withdrawn.

(d) Credit against contract cost.

Where a contract or subcontract authorizes the proceeds of any sale of property in the custody of the contractor or subcontractor to be credited to the price or cost of the work covered by such contract or subcontract, the proceeds of any such sale shall be credited in accordance with the contract or subcontract.

(e) Management of mortgage or lien held as security.

Where the disposal agency acquires or retains any mortgage, lien, or other interest as security in connection with any transfer or disposition or[1] property under this Act [such sections], the disposal agency shall retain, preserve, and manage such security and may enforce and settle any right of the Government with respect thereto in such manner and upon such terms as it deems in the best interest of the Government. The Board may prescribe regulations to govern the exercise of the authority granted under this subsection. (Oct. 3, 1944, ch. 479, § 30, 58 Stat. 781.)

[1] So in original. Probably should read "of".

§ 1640. Use of appropriated funds; appropriations.

(a) Any Government agency is authorized to use for the disposition of property under this Act [sections 1611–1644 of this Appendix], and for its care and handling pending such disposition, any funds heretofore or hereafter appropriated, allocated, or available to it for the purpose of production or procurement of such property.

(b) Any Government agency is authorized to use for the acquisition of any surplus property under this Act [such sections] any funds heretofore or hereafter appropriated, allocated, or available to it for the acquisition of property of the same kind.

(c) There are authorized to be appropriated such sums as may be necessary or appropriate for administering the provisions of this Act [such sections]. (Oct. 3, 1944, ch. 479, § 31, 58 Stat. 782.)

§ 1641. Dispositions outside United States.

(a) Nothing in this Act [sections 1611–1646 of this Appendix] shall limit or affect the authority of commanders in active theaters of military operations with respect to property in their control.

(b) The provisions of this Act [such sections] shall be applicable to dispositions of property within the United States and elsewhere, but the Board may exempt from some or all of the provisions hereof dispositions of property located outside of the continental United States, its Territories and possessions, whenever it deems that such provisions would obstruct the efficient and economic disposition of such property in accordance with the objectives of this Act [such sections]. (Oct. 3, 1944, ch. 479, § 32, 58 Stat. 782.)

§ 1642. Restrictions on importation of surplus property into United States; exemptions.

(a) It is the policy of this Act [sections 1611–1646 of this Appendix] to prohibit, so far as feasible and necessary to carry out the objectives of this Act [such sections], the importation into the United States of surplus property sold abroad or for export. The Board shall prescribe regulations to carry out such policy, and the importation of surplus property into the United States is hereby prohibited to the extent specified in such regulations. The Secretary of the Treasury is authorized and directed to provide for the enforcement of such regulations.

(b) Surplus property sold to members of the armed forces abroad may be brought into the United States without regard to the provisions of subsection (a) if brought in by the original purchaser and upon certificate by him that he is bringing the property into the United States for his personal use. (Oct. 3, 1944, ch. 479, § 33, 58 Stat. 782.)

§ 1643. Saving provisions.

(a) The authority conferred by this Act [sections 1611–1646 of this Appendix] is in addition to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith. This Act [such sections] shall not impair or affect any authority for the disposition of property under any other law, except that the Board may prescribe regulations to govern any disposition of surplus property under any such authority to the same extent as if the disposition were made under this Act [such sections], whenever it deems such action necessary to effectuate the objectives and policies of this Act [such sections].

(b) Nothing in this Act [such sections] shall impair or affect the provisions of the Contract Settlement Act of 1944 [sections 101–125 of Title 42]; the Emergency Price Control Act of 1942, as amended [sections 901–946 of this Appendix]; the Act of October 2, 1942 (ch. 578, 56 Stat. 765), as amended [sections 961–971 of this Appendix]; section 301 of the Second War Powers Act, 1942 [section 633 of this Appendix]; the Act of March 11, 1941 (55 Stat. 31), as amended [sections 411–419 of Title 22]; the Tennessee Valley Authority Act of 1933, as amended [sections 831–831dd of Title 16]; Public Law 849, Seventy-sixth Congress, as amended, respecting war

housing and facilities [sections 1501–1564 of Title 42]; the Act of June 7, 1939, relating to the acquisition of strategic and critical materials (53 Stat. 811) [sections 98–98f of Title 50]; the Trading With the Enemy Act, as amended [sections 1–30 of this Appendix]; section 43 of the Bankhead-Jones Farm Tenant Act, as amended [section 1617 of Title 7]; Acts supplemental to any of the foregoing; any law regulating the exportation of property from the United States; the internal-revenue laws; the statutes relating to the public lands; or any criminal law of the United States.

(c) Nothing in this Act [such sections] shall be deemed to impair or modify any contract, or any term or provision of any contract, without the consent of the contractor, if the contract or the term or provision thereof is otherwise valid. (Oct. 3, 1944, ch. 479, § 34, 58 Stat. 783.)

§ 1644. Temporary applicability of existing procedures.

All policies and procedures relating to surplus property prescribed by the Surplus War Property Administration, created by Executive Order Numbered 9425, dated February 19, 1944, or any other Government agency, in effect upon the effective date of this Act [October 3, 1944], and not inconsistent with this Act [sections 1611–1646 of this Appendix], shall remain in full force and effect unless and until superseded by regulations prescribed under this Act [such sections]. (Oct. 3, 1944, ch. 479, § 35, 58 Stat. 783.)

REFERENCES IN TEXT

Executive Order Numbered 9425, dated February 19, 1944, referred to in the text, is set out as a note under section 601 of this Appendix.

§ 1645. Disposition and removal of termination inventories; duties of contracting agencies and Board; cooperation between Board and Director of Contract Settlement; definitions.

(a) The Congress recognizes that upon termination of war contracts, the plants of war contractors will be filled with vast termination inventories which until removed or disposed of will prevent or interfere with the resumption of civilian production and reemployment, and that so far as possible decisions should be made in advance of termination for the disposition and removal of such termination inventories without delay when termination occurs. Measures should be taken to realize the greatest possible value from termination inventories.

(b) In advance of termination, to the maximum extent practicable—

(1) each contracting agency shall advise its war contractors of the classes of termination inventory the contracting agency will wish to retain for military purposes; and

(2) the Board shall establish procedures for advising war contractors as to the care and handling and disposition of termination inventory not required for military purposes, in order to effectuate the policies stated in subsection (a) of this section and the policies of section 11 (a) (3) of the Contract Settlement Act of 1944 [section 111 (a) (3) of Title 41].

(c) To the extent that it is impracticable so to advise war contractors in advance of termination, the contracting agencies and the Board shall be prepared to give such advice as soon as practicable after termination of the war contract.

(d) The Board and the Director of Contract Settlement shall cooperate in carrying out the provisions of this section.

(e) For the purposes of this section, the terms "contracting agency", "termination inventory", and "war contractor" shall have the meanings assigned to such terms by section 3 of the Contract Settlement Act of 1944 [section 103 of Title 41]. (Oct. 3, 1944, ch. 479, § 36, 58 Stat. 783.)

§ 1646. Amendment of section 968 of this Appendix; effective date.

(a) Section 8 (a) (1) of the Stabilization Act of 1942, as amended [section 968 (a) (1) of this Appendix] (relating to loans upon certain agricultural commodities) is amended by striking out "at the rate in the case of cotton of 92½ per centum" and inserting in lieu thereof "at the rate in the case of cotton of 95 per centum".

(b) The amendment made by this section shall be applicable only with respect to crops harvested after December 31, 1943, but shall not apply to crops planted after 1944. In the case of loans made under such section 8 [section 968 of this Appendix] upon any of the 1944 crop of cotton before the amendment made by this section takes effect, the Commodity Credit Corporation is authorized and directed to increase or provide for increasing the amount of such loans to the amount of the loans which would have been made if the loan rate specified in the amendment made by this section had been in effect at the time the loans were made. (Oct. 3, 1944, ch. 479, § 37, 58 Stat. 784.)

WAR MOBILIZATION AND RECONVERSION ACT OF 1944 (New)

ACT OCT. 3, 1944, CH. 480, 58 STAT. 785

TITLE I.—OFFICE OF WAR MOBILIZATION AND RECONVERSION

Sec
1651. Establishment of Office
(a) Appointment, compensation, and tenure of Director
(b) Consolidation of agencies.
(c) Powers and duties of Director.
(d) Employment of Deputy Director and other officers and employees; expenditures for supplies, facilities, and services.
1652 Advisory board, composition; functions; compensation of members.

TITLE II.—DEMOBILIZATION AND RECONVERSION POLICIES

1656. Indefinite military service
1657 Termination of prime war contracts.
1658. Integration of termination of war contracts with resumption of civilian production
(a) Survey by contracting agencies.
(b) Resumption of civilian production.
(c) Establishment of policies.
1659 Small plant participation in civilian production; percentage of allocated materials; establishment of standards, quotas, etc.
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TITLE III. RETRAINING AND REEMPLOYMENT

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TITLE I.—OFFICE OF WAR MOBILIZATION AND RECONVERSION

§ 1651. Establishment of Office—(a) Appointment, compensation, and tenure of Director.

There is hereby established the Office of War Mobilization and Reconversion, which shall be headed by the Director of War Mobilization and Reconversion (hereinafter called the "Director"). The Director shall be appointed by the President, by and with the advice and consent of the Senate, shall receive compensation at the rate of $15,000 per year, and shall serve for a term of two years.

(b) Consolidation of agencies.

The following agencies shall be placed within the Office of War Mobilization and Reconversion and shall exercise their functions subject to the general supervision of the Director:

(1) Office of Contract Settlement, created by the Contract Settlement Act of 1944 [sections 101–125 of Title 41].

(2) Surplus War Property Administration, created by Executive Order Numbered 9425 [section 601 note of this Appendix] (if such Administration is in existence after the Office of War Mobilization ceases to exist), and the Surplus Property Board created by the Surplus Property Act of 1944 [sections 1611–1646 of this Appendix].

(3) Retraining and Reemployment Administration, created by Executive Order Numbered 9427 [section 601 note of this Appendix] (if such Administration is in existence after the Office of War Mobilization ceases to exist), and the Retraining and Reemployment Administration created by title III of this Act [sections 1661–1663 of this Appendix].

Nothing in this subsection shall imply any derogation of the powers of the Director under subsection (c) with respect to the agencies placed within his office or with respect to other agencies not specifically placed within his office.

(c) Powers and duties of Director.

In addition to any powers which the President is authorized to and does delegate to the Director for the purpose of more effectively coordinating the mobilization of the Nation for war, the Director shall, subject to the direction of the President—

(1) formulate or have formulated such plans as are necessary to meet the problems arising out of the transition from war to peace;

(2) issue such orders and regulations to executive agencies as may be necessary to provide for the exercise of their powers in a manner consistent with the plans formulated under this section or to coordinate the activities of executive agencies with respect to the problems arising out of the transition from war to peace. Each executive agency shall carry out the orders and regulations of the Director expeditiously and, to the extent necessary to carry out such orders and regulations, shall modify its operations and procedures and issue regulations with respect thereto. Nothing contained in this section shall be construed as authorizing any activities to carry out any plans formulated under this section which are not within the scope of the powers possessed by the President or the executive agencies under provisions of law other than this section;

(3) recommend to the Congress appropriate legislation providing authority to carry out plans developed under this section but not authorized under existing law;

(4) promote and assist in the development of demobilization and reconversion plans by executive agencies; develop procedures whereby each executive agency is kept informed of proposed demobilization and reconversion plans and proposals which relate to its work and which are being developed or carried out by other executive agencies; and settle controversies between executive agencies in the development and administration of such plans;

(5) cause studies and reports to be made for him by the various executive agencies which will enable him to determine the need for the simplification, consolidation, or elimination of such executive agencies as have been established for the purposes of the war emergency, for the termination, or establishment by statute, of executive agencies which exist under Executive order only, and for the relaxation or removal of emergency war controls;

(6) institute a specific study, for submission to the President and the Congress, of the present functions of the various executive agencies in the field of manpower, and develop a program for reorganizing and consolidating such agencies to the fullest extent practicable;

(7) consult and cooperate with State and local governments, industry, labor, agriculture, and other groups, both national and local, concerning the problems arising out of the transition from war to peace; and

(8) submit reports to the President, the Senate, and the House of Representatives on the 1st days of January, April, July, and October, on the activities undertaken or contemplated by him under this Act [sections 1651–1678 of this Appendix]. Such reports

shall summarize and appraise the activities of the various executive agencies in the field of demobilization and post-war adjustment, and may include such legislative proposals as he may deem necessary or desirable.

(d) Employment of Deputy Director and other officers and employees; expenditures for supplies, facilities, and services.

The Director shall, within the limits of funds which may be made available, employ and fix the compensation of such Deputy Directors and other officers and employees, and may make such expenditures for supplies, facilities, and services, as may be necessary to carry out his functions. All such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1923, as amended [sections 661–663, 664–673 and 674 of this Appendix], except that Deputy Directors and expert administrative, technical, and professional personnel may be employed and their compensation fixed without regard to such laws. To the fullest extent practicable, the Director shall perform the duties imposed upon him through the facilities and personnel of other executive agencies; and for that purpose only he is authorized to delegate to the appropriate agencies and provide for the redelegation of the powers and duties vested in him, except the power to issue orders and regulations to other executive agencies. The Director may require such reports and information from executive agencies as he deems necessary to enable him to carry out his functions under this Act [sections 1651–1678 of this Appendix], and each executive agency shall furnish any information and reports so required. (Oct. 3, 1944, ch. 480, title I, § 101, 58 Stat. 785.)

SHORT TITLE

Section 607 of act Oct. 3, 1944, cited to text, provided: "This Act [sections 1651–1678 of this Appendix] may be cited as the 'War Mobilization and Reconversion Act of 1944'."

APPROPRIATION

Section 602 of act Oct. 3, 1944, cited to text, provided: "There are authorized to be appropriated such sums as may be necessary or appropriate to carry out the purposes and provisions of this Act [sections 1651–1678 of this Appendix]."

SEPARABILITY CLAUSE

Section 604 of act Oct. 3, 1944, cited to text, provided: "If any provision of this Act [sections 1651–1678 of this Appendix], or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act [such sections] or the application of such provision to persons or circumstances, other than those as to which it is held invalid, shall not be affected thereby."

TERMINATION DATE

Section 603 of act Oct 3, 1944, cited to text, provided "The provisions of this Act [sections 1651–1678 of this Appendix] shall terminate on June 30, 1947."

CROSS REFERENCES

Contract Settlement Act of 1944, see sections 101–125 of Title 41, Public Contracts.

Renegotiation Act, see section 1191 of this Appendix.

Repricing of war contracts, see section 1192 of this Appendix

Surplus Property Act of 1944, see sections 1611–1646 of this Appendix

EX. ORD. NO. 9488. TRANSFER OF RECORDS, PROPERTY, FUNDS, AND PERSONNEL OF THE OFFICE OF WAR MOBILIZATION AND ITS CONSTITUENT AGENCIES

Ex Ord. No 9488, Oct. 3, 1944, 9 F R 12145, provided: "By virtue of the power and authority vested in me by the Constitution and the laws of the United States, including the War Mobilization and Reconversion Act of 1944 (sections 1651-1667 of this Appendix), it is hereby ordered as follows:

"1 All records and property of the Office of War Mobilization established by Executive Order No. 9347, dated May 27, 1943 (set out as a note under section 601 of this Appendix), and such unexpended balances of appropriations and other funds as are determined by the Director of the Bureau of the Budget to be available for the use of the said Office, and all personnel of the said Office shall be transferred to the Office of War Mobilization and Reconversion established by the War Mobilization and Reconversion Act of 1944 (this section).

"2 All records and office equipment of the Surplus War Property Administration established by Executive Order No 9425, dated February 19, 1944 (set out as a note under section 601 of this Appendix), and such unexpended balances of appropriations and other funds as are determined by the Director of the Bureau of the Budget to be available for the use of the said Administration, and all personnel of the said Administration shall be transferred to the Surplus Property Board established by the Surplus Property Act of 1944 (sections 1611–1646 of this Appendix).

"3. All records and property of the Retraining and Reemployment Administration established by Executive Order No 9427, dated February 24, 1944 (set out as a note under section 601 of this Appendix), and such unexpended balances of appropriations and other funds as are determined by the Director of the Bureau of the Budget to be available for the use of the said Administration, and all personnel of the said Administration shall be transferred to the Retraining and Reemployment Administration established by the War Mobilization and Reconversion Act of 1944 (section 1658 of this Appendix).

"4 Paragraphs 1, 2, and 3 of this order shall become effective as to each of the agencies heretofore created by Executive order and named in the said paragraphs upon the date when such agency ceases to exist as provided in section 605 of the War Mobilization and Reconversion Act of 1944 (section 1666 of this Appendix).

"5. When the Director of the Office of War Mobilization and Reconversion, first appointed under section 101 of the War Mobilization and Reconversion Act of 1944 (this section), takes office, all functions, powers, and duties heretofore conferred upon the Office of War Mobilization, including all functions, powers, and duties conferred upon the said office by Executive Order No 9347 (set out as a note under section 601 of this Appendix), shall be transferred to, and thereafter shall be exercised by, the said Director of the Office of War Mobilization and Reconversion."

EX. ORD NO 9568 PROVIDING FOR THE RELEASE OF SCIENTIFIC INFORMATION

Ex Ord No 9568, June 9, 1945, 10 F. R 6917, provided: By virtue of the authority vested in me as President of the United States by the Constitution and Statutes, and as Commander in Chief of the Army and Navy, and in order to provide for the release for publication by individuals or groups, in so far as it may be done without prejudice to the public interest, of certain scientific and technical data now or hereafter withheld from public dissemination for the purpose of national military security, to the end that such information may be of maximum benefit to the public, it is hereby ordered as follows:

1. For the purpose of determining what portion thereof should be released for publication and making appropriate recommendations therefor to the War and Navy Departments, the Director of War Mobilization and Reconversion (hereinafter referred to as the Director) is hereby authorized to review all scientific and technical information, which (1) has been, or may hereafter be developed by,

or for, or with funds of any department or agency of the Government, and (2) is now, or may hereafter be classified as secret, confidential, restricted, or by other comparable designation, or otherwise withheld from the public for purposes of the national military security. This information is hereinafter referred to as scientific information.

2. All departments and agencies shall furnish the Director all information that he may request as essential to the performance of his duties under this order. Any provision of this order notwithstanding, there shall be excluded from the scope of this order any scientific information which the President shall declare to be in a closed field of information, except as the President shall subsequently remove any such information from the closed field.

3 In determining what scientific information may be released, and generally in the performance of his duties under this order, the Director shall proceed in the manner hereinafter outlined and in accordance with such procedures as may be adopted by him, utilizing such governmental and private agencies and personnel as he shall deem appropriate:

(a) Should the Director desire to recommend the release for publication of any scientific information, he shall discuss such a proposed release with the department or agency which has classified it or otherwise withheld it from the public, and with other interested agencies.

(b) Notwithstanding objection on the part of the agency which has classified or otherwise withheld information, the Director may recommend release of such information for publication to the Secretary of War or the Secretary of the Navy, whichever shall have primary interest in such information, or to both the Secretary of War and the Secretary of the Navy when they shall both have a substantial interest in such information. The decision of the Secretary of War or the Secretary of the Navy shall be final as to whether the national military security permits that the scientific information in question be released.

(c) The procedure for removing security classifications in order to effectuate the release for publication of scientific information in pursuance hereof shall be determined by the Director.

(d) When it shall be determined that any scientific information may properly be released for publication, the Director shall take such measures as may be appropriate to effectuate the release and publication of such scientific information. In connection with such release and publication, the Director may, in so far as practicable, give, without creating substantive rights, appropriate recognition to the relative professional contribution to such information of those persons or groups of persons who perform for, or at the request of the Government, or with Government funds the research involved in the discovery or development of such information

4. The Director is authorized, in consultation with the Department of State, to deal with duly accredited representatives of those foreign governments with which exchange of classified information has taken place, in order that similar policies and procedure will be observed so far as practicable by such Governments in dealing with the subject of the declassification and publication of scientific information.

5. To assist the Director in the performance of his duties hereunder, there is hereby established an interdepartmental board to be known as the Publication Board, which shall consist of the Director as Chairman, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor, each of whom may designate an alternate to act in his stead. The Director may from time to time designate a member of the Board as Vice Chairman of the Board. The Secretary of War, the Secretary of the Navy, the Director of the Office of War Information, the Director of the Office of Scientific Research and Development, and the Chairman of the National Advisory Committee for Aeronautics may designate one liaison officer each, who may attend the meetings and participate in the discussions of the Board. The function of the Board shall be to bring to the attention of the Director any information within the scope of this order and to advise with him concerning its release for publication.

6 To assist the Board or the Director in carrying out their respective duties, the Director may establish committees composed of civilian employees of the Government or of officers of the Army and Navy, or of both such civilians and officers.

EX ORD NO. 9599 ASSISTANCE TO PRODUCTION AND CONTINUED STABILIZATION DURING TRANSITION FROM WAR TO PEACETIME ECONOMY

Ex Ord. No. 9599, Aug. 20, 1945, 10 F. R 10155, as amended by Ex. Ord. 9651, Oct. 31, 1945, 10 F. R. 13487, provided:

By virtue of the authority vested in me by the Constitution and the statutes of the United States, and particularly the War Mobilization and Reconversion Act of 1944 [sections 1651–1678 of this Appendix], the First War Powers Act of 1941 [sections 601–622 of this Appendix], the Second War Powers Act of 1942, as amended [sections 631 645a of this Appendix], and the Stabilization Act of 1942, as amended [sections 961–971 of this Appendix], and for the purpose of fully mobilizing the resources of the Government in this final stage of the war emergency, in order to promote a swift and orderly transition to a peacetime economy of free independent private enterprise with full employment and maximum production in industry and agriculture and to assure the general stability of prices and costs and the maintenance of purchasing power which are indispensable to the shift of business enterprises from wartime to peacetime production and of individuals from wartime to peacetime employment, it is hereby order as follows:

I

1. The guiding policies of all departments and agencies of the Government concerned with the problems arising out of the transition from war to peace shall be.

A. To assist in the maximum production of goods and services required to meet domestic and foreign needs, (1) by assuring assistance in making available materials and supplies required for the production of such goods and services; (2) by providing assistance to the conversion and utilization of war plants and facilities, both privately and publicly owned, and (3) by providing effective job placement assistance to war workers and returning service men and women.

B. To continue the stabilization of the economy as authorized and directed by the Emergency Price Control Act of 1942, as amended [sections 901–946 of this Appendix], and the Stabilization Act of 1942, as amended [sections 961–971 of this Appendix], (1) by using all powers conferred therein and all other lawful means to prevent either inflation or deflation; and (2) while so doing, by making whatever modifications in controls over prices, wages, materials and facilities are necessary for an orderly transition from war to peace; and

C To move as rapidly as possible without endangering the stability of the economy toward the removal of price, wage, production and other controls and toward the restoration of collective bargaining and the free market.

2. The departments and agencies of the Government shall take vigorous, concerted and uniform action toward these ends and pursuant to this Order, under the guidance and direction of the Director of War Mobilization and Reconversion.

II

During the transition to a free economy, the Secretary of Agriculture, the Federal Loan Administrator, and the Director of Economic Stabilization shall not only take all measures required by law to support prices but shall take such further measures authorized by law as may be necessary to prevent any collapse of values or discouragement of the full and effective use of productive resources.

III

The Price Administrator, and in the exercise of his price responsibilities under the law the Secretary of Agriculture, shall, subject to such directives provided for by law

as may be issued by the Economic Stabilization Director, take all necessary steps to assure that the cost of living and the general level of prices shall not rise. Subject to such authority, the Price Administrator and, in the exercise of his price responsibilities under the law, the Secretary of Agriculture, are authorized to make such adjustments in existing price controls as are necessary to remove gross inequities or to correct maladjustments or inequities which would interfere with the effective transition to a peacetime economy. In order that any price increases found necessary for these purposes will not result in an increase in the cost of living or in the general level of prices, the Price Administrator and the Secretary of Agriculture respectively shall (1) so far as is reasonable, practicable and necessary for this purpose, see that such price increases do not cause price increases at later levels of production or distribution, and (2) improve and tighten price controls in those fields which are important in relation to production costs or the cost of living in which in their judgment the controls have heretofore been insufficiently effective.

IV

1. The National War Labor Board, and such other agencies as may be designated by the Director of Economic Stabilization with the approval of the Director of War Mobilization and Reconversion, are authorized to provide that employers may, through collective bargaining with duly certified or recognized representatives of the employees involved or, if there is no such representative, by voluntary action, make wage or salary increases without the necessity of obtaining approval therefor, upon the condition that such increases will not be used in whole or in part as the basis for seeking an increase in price ceilings, or for resisting otherwise justifiable reductions in price ceilings, or, in the case of products or services being furnished under contract with a federal procurement agency, will not increase the costs to the United States.

2. In addition to the authority to approve increases to correct gross inequities and for other specified purposes, conferred by Section 2 of Title II of Executive Order 9250 [set out as a note under section 901 of this Appendix], the National War Labor Board or other designated agency is hereby authorized to approve, without regard to the limitations contained in any other orders or directives, such increases as may be necessary to correct maladjustments or inequities which would interfere with the effective transition to a peacetime economy, *Provided, however,* That in dispute cases this additional authority shall not be used to direct increases to be effective as of a date prior to the date of this order.

Where the National War Labor Board or other designated agency, or the Price Administrator, shall have reason to believe that a proposed wage or salary increase will require a change in the price ceiling of the commodity or services involved, such proposed increase, if approved by the National War Labor Board or such other designated agency under the authority of this section shall become effective only if also approved by the Director of Economic Stabilization.

3. Officials charged with the settlement of labor disputes in accordance with the terms of Executive Order 9017 and Section 7 of the War Labor Disputes Act shall consider that labor disputes which would interrupt work contributing to the production of military supplies or interfere with effective transition to a peacetime economy are disputes which interrupt work contributing to the effective prosecution of the war.

V

The War Production Board shall move as rapidly as feasible without endangering orderly reconversion and the stabilization of the economy to free business from its controls. During the transition it shall use all of its authorized powers to expand the production of materials which are in short supply; limit the manufacture of products for which materials or facilities are insufficient; control the accumulation of inventories so as to avoid speculative hoarding and unbalanced distribution which would curtail total production; grant priority assistance to break bottlenecks which would impede the reconversion process; facilitate the fulfillment of relief and other essential export programs; and allocate scarce materials or facilities necessary for the production of low-priced items essential to the continued success of the stabilization program.

VI

1. The Stabilization Administrator, designated pursuant to Executive Order No. 9620 of September 20, 1945 [set out as a note under section 901 of this Appendix], shall approve, under section 2 of part IV of this order, a wage or salary increase falling into any of the following three classes in any case in which such increase has been found by the National War Labor Board or other designated agency to be necessary to correct a maladjustment or inequity which would interfere with the effective transition to a peacetime economy:

a. Increases where the percentage increase in average straight time hourly earnings in the appropriate unit since January 1941 has not equalled the percentage increase in the cost of living between January 1941 and September 1945.

b Increases necessary to correct inequities in wage rates or salaries among plants in the same industry or locality, with due regard to normal competitive relationships.

c. Increases necessary to insure full production in an industry, designated by the Stabilization Administrator, which is essential to reconversion and in which existing wage rates or salaries are inadequate to the recruitment of needed manpower.

The Stabilization Administrator shall continue to approve wage or salary increases approved by the National War Labor Board or other designated agency in cases in which such increases satisfy standards in effect prior to August 18, 1945

The Stabilization Administrator may define additional classes of wage or salary increases which the National War Labor Board or other designated agency is authorized to approve as necessary to correct a maladjustment or inequity under section 2 or part IV of this order.

Nothing in the foregoing shall be construed to require the National War Labor Board or other designated agency to approve any wage increase unless, in its judgment, the increase is necessary, on the facts of the particular case, to correct a maladjustment or inequity which would interfere with the effective transition to a peacetime economy

In making findings under this section the National War Labor Board or other designated agency shall be subject to directives issued by the Stabilization Administrator under the authority conferred by Executive Orders 9250 and 9328 or other applicable Executive Orders.

2 Nothing in this order shall be construed to prevent an employer from putting a wage or salary increase into effect and thereafter applying for approval of such increase, under the standards of this order, so that it may be used as the basis for seeking an increase in price ceilings, or for resisting otherwise justifiable reductions in price ceilings, or, in the case of products or services being furnished under contract with a federal procurement agency, for increasing the costs to the United States.

3. Notwithstanding the fact that a wage or salary increase has not been approved in accordance with this order, the Price Administrator shall, after the expiration of a reasonable test period, which save in exceptional cases shall be six months after the wage or salary increase has been made, take such increase into account in determining whether an increase in price ceilings is then required under the established standards governing increases in price ceilings.

Ex Ord. No 9604. Extension and Amendment of Executive Order No. 9568

Ex. Ord. No 9604, Aug. 27, 1945, 10 F. R. 10960, provided:

By virtue of the authority vested in me by the Constitution and Statutes, as President of the United States and Commander in Chief of the Army and Navy, and in order to provide for the release and dissemination of certain scientific and industrial information heretofore or hereafter obtained from the enemy by any department or agency of this Government, to the end that such infor-

mation may be of maximum benefit to the public, it is hereby ordered as follows:

1. It is the policy of this Government, subject to the requirements of national military security, that there shall be prompt, public, free and general dissemination of enemy scientific and industrial information. The expression "enemy scientific and industrial information," as used herein, is defined to comprise all information concerning scientific, industrial and technological processes, inventions, methods, devices, improvements and advances heretofore or hereafter obtained by any department or agency of this Government in enemy countries regardless of its origin, or in liberated areas, if such information is of enemy origin or has been acquired or appropriated by the enemy

2 The scope of the authority vested in the Director of War Mobilization and Reconversion as Chairman of the Publication Board and in the Publication Board by Executive Order No 9568 of June 8, 1945 [set out as a note under this section], is extended to include enemy scientific and industrial information. The procedures outlined in Executive Order No 9568, insofar as applicable, are extended to the declassification, release and publication of enemy scientific and industrial information.

3 Nothing in this order shall be construed to limit or modify the power of the Secretary of War or the Secretary of the Navy to determine finally whether the national military security permits the release in whole or in part of enemy scientific or industrial information

§ 1652. Advisory board; composition; functions; compensation of members.

(a) There is hereby created an advisory board, which shall consist of twelve members who shall be appointed by the President by and with the advice and consent of the Senate. All of the members of the Board shall represent the general public and the public interest, but in order that the Board may have the benefit of experience in the matters with which it will deal under this Act [sections 1651–1678 of this Appendix], three members of the Board shall have had experience in business management, three members shall have had experience in matters relating to labor, and three members shall have had experience in agriculture. The President shall designate one of the remaining three members as chairman of the Board.

(b) It shall be the general function of the Board to advise with the Director with respect to war mobilization and reconversion and make to him such recommendations relating to legislation, policies, and procedures as it may deem necessary.

(c) Members of the Board shall receive a per diem allowance of $25 for each day spent in actual meetings of the Board or at conferences held upon the call of the Director, plus necessary traveling and other expenses incurred while so engaged. (Oct. 3, 1944, ch. 480, title I, § 102, 58 Stat. 786.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix

TITLE II.—DEMOBILIZATION AND RECONVERSION POLICIES

§ 1656. Indefinite military service.

The War and Navy Departments shall not retain persons in the armed forces for the purpose of preventing unemployment or awaiting opportunities for employment. (Oct. 3, 1944, ch. 480, title II, § 201, 58 Stat. 787.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1657. Termination of prime war contracts.

Any contracting agency shall terminate prime contracts for war production whenever in the opinion of the agency the performance under such contracts will not be needed for the prosecution of the war, and shall not continue performance under such contracts merely for the purpose of providing business and employment, or for any purposes other than the prosecution of the war, unless the Office of War Mobilization and Reconversion finds that the continuation of some or all of the work in process under any such contract will benefit the Government or is necessary to avoid substantial physical injury to a plant or property. (Oct. 3, 1944, ch. 480, title II, § 202, 58 Stat. 787.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix

§ 1658. Integration of termination of war contracts with resumption of civilian production.

Curtailments of war production or terminations of war contracts shall be integrated and synchronized with the expansion, resumption, or initiation of production for other war purposes, and, to the greatest extent compatible with the effective prosecution of the war, of production for nonwar use. To effectuate this policy—

(a) Survey by contracting agencies.

The contracting agencies shall continuously survey their product and material requirements and report to the Director, in such form and detail as he may determine, on current and anticipated changes in requirements and on all anticipated curtailments of war production or terminations of war contracts;

(b) Resumption of civilian production.

The executive agencies exercising control over manpower, production, or materials shall permit the expansion, resumption, or initiation of production for nonwar use whenever such production does not require materials, components, facilities, or labor needed for war purposes, or will not otherwise adversely affect or interfere with the production for war purposes. Such production for nonwar use shall be permitted regardless of whether one or more competitors normally engaged in the same type of production are still engaged in the performance under any contract which is needed for the prosecution of the war, and shall not be made dependent upon the existence of a concern or the functioning of a concern in a given field of activity at a given time;

(c) Establishment of policies.

The Director shall—

(1) Establish policies to be followed by the contracting agencies in selecting individual contracts or classes of contracts for curtailment, nonrenewal, or termination;

(2) Establish policies providing for full and prompt consultation between the executive agencies, war

contractors, and the representatives of the employees of war contractors with regard to obtaining the most effective use in other war production or in production for nonwar use of facilities and manpower to be released through anticipated curtailments in war production or terminations of war contracts. (Oct. 3, 1944, ch. 480, title II, § 203, 58 Stat 787.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1659. Small plant participation in civilian production; percentage of allocated materials; establishment of standards, quotas, etc.

(a) Whenever the expansion, resumption, or initiation of production for nonwar use is authorized, on a restricted basis, by any executive agency having control over manpower, production, or materials, the restrictions imposed shall not be such as to prevent any small plant capable and desirous of participating in such expansion, resumption, or initiation of production for nonwar use from so participating in such production.

(b) Whenever such executive agency allocates available materials for the production of any item or group of items for nonwar use, it shall make available a percentage of such materials for the exclusive use by small plants for the production of such item or group of items. Such percentage shall be determined by the head of such agency after giving full consideration to the claims presented by the chairman of the board of directors of the Smaller War Plants Corporation and shall be fair and equitable.

(c) In allocating the materials thus set aside among such small plants, such executive agency shall establish criteria, standards, quotas, schedules, or other conditioning factors after consultation with the chairman of the board of directors of the Smaller War Plants Corporation. Such executive agency shall allocate such materials directly to such small plants and shall, to the fullest extent practicable, provide for making such allocations through local offices easily accessible to such small plants. For the purposes of this title [sections 1656–1660 of this Appendix], a small plant means any small business concern engaged primarily in production or manufacturing either employing two hundred and fifty wage earners or less, or coming within such other categories as may be established by the head of such executive agency in consultation with the chairman of the board of directors of the Smaller War Plants Corporation. Such other categories shall be defined by taking into consideration the comparative sizes of establishments in a particular industry as reflected by sales volumes, quantities of materials consumed, capital investments, or by other criteria which are reasonably attributable to small plants rather than medium or large size plants. (Oct. 3, 1944, ch. 480, title II, § 204, 58 Stat. 788.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1660. Surveys by Attorney General; report to Congress.

The Attorney General is directed to make surveys for the purpose of determining any factors which may tend to eliminate competition, create or strengthen monopolies, injure small business, or otherwise promote undue concentration of economic power in the course of war mobilization and during the period of transition from war to peace and thereafter. The Attorney General shall submit to the Congress within ninety days after the approval of this Act [October 3, 1944], and at such times thereafter as he deems desirable, reports setting forth the results of such surveys and including recommendations for such legislation as he may deem necessary or desirable. (Oct. 3, 1944, ch. 480, title II, § 205, 58 Stat. 788.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix

TITLE III—RETRAINING AND REEMPLOYMENT

§ 1661. Establishment of Administration; appointment and compensation of Administrator.

There is hereby established a Retraining and Reemployment Administration (hereinafter referred to as the "Administration"), the functions of which, subject to the general supervision of the Director of War Mobilization and Reconversion, shall be exercised by a Retraining and Reemployment Administrator (hereinafter in this title [sections 1661–1663 of this Appendix] referred to as the "Administrator"), to be appointed by the President, by and with the advice and consent of the Senate, and to receive a salary at the rate of $12,000 per annum. The same person may serve as Administrator and as Administrator of Veterans' Affairs, but in such case he shall receive only the salary provided by this section. (Oct. 3, 1944, ch. 480, title III, § 301, 58 Stat. 788.)

TRANSFER OF FUNCTIONS

Section 3 of Ex Ord No. 9617, Sept. 19, 1945, 10 F R 11929, set out as a note under section 601 of this Appendix, provided for the transfer to the Department of Labor of all functions, officers, employees, records, property, and funds of the Retraining and Reemployment Administration Said section also provided that all functions of the Director of War Mobilization and Reconversion relating to the Retraining and Reemployment Administration were transferred to the Department of Labor.

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix

§ 1662. Functions of Administration; cooperation with State and local agencies.

It shall be the function of the Administration—

(a) to have general supervision and direction of the activities of all existing executive agencies (except the Veterans' Administration and the Administrator of Veterans' Affairs) authorized by law relating to retraining, reemployment, vocational education, and vocational rehabilitation for the purpose of coordinating such activities and eliminating overlapping functions of such agencies. To the extent necessary to achieve such purposes the Administrator shall have power to issue regulations in connec-

tion with the work of such executive agencies, but nothing in this title [sections 1661–1663 of this Appendix] shall be deemed to confer any power or authority upon any such agency or authorize any activities by any such agency not authorized by provisions of law other than this title [such sections], or to extend any existing power beyond the date upon which it would otherwise expire; and

(b) to confer with existing State and local agencies and officials in charge of existing programs relating to retraining, reemployment, vocational education, and vocational rehabilitation for the the[1] purpose of coordinating the activities of existing Federal agencies with the activities of such State and local agencies. (Oct. 3, 1944, ch. 480, title III, § 302, 58 Stat. 789.)

[1] So in the original. Probably should be deleted.

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1663. Employment of Assistant Administrators, and officers and employees; expenditures for supplies, facilities, and services.

The Administrator shall, within the limits of funds which may be made available, employ and fix the compensation of such Assistant Administrators and other officers and employees, and may make such expenditures for supplies, facilities, and services as may be necessary to carry out his functions and the functions of the Administration. All such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1923, as amended [sections 661–663, 664–673, and 674 of Title 5], except that Assistant Administrators and expert administrative, technical, and professional personnel may be employed and their compensation fixed without regard to such laws. To the fullest extent practicable, the Administrator shall perform the duties imposed upon him through the facilities and personnel of other executive agencies. (Oct. 3, 1944, ch. 480, title III, § 303, 58 Stat. 789.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

TITLE IV.—ADVANCES TO STATE UNEMPLOYMENT FUNDS

§ 1666. Amendment of section 1104 of Title 42.

(a) Section 904 (a) of the Social Security Act, as amended [section 1104 (a) of Title 42], is further amended by inserting, immediately before the period at the end of the second sentence of the subsection, a comma and the following: "or deposited pursuant to appropriations to the Federal unemployment account".

(b) Section 904 (e) of the Social Security Act, as amended [section 1104 (e) of Title 42], is further amended by inserting, after the words "a separate book account for each State agency" a comma and the following: "The Federal unemployment account,".

(c) Section 904 of the Social Security Act, as amended [section 1104 of Title 42], is further amended by adding, at the end of the section, the following new subsections:

"(g) The Secretary of the Treasury is authorized and directed, prior to audit or settlement by the General Accounting Office, to make transfers from the Federal unemployment account to the account of any State in the Unemployment Trust Fund in accordance with certification made by the Board pursuant to section 1201 [section 1321 of Title 42], not exceeding the amount on deposit in the Federal unemployment account at the time of such transfer.

"(h) There is hereby established in the Unemployment Trust Fund a Federal unemployment account. There is hereby authorized to be appropriated to such Federal unemployment account a sum equal to the excess of taxes collected prior to July 1, 1943, under title IX of this Act [sections 1101–1110 of Title 42] and under the Federal Unemployment Tax Act [sections 1600–1611 of Title 26], over the total unemployment administrative expenditures made prior to July 1, 1943; and there is hereby authorized to be appropriated to such account for the fiscal year 1945 and for each fiscal year thereafter (1) a sum equal to any excess of taxes collected in the preceding fiscal year under the Federal Unemployment Tax Act [sections 1600–1611 of Title 26] over the unemployment administrative expenditures made in such year, and (2) such further sums, if any, as may be necessary to carry out the purposes of title XII [section 1321 of Title 42]. Any amounts in the Federal unemployment account on October 1, 1947, and any amounts repaid to such account after such date, shall be covered into the general fund of the Treasury. As used in this subsection, the term 'unemployment administrative expenditures' means expenditures for grants under title III of this Act [sections 501–503 of Title 42], for the administration of that title [such sections] by the Board, and for the administration of title IX of this Act [sections 1101–1110 of Title 42] and of the Federal Unemployment Tax Act [sections 1600–1611 of Title 26] by the Department of the Treasury and the Board. For the purposes of this subsection there shall be deducted from the total amount of taxes collected prior to July 1, 1943, under title IX of this Act [sections 1101–1110 of Title 42], the sum of $40,561,886.43 which was authorized to be appropriated by the Act of August 24, 1937 (50 Stat. 754)." (Oct. 3, 1944, ch. 480, title IV, § 401, 58 Stat. 789.)

REFERENCES IN TEXT

Act of August 24, 1937 (50 Stat. 754) which is referred to in subsec. (h) is act Aug. 24, 1937, ch. 755, 50 Stat. 754, and is set out as a note under section 1103 of title 42.

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1667. Addition of Subchapter XII to Title 42.

The Social Security Act, as amended [chapter 7 of Title 42], is further amended by adding at the end thereof the following new title [section 1321 of Title 42]:

"TITLE XII—ADVANCES TO STATE UNEMPLOYMENT FUNDS

"SEC. 1201. (a) In the event that the balance in a State's account in the Unemployment Trust Fund on June 30, 1945, or on the last day in any ensuing calendar quarter which ends prior to July 1, 1947, does not exceed a sum equal to the total contributions deposited in the Unemployment Trust Fund under the unemployment compensation law of the State during that one of the two calendar years next preceding such day in which such deposits were higher, the State shall be entitled, subject to the provisions of subsections (b) and (c) hereof, to have transferred from the Federal unemployment account to its account in the Unemployment Trust Fund an amount equal to the amount by which the unemployment compensation paid out by it in the calendar quarter ending on such day exceeded 2.7 per centum of the total remuneration which was paid during such quarter and was subject to the State unemployment compensation law.

"(b) The Social Security Board is authorized and directed, on application of a State unemployment compensation agency, to make findings as to whether the conditions for the transfer of moneys provided for in subsection (a) hereof have been met; and if such conditions exist, the Board is directed to certify, to the Secretary of the Treasury, from time to time, the amounts for transfer in order to carry out the purposes of this title [section 1321 of Title 42], reduced or increased, as the case may be, by any sum by which the Board finds that the amounts transferred for any prior quarter were greater or less than the amounts to which the State was entitled for such quarter. The application of a State agency shall be made on such forms, and contain such information and data, fiscal and otherwise, concerning the operation and administration of the State law, as the Board deems necessary or relevant to the performance of its duties hereunder.

"(c) Any amount transferred to the account of any State under this section shall be treated as an advance, without interest, to the unemployment fund of such State and shall be repaid to the Federal unemployment account from the unemployment fund of that State to the extent that the balance in the State's account in the Unemployment Trust Fund, at the end of any calendar quarter, exceeds a sum equal to the total contributions deposited in the Unemployment Trust Fund under the unemployment compensation law of the State during that one of the two calendar years next preceding such day in which such deposits were higher. The Secretary of the Treasury shall, after the end of each calendar quarter, transfer from the unemployment account of each State in the Unemployment Trust Fund to the Federal unemployment account the amount required to be repaid from the unemployment fund of such State at the end of such quarter under this subsection." (Oct. 3, 1944, ch. 480, title IV, § 402, 58 Stat. 790.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

TITLE V.—PUBLIC WORKS

§ 1671. Advance provisions by States for public works—(a) Loans by Federal Works Agency.

In order to encourage States and other non-Federal public agencies to make advance provision for the construction of public works (not including housing), the Federal Works Administrator is hereby authorized to make, from funds appropriated for that purpose, loans or advances to the States and their agencies and political subdivisions (hereinafter referred to as "public agencies") to aid in financing the cost of architectural, engineering, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action preliminary to the construction of such public works: *Provided*, That the making of loans or advances hereunder shall not in any way commit the Congress to appropriate funds to undertake any projects so planned.

(b) Allocation of loans.

Funds appropriated for the making of loans or advances hereunder shall be allotted by the Federal Works Administrator among the several States in the following proportion: 90 per centum in the proportion which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 10 per centum according to his discretion: *Provided*, That the allotments to any State shall aggregate not less than one-half of 1 per centum of the total funds available for allotment hereunder: *Provided further*, That no loans or advances shall be made with respect to any individual project unless it conforms to an over-all State, local, or regional plan approved by competent State, local, or regional authority.

(c) Repayment of loans.

Advances under this section to any public agency shall be repaid by such agency if and when the construction of the public works so planned is undertaken. Any sums so repaid shall be covered into the Treasury as miscellaneous receipts.

(d) Rules and regulations.

The Federal Works Administrator is authorized to prescribe rules and regulations to carry out the purposes of this section.

(e) Definition of State.

As used in this section, the term "State" shall include the District of Columbia, Alaska, Hawaii, and Puerto Rico. (Oct. 3, 1944, ch. 480, title V, § 501, 58 Stat. 791.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

TITLE VI.—GENERAL PROVISIONS

§ 1676. Definitions.

When used in this Act [sections 1651–1678 of this Appendix]—

(a) The term "executive agency" means any department, independent establishment, or agency in the executive branch of the Government, including any corporation wholly owned by the United States.

(b) The term "contracting agency" means any Government agency which has been or hereafter may be authorized to make contracts pursuant to section 201 of the First War Powers Act, 1941 [section 611 of this Appendix], and includes the Reconstruction Finance Corporation and any corporation organized pursuant to the Reconstruction Finance Corporation Act (47 Stat. 5), as amended [sections 601–617 of Title 15], and the Smaller War Plants Corporation. (Oct. 3, 1944, ch. 480, title VI, § 601, 58 Stat. 791.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

§ 1677. Disbandment and transfer of functions of certain offices, boards, etc.

(a) When the Director first appointed under section 101 [section 1651 of this Appendix] has taken office, the Office of War Mobilization established by Executive Order Numbered 9347, dated May 27, 1943 [section 601 note of this Appendix], not including the Surplus War Property Administration or the Retraining and Reemployment Administration, shall cease to exist; and such records and property of the Office of War Mobilization, and such unexpended balances of appropriations or other funds available for its use, as the President shall determine, shall be transferred to the Office of War Mobilization and Reconversion.

(b) When a majority of the members of the Surplus Property Board first appointed under the Surplus Property Act of 1944 [sections 1611–1646 of this Appendix] have taken office, the Surplus War Property Administration created by Executive Order Numbered 9425 [section 601 note of this Appendix] shall cease to exist; and such records and office equipment of the Surplus War Property Administration, and such unexpended balances of appropriations or other funds available for its use, as the President shall determine, shall be transferred to the Surplus Property Board.

(c) When the Retraining and Reemployment Administrator first appointed under section 301 [section 1661 of this Appendix] has taken office, the Retraining and Reemployment Administration created by Executive Order Numbered 9427 [section 601 note of this Appendix] shall cease to exist; and such records and property of the Administration created by such Executive order, and such unexpended balances of appropriations or other funds available for its use, as the President shall determine, shall be transferred to the Retraining and Reemployment Administration established by this Act [sections 1651–1678 of this Appendix]. (Oct. 3, 1944, ch. 480, title VI, § 605, 58 Stat. 792.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix

§ 1678. Saving clause.

All orders, policies, procedures, or directives prescribed by the Director of War Mobilization, in effect upon the effective date of this Act [October 3, 1944], and not inconsistent with this Act [sections 1651–1678 of this Appendix], shall remain in full force and effect unless and until superseded by the Director in accordance with this Act [such sections], or by operation of law. (Oct. 3, 1944, ch. 480, title VI, § 606, 58 Stat. 792.)

TERMINATION DATE

Termination of section, see note under section 1651 of this Appendix.

FLEET ADMIRAL OF THE NAVY AND GENERAL OF THE ARMY (New)

ACT DEC. 14, 1944, CH. 580, 58 STAT. 802

Sec.

1691. Fleet Admiral of the Navy; grade established; rank; appointment; number.
1692. General of the Army; grade established; rank; appointment; number.
1693. Appointment without examination; tenure; effect on permanent or temporary status; appointment and reversion of retired officers.
1694. Pay and allowances.
1695 Rank and pay on retirement.
1696. Rank and precedence according to date of appointment.
1697. General of the Armies as unaffected.

§ 1691. Fleet Admiral of the Navy; grade established; rank; appointment; number.

The grade of Fleet Admiral of the United States Navy is established on the active list of the line of the Regular Navy as the highest grade in the Navy. Appointments to said grade shall be made by the President, by and with the advice and consent of the Senate, from among line officers on the active list and retired line officers on active duty serving in the rank of admiral in the Navy at the time of such appointment. The number of officers of such grade on the active list at any one time shall not exceed four. (Dec. 14, 1944, ch. 580, § 1, 58 Stat. 802.)

TERMINATION DATE

Section 8 of act Dec. 14, 1944, cited to text, provided: "This Act [sections 1691–1697 of this Appendix] shall be effective only until six months after the termination of the wars in which the United States is now engaged as proclaimed by the President, or such earlier date as the Congress, by concurrent resolution, may fix."

§ 1692. General of the Army; grade established; rank; appointment; number.

The grade of General of the Army is established. Appointments to said grade shall be made by the President, by and with the advice and consent of the Senate, from officers of the Army who, at the time of such appointment, are serving in the grade of general officer in the Army. The number of officers holding the grade of General of the Army on active duty shall not exceed four. The officers appointed under the provisions of this section shall take rank above all other officers on the active list of or on active duty in the Army and shall be entitled to all rights, privileges, benefits, pay, and allowances provided by this Act [sections 1691–1697 of this Appendix], notwithstanding any provisions of the Act of February 23, 1929 (45 Stat. 1255) [section 22a of Title 10], or any other law. (Dec. 14, 1944, ch. 580, § 2, 58 Stat. 802.)

§ 1693. Appointment without examination; tenure; effect on permanent or temporary status; appointment and reversion of retired officers.

Appointments under authority of this Act [sections 1691–1697 of this Appendix] shall be made without examination and shall continue in force, during such period as the President shall determine. The permanent or temporary status of officers of the active list of the Navy or of the Army appointed to a higher grade pursuant to section 1 [section 1691 of this Appendix] or section 2 [section 1692 of this Appendix] hereof shall not be vacated solely by reason of such appointment, nor shall such appointees be prejudiced in regard to promotion, in accordance with the laws relating to the Navy or the Army. An officer appointed from the retired list to the grade of Fleet Admiral of the United States Navy on the active list or General of the Army as provided herein shall, upon the termination of such appointment, revert to the status held by him prior to such appointment, except as otherwise provided herein. (Dec. 14, 1944, ch. 580, § 3, 58 Stat. 802.)

§ 1694. Pay and allowances.

Appointees under this Act [sections 1691–1697 of this Appendix] shall, while on active duty, receive the same pay and allowances as a rear admiral of the upper half, plus a personal money allowance of $5,000 per annum. (Dec. 14, 1944, ch. 580, § 4, 58 Stat. 803.)

§ 1695. Rank and pay on retirement.

In the discretion of the President, by and with the advice and consent of the Senate, each officer who shall have served in the grade or rank of Fleet Admiral or General of the Army by virtue of an appointment under the provisions of this Act [sections 1691–1697 of this Appendix] shall, upon retirement or reversion to the retired list, as the case may be, have on the retired list the highest grade or rank held by him on the active list or on active duty: *Provided,* That each such officer shall be entitled to retired pay equal to 75 per centum of the active-duty pay provided herein for an officer appointed pursuant to the provisions of this Act [said sections]: *Provided further,* That no officer of the naval or military service on the active or retired list shall be appointed or advanced to the grade or rank of Fleet Admiral or General of the Army except as provided in this Act [said sections]. (Dec. 14, 1944, ch. 580, § 5, 58 Stat. 803.)

§ 1696. Rank and precedence according to date of appointment.

The officers appointed under the provisions of this Act [sections 1691–1697 of this Appendix] shall take rank among themselves while on active duty according to dates of appointment. (Dec. 14, 1944, ch. 580, § 6, 58 Stat. 803.)

§ 1697. General of the Armies as unaffected.

Nothing in this Act [sections 1691–1697 of this Appendix] shall affect the provisions of the Act of September 3, 1919 (41 Stat. 283; 10 U. S. C. 671a), or any other law relating to the office of General of the Armies of the United States. (Dec. 14, 1944, ch. 580, § 7, 58 Stat. 803.)

DISPOSAL OF CENSORED MAIL (New)

ACT DEC. 22, 1944, CH. 673, 58 STAT. 913

Sec.
1701. Creation and composition of disposal committee; type of mail matter; rules and regulations.

§ 1701. Creation and composition of disposal committee; type of mail matter; rules and regulations.

There is established a committee composed of the Postmaster General and the Director of Censorship, or their alternates duly designated by them, which shall have authority to dispose of mail matter consisting of (1) printed matter containing propaganda material, and (2) printed matter mailed by or to or published by persons whose names are on the Proclaimed List of Certain Blocked Nationals, and (3) parcel-post packages or small packets containing articles of no monetary value or articles which may be used by the United States in the prosecution of the war, if such mail matter has been censored and condemned by the Office of Censorship as being inimical to the war effort of the United States or contrary to the interests of the United States or its Allies, but no mail matter shall be disposed of under this Act [this section] until the expiration of at least ninety days after the date of condemnation. Such committee may promulgate such rules and regulations as it deems necessary to carry out the provisions of this Act [this section]. (Dec. 22, 1944, ch. 673, § 1, 58 Stat. 913.)

EXPIRATION DATE

Section 2 of act Dec. 22, 1944, cited to text, provided for expiration of section six months after termination of hostilities.

DISBURSING OFFICERS' ADDITIONAL FUNCTIONS (New)

ACT DEC. 23, 1944, CH. 716, 58 STAT. 921

Sec.
1705 Check cashing and exchange transactions authorized for official and accommodations purposes.
1706. Coverage into Treasury of account gains, adjustment of account losses
1707 Rules and regulations

§ 1705. Check cashing and exchange transactions authorized for official and accommodation purposes.

Subject to regulations promulgated pursuant to this Act [sections 1705–1707 of this Appendix], disbursing officers of the United States are authorized, for official purposes, or for the accommodation of military, naval, and civilian personnel of the United States Government, and personnel of contractors and of authorized nongovernmental agencies operating with the armed forces of the United States, to cash and negotiate checks, drafts, bills of exchange, and other instruments payable in United States and foreign currencies, and to conduct exchange transactions involving United States and foreign currency and coin, checks, drafts, bills of exchange, and other instruments. Any official funds which are held by such disbursing officers and which are available for expenditure may, with the approval of the head of the agency having jurisdiction over such funds be utilized for this purpose. (Dec. 23, 1944, ch. 716, § 1, 58 Stat. 921.)

EFFECTIVE AND TERMINATION DATE

Section 4 of act Dec. 23, 1944, cited to text, provided: "The provisions of this Act [sections 1705-1707 of this Appendix] shall be effective from and after December 7, 1941, and shall remain in force during the continuance of the present war and for six months after the termination of the war, or until such earlier time as the Congress by concurrent resolution or the President may designate."

§ 1706. Coverage into Treasury of account gains; adjustment of account losses.

Any gains in the accounts of disbursing officers of the United States resulting from operations permitted by this Act [sections 1705-1707 of this Appendix] shall be paid into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to adjust any deficiencies in the accounts of disbursing officers of the United States which may result from such operations. (Dec. 23, 1944, ch. 716, § 2, 58 Stat. 921.)

§ 1707. Rules and regulations.

The Secretary of the Treasury and, with the concurrence of the Secretary of the Treasury, the heads of other executive departments having jurisdiction over disbursing officers of the United States are hereby authorized respectively to issue such rules and regulations, governing the disbursing officers under their respective jurisdictions, as may be deemed necessary or proper to carry out the purposes of this Act [sections 1705-1707 of this Appendix]. (Dec. 23, 1944, ch. 716, § 3, 58 Stat. 921.)

GENERAL OF THE MARINE CORPS (New)

ACT MAR. 21, 1945, CH. 29, 59 STAT. 36

Sec.

1711. Grade of general established; appointment; number
1712 Appointment without examination, tenure, effect on permanent or temporary status.
1713 Pay and allowances.
1714 Rank and pay on retirement.
1715 Termination of act

§ 1711. Grade of general established; appointment; number.

The grade and rank of general is established on the active list of the Regular Marine Corps. The President is authorized to nominate and, by and with the advice and consent of the Senate, to appoint an officer, now or hereafter holding the office of Commandant of the Marine Corps, to that grade and rank. At no time shall there be more than one such officer on the active list in such grade and rank. (Mar. 21, 1945, ch. 29, § 1, 59 Stat. 36.)

§ 1712. Appointment without examination; tenure; effect on permanent or temporary status.

Appointments under authority of this Act [sections 1711–1715 of this Appendix] shall be made without examination and shall continue in force during such period as the President shall determine. The permanent or temporary status of officers of the active list of the Marine Corps appointed to a higher grade pursuant to section 1 hereof [section 1711 of this Appendix] shall not be vacated solely by reason of such appointment, nor shall such appointees be prejudiced in regard to promotion in accordance with the laws relating to the Marine Corps. (Mar. 21, 1945, ch. 29, § 2, 59 Stat. 36.)

§ 1713. Pay and allowances.

Appointees under this Act [sections 1711–1715 of this Appendix] shall, while on active duty, receive the same pay and allowances as a rear admiral of the upper half, plus a personal money allowance of $2,200 per annum. (Mar. 21, 1945, ch. 29, § 3, 59 Stat. 36.)

§ 1714. Rank and pay on retirement.

In the discretion of the President, by and with the advice and consent of the Senate, each officer who shall have served in the grade and rank of general by virtue of an appointment under the provisions of this Act [sections 1711–1715 of this Appendix] shall, upon retirement, have on the retired list the highest grade and rank held by him on the active list: *Provided,* That each such officer shall be entitled to retired pay equal to 75 per centum of the active-duty pay provided herein for an officer appointed pursuant to the provisions of this Act [sections 1711–1715 of this Appendix]: *Provided further,* That no officer of the Marine Corps shall be appointed to the grade or rank of general on the active list of the Marine Corps except as provided in this Act [sections 1711–1715 of this Appendix]. (Mar. 21, 1945, ch. 29, § 4, 59 Stat. 36.)

§ 1715. Termination of act.

This Act [sections 1711–1715 of this Appendix] shall be effective only until six months after the termination of the wars in which the United States is now engaged as proclaimed by the President, or such earlier date as the Congress, by concurrent resolution, may fix. (Mar. 21, 1945, ch. 29, § 5, 59 Stat. 37.)

ADMIRAL IN THE COAST GUARD (New)

ACT. MAR. 21, 1945, CH 30, 59 STAT. 37

Sec

1721. Grade of admiral established, appointment; number
1722. Appointment without examination, tenure, effect on permanent or temporary status.
1723. Pay and allowances
1724. Rank and pay on retirement.
1725. Termination of act.

§ 1721. Grade of admiral established; appointment; number.

The grade and rank of admiral is established on the active list of the Regular Coast Guard. The President is authorized to nominate and, by and with the advice and consent of the Senate, to appoint an officer, now or hereafter holding the office of Commandant of the Coast Guard, to that grade and rank. At no time shall there be more than one such officer on the active list in such grade and rank. (Mar. 21, 1945, ch. 30, § 1, 59 Stat 37.)

§ 1722. Appointment without examination; tenure; effect on permanent or temporary status.

Appointments under authority of this Act [sections 1721–1725 of this Appendix] shall be made without

examination and shall continue in force during such period as the President shall determine. The permanent or temporary status of officers of the active list of the Coast Guard appointed to a higher grade pursuant to section 1 hereof [section 1721 of this Appendix] shall not be vacated solely by reason of such appointment, nor shall such appointees be prejudiced in regard to promotion in accordance with the laws relating to the Coast Guard. (Mar. 21, 1945, ch. 30, § 2, 59 Stat. 37.)

§ 1723. Pay and allowances.

Appointees under this Act [sections 1721–1725 of this Appendix] shall, while on active duty, receive the same pay and allowances as a rear admiral of the upper half, plus a personal money allowance of $2,200 per annum. (Mar. 21, 1945, ch. 30, § 3, 59 Stat. 37.)

§ 1724. Rank and pay on retirement.

In the discretion of the President, by and with the advice and consent of the Senate, each officer who shall have served in the grade and rank of admiral by virtue of an appointment under the provisions of this Act [sections 1721–1725 of this Appendix] shall, upon retirement, have on the retired list the highest grade and rank held by him on the active list: *Provided,* That each such officer shall be entitled to retired pay equal to 75 per centum of the active-duty pay provided herein for an officer appointed pursuant to the provisions of this Act [sections 1721–1725 of this Appendix]: *Provided further,* That no officer of the Coast Guard shall be appointed to the grade or rank of admiral on the active list of the Coast Guard except as provided in this Act [sections 1721–1725 of this Appendix]. (Mar. 21, 1945, ch. 30, § 4, 59 Stat. 37.)

§ 1725. Termination of act.

This Act [sections 1721–1725 of this Appendix] shall be effective only until six months after the termination of the wars in which the United States is now engaged as proclaimed by the President, or such earlier date as the Congress, by concurrent resolution, may fix. (Mar. 21, 1945, ch. 30, § 5, 59 Stat. 37.)

EXCEPTION OF NAVY OR COAST GUARD VESSELS FROM CERTAIN NAVIGATION RULES (New)

ACT DEC. 3, 1945, CH. 511, 59 STAT. 590

Sec.

1731 Vessels of special construction exempted from requirements as to number, position, etc., of lights; certification of lights; compliance where possible (New)

1732. Publication of notice and character and number of lights (New).

§ 1731. Vessels of special construction exempted from requirements as to number, position, etc. of lights; certification of lights; compliance where possible.

Any requirement as to the number, position, range of visibility, or arc of visibility of lights required to be displayed by vessels under the Act of Congress approved August 19, 1890 (33 U. S. C., §§ 61–141), entitled "An Act to adopt regulations for preventing collisions at sea"; or the Act of Congress approved June 7, 1897 (33 U. S. C., §§ 154–231), entitled "An Act to adopt regulations for preventing collision upon certain harbors, rivers, and inland waters of the United States"; or the Act of Congress approved February 8, 1895 (33 U. S. C., §§ 241–294), entitled "An Act to regulate navigation on the Great Lakes and their connecting and tributary waters"; or the Act of Congress approved August 19, 1890 (33 U. S. C., §§ 301–351), entitled "An Act to adopt special rules for the navigation of harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, supplementary to the Act of August nineteenth, eighteen hundred and ninety, entitled 'An Act to adopt regulations for preventing collisions at Sea' ", and all laws amendatory thereto, shall not apply to any vessel of the Navy or of the Coast Guard, where the Secretary of the Navy, or the Secretary of the Treasury in the case of Coast Guard vessels operating under the Treasury Department, or such official or officials as either may designate, shall find or certify that, by reason of special construction, it is not possible with respect to such vessel or class of vessels to comply with the statutory provisions as to the number, position, range of visibility, or arc of visibility of lights. The lights of any such exempted vessel or class of vessels shall, however, comply as closely to the requirements of the applicable statutes as the Secretary shall find to be feasible. (Dec. 3, 1945, ch. 511, § 1, 59 Stat. 590.)

TERMINATION DATE

Section 3 of act Dec. 3, 1945 cited to text, provided that this section and section 1732 of this Appendix shall terminate on June 30, 1948.

§ 1732. Publication of notice and character and number of lights.

When the Secretary of the Navy or the Secretary of the Treasury, or such official or officials as either may designate, shall make any finding or certification as prescribed in section 1 [section 1731 of this Appendix], notice of such finding or certification and the character and position of the lights to be displayed on such vessel shall be published in "Notice to Mariners". (Dec. 3, 1945, ch. 511, § 2, 59 Stat. 591.)

TERMINATION DATE

Termination date, see section 1731 of this Appendix.

Table I.—STATUTES INCLUDED

a. Revised Statutes

THIS TABLE, SUPPLEMENTING 1940 CODE, SHOWS WHERE SECTIONS OF THE REVISED STATUTES OF 1878 WILL BE FOUND IN U. S. C.

R.S.	U. S. C.	
Sec.	Title	Sec.
51	19	66
1675	28	268a
1085	28	278a

b. Statutes at Large

THIS TABLE, SUPPLEMENTING 1940 CODE, SHOWS WHERE ACTS OF CONGRESS TO JANUARY 5, 1943, WILL BE FOUND IN U. S. C.

Statutes at Large					U. S. Code	
Date	Chap.	Section	Volume	Page	Title	Section
1882						
Mar. 17	41	2	22	30	39	49a
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Sept. 18	368	1	59	533	1 50	1614a
Do	368	2	59	533	1 50	1614b
Sept. 20	369	1–3	59	533	38	Note foll. ch. 12
Sept. 24	383	1, 2	59	536	18	408
Do	383	3	59	536	18	408 note
Do	385	1	59	536	34	900a
Do	385	2	59	536	34	900b
Do	385	3, 4	59	537	34	900a note
Sept. 25	388		59	537	15	261 note
Oct. 6	393	1	59	538	10	635 note
Do	393	2	59	538	10	635
Do	393	2	59	538	34	187
Do	393	3 (a)	59	538	1 50	1531
Do	393	3 (a)	59	539	1 50	1532
Do	393	3 (a)	59	539	1 50	1533
Do	393	3 (a)	59	539	1 50	1534
Do	393	3 (b)	59	539	1 50	1531 note
Do	393	4	59	539	10	948
Do	393	5	59	539	10	636
Do	393	5	59	539	34	188
Do	393	6	59	539	10	751a
Do	393	6	59	539	34	895a
Do	393	7 (a)	59	540	38	691b
Do	393	7 (b)	59	540	38	691c
Do	393	7 (c)	59	540	38	691b note
Do	393	8	59	541	37	110
Do	393	9 (a)	59	541	37	201
Do	393	9 (b)	59	541	37	208
Do	393	9 (c)	59	542	37	208a

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1945						
Oct. 6	393	10	59	542	1 50	639a
Do	393	11 (a)	59	542	38	Ch. 12 note
Do	393	11 (b)	59	54?	38	694
Do	393	11 (c)	59	542	38	696
Do	393	12	59	542	37	102
Do	393	13	59	542	34	189
Do	393	14	59	543	10	637
Oct. 11	410		59	544	8	809
Oct 16	416		59	544	39	31d
Do	419		59	545	28	1 note
Oct. 22	432		59	546	1 50	1628
Oct. 23	433	1	59	546	16	832a
Do	433	2	59	546	16	832d
Do	433	3	59	546	16	832e
Do	433	4	59	547	16	832h
Do	433	5	59	547	16	832a, 832i
Do	433	6	59	547	16	832k
Do	433	7 (a)	59	548	26	1426
Do	433	7 (b)	59	548	42	409
Do	433	7 (c)	59	549	26	1606
Do	433	7 (d)	59	549	26	1607
Oct. 26	434		59	550	45	363 note
Oct. 29	435		59	550	28	150
Do	437		59	551	8	224
Do	438		59	551	8	102

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1945							
Oct. 31	443	II	202	59	554	28	192

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1945						
Nov. 5	446		59	555	26	3126
Nov. 6	447		59	555	28	183

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1945							
Nov. 8	453	I	101 (a)	59	557	26	11
Do	453	I	101 (b, c)	59	557	26	12
Do	453	I	101 (d)	59	558	26	11, 12 notes
Do	453	I	102 (a)	59	558	26	25
Do	453	I	102 (b) (1)	59	558	26	23
Do	453	I	102 (b) (3)	59	559	26	47
Do	453	I	102 (b) (4)	59	559	26	58
Do	453	I	102 (b) (5)	59	559	26	143
Do	453	I	102 (b) (6)	59	559	26	163
Do	453	I	102 (b) (7)	59	559	26	214
Do	453	I	102 (b) (8)	59	559	26	215
Do	453	I	102 (b) (9)	59	559	26	251
Do	453	I	102 (b) (10)	59	559	26	401
Do	453	I	102 (c)	59	559	26	23, 25, 47, 58, 143, 163, 214, 215, 251, 401 notes
Do	453	I	103 (a)	59	560	26	400
Do	453	I	103 (b)	59	561	26	400 note
Do	453	I	104 (a–c)	59	561	26	1622
Do	453	I	104 (d) (1)	59	567	26	1625
Do	453	I	104 (d) (2)	59	568	26	1626
Do	453	I	104 (e)	59	568	26	1622, 1625, 1626 notes
Do	453	I	121 (a)	59	568	26	15
Do	453	I	121 (b)	59	568	26	207
Do	453	I	121 (c)	59	568	26	362
Do	453	I	121 (d)	59	568	26	15, 207, 362 notes
Do	453	I	122 (a)	59	568	26	note prec. 710

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1945							
Nov. 8	453	I	122 (b)	59	568	26	710 note
Do	453	I	122 (c)	59	569	26	710
Do	453	I	122(d)	59	569	26	710 note
Do	453	I	122(e) (1)	59	569	26	322
Do	453	I	122(e) (2)	59	569	26	322 note
Do	453	I	122(f) (1)	59	569	26	276
Do	453	I	122(f) (2)	59	570	26	276 note
Do	453	I	122(g)	59	570	26	13, 15, 26, 102, 131, 204 notes
Do	453	I	122(g) (1)	59	570	26	26
Do	453	I	122(g) (2)	59	570	26	13
Do	453	I	122(g) (3)	59	570	26	15
Do	453	I	122(g) (4)	59	570	26	26
Do	453	I	122(g) (5)	59	570	26	102
Do	453	I	122(g) (6)	59	570	26	131
Do	453	I	122(g) (7)	59	570	26	204
Do	453	I	122(h)	59	570	26	13, 15, 26, 102, 131, 204 notes
Do	453	I	131(a)	59	570	26	108
Do	453	I	131(b)	59	571	26	710
Do	453	I	141(a)	59	571	26	22
Do	453	I	141(b, c)	59	572	26	22 note
Do	453	I	142(a)	59	572	26	3808
Do	453	I	142(b)	59	573	26	3808 note
Do	453	I	151	59	574	26	3777
Do	453	I	152	59	574	26	22
Do	453	I	153	59	574	31	738a
Do	453	II	203	59	574	26	600
Do	453	II	203	59	574	26	600 note
Do	453	III	302	59	575	26	1656
Do	453	III	302	59	575	26	1657
Do	453	III	302	59	576	26	1658
Do	453	III	302	59	576	26	1659
Do	453	III	303	59	576	26	2406, 2700, 3407, 3411, 3442, 3443, 3460, 3466, 3469, 3475 notes
Do	453	IV	401(a)	59	576	26	1400
Do	453	IV	401(b)	59	576	26	1410

Date	Chapter	Section	Volume	Page	Title	Section
1945						
Nov 8	454		59	577	48	1249
Nov 9	456	1	59	577	5	707
Do	456	2	59	577	5	698, 713, 719 1, 724, 733, 736b
Do	456	2	59	577	5	698, 713, 719–1, 724, 733, 736b notes
Do	456	3	59	578	5	698 note
Do	456	4	59	578	5	707 note
Nov. 14	472	1	59	581	31	1159
Do	472	2	59	581	34	1137
Do	472	3	59	581	34	1140
Nov. 15	482		59	582	28	174
Nov. 21	489		59	584	5	61a–1
Do	490		59	585	8	742
Nov. 24	492		59	586	10	1091e
Do	492		59	586	34	1038
Do	493		59	586	10	1091a
Do	493		59	586	34	1036a
Do	494	1	59	587	37	104
Do	494	2	59	587	37	104 note
Nov 30	495		59	587	30	226b
Do	496		59	587	33	702d
Dec. 3	510	1	59	590	34	1108
Do	510	2	59	590	34	1108a
Do	511	1	59	590	[1] 50	1731
Do	511	2	59	591	[1] 50	1732
Do	511	3	59	591	[1] 50	1731 note
Do	512		59	591	39	813
Do	513		59	591	38	11h
Do	515	1	59	592	31	528
Do	515	3	59	594	31	528 note

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1945						
Dec. 3	516	1 5	59	594	37	113 note
Dec. 4	554		59	595	34	1200
Dec. 5	555	1	59	596	34	600a
Do	555	2	59	596	34	600b
Do	555	3	59	596	34	600c
Do	556	1	59	596	10	866f
Do	556	2	59	597	10	866g
Do	556	3	59	597	10	866h
Do	556	4	59	597	10	866i
Do	556	5	59	597	10	866j
Do	556	6	59	597	10	866f note

Date	Chap	Title	Section	Vol	Page	Title	Section
1945							
Dec. 6	557		1	59	597	31	841 note
Do	557		2	59	597	31	841
Do	557	I	101	59	597	31	846
Do	557	I	102	59	598	31	847
Do	557	I	103	59	598	31	848
Do	557	I	104	59	598	31	849
Do	557	I	105	59	599	31	850
Do	557	I	106	59	599	31	851
Do	557	I	107	59	599	31	852
Do	557	II	201	59	600	31	856
Do	557	II	202	59	600	31	857
Do	557	II	203	59	600	31	858
Do	557	II	204	59	601	31	859
Do	557	III	301	59	601	31	866
Do	557	III	302	59	601	31	867
Do	557	III	303	59	601	31	868
Do	557	III	304	59	602	31	869

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1945						
Dec. 7	558		59	603	39	133 note
Do	559		59	603	34	1057a–1
Do	560	1	59	603	39	49
Do	560	2	59	604	39	49a
Dec. 11	562		59	605	34	1062a
Do	563		59	605	48	35a
Do	563		59	605	48	35b
Do	564	1	59	606	10	1094
Do	564	2	59	606	34	1045
Dec. 12	573	1	59	606	49	65
Do	573	2	59	607	49	65 note
Do	573	3	59	607	49	65a
Dec. 14	576		59	608	48	1232 note
Do	577		59	609	[1] 50	1571 note
Dec. 18	580		59	612	[1] 50	1571
Do	580		59	612	[1] 50	1571 note
Do	580		59	612	[1] 50	1578

Date	Chap	Title	Section	Vol	Page	Title	Section
1945							
Dec. 20	582	I	1	59	613	5	133y note
Do	582	I	2	59	613	5	133y
Do	582	I	3	59	613	5	133y–1
Do	582	I	4	59	614	5	133y–2
Do	582	I	5	59	615	5	133y 3
Do	582	I	6	59	616	5	133y–4
Do	582	I	7	59	616	5	133y–5
Do	582	I	8	59	616	5	133y–6
Do	582	I	9	59	617	5	133y 7
Do	582	I	10	59	617	5	133y–8
Do	582	I	11	59	617	5	133y–9
Do	582	II	201	59	617	5	133y 10
Do	582	II	202	59	618	5	133y–11
Do	582	II	203	59	618	5	133y–12
Do	582	II	204	59	618	5	133y–13
Do	582	II	205	59	618	5	133y–14
Do	582	II	206	59	618	5	133y–15
Do	582	II	207	59	618	5	133y–16

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1945						
Dec. 20	583	1	59	619	22	287 note
Do	583	2	59	619	22	287
Do	583	3	59	620	22	287a
Do	583	4	59	620	22	287b

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1945						
Dec. 20	583	5	59	621	22	287c
Do	583	6	59	621	22	287d
Do	583	7	59	621	22	287e
Dec. 21	584		59	621	5	707
Dec. 28	588	1	59	623	38	693
Do	588	2	59	623	38	693d
Do	588	3	59	623	38	693f
Do	588	4	59	623	38	693i
Do	588	5 7	59	624	38	Ch. 12 note
Do	588	8	59	626	38	694
Do	588	8	59	626	38	694a
Do	588	8	59	626	38	694b
Do	588	8	59	626	38	694c
Do	588	8	59	629	38	694d
Do	588	8	59	629	38	694e
Do	588	8	59	630	38	694g
Do	588	8	59	630	38	694h
Do	588	8	59	630	38	694i
Do	588	8	59	631	38	694j
Do	588	8	59	631	38	694 note
Do	588	10	59	631	38	697f
Do	588	10	59	631	38	697g

Date	Chapter	Title	Volume	Page	Title	Section
1945						
Dec. 28	589	I	59	632	2	60a
Do	589	I	59	632	2	60a note
Do	589	I	59	633	2	46b note
Do	589	I	59	633	2	46a note
Do	589	I	59	641	24	45 note
Do	589	I	59	645	1 50	1351 note
Do	589	I	59	645	1 50	1352 note
Do	589	I	59	645	1 50	1353 note
Do	589	I	59	645	1 50	1355 note

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1945						
Dec. 28	590	1 (a)	59	658	1 50	632a
Do	590	1 (c) (1)	59	658	8	1001
Do	590	1 (c) (1)	59	658	1 50	640
Do	590	1 (c) (2)	59	658	8	1006
Do	590	1 (c) (2)	59	658	1 50	640
Do	590	1 (d)	59	658	1 50	641f
Do	590	1 (e)	59	658	1 50	642, 642d
Do	590	1 (f)	59	658	1 50	645
Do	591	1	59	659	8	232
Do	591	2	59	659	8	233
Do	591	3	59	659	8	234
Do	591	4	59	659	8	235
Do	591	5	59	659	8	236
Do	592		59	659	28	527
Do	593	1	59	660	34	1110
Do	593	2	59	660	34	1110a
Do	594	1	59	660	34	1109
Do	594	2	59	660	34	1109a
Do	596		59	661	28	193
Do	597	1	59	662	31	223d
Do	597	2	59	662	31	222e
Do	597	3	59	662	31	222f
Do	597	4	59	662	31	215, 216, 217 notes
Do	599		59	663	28	147
Do	601	1	59	663	10	505
Do	601	2	59	664	10	481
Do	601	3	59	664	10	505a
Do	601	4	59	664	10	505b
Do	601	5	59	664	10	505c
Do	601	6	59	665	10	505d
Do	601	7	59	665	10	552c
Do	601	8	59	665	10	552a
Do	602		59	666	12	635
Do	603		59	666	5	631b

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1945						
Dec. 28	604	1	59	666	34	53 note
Do	604	2	59	666	34	53
Do	604	3	59	666	34	54
Do	604	4	59	666	34	55
Do	605		59	667	19	1551
Do	607		59	668	36	172

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1945							
Dec. 29	652	I	1	59	669	22	288
Do	652	I	2	59	669	22	288a
Do	652	I	3	59	669	22	288b
Do	652	I	4 (a, b)	59	670	22	116
Do	652	I	4 (a, b)	59	670	22	116 notes
Do	652	I	4 (c)	59	670	26	1426
Do	652	I	4 (c)	59	670	26	1426 note
Do	652	I	4 (d)	59	670	26	1607
Do	652	I	4 (d)	59	670	26	1607 note
Do	652	I	4 (e)	59	671	26	1621
Do	652	I	4 (e)	59	671	26	1621 note
Do	652	I	4 (f)	59	671	26	3466
Do	652	I	4 (f)	59	671	26	3466 note
Do	652	I	4 (g)	59	671	26	3469
Do	652	I	4 (g)	59	671	26	3469 note
Do	652	I	4 (h)	59	671	26	3475
Do	652	I	4 (h)	59	671	26	3475 note
Do	652	I	4 (i)	59	671	26	3797
Do	652	I	4 (i)	59	671	26	3797 note
Do	652	I	5 (a)	59	671	42	409
Do	652	I	5 (a)	59	671	42	409 note
Do	652	I	5 (b)	59	671	26	1400, 1600 notes
Do	652	I	5 (b)	59	671	42	401, 1001, 1101 notes
Do	652	I	6	59	671	22	288c
Do	652	I	7 (a, b)	59	671	22	288d
Do	652	I	7 (c)	59	672	8	203
Do	652	I	7 (d)	59	672	8	215
Do	652	I	8	59	672	22	288e
Do	652	I	9	59	673	22	288f
Do	652	I	10	59	673	22	288 note
Do	652	II	201	59	673	26	127 note
Do	652	II	202 (a)	59	673	26	23
Do	652	II	202 (b)	59	673	26	23 note
Do	652	II	203 (a)	59	673	26	272, 732, 871, 1012
Do	652	II	203 (b)	59	673	26	272, 732, 871, 1012 notes

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1945						
Dec 31	657		59	674	42	1572
1946						
Jan. 3	658	1	59	675	38	15
Do	658	2	59	675	38	15a
Do	658	3	59	675	38	15b
Do	658	4	59	675	38	15c
Do	658	5	59	676	38	15d
Do	658	6	59	676	38	15e
Do	658	7	59	677	38	15f
Do	658	8	59	677	38	15g
Do	658	9	59	678	38	15h
Do	658	10	59	678	38	15i
Do	658	11	59	678	38	15j
Do	658	12	59	678	38	15k
Do	658	13	59	678	38	15l
Do	658	14	59	679	38	15m
Do	658	15	59	679	38	15n
Do	658	16	59	679	38	15 note

TABLE II.— EXECUTIVE ACTS INCLUDED

a. Executive Orders

THIS TABLE SUPPLEMENTING 1940 CODE, SHOWS THE DISPOSITION OF EXECUTIVE ORDERS IN U. S. C.

Date	No.	Title	Sec.
1933			
June 10	6166	5	340 note
1936			
Nov. 14	7496	16	459r note
1940			
Oct. 15	8567	50	711 note
Dec. 31	8624	19	2 note
1941			
Jan. 14	8639	19	2 note
Jan. 29	8654	19	2 note
Feb. 25	8695	19	2 note
Mar. 4	8701	12	95a note
Mar. 13	8711	12	95a note
Mar. 24	8721	12	95a note
Apr. 28	8746	12	95a note
June 3	8767	14	1 note
June 14	8785	12	95a note
July 5	8815	19	2 note
Do	8816	5	26a note
July 26	8832	12	95a note
Aug. 8	8843	50	5 note
Aug. 9	8845	19	2 note
Aug. 21	8862	50	352 note
Aug. 23	8869	50	1275 note
Aug. 29	8876	5	26a note
Sept. 3	8885	19	2 note
Sept. 11	8895	14	1 note
Dec. 6	8962	48	1342 note
Dec. 9	8963	12	95a note
Dec. 10	8964	47	606 note
Dec. 12	8976	46	Prec. §1 note
Dec. 26	8998	12	95a note
Dec. 27	9001	50	611 note
Do	9001-A	50	1293 note
1942			
Jan. 12	9017	50	1507 note
Do	9018	5	26a note
Jan. 14	9023	50	611 note
Jan. 30	9047	5	715a note
Feb. 3	9048	10	1530, 1531, 1558 notes
Feb. 7	9054	50	1295 note
May 9	9157	50	644a note
Feb. 10	9055	50	611 note
Feb. 12	9056	50	611 note
Do	9058	50	611 note
Feb. 23	9069	50	601 note
Feb. 24	9070	50	601 note
Do	9071	50	601 note
Feb. 25	9073	19	2 note
Feb. 26	9078	5	Note prec. §181
Do	9079	24	Note prec. §191
Feb. 28	9082	50	601 note
Do	9083	50	601 note
Mar. 11	9095	50	6 note
Mar. 12	9096	50	601 note
Mar. 20	9106	8	726 note
Mar. 26	9112	50	611 note
Mar. 28	9113	33	855 note
Mar. 30	9116	50	611 note
Apr. 4	9126	50	601 note
Apr. 10	9127	50	643 note
Apr. 13	9129	50	632 note
Apr. 21	9142	50	6 note
Apr. 27	9148	12	1751 note
Apr. 28	9150	50	632 note
May 13	9162	19	2 note
May 15	9163	10	1701 note
May 21	9170	48	1405c note
May 29	9176	22	Note prec. §611
May 30	9177	50	601 note
June 11	9181	48	Note prec. §21
1942			
June 27	9186	50	632 note
July 6	9193	50	6 note
July 7	9194	50	632 note
July 11	9198	50	601 note
July 25	9205	50	Note prec. §1
July 29	9207	19	2 note
Aug. 1	9211	50	632 note
Aug. 7	9217	50	632 note
Aug. 11	9218	50	632 note
Do	9219	50	611 note
Aug. 15	9221	50	611 note
Do	9222	37	112 note
Aug. 20	9231	40	321 note
Do	9232	50	601 note
Aug. 22	9233	50	611 note
Aug. 31	9235	50	611 note
Sept. 3	9236	33	855 note
Sept. 9	9240	40	326 note
Sept. 1	9241	50	611 note
Sept. 11	9242	50	98c note
Sept. 12	9243	5	631 note
Sept. 16	9244	50	1295 note
Do	9245	50	601 note
Sept. 17	9247	50	601 note
Do	9248	40	326 note
Oct. 1	9249	50	632 note
Oct. 3	9250	50	901 note
Do	9251	40	321 note
Oct. 9	9253	50	611 note
Oct. 13	9255	37	106 note
Do	9256	15	712a note
Nov. 5	9262	50	601 note
Do	9263	19	2 note
Do	9264	50	611 note
Nov. 9	9267	10	1533 note
Do	9268	34	850 k note
Nov. 11	9269	50	611 note
Nov. 17	9272	25	348 note
Nov. 19	9274	10	1701 note
Dec. 5	9279	50	310 note
Do	9280	50	601 note
Dec. 9	9281	26	55 note
Dec. 24	9287	50	129 note
Do	9287	50	601 note
Dec. 28	9290	40	321 note
1943			
Mar. 6	9309	50	305a note
Do	9310	50	601 note
Mar. 9	9312	50	601 note
Mar. 12	9313	40	321 note
Mar. 15	9315	50	601 note
Mar. 25	9321	50	632 note
Mar. 26	9322	50	601 note
Apr. 7	9325	50	6 note
Do	9327	50	601 note
Apr. 8	9328	50	901 note
Apr. 16	9330	50	601 note
Apr. 19	9332	50	601 note
Do	9334	50	601 note
Apr. 24	9336	50	611 note
Apr. 29	9338	50	601 note
Do	9339	50	601 note
May 27	9347	50	601 note
June 10	9350	50	1271 note
June 23	9354	50	901 note
June 30	9357	50	601 note
July 7	9360	40	321 note
July 15	9361	50	601 note
July 23	9363	10	1517, 1522 notes
Do	9363	50	601 note
July 26	9364	50	1551 note
July 29	9365	50	1551 note
Aug. 4	9367	5	631
Aug. 9	9368	40	321 note
Aug. 24	9371	5	30c note
Aug. 27	9372	8	726 note
Sept. 25	9380	50	601 note
Do	9381	50	901 note
Do	9382	19	2 note
1943			
Oct. 4	9383	48	794 note
Oct. 5	9384	31	21 note
Oct. 6	9385	50 App.	601 note
Oct. 15	9387	50	1295 note
Oct. 28	9392	50	601 note
Nov. 20	9395A	50 App.	1507 note
Nov. 25	9398	25	348 note
Dec. 7	9401	40	321 note
Dec. 17	9406	50	601 note
Dec. 23	9409	50	310 note
Do	9410	50	310 note
1944			
Jan. 22	9417	50	160 note
Feb. 4	9419	10	1412 note
Feb. 24	9427	50	610 note
Mar. 2	9429	50	601 note
Apr. 8	9433	19	2 note
May 4	9439	50	1461 note
May 9	9440	50	601 note
May 11	9441	40	321 note
June 20	9451	5	631 note
June 27	9452	22	132
Sept. 2	9475	50	601 note
Oct. 2	9486	26	124 note
Do	9487	26	124 note
Oct. 3	9488	50	1651 note
Oct. 21	9490	26	124 note
Do	9491	26	124 note
Oct. 30	9495	50	601 note
Nov. 15	9500	25	348 note
Nov. 27	9504	19	2 note
1945			
Jan. 18	9513	50	303 note
Jan. 19	9514	22	132 note
Jan. 31	9519	50	611 note
Mar. 2	9528	50	601 note
Mar. 15	9531	19	2 note
Mar. 24	9533	19	2 note
Apr. 3	9534	50	901 note
Apr. 5	9535	50	1507 note
Apr. 20	9541	50	601
June 5	9562	50	741 note
June 8	9567	50	6 note
June 9	9568	50	1651 note
June 28	9575	42	216 note
June 30	9577	50	601 note
July 24	9592	50	601 note
Aug. 14	9596	50	601 note
Aug. 20	9599	50	1651 note
Do	9600	40	326 note
Aug. 21	9601	40	326 note
Aug. 27	9604	50	1651 note
Aug. 29	9605	50	310 note
Aug. 30	9607	29	207 note
Aug. 31	9608	50	601 note
Sept. 13	9613	43	141 note
Sept. 14	9614	50	601 note
Do	9616	48	1237 note
Sept. 19	9617	50	601 note
Sept. 21	9620	50	901 note
Do	9621	50	601 note
Sept. 27	9630	50	601 note
Sept. 28	9631	50	618 note
Do	9633	5	485 note
Do	9634	16	741 note
Oct. 2	9635	5	411 note
Oct 4	9637	10	1408b note
Do	9638	50	601 note
Oct. 19	9643	15	601 note
Oct. 30	9649	50	601 note
Oct. 31	9651	50	1651 note
Dec. 27	9665	50	1104 note
Dec. 29	9666	14	1 note
1946			
Jan. 3	9672	50	964 note
Jan. 5	9674	50	601 note
Jan. 15	9676	26	124 note

b. Proclamations

THIS TABLE, SUPPLEMENTING 1940 CODE, SHOWS WHERE VARIOUS PROCLAMATIONS OF THE PRESIDENT WILL BE FOUND IN U. S. C.

Date	No	Title	Section	Date	No	Title	Section	Date	No.	Title	Section
1940				1941				1942			
Oct. 16	2425	[1] 50	302 note	Sept. 3	2508	15	Prec. § 715 note	Aug. 28	2567	15	Note prec. 715
Oct. 26	2430	[1] 50	302 note	Oct. 1	2517	15	Prec. § 715 note	Nov. 7	2572	[1] 50	302 note
Nov. 20	2431	[1] 50	302 note	1942				1943			
1941				Feb. 16	2535	[1] 50	302 note	Jan. 30	2575	34	1165 note
Jan. 22	2472	[1] 50	302 note	Mar. 19	2541	[1] 50	302 note	July 19	2589	16	704 note
Apr. 10	2473	[1] 50	Prec. § 1 note	Apr. 9	2549	22	452 note	Sept. 27	2594	34	1165 note
Do	2474	22	443 note	Apr. 13	2551	7	1111 note	Oct. 7	2596	16	704 note
Apr. 15	2477	[1] 50	Prec. § 1 note	Apr 27	2553	19	1318 note	Oct. 26	2597	[1] 50	302 note
Apr. 24	2479	[1] 50	Prec. § 1 note	May 22	2558	[1] 50	302 note	Nov. 6	2599	19	1491 note
May 26	2486	[1] 50	302 note	June 26	2559	49	Ch. 1 note	1944			
May 27	2487	[1] 50	Prec. § 1 note	July 2	2561	10	1554 note	Aug. 11	2616	16	704 note
Aug. 23	2505	15	Prec. § 715 note	July 14	2562	16	704 note	Aug 16	2617	34	1165 note
				July 17	2563	[1] 50	Note prec. § 1	Aug. 26	2619	16	704 note
				Aug. 7	2566	19	1313 note	Oct. 11	2626	22	706 note
								Nov. 16	2631	[1] 50	1191 note
								1945			
								Aug. 6	2658	16	704 note

[1] Appendix.

c. Reorganization Plans

THIS TABLE, SUPPLEMENTING 1940 CODE, SHOWS WHERE THE 5 REORGANIZATION PLANS PROMULGATED BY THE PRESIDENT IN 1939 AND 1940 WILL BE FOUND IN U. S. C.

Plan No. 1—Statutes at Large			U. S. C.		Plan No. IV—Statutes at Large			U. S. C.	
Sec.	Vol.	Page	Title	Section	Sec	Vol.	Page	Title	Section
201	3	1424	42	Ch. 10 prec. 1601	04	53	1433	10	162

TABLE III.—BANKRUPTCY ACT PARALLELS

THIS TABLE SHOWS WHERE EACH SECTION OF THE BANKRUPTCY ACT OF JULY 1, 1898, AS AMENDED, IS INCLUDED IN U. S. C.

Bankruptcy Act	Title 11 U. S. C.	Bankruptcy Act	Title 11 U. S. C.	Bankruptcy Act	Title 11 U. S. C.	Bankruptcy Act	Title 11 U. S. C.	Bankruptcy Act	Title 11 U. S. C.
Section	Section	Section	Section	Section	Section	Section	Section	Section	Section
700	1200	713	1213	722	1222	729	1229	740	1240
705	1205	714	1214	725	1225	735	1235	745	1245
706	1206	715	1215	726	1226	736	1236	746	1246
710	1210	720	1220	727	1227	737	1237	750	1250
711	1211	721	1221	728	1228	738	1238	755	1255
712	1212								

TABLE IV.—CRIMINAL CODE PARALLELS

THIS TABLE SHOWS THE DISPOSITION WHERE CRIMINAL CODE SECTIONS WILL BE FOUND IN U. S. C.

Criminal Code	18 U. S. C.
Section	Section
168A	282a
178a	294

TABLE V-A.—INTERSTATE COMMERCE ACT PARALLELS

THIS TABLE SHOWS WHERE EACH SECTION OF THE INTERSTATE COMMERCE ACT OF FEBRUARY 4, 1887, AS AMENDED, IS INCORPORATED IN U S C

Int. Com. Act	Title 49 U. S. C. A.	Int. Com. Act	Title 49 U. S. C. A.	Int. Com. Act	Title 49 U. S. C. A.	Int. Com. Act	Title 49 U. S. C. A.	Int. Com. Act	Title 49 U. S. C. A.
Section	Section	Section	Section	Section	Section	Section	Section	Section	Section
1	1	19a	19a	212	312	306	906	403	1003
2	2	20	20	214	314	307	907	404	1004
3	3 (1, 3)	20a	20a	215	315	308	908	405	1005
4	4	21	21	216	316	309	909	406	1006
5	5	22	22	217	317	310	910	407	1007
6	6	24	11, 18	218	318	311	911	408	1008
7	7	25	25	219	319	312	912	409	1009
8	8	26	26, 27	220	320	313	913	410	1010
9	9	27	27	221	321	314	914	411	1011
10	10	201	301	222	322	315	915	412	1012
11	11	202	302	223	323	316	916	413	1013
12	12	203	303	224	324	317	917	414	1014
13	13	204	304	225	324a	318	918	415	1015
14	14	205	305	226	325	319	919	416	1016
15	15	206	306	227	326	320	153 note	417	1017
15a	15a	207	307	228	327	320	920	418	1018
16	16	208	308	301	901	321	921	419	1019
16a	16a	209	309	302	902	322	922	420	1020
17	17	210	310	303	903	323	923	421	1021
18	18	210a	310a	304	904	401	1001	422	1022
19	19	211	311	305	905	402	1002		

TABLE VI.—JUDICIAL CODE PARALLELS

THIS TABLE SHOWS THE DISPOSITION WHERE JUDICIAL CODE SECTIONS WILL BE FOUND IN U. S. C

Judicial Code	28 U. S. C.
Section	Section
5a	28–9a

TABLE VII.—STATUTES REPEALED

a. Revised Statutes

Statutes repealed	U. S. C.		Repealed by act of—				
Revised Statutes (section)	Title	Section	Date	Chapter	Section	Volume	Page
300	31	119	1945, Dec. 3	515	2	59	594
512–515	41	1–4	1941, Oct. 21	452		55	743
715			1944, Dec. 7	522	2	58	797
828	28	[1] 555	1942, Mar. 3	124	2	56	122
1177	38	248	1944, May 23	202	3	58	226
1178	38	249	do	202	3	58	226
1407	34	134, 351	1942, Aug. 7	551	2	56	743
1699–1701	22	106–108	1945, May 3	105	12	59	105
2237	43	80	1944, Apr. 24	177	4	58	215
2240	43	80	do	177	4	58	215
3483–3488	31	209–214	1945, May 29	135	3	59	225
3493	31	234	1943, Dec. 23	377	2	57	609
3647	31	119	1945, Dec. 3	515	2	59	594
3744–3747	41	16–19	1941, Oct. 21	452		55	743
4715	38	25	1943, July 13	233	15	57	559
4766	38	44	1882, Aug. 8	469		22	373
4787	38	242	1944, May 23	202	3	58	226
4788	38	243	do	202	3	58	226
4790	38	243	do	202	3	58	226
4791	38	246	do	202	3	58	226
4801	24	2	1944, July 1	373	611	58	714
4802	42	4, 11	do	373	611	58	714
4803	24	26a	do	373	611	58	714
4804	24	12	do	373	611	58	714
4805	24	11a	do	373	611	58	714
4806	24	7	do	373	611	58	714
4808, 4809	24	3, 4	1943, June 15	125	3	57	153

b. Statutes at Large

Statutes repealed					U. S. C.		Repealed by act of—				
Date	Chapter	Section	Volume	Page	Title	Section	Date	Chapter	Section	Volume	Page
1802, May 3	51	5	2	193	24	11a	1944, July 1	373	611	58	714
1870, June 29	160	3–5	16	170	24	26a	do	373	611	58	714
1872, May 28	228	1	17	164	38	250	1944, May 23	202	3	58	226
1875, Mar. 3	130	1	18	377	42	10	1944, July 1	373	611	58	714
Do	156	3	18	485	24	1	do	373	611	58	714
Do	156	4	18	485	24	7	do	373	611	58	714
Do	156	5	18	486	24	193	do	373	611	58	714
Do	156	6	18	486	24	11, 11a	do	373	611	58	714
1877, Feb. 27	69	1	19	252	38	242	1944, May 23	202	3	58	226
Do	69	1	19	252	38	243	do	202	3	58	226
Do	69	1	19	252	38	246	do	202	3	58	226
1877, Aug. 15	300	1	19	203	38	241	do	202	3	58	226
Do	300	1	19	203	38	242	do	202	3	58	226
Do	300	2	19	204	38	245	do	202	3	58	226
1878, Apr. 29	66	1	20	37	42	86	1944, July 1	373	611	58	714
Do	66	5	20	38	42	92a	do	373	611	58	714
1879, Mar. 3	173		20	353	38	250	1944, May 23	202	3	58	226
1882, May 6	126	1	22	59	8	263	1943, Dec. 17	344	1	57	600
Do	126	3	22	59	8	264, 280	do	344	1	57	600
Do	126	6	22	60	8	265	do	344	1	57	600
Do	126	8	22	60	8	266	do	344	1	57	600
Do	126	9	22	60	8	267	do	344	1	57	600
Do	126	10	22	61	8	268	do	344	1	57	600
Do	126	11	22	61	8	269	do	344	1	57	600
Do	126	12	22	61	8	271	do	344	1	57	600
Do	126	13	22	61	8	272	do	344	1	57	600
Do	126	15	22	61	8	273	do	344	1	57	600
Do	126	16	22	61	8	274	do	344	1	57	600
1882, Aug. 8	469		22	373	38	44	1943, July 13	233	2	57	554
1884, June 26	121	15	23	57	24	26a	1944, July 1	373	611	58	714
1884, July 5	220		23	115	8	263, 264, 280	1943, Dec. 17	344	1	57	600
Do	220		23	116	8	265	do	344	1	57	600
Do	220		23	117	8	266, 268, 269, 271–273	do	344	1	57	600
Do	220		23	118	8	274	do	344	1	57	600
1885, Mar. 3	335	1	23	350	31	218	1945, May 29	135	3	59	225
Do	335	2–5b			31	219–222b	do	135	3	59	225
1888, Aug. 1	727	1	25	355	42	106	1944, July 1	373	611	58	714
1888, Sept. 13	1015	5	25	477	8	275	1943, Dec. 17	344	1	57	600
Do	1015	6	25	477	8	276	do	344	1	57	600
Do	1015	7	25	477	8	277	do	344	1	57	600

[1] Repealed in part only.

Statutes repealed					U. S. C.		Repealed by act of—				
Date	Chapter	Section	Volume	Page	Title	Section	Date	Chapter	Section	Volume	Page
1888, Sept. 13	1015	8	25	477	8	278	1943, Dec. 17	344	1	57	600
Do	1015	9	25	477	8	279	do	344	1	57	600
Do	1015	10	25	478	8	280	do	344	1	57	600
Do	1015	11	25	478	8	281	do	344	1	57	600
Do	1015	13	25	478	8	282	do	344	1	57	600
Do	1015	14	25	479	8	283	do	344	1	57	600
1888, Oct. 1	1064	1	25	504	8	275	do	344	1	57	600
1889, Jan. 4	19	1	25	639	42	12	1944, July 1	373	611	58	714
Do	19	2	25	639	42	13	do	373	611	58	714
1890, Mar. 27	51	1	26	31	42	95	do	373	611	58	714
Do	51	2	26	31	42	107	do	373	611	58	714
Do	51	3	26	32	42	108	do	373	611	58	714
1891, Mar. 3	541	1	26	923	42	15	do	373	611	58	714
Do	542		26	979	38	244	1944, May 23	202	3	58	226
Do	548	1	26	1082	38	26	1943, July 13	233	15	57	559
Do	562		26	1103	38	241	1944, May 23	202	3	58	226
Do	562		26	1103	38	242	do	202	3	58	226
1892, May 5	60	1	27	25	8	263	1943, Dec. 17	344	1	57	600
Do	60	2	27	25	8	282, 285	do	344	1	57	600
Do	60	3	27	25	8	284	do	344	1	57	600
Do	60	5	27	25	8	286	do	344	1	57	600
Do	60	6	27	25	8	287	do	344	1	57	600
Do	60	7	27	25	8	288	do	344	1	57	600
Do	60	8	27	25	8	281	do	344	1	57	600
1893, Feb 15	114	1	27	449	42	81	1944, July 1	373	611	58	714
Do	114	2	27	450	42	82	do	373	611	58	714
Do	114	3	27	450	42	92	do	373	611	58	714
Do	114	4	27	451	42	93	do	373	611	58	714
Do	114	5	27	451	42	94	do	373	611	58	714
Do	114	6	27	452	42	84	do	373	611	58	714
Do	114	7	27	452	42	111	do	373	611	58	714
Do	114	8	27	452	42	100	do	373	611	58	714
Do	114	9	27	452	42	98	do	373	611	58	714
Do	114	10			42	102	do	373	611	58	714
Do	114	11			42	83	do	373	611	58	714
Do	114	12			42	99	do	373	611	58	714
Do	114	13			42	82a	do	373	611	58	714
Do	114	14			42	94a	do	373	611	58	714
Do	114	15			42	94c	do	373	611	58	714
Do	114	16			42	94b	do	373	611	58	714
Do	114	17			42	94d	do	373	611	58	714
1893, Mar. 3	211	5	27	715	5	29	1945, June 30	212	604(c)	59	303
1893, Nov. 3	14	1, 2	28	7, 8	8	287	1943, Dec. 17	344	1	57	600
Do	14	2	28	8	8	289	do	344	1	57	600
1894, May 5	24		28	582	31	542	1941, July 11	290	4	55	585
1894, July 31	174	1	28	179	42	15	1944, July 1	373	611	58	714
1894, Aug. 4	213		28	229	24	8	do	373	611	58	714
1894, Aug. 18	300		28	372	42	82	do	373	611	58	714
1895, Mar. 2	177	1	28	780	42	15a	do	373	611	58	714
1897, Feb. 19	265	1	29	554	42	19	do	373	611	58	714
1898, Mar. 14	60		30	276	38	44	1943, July 13	233	2	57	554
1898, Mar. 15	68	7	30	316	5	29	1945, June 30	212	604(c)	59	303
1898, May 4	30		30	741	34	352	1942, Aug. 7	551	2	56	743
1898, July 7	55	1	30	751	8	293	1943, Dec. 17	344	1	57	600
1899, Mar. 3	460		30	1379	38	44	1943, July 13	233	2	57	554
1900, Apr. 12	191	10	31	80	48	743	1944, July 1	373	611	58	714
1900, Apr. 30	339	101	31	161	8	294	1943, Dec. 17	344	1	57	600
1900, June 6	791	1	31	611	8	164	do	344	1	57	600
Do	791	1	31	611	8	262	do	344	1	57	600
1900, June 7	859		31	697	24	5	1943, June 15	125	3	57	153
1901, Mar. 3	836		31	1086	42	102	1944, July 1	373	611	58	714
Do	836		31	1087	42	83, 99	do	373	611	58	714
Do	845	1	31	1093	8	290	1943, Dec. 17	344	1	57	600
Do	845	2	31	1093	8	291	do	344	1	57	600
Do	845	3	31	1093	8	292	do	344	1	57	600
Do	850		31	1099	34	351	1942, Aug. 7	551	2	56	743
1902, Feb. 14	17	1	32	20	48	365	1942, Oct. 9	584	7	56	779
1902, Apr. 29	641	1	32	176	8	263, 275–283, 295	1943, Dec. 17	344	1	57	600
Do	641	2	32	176	8	296	do	344	1	57	600
Do	641	4	32	177	8	297	do	344	1	57	600
1902, June 28	1301	1	32	476	28	[1] 555	1942, Mar. 3	124	2	56	122
1902, July 1	1370	1	32	712	24	193	1944, July 1	373	611	58	714
Do	1370	1	32	712	42	1, 6, 10, 11, 12, 15, 15a, 34, 92, 92a, 93, 95, 102, 106, 145	do	373	611	58	714
Do	1370	1	32	712	48	508	do	373	611	58	714
Do	1370	3	32	712	42	28	do	373	611	58	714
Do	1370	3	32	712	42	28	do	373	611	58	714
Do	1370	4	32	713	42	8	do	373	611	58	714
Do	1370	5	32	713	42	21	do	373	611	58	714
Do	1370	6	32	713	42	22	do	373	611	58	714
Do	1370	7	32	713	42	29	do	373	611	58	714
Do	1370	8	32	714	42	30	do	373	611	58	714
Do	1370	9	32	714	42	3, 4	do	373	611	58	714
Do	1378	1	32	728	42	141	do	373	611	58	714
Do	1378	2	32	729	42	142	do	373	611	58	714
Do	1378	3	32	729	42	143	do	373	611	58	714
Do	1378	4	32	729	42	144, 145	do	373	611	58	714
Do	1378	5	32	729	42	146	do	373	611	58	714
Do	1378	6	32	729	42	147	do	373	611	58	714
Do	1378	7	32	729	42	148	do	373	611	58	714
1904, Apr. 27	1630	5	33	428	8	263, 275–283, 295	1943, Dec. 17	344	1	57	600

[1] Repealed in part only.

Statutes repealed					U. S. C.		Repealed by act of—				
Date	Chapter	Section	Volume	Page	Title	Section	Date	Chapter	Section	Volume	Page
1905, Feb. 24	No. 21	1	33	1283	44	286	1944, July 1	373	611	58	714
Do	21	2	33	1284	44	287	do	373	611	58	714
1905, Mar. 2	1307		33	831	10	973a	1942, June 16	413	19	56	369
1905, Mar. 3	1443	1	33	1009	42	121	1944, July 1	373	611	58	714
Do	1443	3	33	1009	42	122	do	373	611	58	714
Do	1443	4	33	1009	42	123	do	373	611	58	714
Do	1443	6	33	1010	42	124	do	373	611	58	714
Do	1443	7	33	1010	42	125	do	373	611	58	714
Do	1484	1	33	1217	24	26a	do	373	611	58	714
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1936, June 26	849	1-4	49	1982	33	427 430	1945, July 31	334	5	59	508

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1936, June 29	858	II	222			46	[1] 1128a	1942, Mar. 6	154		56	140
Do	858	X	1006			46	1256	1941, June 23	228		55	259
Do	858	X	1008			46	1258	do	228		55	259
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1937, Jan. 23	5	2	50	4	31	[1] 821	1945, June 12	186	4	59	238
1937, Jan. 26	6	2 (a)	50	5	15	713b	1945, July 31	341	10	59	529
1937, Feb. 11	10		50	19	15	605k-1	1945, June 30	215	1	59	310

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1937, May 14	180	I	1	50	148	42	167	1944, July 1	373	611	58	714

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1937, May 28	275		50	211	15	605k-1	1945, June 30	215	1	59	310
1937, July 30	545	2	50	548	24	8	1944, July 1	373	611	58	714
1937, Aug. 5	565	1	50	559	42	137	do	373	611	58	714
Do	565	2	50	559	42	137a	do	373	611	58	714
Do	565	3	50	560	42	137b	do	373	611	58	714
Do	565	4	50	560	42	137c	do	373	611	58	714
Do	565	5	50	561	42	137d	do	373	611	58	714
Do	565	6	50	561	42	137e	do	373	611	58	714
Do	565	7	50	561	42	137f	do	373	611	58	714
Do	565	8	50	562	42	137g	do	373	611	58	714
1937, Aug. 25	759		50	786	38	[1] 381-1	1943, July 13	233	13	57	557
1938, Mar. 3	40		52	84	15	605k-1	1945, June 30	215	1	59	310
1938, Mar. 28	55	1	52	134	21	222b	1944, July 1	373	611	58	714
1938, Apr. 13	143	3	52	215	7	608c-1	1945, June 29	196		59	263
1938, May 13	213		52	352	42	69	do	373	611	58	714
1938, May 24	267		52	439	42	25a, 25b, 25c 25d, 25e	do	373	611	58	714

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1938, June 23	600	45	52	967	46	1256, 1258, 1259	do	228		55	259
1939, Feb. 10	2	25	53	17	26	[1] 25	1944, Feb. 25	63	107 (a)	58	31
Do	2	47	53	26	26	[1] 47	do	63	107 (a)	58	31
Do	2	185	53	70	26	185	do	63	107 (a)	58	31
Do	2	1200–1207	53	169–171	26	1200–1207	1945, Nov. 8	453	201	59	574
Do	2	1601	53	183	26	[1] 1601	do	63	601 (b)	58	76
Do	2	1700	53	189	26	1700	1941, Sept. 20	412	542 (d)	55	739
Do	2	2907	53	344	26	2907	1941, July 22	314	3	55	611
1939, Mar. 4	4		53	510	15	605k–1	1945, June 30	215	1	59	310
Do	5	1 (b), (c)	53	510	15	713b	1945, July 31	341	10	59	529
1939, Apr. 26	92	1	53	620	42	17c	1944, July 1	373	611	58	714
Do	92	2	53	620	33	869	do	373	611	58	714
1939, May 26	150		53	782	7	608c 1	1945, June 29	196		59	263
1939, June 13	205	2	53	819	34	849	1942, Aug. 4	547	15 (b)	56	702
Do	205	3	53	819	34	849n	do	547	15 (b)	56	739
Do	205	4	53	820	34	849b	do	547	15 (b)	56	739
Do	205	5	53	820	34	849c	do	547	15 (b)	56	739
Do	205	7	53	820	34	849e	do	547	15 (b)	56	739
Do	205	9	53	820	34	849g	do	547	15 (b)	56	739
Do	205	10	53	820	34	849h	do	547	15 (b)	56	739
Do	205	11	53	820	34	849l	do	547	15 (b)	56	739
Do	205	12 (a)	53	820	34	842	do	547	15 (b)	56	739
Do	205	12 (b)	53	821	34	844	do	547	15 (b)	56	739
Do	205	13	53	821	34	850	do	547	15 (b)	56	739
1939, June 23	243	1–8	53	854, 855	14	251–258	1941, Feb. 19	8	1	55	9
Do	243	9			14	259	do	8	1	55	9
1939, June 29	247	1	53	862	26	3403 (f)	1941, Sept. 20	412	544 (d)	55	712
Do	247	301	53	882	26	1202	1945, Nov. 8	453	201	59	574
Do	250		53	927	15	715f	1942, June 22	436		56	381
1939, July 6	260	3	53	998	31	[1] 821	1945, June 12	186	4	59	238
1939, Aug. 5	481	1–6	53	1219, 1220	44	351–356	1943, July 7	192	16	57	383
Do	481	7	53	1220	44	357	1942, Mar. 13	179		56	170
Do	481	8–11	53	1220, 1221	44	358–361	1943, July 7	192	16	57	383
1939, Aug. 9	606		53	1266	42	11b	1944, July 1	373	611	58	771
1939, Aug. 10	636		53	1338	42	21a	do	373	611	58	771
Do	666	509	53	1381	42	801	do	373	611	58	441
Do	666	609	53	1387	26	[1] 1601	1944, Feb. 25	63	601 (b)	58	64
1939, Nov. 4	2	2	54	4	22	442	1941, Nov. 17	473	1	55	764
Do	2	3	54	7	22	443	do	473	1	55	764
Do	2	6	54	7	22	446	do	473	2	55	764
1940, Jan. 29	16	1, 2	54	18	16	450f–1, 450f–2	1944, Dec. 21	634	1	58	852
1940, Mar. 2	34		54	38	15	713b	1945, July 31	341	10	59	529
1940, Apr. 18	107	1	54	137	41	6ee	1940, Oct. 10	851	4	54	1111
1940, May 14	192		52	212	10	361b	1942, Dec. 4	674	1	56	1039
1940, May 24	209	2 (d)			28	1 note	1944, Dec. 22	663	2	58	887
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1940, June 25	419	202	54	520	26	143 (h)	1941, Sept. 20	412	107 (b)	55	695
Do	419	205	54	521	26	1200 (c)	do	412	301 (b)	55	703
Do	419	205	54	521	26	1200	1945, Nov. 8	453	201	59	574
Do	419	206	54	521	26	951	do	412	401 (b)	55	705
Do	419	207	54	521	26	1001 (d)	do	412	402 (c)	55	706
Do	419	209	54	522	26	3481 (b)	do	412	504	55	706
Do	419	209	54	522	26	3452	do	412	501	55	706
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1940, Aug. 27	694	6	54	865	34	849d–1	1942, Aug. 4	547	15 (c)	56	739
1940, Sept. 16	720	12	54	895	50 App.	[1] 312	1942, June 16	413	19	56	369
Do	720	12 (a), (b)	54	895	37	13a	do	413	19	56	369
Do	720	12 (a)	54	895	37	14a	do	413	19	56	369
Do	720	12 (c)	54	895	37	23	do	413	19	56	369
1940, Sept. 24	727	1	54	958	44	362	1943, July 7	192	16	57	383
Do	727	2	54	959	44	363	do	192	16	57	383
1940, Sept. 26	734	3	54	962	15	713b	1945, July 31	341	10	59	529

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Do	757	II	201	54	976	26	711	1941, Sept. 20	412		202(c)(2)	55	701
Do	757	III	302	54	999	26	[1] 124	1942, Feb. 6	41			56	50

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Do	888	500 (5)	54	1186	50 App.	860 (5)	do	581	14 (b)	56	776
Do	895	3	54	1200	33	603	1945, Mar. 2	19	3	59	23
1941, Jan. 31	3	1–3	55	4	26	[1] 124	1942, Feb. 6	41		56	50
1941, Feb. 19	8	406			14	386	1943, Dec. 23	378		57	610
1941, Mar. 7	10	14	55	30	26	741	1942, Oct. 21	619	224 (b), 228 (b)	56	925
1941, May 2	84	4	55	150	[1] 50	1263	1943, May 7	93	5	57	77
1941, June 10	190	1	55	248	15	605 k–1	1945, June 30	215	1	59	310
1941, June 24	233	1	55	261	34	842	1942, Aug. 4	547	15 (d)	56	739
1941, June 25	252	1, 2	55	263	37	26	1942, June 16	413	19	56	369
1941, June 28	259	1	55	350	16	18e	1941, Sept. 20	412	541 (c)	55	710

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1941, Sept. 20	412	202 (i)	55	701	26	1202	1945, Nov. 8	453	201	59	574
Do	412	301 (a)(b)	55	703	26	1200	do	453	201	59	574
Do	412	301 (c)	55	704	26	1203	do	453	201	59	574
1941, Nov. 21	498		55	781	37	19	do	413	19	56	369
1942, Jan. 20	10	1	56	10	34	981	1943, Oct. 27	287	9	57	583
1942, Feb. 10	52	1	56	85	7	608 c–1	1945, June 29	196		59	263
Do	57	1, 2	56	88	49	241 note	1943, May 7	93	5	57	77
1942, Mar. 3	124	1	56	122	28	550	1944, Sept. 27	414	2	58	744
1942, Mar. 7	166	18	56	148	50 App.	1018	1943 May 7	413	19	56	369
1942, Mar. 9	173	1	56	148	10	361b	1942, Dec. 4	674	1	56	1039
Do	173	2	56	149	10	904a	do	674	1	56	1039
1942, Mar. 13	179		56	170	44	356	1943, July 7	192	16	57	383
Do	179		56	171	44	358–361	do	192	16	57	383
1942, Mar. 27	199	901	56	181	[1] 50	639	1945, Dec. 28	590	1 (b)	59	658
1942, Apr. 28	248		56	247	28	1 note	1944, Dec. 22	663	2	58	887
1942, May 13	303		56	276	34	981	1943, Oct. 27	287	9	57	583
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Do	312	18	56	282	10	1393	do	187	5	57	371
Do	312	19	56	282	50	[1] 511	do	187	5	57	371
Do	312	20	56	282	10	1718	do	187	5	57	371
1942, June 16	416		56	370	50 App.	1263	1943, May 7	93	5	57	77
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1942, Sept. 29	569		56	762	26	1203	1945, Nov. 8	453	201	59	574
1942, Oct. 2	584	7	56	779	43	80	1944, Apr. 24	177	4	58	215
1942, Oct. 21	619	172 (a)	56	884	26	450	1944, May 29	210	6 (a)	58	234
Do	619	172 (a)	56	884	26	451	do	210	6 (a)	58	234
Do	619	172 (a)	56	884	26	452	do	210	6 (a)	58	234
Do	619	172 (a)	56	884	26	455	do	210	6 (a)	58	234
Do	619	172 (a)	56	884	26	456	do	210	6 (a)	58	234
Do	619	172 (a)	56	884	26	465–470	do	210	6 (a)	58	234
Do	619	172 (a)	56	884	26	475, 476	do	210	6 (a)	58	234
Do	619	172 (a)	56	885	26	453	1944, Feb. 25	63	106 (b)	58	31
Do	619	172 (f) (2)	56	893	26	34	do	63	106 (c) (2)	58	31
Do	619	172 (a)	56	886	26	454	1943, Oct. 28	290	2 (a)	57	584
Do	619	301 (a)(b)	56	939	26	1200	1945, Nov. 8	453	201	59	574
Do	619	301 (b)	56	939	26	1202	do	453	201	59	574
Do	619	301 (c)	56	940	26	1203	do	453	201	59	574
1942, Oct. 26	627	1, 2	56	988	10	1702–1706, 1708	1943, Sept. 30	187	5	57	371
1942, Nov. 23	639	1	56	1020	14	386	1943, Dec. 23	378		57	610

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1943, July 3	189	6	57	374	31	222a, 222b	1945, May 29	135	3	59	225

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Do	287		5	57	583	14	40a	do	597	4	59	662
Do	287		6	57	583	33	871	do	597	4	59	662
Do	287		6	57	583	42	70a	do	597	4	59	662
Do	287		7, 8	57	583	31	988, 989	do	597	4	59	662
1943, Oct. 28	289			57	583	42	69	1944, July 1	373	611	58	714
1943, Nov. 11	298		1	57	587	42	1a	do	373	611	58	714
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Do	298		3	57	587	42	1c	do	373	611	58	714
Do	298		4	57	587	42	1d	do	373	611	58	714
Do	298		5	57	588	42	1e	do	373	611	58	714
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1944, Feb. 24	63		106 (c)	58		26	450	1944, May 29	210	6 (a)	58	234
Do	63		106 (c)	58		26	450	do	210	6 (a)	58	234
1944, Feb. 25	63	IV	404	58	70	39	716 note	1944, Sept 17	411	5	58	733
Do	63	IV	406	58	70	39	245 note	do	411	5	58	733
Do	63	IV	408	58	70	39	246, 246b, 246c notes	do	411	5	58	733
1944, May 29	210	I	10 (a)	58	238	26	[1] 25	1945, Nov. 8	453	102 (b) (2).	59	558
1944, June 17	263			58	283	34	524 note	1945, July 6	284		59	465
1944, June 22	268		1505	58	301	38	697e	1945, Dec. 28	588	9	59	
1944, July 1	361			58	672	34	900	1945, Sept. 24	385	5	59	537
1945, July 31	340		2 (a)	59		26	[1] 710	1945, Nov. 8	453	131 (b) (2)	59	571
1945, Nov. 14	468		1	59	578	34	984					
Do	468		2	59	579	34	984a	1945, Dec. 28	597	4	59	662
								do	597	4	59	662

[1] Repealed in part only

TABLE IX.— STATUTES ELIMINATED

a. Revised Statutes

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b. Statutes at Large

THIS TABLE SHOWS STATUTES AT LARGE SECTIONS APPEARING IN EARLIER EDITIONS OF UNITED STATES CODE WHICH HAVE BEEN ELIMINATED BECAUSE OBSOLETE, EXECUTED, SUPERSEDED, ETC

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May 27	206		35	408	39	86
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Mar. 4	321	254	35	1140	18	429
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Do	321	261	35	1141	18	436
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Do	389	1	37	548	39	633
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July 28	261	1	39	416	39	117
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Do	261	1	39	423	39	206
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Mar. 3	162	1	39	1063	39	89
Do	162	1	39	1062	39	86, 118
Do	162	1	39	1065	39	633
1918						
June 26	105	1	40	616	45	25
July 9	143	3	40	886	42	28
1919						
Feb. 28	69	2	40	1198	39	608, 623
Do	69	2	40	1199	39	86
1920						
Mar. 6	94	1	41	507	37	4a
Mar. 9	95	5	41	526	46	743a
May 18	190	11	41	603	37	4a
Do	190	12	41	604	10	756
Do	190	12	41	604	14	130
Do	190	12	41	604	33	861a
Do	190	12	41	604	42	64
June 2	219	4	41	736	29	36

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1920							
June 4	227	I	4	41	761	10	756

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1920						
June 5	254		41	1052	39	89, 823, 823a
1921						
June 10	18	305	42	24	5	290

Date	Chapter	Title	Volume	Page	Title	Section
1922						
June 19	227	3	42	660	39	823, 823a
June 30	253	1	42	749	10	362a

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1922						
Sept. 14	307	3	42	841	10	362a
Sept. 21	363		42	993	39	207
1923						
Mar. 4	281	1	42	1507	10	366
Do	281	3	42	1508	10	362a
1925						
Jan. 22	87		43	782	39	813
Feb. 28	368	1	43	1053	39	53, 54
Do	368	1	43	1054	39	57, 81, 89
Do	368	2	43	1055	39	693, 698
Do	368	3	43	1056	39	86, 88
Do	368	3	43	1057	39	93, 94
Do	368	3	43	1058	39	55, 87, 90, 91, 92, 95, 98, 100
Do	368	4	43	1059	39	103, 104, 108, 113, 115, 117, 118
Do	368	5	43	1060	39	101
Do	368	6	43	1060	39	116
Do	368	7	43	1061	39	602
Do	368	7	43	1062	39	605–607, 610, 614, 615, 617, 618, 619, 633
Do	368	7	43	1063	39	613, 621, 622, 629, 823a
Do	368	7 (pt)			39	607a
Do	368	8	43	1063	39	197
Do	368	8	43	1064	39	198, 206
Do	368	9	43	1064	39	801
Do	368	10	43	1064	39	106
Do	368	11	43	1064	39	823
Do	368	11	43	1065	39	104, 107, 122, 616
Mar. 3	452		43	1145	48	366

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1926						
Apr 15	126	1	44	259	10	748a

Date	Chapter	Section	Volume	Page	Title	Section
1926						
May 10	279		44	496	10	334
May 11	288		44	531	10	362a
June 4	476		44	695	39	57
July 3	801	1	44	904	5	691a
1928						
May 17	604	1	45	595	39	823
May 24	725		45	725	39	828
May 29	907		45	998	39	116
Dec. 8	11		45	1016	39	104
1929						
Feb. 16	227		45	1198	7	231
Feb. 20	276		45	1251	39	116
Do	277		45	1251	39	116
Feb. 21	288		45	1254	14	130
1929						
Feb. 21	288		45	1254	37	8a
Do	288		45	1254	37	21a
1930						
May 26	320	6	46	380	42	231
May 27	341		46	402	7	231
May 29	343	1	46	468	5	691a
June 9	414	3	46	525	29	36
June 11	454		46	553	39	54
June 27	650		46	825	39	116
June 28	712		46	829	10	145a
1931						
Feb. 14	182		46	1110	39	831
Feb. 23	278		46	1252	7	231
Mar. 2	372	3	46	1469	39	169a
Do	372	5	46	1470	39	170

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1932						
June 30	315		47	420	46	722a
July 7	443		47	620	7	231
1933						
Mar. 3	203		47	1441	7	231
1934						
Mar. 26	89		48	477	7	231
June 5	393		48	880	39	626
June 14	518		48	958	39	607
June 19	667		48	1122	48	13291, 336g, 1336h
June 25	741	1 (a)	48	1212	39	197
Do	741	1 (d)	48	1213	39	197a
June 27	848	2	48	1266	39	104

Date	Chapter	Title	Volume	Page	Title	Section
1935						
Apr. 9	54	I	49	125	37	9a, 10a

Date	Chap.	Title	Section	Vol.	Page	Title	Section
1935							
May 17	131	I	1	49	287	7	231

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1935						
May 24	142		49	289	48	101a
June 24	291	3	49	421	10	756b
Do	291	3	49	421	14	130a
Do	291	3	49	421	33	861c
Do	291	3	49	421	42	64b
Aug. 7	450		49	538	39	693a
Aug. 14	535	1	49	650	39	832
Aug. 24	643		49	795	39	116
Aug. 27	759		49	904	39	101
1936						
May 7	370	1	49	1266	39	832
May 26	453		49	1374	39	602a
June 4	489		49	1432	7	321
1937						
June 29	404		50	406	7	231
Aug. 14	632		50	647	39	621
Aug. 16	652		50	650	39	104
Do	653		50	651	39	832
Aug. 26	825		50	840	39	101
Do	826		50	841	39	93
1938						
May 16	224		52	377	39	197a

Date	Chapter	Title	Volume	Page	Title	Section
1938						
June 16	464	I	52	721	7	231

Date	Chapter	Section	Volume	Page	Title	Section
1938						
June 25	707	1	52	1205	39	197
1939						
May 12	128		53	740	39	104
Do	130		53	741	39	832
May 15	135		53	745	39	823
Do	136		53	745	39	116

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Date	Chapter	Title	Volume	Page	Title	Section
1939						
June 30	253	I	53	970	7	231

Date	Chapter	Section	Volume	Page	Title	Section
1939						
Feb. 10	2	1503, 1512	53	179, 180	45	266
May 12	129		53	741	39	828

Date	Chapter	Title	Volume	Page	Title	Section
1939						
June 30	253	I	53	956	16	501a

Date	Chapter	Section	Volume	Page	Title	Section
1939						
July 18	323	1	53	1062	39	824a
Do	323	2	53	1062	39	824b
Do	323	3	53	1062	39	824c
Do	323	4	53	1062	39	824d
Do	323	5	53	1062	39	824e
Aug. 9	611		53	1273	39	832

Date	Chapter	Title	Volume	Page	Title	Section
1940						
Mar. 25	71	II	54	76	39	137

Date	Chapter	Section	Volume	Page	Title	Section
1940						
Apr. 30	165	1	54	171	39	824a
Do	165	2	54	172	39	824b
June 25	421	1	54	547	16	501
Do	421	1	54	557	7	231
June 29	499	4	54	692	18	641
Oct. 9	791		54	1062	39	116
Oct. 17	888	409	54	1185	[1] 50	549
Do	888	410	54	1185	[1] 50	550
Do	888	411	54	1185	[1] 50	551
Do	888	412	54	1185	[1] 50	552
Do	888	413	54	1186	[1] 50	553
Do	888	414	54	1186	[1] 50	554
Do	899		54	1205	37	19a

Date	Chapter	Title	Section	Volume	Page	Title	Section
1941							
May 31	156	II	1	55	233	39	137

Date	Chapter	Section	Volume	Page	Title	Section
1941						
June 3	166		55	240	37	29b
July 1	267	1	55	421	16	501a
Do	267	1	55	422	16	578a
Do	267	1	55	432	7	231
July 30	331	1	55	609	39	197
Aug. 1	347		55	615	39	621
Oct. 23	457	1	55	744	39	607a
Do	457	2	55	744	39	607
Oct. 24	458	2	55	745	46	732 note

[1] Appendix.

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Date	Chapter	Title	Section	Volume	Page	Title	Section
1912							
Mar 10	178	II	1	56	168	39	137
1942							
July 22	516		1	56	679	16	578a
Do	516		1	56	680	16	501a
1943							
Apr. 9	37		1	57	59	39	835
Do	37		2	57	59	39	836
July 12	215		1	57	411	16	578a
Do	215		1	57	412	16	501a
Oct. 18	261			57	572	39	139
1944							
Mar 20	102			58	118	39	101,117,118, 140,828
Mar. 24	134		1	58	121	39	112a
Mar. 24	134		2	58	121	39	112b
Do	134		3	58	121	39	112c
Do	134		4	58	121	39	112d
Mar. 29	143		2	58	130	39	57c
1944							
Apr. 22	175	II	1	58	213	39	137
1944							
June 12	242			58	273	39	828
July 1	369		1	58	677	39	139a
Do	369		2	58	677	39	116
Do	369		3	58	678	39	828

TABLE X.—EXECUTIVE ACTS ELIMINATED

a. Executive Orders

THIS TABLE SHOWS EXECUTIVE ORDER SECTIONS APPEARING IN EARLIER EDITIONS OF UNITED STATES CODE WHICH HAVE BEEN ELIMINATED BECAUSE OBSOLETE, EXECUTED, SUPERSEDED, ETC.

Date	Number	Title	Section
1933			
June 10	6166	8	104, 264–267, 277, 287–289, 292
Do	6166	29	36
1941			
Nov. 1	8929	14	1 note
1942			
Jan. 24	9038	[1] 50	1507 note
Mar. 12	9096	[1] 50	601 note

c. Reorganization Plans

THIS TABLE SHOWS REORGANIZATION PLAN SECTIONS APPEARING IN EARLIER EDITIONS OF UNITED STATES CODE WHICH HAVE BEEN ELIMINATED BECAUSE OBSOLETE, EXECUTED, SUPERSEDED, ETC

Plan No. I, Statutes at Large			U. S. C.		Plan No. V, Statutes at Large			U. S. C.	
Section	Volume	Page	Title	Section	Section	Volume	Page	Title	Section
201, 204	53	1424	29	36	All	54	1238	8	104, 262, 264–267, 277, 278, 283, 287–289, 292, 296, 299

[1] Appendix.

TABLE OF ACTS CITED BY POPULAR NAME TO JANUARY 13, 1946

The references within the parentheses indicate the location, by title and section of the United States Code, of the Acts, or so much thereof as have been incorporated in the Code. Some of the Acts included in this list carry no Code reference, having been repealed, superseded, executed, or omitted for similar reasons.

Agricultural Adjustment Act of 1933

Feb. 10, 1942, ch. 52, 56 Stat. 85 (Title 7, §§ 608c (6), 608c–1)

Agricultural Adjustment Act of 1938

Apr. 3, 1941, ch. 39, § 1, 55 Stat. 88 (Title 7, §§ 1357–1359)

May 26, 1941, ch. 133, 55 Stat. 203 (Title 7, §§ 1330, 1340)

Dec. 26, 1941, ch. 636, 55 Stat. 872 (Title 7, §§ 1330 (12), 1340 (12))

Jan. 31, 1942, ch. 32, 56 Stat. 41 (Title 7, § 1392)

Feb. 6, 1942, ch. 44, §§ 1–3, 56 Stat. 51 (Title 7, §§ 1313 (h), 1334 (d), 1344 (j))

Feb. 28, 1942, ch. 123, 56 Stat. 121 (Title 7, § 1312 (a))

July 9, 1942, ch. 497, 56 Stat. 653 (Title 7, §§ 1358 (d), 1359 (b) (d), 1301 (b) (13) (B))

Apr. 29, 1943, ch. 80, 57 Stat. 69 (Title 7, § 1313)

Mar. 31, 1944, ch. 149, 58 Stat. 136 (Title 7, § 1313 note)

Aid to Dependent Children Act

June 14, 1944, ch. 257, §§ 1–18, 58 Stat. 277

Air Raid Attack Act

Jan. 27, 1942, ch. 20, 56 Stat. 19 (Title 50 App., §§ 741, 742)

Aircraft Prize Act

June 24, 1941, ch. 232, 55 Stat. 261 (Title 34, §§ 1131, 1132)

Alaska Game Laws

July 1, 1943, ch. 183, 57 Stat. 301 (Title 48, §§ 192, 193, 195–211)

Alien Visa Act

June 20, 1941, ch. 209, 55 Stat. 252 (Title 22, §§ 228, 229)

Andrews Draft Act Amendment

See Selective Training and Service Act of 1940

Anti-Kickback Act

June 13, 1934, ch. 482, §§ 1, 2, 48 Stat. 948 (Title 40, §§ 276b, 276c)

Anti-Strike Act

See War Labor Disputes Act

Armed Forces Absentee Voting Act

See Soldier's Vote Act

Armed Forces Voluntary Recruitment Act of 1945

Oct. 6, 1945, ch. 393, 59 Stat. 538 (Title 10, §§ 635, 635 note, 636, 637, 751a, 948; Title 34, §§ 187, 188, 189, 895a; Title 37, §§ 102, 110, 201, 208, 208a; Title 38, §§ 691b, 691b note, 691c, 694, 696, ch. 12 note; Title 50 App., §§ 639, 1531, 1531 note, 1532–1534)

Army Aviation Cadet Act

June 3, 1941, ch. 165, 55 Stat. 239 (Title 10, §§ 291, 291d, 296a, 297, 297a, 299, 300a, 303 304, 304a, 304b, 308a)

June 3, 1941, ch. 167, 55 Stat. 241 (Title 10, § 298a–1)

July 8, 1942, ch. 493, §§ 6, 7, 56 Stat. 649 (Title 10, §§ 304a, 308a)

Army Clothing-Equipage Act

Feb. 13, 1941, ch. 6, 55 Stat. 7

Army-Navy Pay Act

Mar. 7, 1942, ch. 166, 56 Stat. 143 (Title 5, §§ 691, 693 and notes, 715; Title 34, § 943 and note; Title 50 App., §§ 1001–1017)

Army Reorganization Acts

May 13, 1941, ch. 113, 55 Stat. 189 (Title 10, § 535)

May 28, 1941, ch. 134, 55 Stat. 206 (Title 50 App., § 702)

May 31, 1941, ch. 157, 55 Stat. 236 (Title 50 App., § 1152)

July 29, 1941, ch. 326, 55 Stat. 606 (Title 10, § 571 note)

Aug. 18, 1941, ch. 363, 55 Stat. 628 (Title 32, § 194)

Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title III, § 301, 56 Stat. 177 (Title 50 App., §§ 633, 1152)

May 14, 1942, ch. 312, § 18, 56 Stat. 282

June 6, 1942, ch. 382, 56 Stat. 328 (Title 10, § 1393)

Oct. 1, 1942, ch. 570, 56 Stat. 762 (Title 32, § 194)

July 12, 1943, ch. 216, 57 Stat. 430 (Title 10, §§ 131, 383, 384, 387a)

June 26, 1944, ch. 279, 58 Stat. 359 (Title 32, § 194)

Army Reserve and Retired Personnel Service Law of 1940

See National Guard Mobilization Act of 1940

Army Vitalization Act

See Army Reorganization Acts

Assimilative Crimes Statute
June 6, 1940, ch. 241, 54 Stat. 234 (Title 18, § 468)

Atlantic Fisheries Act
May 4, 1942, ch. 283, 56 Stat. 267

Aviation Cadet Act of 1942
Oct. 25, 1943, ch. 275, 57 Stat. 574 (Title 34, § 850k and note)

Aviation Pilots Act
Nov. 5, 1941, ch. 468, 55 Stat. 759 (Title 34, §§ 841a–841g)

Bank Robbery Act
May 18, 1934, ch. 304, §§ 1–4, 48 Stat. 783 (Title 12, §§ 588a–588d)
Aug 23, 1935, ch. 614, § 333, 49 Stat. 720 (Title 12, § 588a)
Aug. 24, 1937, ch. 747, 50 Stat. 749 (Title 12, § 588b)
June 29, 1940, ch. 455, 54 Stat. 695 (Title 12, § 588b)

Bankhead-Jones Act
June 25, 1935, ch. 338, 49 Stat. 436 (Title 7, §§ 343c, 343d, 427–427g)
Sept. 21, 1944, ch. 412, Title I, § 105, 58 Stat 735 (Title 7, § 427d)
June 6, 1945, ch. 175, 59 Stat. 231 (Title 7, §§ 343c, 343d–1)

Bankhead-Jones Farm Tenant Act
July 28, 1942, ch. 531, 56 Stat. 725 (Title 7, § 1011)

Bankruptcy Acts
June 22, 1942, ch. 434, 56 Stat. 377 (Title 11, § 404)
Oct. 16, 1942, ch. 610, 56 Stat. 787 (Title 11, §§ 1200–1255)
Mar. 11, 1944, ch. 87, 58 Stat. 113 (Title 11, § 203 (a, b, c))

Bituminous Coal Act of 1937
Apr. 11, 1941, ch. 64, §§ 1 (a), 2, 55 Stat. 134 (Title 5, § 133t note; Title 15, §§ 829 note, 849, 852; Title 26, § 3527)
April 24, 1943, ch. 68, 57 Stat. 68 (Title 15, § 849; Title 26, § 3527)
May 21, 1943, ch 97, 57 Stat. 82 (Title 15, § 849; Title 26, § 3527)

Bland Merchant Marine Act
May 2, 1941, ch. 84, 55 Stat. 148 (Title 22, § 420; Title 50 App., §§ 1251, 1261, 1262)

Bland Ship Requisitioning Act
See Ship Seizure Bill

Book Postage Act
June 30, 1942, ch. 459, 56 Stat. 462 (Title 39, § 293a–1)

Bretton Woods Agreements Act
July 31, 1945, ch 339, 59 Stat. 512 (Title 22, §§ 286–286k; Title 31, §§ 804b, 822a)

Bulgarian Declaration of War
June 5, 1942, ch 323, 56 Stat. 307 (Title 50 App., note prec. § 1)

Buy American Act
Mar. 3, 1933, ch. 212, title III, §§ 1–3, 47 Stat. 1520 (Title 41, §§ 10a–10c)

Canal Zone Code
July 29, 1942, ch. 536, 56 Stat. 726 (Title 48, §§ 1371a, 1371a note, 1371d, 1371e, 1371j, 1371k)
Oct. 1, 1942, ch. 574, 56 Stat. 763 (Title 48, §§ 1314f–1314l)
July 1, 1944, ch. 366, 58 Stat. 676 (Title 48, § 1353)
July 2, 1945, ch. 220, 59 Stat. 312 (Title 48, § 1371b)

China Aid Act
Feb. 7, 1942, ch. 47, 56 Stat. 82

China Appropriation Act
Feb. 12, 1942, ch. 71, 56 Stat. 89

Chinese Exclusion Acts
(Repealed by act Dec. 17, 1943, ch. 344, § 1, 57 Stat. 600)

Civil Activities National Defense Appropriation Act, 1941
Apr. 5, 1941, ch. 41, § 1, title III, 55 Stat. 129

Civil Aeronautics Act of 1938
May 16, 1942, ch 318, § 4, 56 Stat. 300 (Title 49, §§ 492 (b), 643 (b))

Civil Service Retirement Acts
May 29, 1930, ch. 349, 46 Stat. 468–479 (Title 5, §§ 691, 693, 698, 706, 707, 709, 710, 711–715, 716 to 719–1, 720–725, 727–731, 733, 735, 736, 736b, 736c)
Jan 24, 1942, ch. 16, 56 Stat. 13 (Title 5, §§ 691, 691 note, 693, 698 (b), 715, 718a, 718a note, 719, 724 (b), 733, 736 (b))
June 26, 1944, ch. 274, 58 Stat. 326 (Title 5, §§ 719b, 729a)
June 26, 1944, ch. 276, 58 Stat 334 (Title 5, § 724)
June 28, 1944, ch. 295, 58 Stat. 425 (Title 5, § 724)
Dec 19, 1944, ch. 606, 58 Stat. 815 (Title 5, § 715 and note)
Dec. 23, 1944, ch 726, 58 Stat. 926 (Title 5, § 731)
Dec. 23, 1944, ch. 728, 58 Stat. 927 (Title 7, § 714)
Nov 9, 1945, ch 456, 59 Stat. 577 (Title 5, §§ 698, 698 note, 707, 713, 713 note, 719–1, 719–1 note, 724, 724 note, 733, 733 note, 736b, 736b note)
Dec. 21, 1945, ch. 584, 59 Stat. 621 (Title 5, § 707)

Civilian Pilot Training Act of 1939
July 24, 1942, ch. 522, 56 Stat. 704 (Title 49, § 752)
June 10, 1943, ch. 121, 57 Stat. 150 (Title 49, §§ 752, 757 note)

Clarke-McNary Act
Sept 21, 1944, ch. 412, title II, § 207, 58 Stat. 736 (Title 16, § 565)

Classification Act of 1923
Aug. 1, 1942, ch. 543, 56 Stat. 733 (Title 5, §§ 673, 673 note, 678 note, 681 (d) (viii))
June 30, 1942, ch 212, title IV, §§ 401–404, 405 (b), 59 Stat 298–300 (Title 5, §§ 663, 667, 673)

Coast Guard Auxiliary and Reserve Act of 1941
Feb. 19, 1941, ch. 8, 55 Stat. 9 (Title 14, §§ 260–269, 301–315, 351–354, 381–388)
July 11, 1941, ch. 290, 55 Stat. 584 (Title 14, §§ 1, 35, 45, 48, 268, 302, 305, 306, 310; Title 33, §§ 721a, 732; Title 39, §§ 134, 135; Title 40, §§ 207a–270d notes; Title 50 App., § 1181)
June 6, 1942, ch. 385, 56 Stat. 329 (Title 14, §§ 267, 303, 306, 307, 310)
Oct. 26, 1942, ch. 628, 56 Stat. 990 (Title 14, §§ 262, 302, 307)
Nov. 23, 1942, ch. 639, 56 Stat. 1020 (Title 14, §§ 121c, 265, 301, 302, 306, 307, 310, 312, 381–388)
Dec. 23, 1943, ch. 378, 57 Stat. 609 (Title 14, §§ 382, 387, 388)
Sept. 27, 1944, ch 428, § 2, 58 Stat. 754 (Title 14, § 384)
Sept. 30, 1944, ch. 449, 58 Stat. 756 (Title 14, §§ 267, 312)
Sept. 30, 1944, ch. 453, 58 Stat. 759 (Title 14, § 261 et seq.)

Coast Guard Cutter Act
July 15, 1941, ch. 302, 55 Stat. 597 (Title 14 note, prec. § 51)

Columbia Basin Project Act
Mar. 10, 1943, ch. 14, 57 Stat. 14 (Title 16, §§ 835 to 835c–5)

Commercial Air Pilots Act
Apr. 29, 1942, ch. 266, 56 Stat. 265 (Title 49, § 481 note)

Commodity Credit Corporation Act
Apr. 12, 1945, ch. 54, § 1, 59 Stat. 50 (Title 15, §§ 713a–1, 713a–4)

Commodore Bill
Apr. 9, 1943, ch. 38, 57 Stat. 60 (Title 34, §§ 350e, 350j)

Communications Act of 1934
Mar. 23, 1941, ch. 24, 55 Stat. 46 (Title 47, § 154)
Mar. 6, 1943, ch. 10, 57 Stat. 5 (Title 47, §§ 3, 214, 222)
June 22, 1943, ch. 137, 57 Stat. 161 (Title 47, § 353 (b))

Connally-Smith Anti-Strike Act
See War Labor Disputes Act

Contract Settlement Act of 1944
July 1, 1944, ch. 358, 58 Stat. 649 (Title 18, § 390a; Title 41, § 101 et seq.)

Corn and Wheat Marketing Quota Act of 1941
See Agricultural Adjustment Act of 1938

Criminal Code Amendments
Apr. 1, 1944, ch. 151, 58 Stat. 149 (Title 18, § 282a)
Sept. 27, 1944, ch. 425, 58 Stat. 752 (Title 18, § 294)
June 8, 1945, ch. 178, 59 Stat. 234 (Title 18, §§ 241, 241a, 242)

Current Tax Payment Act of 1943
June 9, 1943, 7 p. m., E. W. T., ch 120, 57 Stat. 126 (Title 26, §§ 22, 34, 35, 56, 58–60, 145, 217, 218 294, 294 note, 322, prec. 421, 421, prec. 476 note, 476, 811 note, 1000 note, 1621, 1621 note, 1622, 1622 note, 1623–1632, 3770, 3771, 3790, prec. 3905, 3905, 3906)

Davis-Bacon Act
Mar 3, 1931, ch. 411, 46 Stat. 1494 (Title 40, § 276a)

Daylight Saving Act
See War Time Act

Declaration of Taking Act
Feb. 26, 1931, ch. 307, 46 Stat. 1421 (Title 40, §§ 258a, 258e)

Defense Aid Appropriation Act, 1945
June 30, 1944, ch 324, Title I, 58 Stat. 628

Defense Aid Appropriation Act, 1946
July 5, 1945, ch. 271, title II, 59 Stat. 429

Defense Aid Supplemental Appropriation Act, 1941
Mar. 27, 1941, ch. 30, 55 Stat 53

Defense Aid Supplemental Appropriation Act, 1942
Oct. 28, 1941, ch. 460, title I, 55 Stat. 745 (Title 22, §§ 421, 422)

Defense Aid Supplemental Appropriation Act, 1943
June 14, 1943, ch. 122, § 2, 57 Stat. 152 (Title 22, § 423)

Defense Amortization Act
See Internal Revenue Code

Defense Contract Bond Act
Apr. 29, 1941, ch. 81, 55 Stat. 147 (Title 40, § 270e)

Defense Entry and Departure Act
June 21, 1941, ch. 210, 55 Stat. 252 (Title 22, §§ 223, 225, 226, 226a, 226b)

Defense Highway Act of 1941
Nov. 19, 1941, ch. 474, 55 Stat. 765 (Title 23, §§ 101 and note, 102–117)
July 2, 1942, ch. 474, 56 Stat. 562 (Title 23, §§ 101a, 106)
July 13, 1943, ch. 236, §§ 2, 4, 6, 57 Stat. 560, 561 (Title 23, §§ 105, 106, 110)
Apr. 4, 1944, ch. 164, 58 Stat. 189 (Title 23, § 106)

Defense Housing Act of 1942
Jan. 21, 1942, ch. 14, 56 Stat. 11 (Title 42, §§ 1521, 1522, 1523, 1524, 1534, 1544, 1545, 1546, 1549, 1552)
June 23, 1945, ch. 192, 59 Stat. 260 (Title 42, §§ 1571–1573)

Defense Housing Appropriation Act
Apr. 29, 1941, ch. 80, 55 Stat. 147 (Title 42, §§ 1521, 1523)
June 28, 1941, ch. 260, 55 Stat. 361 (Title 42, §§ 1521, 1523, 1531–1534, 1541, 1542–1551)
July 7, 1943, ch. 196, 57 Stat. 387 (Title 42, §§ 1523, 1543, 1553)
July 15, 1943, ch. 240, 57 Stat. 565 (Title 42, § 1534, 1534 note)

Defense Housing Insurance Act
See National Defense Housing Act

Defense Patents Act
June 16, 1942, ch. 415, 56 Stat. 370 (Title 35, §§ 42, 42a notes)

Defense Public Works Act
See Defense Housing Appropriation Act

Defense Workers Housing Act
Oct. 1, 1942, ch. 572, 56 Stat. 763 (Title 42, § 1523)

Department of Agriculture Appropriation Act, 1942
July 1, 1941, ch. 267, 55 Stat. 408 (Title 5, §§ 520a, 543b, 547, 558a, 565; Title 7, §§ 204, 228a, 231, 367, 411b, 414, 415e, 419, 428, 612c note, 1007a; Title 12, § 1020n–1; Title 15, §§ 609*l*, 609m, 609n; Title 16, §§ 501a, 571a, 578a, 579, 580, 590h note, 590i–1; Title 21, § 129)
Dec. 22, 1941, ch. 611, 55 Stat. 850 (Title 16, § 590h note)

Department of Agriculture Appropriation Act, 1943
July 22, 1942, ch. 516, 56 Stat. 664 (Title 5, §§ 520a, 543b, 547, 552a, 558a, 565, 566; Title 7, note prec. § 141, §§ 204, 228a, 231 note, 367, 395, 411b, 414, 415e, 419, 428; Title 12, §§ 1020n–1, 1756a; Title 15, §§ 609s, 609t, 609u; Title 16, §§ 501a, 571a, 578a, 579, 580, 590i–1, 590h note; Title 21, § 129)

Department of Agriculture Appropriation Act, 1944
July 12, 1943, ch. 215, 57 Stat. 392 (Title 5, §§ 520a, 542–1, 543b, 552a note, 558a, 565; Title 7, §§ 174, 204, 228a, 367, 395, 411b, 414, 415e, 419, 428; Title 12, § 952a; Title 15, §§ 609v, 609w; Title 16, §§ 501a, 571a, 578a, 579, 580, 590h note; Title 21, § 129; Title 40, § 435)

Department of Agriculture Appropriation Act, 1945
June 28 1944, ch 296, 58 Stat. 425 (Title 5, §§ 520a, 543b, 552a, 565, 568; Title 7, §§ 161a, 174, 228a, 283, 367, 395, 411b, 414, 415e, 419, 428, 429, 1001 note; Title 12, § 832; Title 15, §§ 609v, 609w, 609x; Title 16, §§ 501a, 571a, 578a, 579, 580, 581, 590e–1, 590h note; Title 21, § 129; Title 40, § 435)

Department of Agriculture Appropriation Act, 1946
May 5, 1945, ch. 109, 59 Stat 136 (Title 5, § 568a; Title 7, §§ 174, 367, 411b, 414, 419, 428, 1001 note; Title 15, §§ 609v, 609y; Title 16, §§ 571a, 571b, 579, 590e–1; Title 21, § 129; Title 40, § 435)

Department of Agriculture Organic Act of 1944
Sept. 21, 1944, ch 412, 58 Stat 734 (Title 5, §§ 514d, 520a, 541a, 541b, 543b, 552a, 564a, 565a, 568–574; Title 7, §§ 57a, 147a, 228a and note, 283, 343c–1, 395 and note, 415e, 427d, 429–431 and notes, 432, 903–905, 915, 1605; Title 12, §§ 832, 833, 1020a–1; Title 16, §§ 500, 501, 526, 527, 554b, 554c, 559a 565, 567 notes, 572a, 579a, 580, 580a, 590f, 590h, 590q–1; Title 21, § 114a and note)
Dec. 23, 1944, ch 725, 58 Stat. 925 (Title 7, § 904)

Department of Commerce Appropriation Act, 1942
June 28, 1941, ch. 258, title II, 55 Stat. 277 (Title 5, § 593; Title 15, §§ 319, 322; Title 33, § 851; Title 35, § 16; Title 41, § 6; Title 49, § 422a)

Department of Commerce Appropriation Act, 1943
July 2, 1942, ch. 472, Title III, 56 Stat. 489 (Title 5, § 593; Title 15, §§ 319, 322; Title 33, § 851; Title 35, § 16; Title 41, § 6)

Department of Commerce Appropriation Act, 1944
July 1, 1943, ch. 182, title III, § 1, 57 Stat. 290 (Title 5, § 593; Title 15, §§ 319, 322, 323; Title 35, § 16)

Department of Commerce Appropriation Act, 1945
June 28, 1944, ch. 294, Title III, 58 Stat 414 (Title 5, §§ 593, 607; Title 15, §§ 319, 324; Title 35, § 16)

Department of Commerce Appropriation Act, 1946
May 21, 1945, ch 129, title III, 59 Stat 196 (Title 5, § 593a; Title 13, § 220; Title 15, §§ 319, 324; Title 33, § 872; Title 35, § 16)

Department of Justice Appropriation Act, 1942
June 28, 1941, ch. 258, title III, 55 Stat 289 (Title 5, §§ 299, 300, 301; Title 28, §§ 584a, 596; Title 41, § 6)

Department of Justice Appropriation Act, 1943
July 2, 1942, ch. 472, title II, 56 Stat. 481 (Title 5, §§ 299, 300, 300d, 301; Title 28, §§ 584a, 596, 604a; Title 41, § 6)

Department of Justice Appropriation Act, 1944
July 1, 1943, ch. 182, title II, § 1, 57 Stat. 282 (Title 5, §§ 299, 300, 300d, 301; Title 3, § 109d; Title 28, §§ 584a, 596, 604a)

Department of Justice Appropriation Act, 1945
June 28, 1944, ch 294, Title II, 58 Stat 407. (Title 3, § 53 note; Title 5, §§ 299, 300, 300d, 301, Title 8, §§ 103a, 109d; Title 28, §§ 584a, 596, 604a)

Department of Justice Appropriation Act, 1946
May 21, 1945, ch. 129, title II, 59 Stat. 181 (Title 3, § 53; Title 5, §§ 299, 300, 300d, 301 Title 8, §§ 103a, 109d; Title 28, §§ 584a, 596, 600c note, 604a)

Department of Labor Appropriation Act, 1942
July 1, 1941, ch. 269, title I, 55 Stat. 466 (Title 42, § 704a)

Department of Labor Appropriation Act, 1943
July 2, 1942, ch. 475, title I, 56 Stat. 565 (Title 42, § 704a)

Department of Labor Appropriation Act, 1944
July 12, 1943, ch. 221, title I, § 1, 57 Stat. 494

Department of Labor Appropriation Act, 1945
June 28, 1944, ch. 302, Title I, 58 Stat. 547 (Title 42, § 704a)

Department of Labor Appropriation Act, 1946
July 3 1945, ch. 263, title I, 59 Stat. 361 (Title 42, §§ 703a, 704a)

Department of State Appropriation Act, 1942
June 28, 1941, ch. 258, title I, 55 Stat. 265 (Title 5, §§ 153a, 274; Title 10, § 541; Title 22, §§ 130a, 130b, 136, 275 note, 276 note, 278b; Title 34, §§ 448a, 448b; Title 41, § 6a note; Title 49, § 231)

Department of State Appropriation Act, 1943
July 2, 1942, ch. 472, Title I, 56 Stat. 468 (Title 5, §§ 153a, 274; Title 10, § 541; Title 22, §§ 41, 130a, 130b, 136, 275 note, 276 note, 278b; Title 34, §§ 448a, 448b; Title 41, § 6a note)

Department of State Appropriation Act, 1944
July 1, 1943, ch. 182, title I, § 1, 57 Stat. 271 (Title 5, §§ 153a, 274; Title 10, § 541; Title 22, §§ 41, 130a, 130b, 136, 275, 276, 278b; Title 34, §§ 248a, 448b; Title 41, § 6a)

Department of State Appropriation Act, 1945
June 28, 1944, ch. 294, Title I, 58 Stat. 395 (Title 5, §§ 153a, 274; Title 10, § 541; Title 22, §§ 41, 130a, 130b, 136, 269a note, 269b note, 274 note, 275 note, 276 note, 277 note, 278 note, 278b; Title 34, §§ 448a, 448b; Title 41, § 6a note)

Department of State Appropriation Act, 1946
May 21, 1945, ch. 129, title I, 59 Stat. 169 (Title 5, §§ 153a, 274; Title 10, § 541; Title 22, §§ 41, 130a, 130b, 136, 269a note, 269b note, 274 note, 275 note 276 note, 277 note, 278 note; Title 34, §§ 448a, 448b; Title 41, § 6a note)

Departments of State, Justice, and Commerce Appropriation Act, 1944
July 1, 1943, ch. 182, titles I–IV, 57 Stat. 271–301 (Title 5, §§ 153a, 274, 299, 300, 300d, 301, 593; Title 8, 190d; Title 10, § 541; Title 15, §§ 319, 322, 323; Title 22, §§ 41, 130a, 130b, 136, 275 note, 276 note, 278b; Title 28, §§ 584a, 596, 604a; Title 34, §§ 248a, 448b; Title 35, § 16; Title 41, § 6a note)

Departments of State, Justice, and Commerce Appropriation Act, 1945
June 26, 1944, ch. 294, Titles I–IV, 58 Stat. 395–425 (Title 5, §§ 153a, 274, 299, 300, 300d, 301, 593, 607; Title 8, §§ 103a, 109d; Title 10, § 541; Title 15, §§ 319, 324; Title 22, §§ 41, 130a, 130b, 136, 269a note, 269b note, 274–277 notes, 278; Title 28, §§ 584a, 596, 604a; Title 34, §§ 448a, 448b; Title 35, § 16; Title 41, § 6a note)

Departments of State, Justice, Commerce, the Judiciary, and the Federal Loan Agency Appropriation Act, 1946
May 21, 1945, ch. 129, 59 Stat. 169 (Title 3, § 53; Title 5, §§ 153a, 274, 299, 300, 300d, 301, 593a; Title 8, §§ 103a, 109d; Title 10, § 541; Title 13, § 220; Title 15, §§ 319, 324, Title 18, § 726a; Title 22, §§ 41, 130a, 130b, 136, 269a note, 269b note, 274 note, 275 note, 276 note, 277 note, 278 note; Title 28, §§ 296a, 374b, 412a, 530, 584a, 596, 600c note, 604a; Title 33, § 872; Title 34, §§ 448a, 448b; Title 35, § 16; Title 41, § 6a note)

District of Columbia Alley Dwelling Act, Amendment
June 8, 1944, ch. 238, 58 Stat. 271

District of Columbia Appropriation Act, 1942
July 1, 1941, ch. 271, 55 Stat. 499 (Title 5, § 76; Title 10, § 914; Title 34, § 1000; Title 40, § 60a)

District of Columbia Appropriation Act, 1943
June 27, 1942 ch. 452, 56 Stat. 435 (Title 5, § 76; Title 10, § 914; Title 34, § 1000; Title 40, § 60a)

District of Columbia Appropriation Act, 1944
July 1, 1943, ch. 184, 57 Stat. 324 (Title 5, § 76; Title 10, § 914; Title 34, § 1000; Title 40, § 60a)
July 21, 1945, ch. 321, § 21, 59 Stat. 500

District of Columbia Appropriation Act, 1945
June 28, 1944, ch. 300, § 1, 58 Stat 509 (Title 5, § 76; Title 10, § 914; Title 34, § 1000; Title 40, § 60a)

District of Columbia Appropriation Act, 1946
June 30, 1945, ch. 209, § 1, 59 Stat. 271 (Title 40, § 60a)

District of Columbia Blackout Act
Dec. 26, 1941, ch. 625, 55 Stat. 858

District of Columbia Fire and Casualty Act, Amendment
Apr. 22, 1944, ch. 173, 58 Stat. 192

District of Columbia Income Tax Act
July 26, 1939, ch. 367, title II, 53 Stat. 1085

District of Columbia Revenue Acts
July 26, 1939, ch. 367, 53 Stat 1085
Feb. 2, 1942, ch. 33, 56 Stat. 42 46
June 27, 1942, ch. 452, § 11, 56 Stat. 460

District of Columbia Teachers' Salary Act of 1945
July 21, 1945, ch. 321, 59 Stat. 488
July 24, 1945, ch. 326–A, 59 Stat. 502

District of Columbia Unemployment Compensation Act, Amendments
June 4, 1943, ch. 117, 57 Stat. 100

Doughton Current Tax Payment Act of 1943
See Current Tax Payment Act of 1943

Draft Act of 1942
See National Service Life Insurance Act of 1940 and Selective Training and Service Act of 1940

Emergency Cargo-Ship Construction Act
Feb. 6, 1941, ch. 5, 55 Stat. 5 (Title 46, §§ 1119a, 1119b, 1125a, 1214)

Emergency Copyright Act of 1941
Sept. 25, 1941, ch. 421, 55 Stat. 732 (Title 17, § 8)

Emergency Farm Mortgage Act of 1933
June 3, 1942, ch. 321, 56 Stat. 306 (Title 12, § 1016 (g))
June 27, 1942, ch. 449, § 2, 56 Stat. 392 (Title 12, § 1016 (i))
June 26, 1943, ch. 146, 57 Stat. 196 (Title 12, § 1016 (g))
June 30, 1944, ch. 329, 58 Stat. 646 (Title 12, § 1016 (i))
June 30, 1945, ch. 204, §§ 11–13, 59 Stat. 269 (Title 12, § 1016)

Emergency Price Control Act of 1942
Jan. 30, 1942, ch. 26, 56 Stat. 23 (Title 50 App., §§ 901–905, 921–926, 941–946)
Oct. 2, 1942, ch. 578, § 7, 56 Stat. 767 (Title 50 App., § 901 (b))
June 30, 1944, ch. 325, Title I, 58 Stat. 632 (Title 50 App., §§ 901, 902, 903, 921, 922, 923, 924, 925)
June 30, 1945, ch. 214, §§ 1, 3–6, 59 Stat. 306–309 (Title 50 App., §§ 901, 902, 903, 924, 942)

Emergency Relief Appropriation Act, fiscal year 1941
July 1, 1941, ch. 266, § 10 (a), 55 Stat. 401 (Title 15, §§ 721–728 note)

Emergency Relief Appropriation Act, fiscal year 1942
July 1, 1942, ch. 266, 55 Stat. 396 (Title 7, § 612c; Title 15, §§ 721–728 note)

Emergency Relief Appropriation Act, fiscal year 1943
July 2, 1942, ch. 479, 56 Stat. 634 (Title 15, §§ 721–728 note)

Employees' Compensation Commission Appropriation Act, 1942
July 1, 1941, ch. 269, title III, 55 Stat. 494

Employees' Compensation Commission Appropriation Act, 1943
July 2, 1942, ch 475, title III, 56 Stat. 588

Employees' Compensation Commission Appropriation Act, 1944
July 12, 1943, ch. 221, title III, 57 Stat. 513 (Title 16, § 584m note; Title 41, § 6a note)

Employees' Compensation Commission Appropriation Act, 1945
June 28, 1944, ch. 302, title III, 58 Stat. 566 (Title 16, § 584m note; Title 41, § 6a note)

Employees' Compensation Commission Appropriation Act, 1946
July 3, 1945, ch. 263, title III, 59 Stat. 377 (Title 16, § 584m note; Title 41, § 6a note)

Employees' Liability Act
Aug. 11, 1939, ch. 685, 53 Stat. 1404 (Title 45, §§ 51, 54, 56, 60)

Excess Profits Tax Amendments of 1941
Mar. 7, 1941, ch. 10, §§ 1–17, 55 Stat. 17 (Title 26, §§ 23, 710–713, 720–722, 729, 730, 732–734, 740–743)

Expediting Acts (Trusts and Interstate Commerce)
Apr. 6, 1942, ch. 210, 56 Stat. 198 (Title 15, § 28, 28 note; Title 28, § 729; Title 49, § 44, 44 note)
June 9, 1944, ch. 239, 58 Stat. 272 (Title 15, § 29; Title 49, § 45)

Export Control Extension Act
See Army Reorganization Acts

Export-Import Bank Act of 1945
July 31, 1945, ch. 341, 59 Stat. 526 (Title 12, §§ 635–635h)
Dec. 28, 1945, ch. 602, 59 Stat. 666 (Title 12, § 635)

Fact Finders' Act
Dec. 5, 1924, ch. 4, 43 Stat. 704 (Title 18, § 767; Title 21, § 129; Title 31, § 532; Title 39, § 9; Title 43, §§ 371, 376, 377, 396, 412, 417, 433, 438, 462, 463, 466, 467, 472–474, 478, 493, 494, 500, 501, 526)
Apr. 19, 1945, ch. 80, 59 Stat. 54 (Title 43, § 377)

Fair Labor Standards Act, 1938
Oct. 29, 1941, ch. 461, 55 Stat. 756 (Title 29, § 207 (b) (2))

Farm Labor Supply Appropriation Act, 1944
Feb. 14, 1944, ch. 16, 58 Stat. 11 (Title 50 App., §§ 1351–1355)
Dec. 28, 1945, ch. 589, title I, 59 Stat. 632

Federal-Aid Highway Act of 1944
Dec. 20, 1944, ch 626, 58 Stat. 838 (Title 23, §§ 60–63)

Federal Alcohol Administration Act
Apr. 20, 1942, ch. 244, § 1 (h), 56 Stat. 219 (Title 27, § 205 (f) (2))

Federal Caustic Poison Act
July 12, 1943 ch. 221, title II, § 1, 57 Stat 498

Federal Crop Insurance Act
Dec 23, 1944, ch. 713, 58 Stat. 918 (Title 7, §§ 1302 note, 1508, 1516 note, 1518)

Federal Deposit Insurance Corporation Act
June 16, 1933, ch. 89, § 8, 48 Stat. 162 (Title 12, §§ 264, 462a–1)

Federal Employees Pay Act of 1945
June 30, 1945, ch. 212, 59 Stat. 295 (Title 5, §§ 84, 663, 667, 672a, 673, 901, 901 note, 902, 911–913, 921, 922, 931–935, 941–948)

Federal Explosives Act
Nov. 24, 1942, ch. 641, 56 Stat. 1022 (Title 50, § 123)

Federal Farm Loan Act
June 27, 1942, ch. 449, § 1, 56 Stat. 391 (Title 12, § 771, par 12)
June 30, 1945, ch. 204, §§ 1–10, 59 Stat. 265–269 (Title 12, §§ 672, 712, 745, 751, 752, 753, 771, 781, 857, 861, 874, 880)

Federal Farm Mortgage Corporation Act
June 30, 1945, ch. 204, §§ 14, 15, 59 Stat. 269 (Title 12, §§ 1020b, 1020d)

Federal Food and Drugs Act
July 12, 1943, ch. 221, title II, § 1, 57 Stat. 499

Federal Food, Drug, and Cosmetic Act
June 25, 1938, ch. 675, 52 Stat. 1040 (Title 21, §§ 301–392)
July 6, 1945, ch. 281, 59 Stat. 463 (Title 21, §§ 331, 352, 357)

Federal Highway Act
July 13, 1943, ch. 236, § 1, 57 Stat. 560 (Title 23, § 2)

Federal Insurance Contributions Act
Dec. 22, 1943, ch. 375, § 3, 57 Stat 607 (Title 26, §§ 1400, 1410)
Dec. 16, 1944, ch. 600, 58 Stat. 812 (Title 26, §§ 1400, 1410)
Nov. 8, 1945, 5:17 p. m., E. S T., ch. 453, title IV, § 401, 59 Stat. 576 (Title 26, §§ 1400, 1410)
Dec. 29, 1945, ch 652, title I, § 4 (c), 59 Stat. 670 (Title 26, § 1426 and note)

Federal Interpleader Act
May 8, 1926, ch. 273, 44 Stat. 416 (Title 28, § 41 (26))

Federal Loan Agency Appropriation Act, 1946
May 21, 1945, ch. 129, title V, 59 Stat. 169.

Federal Power Act
June 10, 1920, ch. 285, 41 Stat. 1063 (Title 16, §§ 791a–825r)

Federal Register Act
Dec. 10, 1942, ch. 717, 56 Stat. 1045 (Title 44, §§ 311, 311 note, 311a)

Federal Reports Act of 1942
Dec. 24, 1942, ch. 811, 56 Stat. 1078 (Title 5, §§ 139–139f)

Federal Reserve Act
Apr. 7, 1941, ch. 43, 55 Stat. 131 (Title 12, §§ 358, 632)
June 30, 1941, ch. 264, 55 Stat. 395 (Title 12, § 412)
Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title IV, § 401, 56 Stat. 180 (Title 12, § 355)
July 7, 1942, ch 488, 56 Stat. 647 (Title 12, §§ 263 (a), 462b, 464)
Apr. 13, 1943, ch. 62, 57 Stat. 65 (Title 12, §§ 264 (h) (1), 462a–1)
May 25, 1943, ch. 102, 57 Stat. 85 (Title 12, § 412)
June 12, 1945, ch. 186, §§ 1–3, 59 Stat. 237 (Title 12, §§ 248, 412–414)

Federal Security Agency Appropriation Act, 1942
July 1, 1941, ch 269, title II, 55 Stat. 471 (Title 8, § 117; Title 15, §§ 721–728 note; Title 16, §§ 584f–1, 584n–1; Title 21, § 46a; Title 24, § 169; Title 42, §§ 64c, 68)

Federal Security Agency Appropriation Act, 1943
July 2, 1942, ch 475, title II, 56 Stat. 569 (Title 8 § 117, Title 15, §§ 721–728 note; Title 16, §§ 584 note, 584n note; Title 24, § 169; Title 42, §§ 64c, 1602)

Federal Security Agency Appropriation Act, 1944
July 12, 1943, ch. 221, title II, § 1, 57 Stat 498

Federal Security Agency Appropriation Act, 1945
June 28, 1944, ch. 302, title II, 58 Stat. 552 (Title 5, § 133t note; Title 8, § 117 note; Title 15, §§ 721–728 note; Title 24, § 169; Title 41, § 6a note; Title 42, §§ 64c, 207 note, 1603; Title 50, App., § 1451)

Federal Security Agency Appropriation Act, 1946
July 3, 1945, ch. 263, title II, 59 Stat. 365 (Title 24, § 169; Title 41, § 6a note; Title 42, §§ 209c, 231, 1603; Title 50 App., § 1451 note)

Federal Seed Act
Sept. 21, 1944, ch. 412, title VII, § 701 (b), 58 Stat. 741 (Title 7, § 1605)

Federal Unemployment Tax Act
Feb. 25, 1944, 12.49 p. m., E. W. T., ch. 63, title VI, § 601, 58 Stat. 76 (Title 26, §§ 1601, 1601 note)
Dec. 29, 1945, ch 652, title I, § 4 (d), 59 Stat. 670 (Title 26, § 1607 and note)

Fifth Supplemental National Defense Appropriation Act, 1941
Apr. 5, 1941, ch. 41, 55 Stat. 123
Mar. 5, 1942, ch. 141, 56 Stat. 128 (Title 22, § 412 note)

Filled Milk Act
July 12, 1943, ch. 221, title II, § 1, 57 Stat. 498

First Deficiency Appropriation Act, 1941
Apr 1, 1941, ch. 32, 55 Stat. 62 (Title 22, § 41)

First Deficiency Appropriation Act, 1942
Feb. 21, 1942, ch. 108, 56 Stat. 98 (Title 39, § 321b note; Title 40, § 313)

First Deficiency Appropriation Act, 1943
Mar. 18, 1943, ch. 17, 57 Stat. 21 (Title 22, § 412a; Title 31, § 317c–1)

First Deficiency Appropriation Act, 1945
April 25, 1945, ch. 95, title I, 59 Stat. 77 (Title 2, §§ 60a note, 60g–1; Title 5, § 133t note; Title 12, § 1805; Title 15, §§ 721–728 note; Title 31, § 690; Title 42, §§ 1523, 1534 note; Title 50 App., § 1355 note)
July 3, 1945, ch. 264, § 3, 59 Stat. 383 (Title 42, § 1534 note)
July 5, 1945, ch. 271, title I, 59 Stat. 412 (Title 42, § 1523 note)

First Deficiency Appropriation Act, 1946
Dec 28, 1945, ch 589, 59 Stat. 632 (Title 2, §§ 46a, 46b notes, 60a, 60a note; Title 24, § 45 note; Title 50 App., §§ 1351, 1352, 1353, 1355 notes)

First Liberty Bond Act
Feb. 19, 1941, ch. 7, § 2 (b) (2), 55 Stat. 7 (Title 31, § 755 note)

First Supplemental Appropriation Act, 1945
Dec 22, 1944, ch. 660, title I, § 101, 58 Stat. 853 (Title 26, note prec 3600; Title 50 App. §§ 6a, 1351 note)
March 31, 1945, ch. 47, 59 Stat. 46

First Supplemental National Defense Appropriation Act, 1942
Aug. 25, 1941, ch. 409, 55 Stat. 669 (Title 5, §§ 219a, 470, 471; Title 16, § 584f–1; Title 46, § 119a note)

First Supplemental National Defense Appropriation Act, 1943
July 25, 1942, ch. 524, title I, 56 Stat. 704 (Title 5, § 796 note; Title 31, §§ 215a, 529 note, 665 note, 761a, Title 41, §§ 6, 6a notes)

First Supplemental National Defense Appropriation Act, 1944
Dec. 23, 1943, ch. 380, 57 Stat. 611 (Title 5, § 133t note; Title 14, § 148; Title 15, note prec. 721–728; Title 34, §§ 197a, 722 note; Title 42, §§ 46, 1523 note, 1701, 1701 note, 1705, 1705 note; Title 46, § 1241 note)

First War Powers Act of 1941
Dec. 18, 1941, ch. 593, 55 Stat. 838 (Title 12, § 95a; Title 50 App., §§ 5, 601–605, 611, 616–618, 621, 622)

Flight Officer Act
July 8, 1942, ch 493, §§ 1–5, 56 Stat. 649 (Title 10, §§ 299a–299e)

Flood Control Act of 1936
Aug. 18, 1941, ch. 377, § 3, 55 Stat. 639 (Title 10, § 1026b, Title 33, § 702a–12)

Florida Canal-Pipe Line Act
July 23, 1942, ch. 520, 56 Stat. 703 (Title 15, note prec. § 715)

Food, Drug, and Cosmetic Act
Dec. 22, 1941, ch. 613, 55 Stat. 851 (Title 21, §§ 331 (i), 352 (k), 356 and note)
July 12, 1943, ch. 221, title II, § 1, 57 Stat. 498

Foreign Accounts Bank Act
See Federal Reserve Act

Foreign Agents Registration Act of 1938
Apr 29, 1942, ch. 263, § 1, 56 Stat. 248 (Title 22, §§ 611, 611 note, 612 621)

Foreign Claims Act
Jan. 2, 1942, ch. 645, 55 Stat. 880 (Title 31, §§ 224d, 224e, 224f)
Apr 22, 1943, ch. 67, 57 Stat 66 (Title 31, §§ 224d–224i)
July 31, 1945, ch. 338, 59 Stat. 511 (Title 31, § 224i–1)

Foreign Economic Administration Appropriation Act, 1945
June 30, 1944, ch. 324, title III, 58 Stat. 627

Foreign Service Buildings Act, 1926
April 19, 1945, ch. 78, 59 Stat. 53 (Title 22, § 300)

Fourth Supplemental National Defense Appropriation Act, 1941
Mar. 17, 1941, ch. 16, 55 Stat. 34 (Title 34, § 450a)

Fugitive Felon Act
June 22, 1932, ch. 271, § 1, 47 Stat. 326 (Title 18, § 408e)
May 18, 1934, ch. 301, 48 Stat. 301 (Title 18, § 408e)

G. I. Bill of Rights
See Servicemen's Readjustment Act of 1944

George Bill
Feb. 24, 1945, ch. 4, 59 Stat. 5 (Title 12, §§ 1801–1804)

Glass Reserve Note Act
See Federal Reserve Act

Gold Reserve Act of 1934
June 30, 1941, ch. 265, 55 Stat. 395 (Title 31, §§ 821 (b) (2), 822a (c))
Apr. 29, 1943, ch. 76, 57 Stat. 68 (Title 31, § 822a)

Government Corporation Control Act
Dec. 6, 1945, ch. 557, 59 Stat. 597 (Title 31, §§ 841–869)

Government Losses In Shipment Act
Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, title I, § 153, 59 Stat. 574 (Title 31, § 738a)
Dec. 3, 1945, ch. 515, § 1, 59 Stat. 592 (Title 31, § 528)

Guayule Rubber Act
Mar. 5, 1942, ch 140, 56 Stat. 126 (Title 7, §§ 171–173)
Oct. 20, 1942, ch. 617, 56 Stat. 796 (Title 7, §§ 171, 172)

Hatch Political Activity Act
Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VII, § 701, 56 Stat. 181 (Title 18, § 61h (a))
Oct. 24, 1942, ch. 620, 56 Stat. 986 (Title 18, § 61u)
Apr. 1, 1944, ch. 150, 58 Stat. 136 (Title 18, §§ 61v, 61w, 61x)
Aug. 21, 1944, ch. 404, 58 Stat. 727 (Title 18, §§ 61v, 61v note, 61w note)

Hawaiian Homes Commission Act of 1920
May 31, 1944, ch. 216, 58 Stat. 260 (Title 48, §§ 693, 697 note, 701)

Home Owners' Loan Act of 1933
Oct. 24, 1942, ch. 621, 56 Stat. 1463 (Title 12, § 1463)

Hop Marketing Act
See Agricultural Adjustment Act

Hungarian Declaration of War
June 5, 1942, ch. 324, 56 Stat. 307 (Title 50 App., note prec. § 1)

Immigration Act of 1917
Dec 19, 1944, ch. 608, §§ 1, 2, 58 Stat. 816 (Title 8, §§ 151, 154)
Oct. 29, 1945, ch. 438, 59 Stat. 551 (Title 8, § 102)

Immigration Act of 1924
Dec. 19, 1944, ch. 608, §§ 3, 4 58 Stat. 817 (Title 8, §§ 167, 216)
Oct. 29, 1945, ch. 437, 59 Stat. 551 (Title 8, § 224 (c))

Immigration Acts
June 20, 1942, ch. 426, 56 Stat. 373 (Title 8, § 109)
Dec. 8, 1942, ch. 697, 56 Stat. 1044 (Title 8, § 155)
Dec. 29, 1945, ch 652, title I, § 7 (c, d), 59 Stat. 672 (Title 8, §§ 203, 215)

Import Milk Act
July 12, 1943, ch. 221, title II, § 1, 57 Stat. 498.

Independent Offices Appropriation Act, 1942
Apr. 5, 1941, ch. 40, 55 Stat. 92 (Title 3, § 46; Title 5, §§ 636, 834; Title 15, §§ 721–728 note; Title 23, § 57; Title 31, § 42 note; Title 36, §§ 121a, 122, 135; Title 38, §§ 11a–1, 11a–3; Title 44, § 351 note; Title 46, § 1214 note; Title 49, § 305a)
June 26, 1943, ch. 145, title I, § 1, 57 Stat. 180 (Title 15, §§ 721–728 note)

Independent Offices Appropriation Act, 1943
June 27, 1942, ch. 450, 56 Stat. 392 (Title 3, § 46; Title 5, §§ 636, 834; Title 15, §§ 721–728 note; Title 23, § 57; Title 36, §§ 121a, 122, 135; Title 38, §§ 11a–1, 11a–3; Title 42, § 1406c; Title 44, § 364; Title 46, § 1214 note; Title 49, § 305a)
June 26, 1943, ch. 145, title I, § 1, 57 Stat. 180 (Title 15, §§ 721–728 note)

Independent Offices Appropriation Act, 1944
June 26, 1943, ch. 145, 57 Stat. 169 (Title 3, § 46; Title 5, §§ 16a, 118d-1, 133t, 636, 834; Title 12, §§ 1439a, 1463; Title 15, §§ 712a, 721–728 notes; Title 23, §§ 57, 58, 104, 106, 109; Title 29, §§ 48–48g notes; Title 31, § 42 note; Title 36, §§ 121a, 122, 135; Title 38, §§ 11a–1, 11a–3; Title 40, §§ 7a, 265a, 277a, 284)

Independent Offices Appropriation Act, 1945
June 27, 1944, ch. 286, 58 Stat. 361 (Title 3, § 46; Title 5, §§ 77a, 118d–1, 636, 834; Title 15, § 712a note; Title 23, §§ 26 note, 57, 58, 104 note, 106 note, 109 note; Title 28, § 530a; Title 31, § 43a; Title 36, §§ 121a, 122, 135; Title 38, §§ 11a–1, 11a–3; Title 40, §§ 7a, 265a, 277a, 284; Title 49, § 305a)

Independent Offices Appropriation Act, 1946
May 3, 1945, ch. 106, 59 Stat. 106 (Title 3, § 46; Title 5, §§ 636, 834; Title 15, § 712a note; Title 23, §§ 57, 58, 104 note, 106 note, 109 note; Title 26, § 1102 note; Title 28, § 530a; Title 31, § 691; Title 36, §§ 121a, 122, 135; Title 38, §§ 11a–1, 11a–3, 694f; Title 40, §§ 7a, 265a, 277a, 284, 292, 293; Title 42, § 1431; Title 49, § 305a)
Dec. 28, 1945, ch 589, title I, 59 Stat. 632

Individual Income Tax Act of 1941
May 29, 1944, 7 p. m., E. W. T., ch. 210, 58 Stat. 231 (Title 26, §§ 3, 4, 11, 12, 22, 23, 25, 47, 51, 56, 58, 58 note, 59, 59 note, 60, 103, 117, 131, 142, 143, 145, 162, 163, 169, 183, 213, 214, 215, 251, 271, 292, 292 note, 294, 294 note, 322, 322 note, 400–404, 1621, 1622, 1622 notes, 3797, 3801, 3801 note, 3806, 3806 note)

Informer's Act
Dec. 23, 1943, ch. 377, 57 Stat. 608 (Title 31, § 232)

Inter-American Coffee Agreement Act
Apr. 11, 1941, ch. 59, 55 Stat. 133 (Title 19, §§ 1355 and note, 1356)

Interior Department Appropriation Act, 1942
June 28, 1941, ch. 259, 55 Stat. 303 (Title 5, §§ 73c–2, 499; Title 16, §§ 14c, 18e, 590i–2, 752–754, 781i; Title 22, § 277f; Title 25, §§ 303, 387, 470a, 481, 561, 562; Title 41, § 6a; Title 43, §§ 8, 46, 90, 611; Title 48, § 1237a)

Interior Department Appropriation Act, 1943
July 2, 1942, ch. 473, 56 Stat. 506 (Title 5, §§ 73c–2, 499; Title 16, §§ 590i–2, 752–754; Title 25, §§ 303, 387, 481, 561, 562; Title 43, §§ 8, 46, 90, 611; Title 48, §§ 48 note, 1237a)

Interior Department Appropriation Act, 1944
July 12, 1943, ch. 219, 57 Stat. 451 (Title 5, § 73f; Title 25, §§ 303, 387, 561, 562; Title 43, §§ 8, 46, 90, 611; Title 48, §§ 48, 1237a)

Interior Department Appropriation Act, 1945
June 28, 1944, ch. 298, 58 Stat. 463 (Title 5, § 73f; Title 16, § 669c note; Title 25, §§ 303, 387, 561, 562; Title 41, § 6a note; Title 43, §§ 8, 46, 90, 611)

Interior Department Appropriation Act, 1946
July 3, 1945, ch. 262, 59 Stat. 322 (Title 5, § 73f; Title 25, §§ 303, 387, 561, 562; Title 43, §§ 8, 46, 90, 611; Title 48, §§ 48 note, 1405w–1)

Internal Revenue Code
Jan. 31, 1941, ch. 3, 55 Stat. 4 (Title 26, §§ 124 note, 124 (f) (1), (3), 124 (i))
Mar. 7, 1941, ch. 10, §§ 2–17, 55 Stat. 17 (Title 26, §§ 23, 710–713, 720–722, 729, 730, 732–734, 740–743)
Apr. 11, 1941, ch 64, § 1 (b), 55 Stat. 135 (Title 26, § 3527)
May 7, 1941, ch 96, 55 Stat. 184 (Title 26, §§ 3802, 3803)
Sept. 20, 1941, ch. 412, 55 Stat. 687 (Title 26 amended generally, see Revenue Acts)
Oct. 30, 1941, ch. 464, 55 Stat. 757 (Title 26, § 124 (f) (1) (3), (i), 124 note)
Dec 26, 1941, ch. 638, § 5, 55 Stat. 873 (Title 26, § 3508)
Jan. 24, 1942, ch. 17, 56 Stat. 17 (Title 26, § 2883); Mar. 27, 1942, ch. 200, 56 Stat. 187 (Title 26, § 2883)
Apr 8, 1942, ch. 226, 56 Stat. 201 (Title 26, § 2901, 2901 note)
Apr. 8, 1942, ch. 227, § 14, 56 Stat. 209 (Title 26, § 1532 (d), 1532 note)
Apr. 20, 1942, ch. 244, § 1 (a)–(g), 56 Stat. 218 (Title 26, §§ 2825, 3030 (a) (2), 3031 (a), 3032 (c), 3036 (c), 3038 (a), 3045)
July 23, 1942, ch. 521, 56 Stat. 703 (Title 26, § 1700 (a) (1))
Sept. 29, 1942, ch 569, 56 Stat. 762 (Title 26, § 1203 (b))
Oct. 21, 1942, ch. 619, 56 Stat. 798 (Title 26 amended generally, see Revenue Acts)
Dec. 17, 1942, ch. 740, 56 Stat. 1054 (Title 26, §§ 800, 1000 note)
Mar. 23, 1943, ch. 20, 57 Stat. 42 (Title 26, § 2135 (a) (1))
Mar. 24, 1943, ch. 26, § 1 (b) (1, 3), 57 Stat. 46, 47 (Title 26, §§ 1400 note, 1426)
Mar. 31, 1943, ch. 31, 57 Stat. 56 (Title 26, §§ 722 (d), 780 (b))
June 9, 1943, 7 p. m., E W. T., ch. 120, 57 Stat. 126 (Title 26, §§ 22, 34, 35, 56, 58–60, 145, 217, 218, 294, 294 note, 322, prec. 421, 421, prec. 476 note, 476, 811 note, 1000 note, 1621, 1621 note, 1622, 1622 note, 1623–1632, 3770, 3771, 3790, prec 3905, 3905, 3906)
Oct. 26, 1943, ch. 279, 57 Stat. 575 (Title 26, §§ 711, 735)
Oct. 28, 1943, ch. 290, 57 Stat 584 (Title 26, §§ 34, 453, 454, 456)
Nov. 4, 1943, ch. 294, 57 Stat. 585 (Title 26, § 3475, 3475 note)
Dec. 17, 1943, ch 346, 57 Stat. 601 (Title 15, § 80a–3 note; Title 26, §§ 22, 23, 165 notes, 292, 722 note, 3771)
Dec. 22, 1943, ch. 375, § 3, 57 Stat. 607 (Title 26, §§ 1400, 1410)
Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, 58 Stat. 26–93 (Title 26 amended generally, see Revenue Act)

Internal Revenue Code—Continued.
May 29, 1944, 7 p. m., E. W. T., ch. 210, 58 Stat. 231 (Title 26 amended generally, see Individual Income Tax Act of 1944)
June 9, 1944, ch. 240, 58 Stat. 272 (Title 26, § 1650)
June 20, 1944, ch. 266, § 2, 58 Stat. 284 (Title 26, § 3508)
June 30, 1944, ch. 332, 58 Stat. 647 (Title 26, §§ 400, 2470 note)
July 1, 1944, ch. 377, §§ 1–7, 58 Stat. 721 (Title 26, §§ 2550, 2553, 2557, 2558, 2565, 3220, 3228)
Dec. 16, 1944, ch. 600, 58 Stat. 812 (Title 26, §§ 1400, 1410)
Dec 20, 1944, ch 616, 58 Stat 830 (Title 26, §§ 22, 23, 127, 165, 811, 1000 notes)
Dec. 22, 1944, ch. 672, 58 Stat. 912 (Title 26, § 3656)
March 24, 1945, ch. 36, 59 Stat 38 (Title 26, § 1426 and note)
June 30, 1945, ch. 211, § 2, 59 Stat. 295 (Title 26, § 732)
July 31, 1945, ch 340, 59 Stat. 517 (Title 26 amended generally, see Tax Adjustment Act)
Aug. 11, 1945, ch. 364, 59 Stat. — (Title 26, §§ 2720, 2720 note, 3260, 3260 note)
Aug. 11, 1945, ch. 367, 59 Stat. — (Title 26, § 2400, 2400 note)
Oct 23, 1945, ch. 433, § 7 (a, c, d), 59 Stat 548, 549 (Title 26, §§ 1426, 1606, 1607)
Nov. 8, 1945, 5:17 p. m., E. S. T., ch. 453, 59 Stat. 556 (Title 26 amended generally, see Revenue Acts)
Nov 15, 1945, ch. 446, 59 Stat. 555 (Title 26, § 3126)
Dec. 29, 1945, ch. 652, title I, § 4, title II, §§ 202, 203, 59 Stat 670, 673 (Title 26, §§ 23, 23 note, 116, 116 note, 272, 272 note, 732, 732 note, 871, 871 note, 1012, 1012 note, 1426, 1426 note, 1607, 1607 note, 1621, 3466, 3469, 3475, 3797)

International Organization Immunities Act
Dec. 29, 1945, ch. 652, title I, 59 Stat. 669 (Title 22, §§ 288, 288 note, 288a–288f; Title 26, §§ 116, 116 note, 1400 note, 1426, 1426 note, 1600 note, 1607, 1607 note, 1621, 1621 note, 3466, 3469, 3475, 3797; Title 42, §§ 401 note, 409, 409 note, 1001, 1011 notes)

Interstate Commerce Act
Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title I, §§ 101–103, 56 Stat. 176 (Title 49, §§ 304, 310a, 911)
May 16, 1942, ch. 318, §§ 1–3, 5, 6, 56 Stat 284 (Title 49, §§ 23, 302 (c), 319, 1001–1022)
Nov 12, 1943, ch. 299, §§ 1, 2, 57 Stat. 590 (Title 49, § 1009)
Sept. 27, 1944, ch. 423, 58 Stat. 751 (Title 49, § 22)
May 16, 1945, ch. 128, 59 Stat. 169 (Title 49, § 1009)

Interstate Compact To Conserve Oil and Gas
July 7, 1943, ch. 194, 57 Stat. 383

Interstate Meat Packing Law
June 10, 1942, ch. 403, 56 Stat. 351 (Title 21, § 71 note)

Judicial Code
Mar. 6, 1942, ch. 153, 56 Stat. 139 (Title 28, § 150 (b), (d), (e))
May 9, 1942, ch. 295, § 2, 56 Stat. 271 (Title 28, § 225)
July 7, 1942, ch. 489, 56 Stat. 648 (Title 28, § 1 and note)
Dec. 29, 1942, ch. 835, 56 Stat. 1094 (Title 28, §§ 17–20, 22, 23)
Jan. 20, 1944, ch. 3, 58 Stat. 5 (Title 28, §§ 9a, 9a note, 9b)
Dec 7, 1944, ch. 522, 58 Stat. 796 (Title 28, §§ 9, 595)
Dec. 13, 1944, ch. 556, 58 Stat. 801 (Title 28, § 186)
Dec 16, 1944, ch. 604, 58 Stat. 815 (Title 28, § 180)
Dec. 23, 1944, ch. 724, 58 Stat. 925 (Title 28, § 215)
Oct. 29, 1945, ch. 435, 59 Stat. 550 (Title 28, § 150)
Oct. 31, 1945, ch. 443, title II, § 202, 59 Stat. 554 (Title 28, § 192)
Nov. 6, 1945, ch. 447, 59 Stat. 555 (Title 28, § 183)
Nov. 15, 1945, ch. 482, 59 Stat. 582 (Title 28, § 174)
Dec 28 1945, ch 596, 59 Stat 661 (Title 28, § 193)
Dec. 28, 1945, ch 599, 59 Stat 663 (Title 28, § 147)

Judiciary Appropriation Act, 1942
June 28, 1941, ch. 258, title IV, 55 Stat. 298 (Title 18, §§ 726–1, 726a; Title 28, §§ 5b, 374b, 530; Title 41, § 6)

Judiciary Appropriation Act, 1944
June 28, 1943, ch 173, title II, 57 Stat. 239 (Title 18, §§ 726–1, 726a; Title 28, §§ 186, 374b, 530; Title 41, § 6 (b))

Judiciary Appropriation Act, 1945
June 26, 1944, ch. 277, title II, 58 Stat. 354 (Title 18, § 726a; Title 28, §§ 374b, 530; Title 41, § 6 (b) (1))

Judiciary Appropriation Act, 1946
May 21, 1945, ch. 129, title IV, 59 Stat. 196 (Title 18, § 726a; Title 28, §§ 296a, 374b, 412a, 530)

Judiciary Establishment Appropriation Act, 1943
July 2, 1942, ch. 472, title IV, 56 Stat 503 (Title 18, §§ 726a, 726-1; Title 28, §§ 5b, 374b, 530; Title 41, § 6)

Kickback Racket Act.
See Anti-Kickback Act

Labor-Federal Security Appropriation Act, 1942
July 1, 1941, ch. 269, 55 Stat. 466 (Title 8, § 117; Title 15, §§ 721–728 note; Title 16, §§ 584f–1, 584n–1; Title 21, § 46a; Title 24, § 169; Title 42, §§ 64c, 704a)

Labor-Federal Security Appropriation Act, 1943
July 2, 1942, ch. 475, titles I–VII, 56 Stat. 565 (Title 8, § 117; Title 15, §§ 721–728 note; Title 16, §§ 584 note, 584n note; Title 24, § 169; Title 42, §§ 64c, 704a, 1602)

Labor-Federal Security Appropriation Act, 1944
July 12, 1944, ch. 221, 57 Stat 494 (Title 5, § 133t note; Title 8, § 117; Title 15, §§ 721–728 note; Title 16, §§ 584, 584m, 584n notes; Title 21, § 372a; Title 24, § 169; Title 41, § 6a note; Title 42, §§ 64c, 704a, 1602, 1603; Title 50 App., §§ 309a, 310a)

Labor-Federal Security Appropriation Act, 1945
June 28, 1944, ch. 302, 58 Stat. 547 (Title 5, § 133t note; Title 8, § 117 note; Title 15, §§ 721–728 note; Title 16, § 584m note; Title 24, § 169; Title 41, § 6a note; Title 42, §§ 64c, 207 note, 704a, 1603; Title 50 App., § 1451 note)

Labor-Federal Security Appropriation Act, 1946
July 3, 1945, ch. 263, 59 Stat. 361 (Title 16, § 584m and note; Title 24, § 169; Title 41, § 6a note; Title 42, §§ 209c, 231, 703a, 704a, 1603; Title 50 App., § 1451 note)

Lanham Act (Public War Housing)
Oct. 14, 1940, ch 862, 54 Stat. 1125 (Title 42, §§ 1521–1524)
Apr. 29, 1941, ch. 80, 55 Stat. 147 (Title 42, §§ 1521, 1523)
June 28, 1941, ch. 260, 55 Stat. 361 (Title 42, §§ 1521, 1523, 1531–1534, 1541–1551)
Jan. 21, 1942, ch. 14, 56 Stat. 11 (Title 42, §§ 1521–1524, 1534, 1544–1546, 1549, 1552)
Apr. 10, 1942, ch. 239, 56 Stat. 212 (Title 42, §§ 1541, 1544, 1546, 1547, 1561–1564)
July 3, 1945, ch. 264, §§ 1, 2, 59 Stat. 383 (Title 42, § 1534 and note)
Dec. 31, 1945, ch. 657, 59 Stat. 674 (Title 42, § 1572)

Lease-Lend Act
Mar. 11, 1941, ch. 11, 55 Stat. 31 (Title 22, §§ 411–419)
Mar. 11, 1943, ch 15, 57 Stat 20 (Title 22, §§ 412, 415)
May 17, 1944, ch. 198, §§ 1, 2, 58 Stat. 222 (Title 22, §§ 412, 415)
April 16, 1945, ch. 61, 59 Stat. 52 (Title 22, §§ 412, 415)

Legislative and Judiciary Appropriation Act, 1944
June 28, 1943, ch. 173, 57 Stat. 220 (Title 2, §§ 60a, 60a note, 60f, 92e, 117a; Title 18, §§ 726–1, 726a; Title 28, §§ 186, 374b 530; Title 40, §§ 164a, 206, 213a; Title 41, § 6 (a) (b); Title 44, §§ 120, 212 note)

Legislative and Judiciary Appropriation Act, 1945
June 26, 1944, ch. 277, 58 Stat. 277 (Title 2, §§ 42a, 60a, 60f, 92e, 117a; Title 18, § 726a; Title 28, §§ 374b, 530; Title 40, §§ 164a, 213a; Title 41, § 6; Title 44, §§ 120, 212 note)

Legislative Branch Appropriation Act, 1942
July 1, 1941, ch. 268, 55 Stat. 446 (Title 2, §§ 42a, 46a, 60a, 60f, 117a; Title 40, §§ 164a, 174b, 206, 213a; Title 44, § 120)

Legislative Branch Appropriation Act, 1943
June 8, 1942, ch. 396, 56 Stat. 330 (Title 2, §§ 60a, 60a note, 60f, 75a, 117a; Title 40, §§ 164a, 174c–174e, 206, 213a; Title 41, § 6 (c) (4a); Title 44, §§ 120, 212 note)

Legislative Branch Appropriation Act, 1944
June 28, 1943, ch. 173, title I, 57 Stat. 220 (Title 2, §§ 60a, 60a note, 60f, 92e, 117a; Title 40, §§ 164a, 206, 213a; Title 41, § 6 (c); Title 44, §§ 120, 212 note)

Legislative Branch Appropriation Act, 1945
June 26, 1944, ch. 277, title I, 58 Stat. 334 (Title 2, §§ 42a, 60a, 60f, 92e, 117a; Title 40, §§ 164a, 213a; Title 41, § 6 (c) (4b); Title 44, §§ 120, 212 note)

Legislative Branch Appropriation Act, 1946
June 13, 1945, ch. 189, 59 Stat 238 (Title 2, §§ 31a, 42a, 46a, 46c, 46d, 60a, 60a note; 60f, 67a, 92e, 117a; Title 40, §§ 164a, 166a, 213a; Title 41, §§ 6, 7 note; Title 44, §§ 120, 212 note)
July 5, 1945, ch. 271, title I, 59 Stat. 412 (Title 2, § 60a)
Dec 28, 1945, ch. 539, title I, 59 Stat. 632 (Title 2, § 46b note)

Marine War-Risk Insurance Act
See Merchant Marine Act, 1936

Maritime Labor Board Act
See Merchant Marine Act

Marketing Quotas Act
See Agricultural Adjustment Act of 1938

Merchant Marine Act, 1936
June 23, 1941, ch. 228, §§ 1–3, 55 Stat. 259 (Title 46, §§ 1254, 1256 note, 1262)
Mar. 6, 1942, ch. 154, 56 Stat. 140 (Title 46, §§ 1128a, 1128g note)
Mar. 14, 1942, ch. 186, 56 Stat. 171 (Title 46, § 1127)
Apr. 11, 1942, ch. 240, 56 Stat. 214 (Title 46, §§ 1128–1128g)
Mar. 24, 1943, ch. 26, §§ 2 (a), 3 (d-i), 57 Stat. 47, 49–51 (Title 46, §§ 1128a, 1128b, 1128c, 1128d, 1128e, 1128h, 1242)
June 17, 1943, ch. 130, 57 Stat. 157 (Title 46, § 1161)
Apr. 24, 1944, ch. 178, 58 Stat. 216 (Title 46, §§ 1128, 1128–e)
Dec. 23, 1944, ch 714, 58 Stat. 920 (Title 46, § 1161)

Merchant Marine Emergency Act
June 16, 1942, ch 416, 56 Stat. 370 (Title 22, § 420 note; Title 40, § 326 note; Title 46, §§ 1160, 1194 notes; 50 App. §§ 1251, 1261, 1262, 1271–1275, 1281–1286)

Merchant Ship Priorities Act
July 14, 1941 ch. 297, 55 Stat. 591 (Title 50 App., §§ 1281–1286)

Midshipmen Increase Act
Jan. 30, 1941, ch. 2, §§ 2, 3, 55 Stat. 3 (Title 34, §§ 855f, 1032, 1032a)

Military Appropriation Act, 1941, Title VI
Apr. 5, 1941, ch. 41, § 1, title I, 55 Stat. 123

Military Appropriation Act, 1942
June 30, 1941, 6:20 p. m., E. S. T., ch. 262, 55 Stat. 366 (Title 10, §§ 187, 310 note, 535, 727, 918, 1161a, 1431, 1460; Title 31, §§ 223, 224, 493a, 650a; Title 32, §§ 42, 44, 47–1, 51; Title 38, § 461; Title 40, § 269a; Title 50 App., § 1171 note)
Aug. 25, 1941, ch. 409, title I, 55 Stat. 669
Dec. 17, 1941, ch. 591, title I, 55 Stat. 810 (Title 5, § 222; Title 22, § 412 note)

Military Appropriation Act, 1942, Title V
Mar. 5, 1942, ch. 141, title I, 56 Stat. 128

Military Appropriation Act, 1942, Title VI
Apr. 28, 1942, ch. 247, title I, 56 Stat. 226 (Title 5, § 189b; Title 37, § 20 note)

Military Appropriation Act, 1943
July 2, 1942, ch. 477, §§ 1, 14, 56 Stat. 612 (Title 5, § 222; Title 10, §§ 187, 291c–1, 657, 665, 803 note, 918, 1161a, 1431, 1460; Title 31, §§ 223, 224, 493a, 650a; Title 37, § 112a; Title 38, § 461)

Military Appropriation Act, 1944
July 1, 1943, ch. 185, 57 Stat. 347 (Title 5, § 222; Title 10, §§ 187, 291c–1, 657, 803 note, 918, 920, 1161a, 1431, 1460; Title 31, §§ 223, 224, 224j, 493a, 650a; Title 37, § 112a; Title 38, § 461; Title 50 App., § 1191)

Military Appropriation Act, 1945
June 28, 1944, ch. 303, 58 Stat. 573 (Title 5, §§ 59b, 222, 223; Title 10, §§ 291c–1, 657, 803 note, 895, 918, 920, 1161a, 1431, 1460, 1594b; Title 31, §§ 493a, 650a, 650b; Title 37, § 112a; Title 38, § 461)

Military Appropriation Act, 1946
July 3, 1945, ch. 265, 59 Stat. 384 (Title 5, §§ 59b, 222; Title 10, §§ 291c–1, 657, 803 note, 895, 918, 920, 1161a, 1431, 1460; Title 31, §§ 493a, 650a, 650b; Title 37, § 112a; Title 38, § 461)

Military Personnel Claims Act of 1945
May 29, 1945, ch. 135, §§ 1, 2, 4, 5, 59 Stat. 225 (Title 31, §§ 222c and note, 222d, 223b)

Milk Importation Act
See Import Milk Act

Miller Act
Aug. 24, 1935, ch. 642, 49 Stat. 793 (Title 40 §§ 270a–270d)

Missing Persons Act
Mar. 7, 1942, ch. 168, 56 Stat. 145 (Title 50 App., §§ 1001–1017)
Dec. 24, 1942, ch. 828, § 1, 56 Stat. 1093 (Title 50 App., §§ 1003, 1004, 1005, 1006, 1015)
July 1, 1944, ch. 371, 58 Stat. 679 (Title 50 App., §§ 1001 and note, 1002, 1003, 1004, 1009, 1010)

Monroe Doctrine Act
Apr. 10, 1941, ch. 49, 55 Stat. 133 (Title 22, § 504, 504 note)

Mosquito Craft Base Act
June 24, 1941, ch. 234, 55 Stat. 262

Municipal Compositions Act
See Bankruptcy Acts

Mustering-Out Payment Act of 1944
Feb 3, 1944, ch. 9, 58 Stat. 8 (Title 38, §§ 691–691g)
Dec. 16, 1944, ch. 599, 58 Stat. 812 (Title 38, § 691e)
Oct. 6, 1945, ch. 393, § 7 (a, b), 59 Stat. 540 (Title 38, §§ 691b, 691c)

Narcotic Drugs Import and Export Act
July 1, 1944, ch. 377, §§ 8, 9, 58 Stat. 721 (Title 21, §§ 171, 200, 200a)

National Archives Trust Fund Board Act
July 9, 1941, ch. 284, 55 Stat. 581 (Title 44, §§ 300aa, 300bb, 300cc, 300dd, 300ee, 300ff, 300gg, 300hh, 300ii, 300jj)

National Cattle Theft Act
Aug. 18, 1941, ch. 366, 55 Stat. 631 (Title 18, §§ 419a–419d)

National Defense Act of June 3, 1916
Aug. 18, 1941, ch. 363, 55 Stat. 628 (Title 32, § 194)
May 14, 1942, ch. 312, § 18, 56 Stat. 282 (Title 10, § 1393)
June 6, 1942, ch. 382, 56 Stat. 323 (Title 10 § 1393)
Oct. 1, 1942, ch. 570, 56 Stat. 762 (Title 32, § 194)
July 12, 1943, ch. 216, 57 Stat. 430 (Title 10, §§ 383, 384, 387a)
June 9, 1945, ch. 181, 59 Stat. 235 (Title 10, § 385a)
June 29, 1945, ch. 197, 59 Stat. 263 (Title 10, § 1026)

National Defense Emergency Appropriation Act
Dec. 23, 1941, ch. 621, 55 Stat. 855 (Title 16, § 584n note; Title 42, § 1523 note)

National Defense Housing Act
See Lanham Act (Public War Housing)

National Defense Patents Act
Aug. 21, 1941, ch. 393, 55 Stat. 657 (Title 35, §§ 42a, 42b, 42c, 42d, 42e, 42f)

National Defense Ship Radio Act
Dec. 17, 1941, ch. 588, 55 Stat. 808 (Title 47, § 353 note)

National Guard Mobilization Act of 1940
July 28, 1942, ch. 529, § 1, 56 Stat. 723 (Title 50 App. § 403 (a))

National Housing Act
Mar. 28, 1941, ch. 31, 55 Stat. 55 (Title 12, §§ 371, 1430, 1702, 1706, 1707, 1713, 1715, 1716, 1717, 1736–1742; Title 15, § 609k)
June 28, 1941, ch. 261, 55 Stat. 364 (Title 12, §§ 1702, 1703 (a)–1703 (c), 1703 (f), 1706b, 1709 (a), 1710 (a), 1731 (d))
Sept. 2, 1941, ch. 410, 55 Stat. 686 (Title 12, § 1738 (a))
May 26, 1942, ch. 319, 56 Stat. 301 (Title 12, § 1701b et seq.)
Mar. 23, 1943, ch. 21, 57 Stat. 42 (Title 12, §§ 1703, 1738)
Oct. 14, 1943, ch. 258, 57 Stat. 570 (Title 12, §§ 1710, 1739)
Oct. 15, 1943, ch. 259, 57 Stat. 571 (Title 12, §§ 1703, 1709, 1738)
June 30, 1944, ch. 334, 58 Stat. 648 (Title 12, § 1738)
March 31, 1945, ch. 48, 59 Stat. 47 (Title 12, §§ 1738, 1743)

National Labor Relations Board Appropriation Act, 1942
July 1, 1941, ch. 269, title IV, 55 Stat. 495

National Labor Relations Board Appropriation Act, 1943
July 2, 1942, ch. 475, title IV, 56 Stat. 590

National Labor Relations Board Appropriation Act, 1944
July 12, 1943, ch. 221, title IV, § 1, 57 Stat. 515

National Labor Relations Board Appropriation Act, 1945
June 28, 1944, ch. 302, title IV, 58 Stat. 567

National Labor Relations Board Appropriation Act, 1946
July 3, 1945, ch. 263, title IV, 59 Stat. 377.

National Mediation Board Appropriation Act, 1942
July 1, 1941, ch. 269. title V, 55 Stat. 495

National Mediation Board Appropriation Act, 1943
July 2, 1942, ch. 475. title V, 56 Stat. 590

National Mediation Board Appropriation Act, 1944
July 12, 1943, ch 221, title V, § 1, 57 Stat. 515

National Mediation Board Appropriation Act, 1945
June 28, 1944, ch. 302, title V, 58 Stat. 568

National Mediation Board Appropriation Act, 1946
July 3, 1945, ch 263, title V, 59 Stat 378.

National Motor Vehicle Theft Act
Sept. 24, 1945, ch. 383, 59 Stat. 536 (Title 18, § 408, 408 note)

National Service Life Insurance Act of 1940
Dec. 20, 1941, ch. 602, § 10, 55 Stat. 844 (Title 38, § 802 (d))
Feb. 11, 1942, ch. 69, 56 Stat. 88 (Title 38, § 802 (m))
July 11, 1942, ch. 504, 56 Stat. 657 (Title 38, §§ 472b–1, 801 (f), 802 (d), (g), (h), (n), 817)
April 12, 1943, ch. 56, 57 Stat 64 (Title 38, § 802)
Sept 30, 1944, ch. 454, 58 Stat. 762 (Title 38, § 802)
Sept. 30, 1944, ch. 455, § 2, 58 Stat. 764 (Title 38, § 802)

National War Agencies Appropriation Act, 1944
July 12, 1943, 3:00 p. m., E. W. T., ch. 228, 57 Stat. 522 (Title 5, § 796 note; Title 31, §§ 487a, 665 note; Title 41, § 6a note)

National War Agencies Appropriation Act, 1946
July 17, 1945, ch 319, 59 Stat 473 (Title 5, § 796; Title 31, §§ 487a, 665 note; Title 41, §§ 5, 6a notes; Title 50 App., §§ 303a, 309a, 310a)
Dec. 28, 1945, ch. 589, title I, 59 Stat. 632

National War Agency Appropriation Act, 1945
June 28, 1944, ch. 301, 58 Stat. 533 (Title 5, § 796 note; Title 31, §§ 487a. 665 note; Title 41, § 6a note; Title 50 App. §§ 303a, 309a, 310a)

National Youth Administration Appropriation Act, 1942
July 1, 1941, ch. 269, title II, 55 Stat. 471 (Title 15, §§ 721–728 note)

National Youth Administration Appropriation Act, 1943
July 2, 1942, ch. 475, title II, 56 Stat. 569 (Title 15, §§ 721–728 note)

Nationality Act of 1940
Oct. 16, 1941, ch. 446, 55 Stat. 743 (Title 8, § 809)
Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title X, § 1001, 56 Stat 182 (Title 8, §§ 1001–1005)
Apr 2, 1942, ch. 208, 56 Stat 198 (Title 8, § 723)
Oct 9, 1942, ch. 585, 56 Stat. 779 (Title 8, § 809)
Dec 7, 1942, ch. 690, 56 Stat. 1041 (Title 8, § 723a)
Dec. 8, 1942, ch. 696, 56 Stat. 1043 (Title 8, § 806)
Dec. 24, 1942, ch. 819, 56 Stat. 1085 (Title 8, § 806)
Dec. 17, 1943, ch. 344, § 3, 57 Stat. 601 (Title 8, § 703)
Jan 20, 1944 ch 2, §§ 1, 3, 58 Stat. 4 (Title 8, §§ 739, 742 (a), 801 (g))
July 1, 1944, ch 368, 58 Stat. 677 (Title 8, §§ 801 803)
Sept 27, 1944, ch. 415, 58 Stat. 745 (Title 8, § 742)
Sept. 27, 1944, ch. 418, § 1, 58 Stat. 746 (Title 8, § 108)
Sept. 27, 1944, ch. 419, 58 Stat. 747 (Title 8, § 809)
Sept 28, 1944, ch. 446, 58 Stat. 755 (Title 8, § 742)
Dec. 22, 1944, ch. 662, 58 Stat. 886 (Title 8, §§ 1001, 1002)
Oct. 11, 1945, ch. 410, 59 Stat. 544 (Title 8, § 809)
Nov. 21, 1945, ch. 490, 59 Stat. 658 (Title 8, § 742)
Dec. 28, 1945 ch 590, § 1 (c), 59 Stat. — (Title 8, §§ 1001, 1008; Title 50 App., § 640)

Natural Gas Act
Feb. 7, 1942, ch. 49, 56 Stat. 83 (Title 15, § 717f)

Naval Academy Act
June 3, 1941, ch. 162, 55 Stat. 238 (Title 34, § 1054 note)

Naval Air Station Act
Aug. 16, 1941, ch. 359, 55 Stat 624

Naval Appropriation Act, 1941, Title VII
Apr. 5, 1941, ch 41, § 1, title II, 55 Stat. 128

Naval Appropriation Act, 1941, Title VIII
July 3, 1941, ch. 273, title I, 55 Stat. 541

Naval Appropriation Act, 1942, Title II
July 3, 1941, ch. 273, title I, 55 Stat. 541

Naval Appropriation Act for the fiscal year 1942, Title III
Aug. 25, 1941, ch. 409, title II, 55 Stat. 670

Naval Appropriation Act, 1942, Title IV
Oct. 28, 1941, ch. 460, title II, 55 Stat. 747

Naval Appropriation Act, 1942, Title V
May 6, 1941, ch. 86, 55 Stat. 151 (Title 5, § 457a; Title 31, § 495a; Title 34, prec. 381 note, 580a)
Dec. 17, 1941, ch. 591, title II, 55 Stat. 816 (Title 34, §§ 498c–4, 498c–5, 498c–5 note)

Naval Appropriation Act, 1942, Title VI
Feb. 7, 1942, ch. 46, title II, § 204, 56 Stat. 78

Naval Appropriation Act, 1942, Title VII
Apr. 28, 1942, ch. 247, title II, 56 Stat. 233 (Title 22, § 412 note)

Naval Appropriation Act 1942, Title VIII
June 23, 1942, ch. 444, § 1, 56 Stat. 389 (Title 14, §§ 34a, 132a, 137; Title 34, § 498–4 note; Title 50 App., § 1002 note)

Naval Appropriation Act, 1943
Feb. 7, 1942, ch. 46, title I, 56 Stat 54 (Title 5, § 457a; Title 14, § 134; Title 31, § 495a; Title 34, note prec. § 281, §§ 450b, 580a; Title 37, § 20 note)

Naval Appropriation Act, 1943, Title II
June 23 1942, ch. 444, § 1, 56 Stat 389 (Title 14, §§ 34a, 132a, 137; Title 34, § 498–4 note; Title 50 App., § 1002 note)

Naval Appropriation Act, 1943, Title III
Oct. 26, 1942, ch. 629, title I, 56 Stat. 990 (Title 22, § 412 note; Title 34, § 450c; Title 37, § 118a)

Naval Appropriation Act, 1943, Title IV
Mar. 31, 1943, ch. 30, 57 Stat. 52 (Title 34, § 1042 note; Title 42, § 70)

Naval Appropriation Act, 1943, Title V
June 26, 1943, ch. 147, Title II, 57 Stat. 218

Naval Appropriation Act, 1944
June 26, 1943, ch. 147, 57 Stat. 197 (Title 14, §§ 34a, 132a, 134; Title 22, § 412 note; Title 24, § 16a; Title 31, § 495a; Title 34, §§ 450b, 450c, 486 note, 1042 note; Title 37, §§ 112 note, 112b)

Naval Appropriation Act, 1945
June 22, 1944, ch. 269, 58 Stat 301 (Title 5, § 415a; Title 14, §§ 34a, 132a, 134; Title 22, § 412 note; Title 24, § 16a; Title 31, §§ 495a, 645a note; Title 34, §§ 450b, 450c, 486 note, 1042 note, Title 37, § 112b)

Naval Appropriation Act, 1946
May 29, 1945, ch 130, 59 Stat. 201 (Title 5, § 415a; Title 14, §§ 34a, 132a, 134; Title 22, § 412 note; Title 24, § 16a; Title 31, § 495a; Title 34, §§ 450b, 450c, 486 note, 1042 note; Title 37, §§ 112b, 118a)

Naval Auxiliary Vessel Act
May 24, 1941, ch. 131, 55 Stat. 197 (Title 34, § 498c–4)

Naval Aviation Cadet Act of 1942
Aug. 4, 1942, ch. 547, 56 Stat. 737 (Title 34, §§ 841a note, 841h, 850a, 850a note, 850b–850m, 853c, 853e, 855d)
Oct. 21, 1943, ch. 269, 57 Stat. 573 (Title 34, § 850j, 850j note)
Oct. 25, 1943, ch. 275, 57 Stat. 574 (Title 34, § 850k, 850k note)

Naval Expansion Acts
Dec. 23, 1941, ch. 619, 55 Stat. 853 (Title 34, §§ 498–3, 498a–3)
July 9, 1942, ch. 503, 56 Stat. 655 (Title 34, §§ 498–5, 498a–5, 498c–3, 498c–7, 498c–8)

Naval Facilities Act
July 29, 1941, ch. 328, 55 Stat. 608

Naval Plant-Protection Force Act
Aug. 11, 1941, ch. 352, 55 Stat. 616

Naval Public Works Act
Aug. 6, 1942, ch. 549, 56 Stat. 742

Naval Reserve Act of 1938
Jan. 30, 1941, ch 2, §§ 2, 3, 55 Stat. 3 (Title 34, §§ 855f, 1032, 1032a)
May 4, 1942, ch. 282, § 2, 56 Stat. 266 (Title 34, § 855o)
July 30, 1942, ch. 538, 56 Stat. 730 (Title 34, §§ 857–857g)
Aug. 4, 1942, ch 547, § 15 (e)–(g), 56 Stat. 739 (Title 34, §§ 853c, 853e, 855d)
Oct 25, 1943, ch. 277, 57 Stat. 575 (Title 34, § 855i–1, 855i–1 note)
Nov. 8, 1943, ch. 297, § 1, 57 Stat. 586 (Title 34, §§ 857a, 857e)
Sept. 27, 1944, ch. 428, § 1, 58 Stat. 754 (Title 34, § 857c)

Naval Ship Alteration Act
Jan. 29, 1941, ch. 1, 55 Stat. 3 (Title 34, § 487)

Naval Special Duty Act
July 17, 1941, ch. 304, 55 Stat. 598 (Title 34, § 212a)

Navy Enlisted Strength Act
Apr. 22, 1941, ch. 74, 55 Stat. 145 (Title 34, §§ 2, 151, 152, 691)

Navy Enlistment Acts
Aug 18, 1941, ch. 364, 55 Stat 629 (Title 14, § 35a; Title 34, §§ 181, 181a, 201a, 692, 692a; Title 37 § 16a)
Dec. 13, 1941, ch. 570, 55 Stat. 799 (Title 14, § 35c; Title 34, §§ 186, 201b)

Navy Local Defense Ship Act
Nov. 21, 1941, ch. 502, 55 Stat. 782 (Title 34, §§ 498c–5, 498c–5 note)

Navy-Marine Advancement Act
Feb. 23, 1942, ch. 110, 56 Stat. 120 (Title 34, § 399h)

Navy-Marine Corps Enlisted Strength Act
Jan. 12, 1942, ch. 1, 56 Stat. 3 (Title 34, §§ 151, 691)

Navy Ordnance Act
Mar. 17, 1942, ch. 187, 56 Stat. 172

Navy Public Works Act
Mar. 23, 1941, 11 a. m., ch. 25, 55 Stat. 47
Mar. 23, 1941, 12 noon, ch. 26, 55 Stat. 49 (Title 40, § 276a–7)
July 14, 1941, ch. 298, 55 Stat. 592
Aug. 21, 1941, ch. 395, 55 Stat. 658 (Title 40, § 276a–7; Title 50 App., § 1158 note)
Feb. 6, 1942, ch. 43, § 3, 56 Stat. 51 (Title 34, § 557)
Apr. 28, 1942, ch. 250, 56 Stat. 248

Navy Shipbuilding and Repair Act
Jan. 29, 1942, ch. 25, 56 Stat. 23

Navy Shipbuilding Facilities Act
Jan. 31, 1941, ch. 4, 55 Stat. 5 (Title 34, § 498c–3 note)

Navy Shipbuilding Program Act
Feb. 6, 1942, ch. 45, 56 Stat. 53 (Title 34, § 498c–6 and note)

Navy Warship Construction Act
See Naval Expansion Acts

Neutrality Acts
Nov. 17, 1941, 4:30 p. m., E. S. T., ch. 473, 55 Stat. 764 (Title 22, § 446 note)
Feb. 21, 1942, ch. 104, 56 Stat. 95 (Title 22, § 447(e))

Nurses Training Act
June 15, 1943, ch. 126, 57 Stat. 153 (Title 50 App., §§ 1451–1460)

Office of Government Reports Act
June 9, 1941, ch. 189, 55 Stat. 247 (Title 3, § 34)

Opium Poppy Control Act of 1942
Dec. 11, 1942, ch 720, 56 Stat. 1045 (Title 21, § 188 et seq.)

Organic Act of Alaska
Nov. 13, 1942, ch. 637, 56 Stat. 1016 (Title 48, §§ 67–72, 75, 87)

Packers and Stockyards Act
June 19, 1942, ch. 421, 56 Stat. 372 (Title 7, § 217a)

Pan-American Naval Academy Act
July 14, 1941, ch. 292, 55 Stat. 589 (Title 34, § 1036–1)

Parity Act
See Soil Conservation and Domestic Allotment Act

Pay-as-you-go Tax Act
See Current Tax Payment Act of 1943

Pay Readjustment Act of 1942
June 16, 1942, ch. 413, 56 Stat. 359 (Title 37, §§ 101–120)
Dec. 2, 1942, ch. 669, 56 Stat. 1037 (Title 37, §§ 101, 103, 103a)
Mar. 6, 1943, ch. 11, 57 Stat. 13 (Title 37, § 106)
June 26, 1943, ch. 151, 57 Stat. 219 (Title 37, § 110)
Oct. 18, 1943, ch. 260, 57 Stat. 571 (Title 37, § 115 and note)
July 1, 1944, ch. 372, 58 Stat. 682 (Title 37, § 118)
Oct. 6, 1945, ch. 393, §§ 8, 12, 59 Stat. 541, 542 (Title 37, §§ 102, 110)
Nov. 24, 1945, ch. 494, 59 Stat. 587 (Title 37, § 104 and note)

Perishable Agricultural Commodities Act, 1930
Apr. 6, 1942, ch. 211, 56 Stat. 200 (Title 7, § 499b (4))

Petroleum Pipe Line Act
July 30, 1941, ch. 333, 55 Stat. 610 (Title 15, prec. § 715 note)

Philippine Independence Act
Aug. 7, 1939, ch. 502, § 4, 53 Stat. 1231 (Title 48, § 1242)
June 29, 1944, ch. 323, 58 Stat. 626 (Title 48, § 1243)

Post Office Department Appropriation Act, 1942
May 31, 1941, ch. 156, title II, § 1, 55 Stat. 227 (Title 39, §§ 9, 137, 805, 809a; Title 40, § 284)

Post Office Department Appropriation Act, 1943
Mar. 10, 1942, ch. 178, title II, § 1, 56 Stat. 163 (Title 39, §§ 9, 137, 805, 809a; Title 40, § 284)

Post Office Department Appropriation Act, 1944
June 30, 1943, ch. 179, title II, 57 Stat. 263 (Title 39, §§ 9, 805, 809a; Title 40, § 284)

Post Office Department Appropriation Act, 1945
Apr. 22, 1944 ch. 175, title II, § 1, 58 Stat 195 (Title 39, §§ 9, 137, 805, 809a; Title 40, § 284)

Post Office Department Appropriation Act, 1946
Apr. 24, 1945, ch. 92, title II, 59 Stat. 68 (Title 39, §§ 9, 137 805, 809a; Title 40, § 284)

Postal Salary Classification Act of 1925
See Reclassification Act of 1925

Price Control Act of 1942
See Emergency Price Control Act of 1942

Priorities and Allocations Act
June 28, 1940, ch. 440, 54 Stat. 676 (Title 10, § 1262a; Title 34, § 546c; Title 41, § 40; Title 42, §§ 1501–1505; Title 50 App., §§ 1151–1162)

Property Claims Act of 1943
Oct. 27, 1943, ch. 281, 57 Stat. 582 (Title 14, § 40a; Title 33, § 871; Title 34, §§ 941, 984–989; Title 42, § 70a)
Nov 14, 1945, ch 468, 59 Stat. 578 (Title 34, § 984)

Property Requisitioning Act
Oct. 16, 1941, ch. 445, 55 Stat. 742 (Title 50 App., §§ 721–724)
Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, title VI, §§ 601, 602, 56 Stat. 181 (Title 50 App., §§ 636, 636a, 721)

Public Contracts Act
June 30, 1936, ch. 881, 49 Stat. 2036 (Title 41, §§ 35–45)

Public Debt Act of 1941
Feb. 19, 1941, ch. 7, 55 Stat. 7 (Title 31, §§ 742a, 755–757 notes, 757b and note, 757c)
Mar. 28, 1942, ch. 205, § 6, 56 Stat. 190 (Title 31, § 742a)

Public Debt Act of 1942
Mar. 28, 1942, ch. 205, 56 Stat. 189 (Title 31, §§ 742a, 754a, 754b, 757b; Title 39, § 756a)

Public Debt Act of 1943
Apr. 12, 1943, ch. 52, 57 Stat. 63 (Title 31, §§ 757b, 757c; Title 50 App., § 964)
Apr. 3, 1945, ch. 51, § 3, 59 Stat. 47 (Title 31, § 757c)

Public Debt Act of 1944
June 9, 1944, ch. 240, 58 Stat. 272 (Title 26, § 1650 and note; Title 31, § 757b and note)

Public Debt Act of 1945
Apr. 3, 1945, ch. 51, 59 Stat. 47 (Title 31, §§ 741a, 757b, 757c, 757d, 757e)

Public Health Service Act
July 1, 1944, ch. 373, titles I–V, 58 Stat. 682 (Title 42, §§ 201–229, 241–286)

Public Works Administration Appropriation Act of 1938
Apr. 5, 1941, ch. 40, § 1, 55 Stat. 92 (Title 15, §§ 721–728 note)
June 26, 1943, ch. 145, title I, § 1, 57 Stat. 180 (Title 15, §§ 721–728 note)

Railroad Retirement Act of 1937
Apr. 8, 1942, ch. 227, §§ 1–13, 56 Stat. 204 (Title 45, §§ 215–228 note, 228a, 228a note, 228c, 228e note, 228c–1, 228c–1 note, 228s, 228s note)

Railroad Retirement Board Appropriation Act, 1942
July 1, 1941, ch. 269, title VI, 55 Stat. 496

Railroad Retirement Board Appropriation Act, 1943
July 2, 1942, ch. 475, title VI, 56 Stat. 590

Railroad Retirement Board Appropriation Act, 1944
July 12, 1943, ch 221, title VI, § 1, 57 Stat. 516

Railroad Retirement Board Appropriation Act, 1945
June 28, 1944, ch. 302, title VI, 58 Stat. 569

Railroad Retirement Board Appropriation Act, 1946
July 3, 1945, ch. 263, title VI, 59 Stat. 379.

Railroad Unemployment Insurance Act
Apr. 8, 1942, ch. 227, § 15, 56 Stat. 210 (Title 45, § 351 (e), 351 note)
June 30, 1942, ch. 463, 56 Stat. 465 (Title 45, § 363 (c))

Rankin Veterans Pension Act
June 10, 1942, ch. 402, 56 Stat. 350 (Title 38, ch. 12 note)

Reclamation Project Act of 1939
Apr. 24, 1945, c. 94, 59 Stat. 75 (Title 43, §§ 485b note, 485c, 485f)

Reclassification Act of 1925
Feb 23, 1925, ch. 368, titles I, II, 43 Stat. 1053–1070 (Title 39, §§ 53–55, 57, 59, 60, 81, 83, 86–101, 103, 104, 106–108, 110, 113, 115–119, 121–123, 129, 131, 166, 168, 170, 196–198, 200, 206, 221, 235, 239–241, 244–247, 249, 281, 283, 287–289, 291, 293, 293a, 294, 301, 384, 386, 602, 604–607, 610–619, 621, 622, 625, 627, 629, 630, 633, 693, 694, 698, 699, 701–703, 716, 717, 801, 821, 823, 826)
Oct. 18, 1943, ch. 261, 57 Stat. 572 (Title 39, § 139)

Reconstruction Finance Corporation Act
June 10, 1941, ch. 190, 55 Stat. 248 (Title 15, §§ 605k–1, 606b, 609o, 610, 710–712 notes)
June 11, 1942, ch. 404, § 9, 56 Stat. 355 (Title 15, § 606b)

Reemployment of Merchant Marine Members
June 23, 1943, ch. 142, 57 Stat. 162 (Title 50 App., §§ 1471–1475)

Removal of Restrictions on Service Act
Dec. 13, 1941, ch. 571, 55 Stat. 799 (Title 10, § 2; Title 50 App., §§ 731, 732, 733)

Renegotiation Act
Apr. 28, 1942, ch. 247, title IV, § 403, 56 Stat. 245 (Title 50 App., § 1191)
Oct. 21, 1942, ch 619, title VIII, § 801 (a–c), 56 Stat. 982 (Title 50 App., § 1191)
Feb. 25, 1944, ch. 63, title VII, § 701 (a, b), 58 Stat. 78 (Title 50 App., § 1191 1191 note)
June 30, 1945 ch. 210, § 1, 59 Stat. 294 (Title 50 App., § 1191)

Reorganization Act of 1945
Dec. 20, 1945, ch 582, 59 Stat 613 (Title 5, §§ 133y to 133y–16)

Revenue Acts
Feb 19, 1941, ch. 7, § 2 (c), 55 Stat. 7 (Title 31, § 757b note)
Sept. 20, 1941, 12:15 p m., E S T., ch 412, 55 Stat. 687 (Title 16, §§ 18c, 407d; Title 26, §§ 4, 11, 12, 13, 14, 15, 23, 25, 42, 51, 55, 102, 104, 117, 142, 143, 144, 147, 211, 214, 231, 251, 261, 262, 362, 363, 373, prec. § 400, 400–404, 500, 600, 602, 710, 711, 714, 718, 722, 731 note, 935, prec § 951, 951, 1001, 1200, 1202, 1203, 1250, 1650, 1700, 1701, 1710, 1712, 1715, 1716, 1800, 1801, 1802, 1804, 1806, 1807, 1850, 2000, 2004, prec. § 2400, 2400–2411, 2483, 2700, 2800, 2887, 3030, 3150, 3190, 3192, 3250, prec. § 3267, 3267, prec § 3268, 3268, 3400, 3401, 3403, 3404, 3405, 3406, 3407, 3409, 3411, 3412, 3413, 3440, 3441, 3442, 3443, 3444, 3452, 3453, 3460, 3465, 3466, prec. § 3469, 3469, prec § 3470, 3471, 3472, 3481, 3482, prec. § 3540 3540)
Oct. 21, 1942, 4:30 p. m., E W. T., ch. 619, 56 Stat. 798 (Title 7, §§ 644, 648; Title 15, § 80a–3; Title 26, §§ 3, 4, 11–15, 22–28, 34, 35, 42, 43, 47, 48, 51, 52, 56, 101–103, 107–109, 112–117, 119, 122–128, 131, 141–145, 147, 152, 162–165, 169, 171, 172, 182–184, 190, 201–204, 207, 208, 211, 214, 219, 231, 238, 251, 264, 272, 291, 322, 336, 337, 361–363, 371–373, 393, 394, 400, 401, 404, 450–456, 465–470, 475, 476, 500, 501, 504–506, 600–602, 605, 710–714, 718–725, 727, 729–732, 734–736, 740–743, 750–752, 760, 761, 780–783, 811–813, 826, 827, 861, 864, 871, 900, 912, 935, 1000, 1003, 1004, 1012, 1027, 1030, 1100, 1101, 1200, 1202, 1203, 1400, 1410, 1700, 1801, 1802, 1804, 1808, 1809, 2000, 2100, 2112, 2197, 2380–2390, 2400, 2402, 2405, 2477, 2800, 2887, 3030, 3125, 3150, 3193, 3215–3217, 3250, 3267, 3404–3406, 3413, 3441, 3460, 3465, 3469, 3471, 3475, 3481, 3672, 3771, 3772, 3797, 3804–3806, 5012; Title 50 App., §§ 527, 573 note, 1013 note, 1191)
Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, 58 Stat. 26–93 (Title 26, §§ 22, 23, 25, 26, 45, 47, 51, 54, 60, 107, 108, 112–114, 115, 116, 117, 129, 130, 131, 141, 143, 162, 167, 204, 207, 294, 322, 400, 404, 450, 453, 456, 602, 710, 711, 714, 718, 722, 727, 729, 731, 735, 780, 781, 783, 811, 812, 861, 1000, 1114, 1400, 1410, 1601, 1622, 1650–1655, 1830, 2400, 2401, 2406, 2700, 2800, 2887, 3150, 3194, 3250, 3268, 3400, 3406, 3407, 3411, 3442,

Revenue Acts—Continued.
3443, 3460, 3466, 3469, 3475, 3806, 3807; Title 19, § 1201; Title 39, §§ 245, 246, 246b–246d, 280, 293, 384 386, 463, 716; Title 42, § 401; Title 50 App., §§ 1191, 1192)
June 29, 1945, ch. 200, 59 Stat. 264 (Title 26, §§ 811, 1000 notes)
June 30, 1945, ch. 210, § 2, 59 Stat. 294 (Title 50 App., § 1192 note)
June 30, 1945, ch. 211, § 1, 59 Stat. 295 (Title 39, § 280 note)
Nov 8, 1945, 5:17 p. m., E. S. T., ch. 453, 59 Stat. 556 (Title 26, §§ 11, 12, 13, 15, 22, 23, 25, 26, 47, 58, 102, 108, 131, 143, 163, 204, 207, 214, 215, 251, 276, 322, 362, 400, 401, 600, note prec. § 710, 710, 710 note, 1400, 1410, 1622, 1625, 1626, 1656, 1657, 1658, 1659, 2406 note, 2700 note, 3407 note, 3411 note, 3442 note, 3443 note, 3460 note, 3466 note, 3469 note, 3475 note, 3777, 3808, Title 31, § 738a)

Reynolds Aviation Training Act
See Army Aviation Cadet Act

R. F. C. Lending Act
June 5, 1942, ch. 352, 56 Stat. 326 (Title 15, § 609r)

R. F. C. Lending Authority Act
Oct. 23, 1941, ch. 454, 55 Stat. 744 (Title 15, § 609p)

Rivers and Harbors Act
Aug. 18, 1941, ch. 377, 55 Stat. 638 (Title 10, § 1026b; Title 33, §§ 701b, 701b–2, 701c note, 701c-2, 701c–3, 701f note, 701f–1 note, 701g, 701j note, 701m, 701n, 702a–1¾, 702a–12)

Rivers and Harbors Act, 1945
March 2, 1945, ch. 19, 59 Stat. 10 (Title 33, §§ 544b, 603a)

Royalty Adjustment Act of 1942
Oct. 31, 1942, ch 634, §§ 1–8, 56 Stat. 1013 (Title 35, §§ 89-96)

Rumanian Declaration of War
June 5, 1942, ch. 325, 56 Stat. 307 (Title 50 App., note prec. § 1)

Rural Electrification Act of 1936
Sept. 21, 1944, ch. 412, title V, §§ 501–504, 58 Stat. 739 (Title 7, §§ 903, 904, 905)
Dec. 23, 1944, ch. 725, 58 Stat 925 (Title 7, § 904)

San Carlos Act
June 7, 1924, ch. 288, 43 Stat. 475
July 14, 1945, ch. 301, 59 Stat. 469

Sea Food Inspection Act
Aug. 27, 1935, ch. 739, 49 Stat. 871 (Title 21, § 372a)

Second Defense Aid Supplemental Appropriation Act, 1942
Mar. 5, 1942, ch. 141, title III, 56 Stat. 130 (Title 22, § 412 note)

Second Deficiency Appropriation Act, 1940
June 26, 1943, ch. 145, title I, 57 Stat. 180 (Title 15, §§ 721–728 note)

Second Deficiency Appropriation Act, 1941
July 3, 1941, ch. 273, 55 Stat. 541

Second Deficiency Appropriation Act, 1942
July 2, 1942, ch. 476, 56 Stat. 597 (Title 7, §§ 174, 175)

Second Deficiency Appropriation Act, 1943
July 12, 1943, 4 p. m., E. W. T., ch. 229, 57 Stat. 537 (Title 5, § 133t note; Title 15, §§ 721–728 note; Title 26, note prec. § 3600; Title 42, § 1523 note)

Second Deficiency Appropriation Act, 1944
June 28, 1944, ch. 304, 58 Stat. 597 (Title 2, § 60a; Title 5, § 133t note; Title 15, §§ 721–728 note; Title 26, note prec. § 3600; Title 31, § 18 note; Title 37, § 118a; Title 42, § 1523 note; Title 50 App., § 922a)

Second Deficiency Appropriation Act, 1945
July 5, 1945, ch. 271, 59 Stat. 412 (Title 2, § 60a; Title 7, §§ 174, 176; Title 42, § 1523 note; Title 50 App., § 922a)

Second Liberty Bond Act
Mar. 28, 1942, ch. 205, §§ 2–4, 56 Stat. 189 (Title 31, §§ 754a, 754b, 757b)
April 12, 1943, ch. 52, §§ 2, 3, 57 Stat. 63 (Title 31, §§ 757b, 757c)
June 9, 1944, ch 240, 58 Stat. 272 (Title 31, § 757b)
April 3, 1945, ch. 51, §§ 2–4, 59 Stat 47 (Title 31, §§ 757b, 757c, 757d)

Second Revenue Act of 1940
Feb. 11, 1942, ch. 69, 56 Stat. 88 (Title 38, § 502 (m))

Second Supplemental National Defense Appropriation Act, 1941
Oct 26, 1942, ch. 629, title II, § 202, 56 Stat. 1005 (Title 39, § 321b)

Second Supplemental National Defense Appropriation Act, 1942
Oct. 28, 1941, ch. 460, 55 Stat. 745 (Title 2, § 60a note; Title 10, § 576a; Title 22, §§ 421, 422)

Second Supplemental National Defense Appropriation Act, 1943
Oct. 26, 1942, ch. 629, 56 Stat. 990 (Title 7, § 171 note; Title 22, § 412 notes; Title 26, note prec. § 3600; Title 31, § 665 note; Title 34, § 450c; Title 37, § 118a; Title 39, § 321b note; Title 40, §§ 101 note, 317; Title 44, § 365)

Second War Powers Act, 1942
Mar. 27, 1942, 3 p. m., E. W. T., ch. 199, 56 Stat. 176 (Title 8, §§ 1001–1005; Title 12, § 355; Title 18, § 61h; Title 49, §§ 304, 310a, 911; Title 50, § 171 note; Title 50 App., §§ 631–645a, 721, 1152)
Dec. 20, 1944, ch. 614, 58 Stat. 827 (Title 50, App. §§ 633, 645, 1152)
Dec. 28, 1945, ch. 590, 59 Stat. 658 (Title 8, §§ 1001, 1006; Title 50 App., §§ 632a, 639, 640, 641f, 642, 642d, 645)

Secrecy of Military Information Act
Jan. 26, 1942, ch. 19, 56 Stat. 19 (Title 22, § 452 (h))

Securities Act of 1933
May 15, 1945, ch. 122, 59 Stat. 167 (Title 15, § 77c)

Securities Exchange Act of 1934
Mar 17, 1944, ch. 101, 58 Stat. 117 (Title 15, § 78ee)

Selective Training and Service Act of 1940
May 29, 1941, ch. 155, 55 Stat. 211 (Title 50 App., § 305 (b))
Dec. 20, 1941, ch. 602, §§ 1–9, 55 Stat. 844 (Title 38, § 802; Title 50 App., §§ 302–305, 315)
Mar. 28, 1942, ch. 206, 56 Stat 190 (Title 50 App., § 312 (a))
June 23, 1942, ch. 443, title II, 56 Stat. 386 (Title 50 App., § 305 (e) (1), 315 (c))
July 28, 1942, ch. 529, § 2, 56 Stat. 724 (Title 50 App., § 308 (a))
Nov. 13, 1942, ch. 638, 56 Stat. 1018 (Title 50 App., §§ 303, 305, 315)
Dec 5, 1943, ch. 342, 57 Stat. 596 (Title 50 App., §§ 304a, 305, 305b, 310)
July 1, 1944, ch. 376, 58 Stat 720 (Title 50 App., § 315)
Dec 8, 1944, ch 548, § 1, 58 Stat. 798 (Title 50, App., § 308)
May 9, 1945, ch. 112, 59 Stat. 166 (Title 50 App., §§ 303 316)

Service Extension Act of 1941
Aug. 18, 1941, ch. 362, 55 Stat. 626 (Title 50 App., §§ 303, 351–357, 359–362, 401)
Dec. 8, 1944, ch. 548, § 3, 58 Stat. 799 (Title 50, App., § 357)

Service Flag and Button
Oct. 17, 1942, ch. 615, 56 Stat. 796 (Title 36, §§ 179–182)

Servicemen's Dependents Allowance Act of 1942
June 23, 1942, ch. 443, 56 Stat. 381 (Title 37, §§ 201–220; Title 50 App., §§ 305 (e) (1), 315 (c))
Aug. 20, 1942, ch. 554, 56 Stat. 747 (Title 37, § 207)
Oct 26, 1943, ch. 281, 57 Stat 577 (Title 37, §§ 201–210, 219–221)
Oct. 6, 1945, ch 393, § 9 (a, b), 59 Stat. 541 (Title 37, §§ 201, 208)

Servicemen's Readjustment Act of 1944
June 22, 1944, ch. 268, 58 Stat. 284 (Title 38, § 693 et seq.)
June 30, 1945, ch. 204, § 16, 59 Stat. 267 (Title 38, § 694b)
July 6, 1945, ch. 280, 59 Stat. 463 (Title 38, § 693)
Oct. 6, 1945, ch. 393, § 11 (b, c), 59 Stat. 542 (Title 38, §§ 694, 696)
Dec. 28, 1945, ch. 588, §§ 1–4, 8–10, 59 Stat. 9, 623, 626 (Title 38, §§ 693, 693d, 693f, 693i, 694–694e, 694g–694j, 697e–697g)

Settlement of Mexican Claims Act of 1942
Dec. 18, 1942, ch. 766, 56 Stat. 1058 (Title 22, §§ 661–672)
Apr. 3, 1945, ch. 52, §§ 1–7, 59 Stat. 49, 50 (Title 22, §§ 661, 663, 664, 667)

Settlement of Mexican Claims Act Amendments of 1945
Apr. 3, 1945, ch. 52, 59 Stat. 49 (Title 22, §§ 661, 663, 664, 667)

Seventh Supplemental National Defense Appropriation Act, 1942
June 23, 1942, ch. 444, 56 Stat. 389 (Title 14, §§ 34a, 132a, 137; Title 34, § 498–4 note; Title 50 App., § 1002 note)

Sheppard Air Corps Cadet Act
See Army Aviation Cadet Act

Sheppard Army Reserve Act
See Army Reorganization Acts

Ship Load Line Act
July 3, 1941, ch. 276, 55 Stat. 578 (Title 46 § 88a)

Ship Seizure Bill
June 6, 1941, 11 a. m., E. S. T., ch. 174, 55 Stat. 242 (Title 50 App., §§ 1271–1275)

Sixth Supplemental National Defense Appropriation Act, 1942
Apr. 28, 1942, ch. 247, 56 Stat. 226 (Title 5, §§ 189b, 216a, 219a, 470; Title 7, § 174; Title 22, § 412 note; Title 31, §§ 16, 82f; Title 37, § 20 note; Title 42, § 1602; 50 App., § 1191)
Oct. 26, 1942, ch. 629, title II, § 201, 56 Stat 1005
July 1, 1943, ch. 185, 57 Stat. 347 (Title 5, § 222, Title 10, §§ 187, 291c–1, 657, 803 note, 918, 920, 1161a, 1431, 1460; Title 31, §§ 223, 224, 224j, 493a, 650a; Title 37, § 112a; Title 38, § 461; Title 50 App., § 1191)
Feb 25, 1944, 12:49 p. m., E. W. T., ch. 63, Title VII, § 701 (a, b), 58 Stat. 78 (Title 50 App., §§ 1191, 1191 note)
June 30, 1945, ch. 210, § 1, 59 Stat. 294 (Title 50 App., § 1191)

Small Business Mobilization Law
June 11, 1942, ch. 404, 56 Stat. 351 (Title 12, §§ 84, 265; Title 15, § 606b; Title 50 App., §§ 1101–1112)
Dec 8, 1944, ch. 549, 58 Stat. 799 (Title 50 App., § 1104)

Smaller War Plants Corporation
Apr. 27, 1945, ch 98, 59 Stat. 95 (Title 50 App., § 1104)

Smith-Connally Anti-Strike Act
See War Labor Disputes Act

Social Security Act
Mar 24, 1943, ch. 26, § 1 (b), 57 Stat. 46 (Title 26, § 1400 note; Title 42, § 409)
Feb. 25, 1944, 12:49 p. m., E. W. T., ch. 63, title IX, § 902, 58 Stat. 93 (Title 42, § 401)
Apr 4, 1944, ch. 161, § 2, 58 Stat. 188 (Title 42, § 409)
Oct. 3, 1944, ch. 480, title IV, 58 Stat. 789 (Title 42, §§ 1104, 1321)
Oct 23, 1945, ch. 433, § 7 (b), 59 Stat. 548 (Title 42, § 409)
Dec. 29, 1945, ch. 652, title I, § 5 (a), 59 Stat. 671 (Title 42, § 409 and note)

Social Security Act Amendments of 1939
Mar. 24, 1943, ch. 26, § 1(b) (3), 57 Stat. 47 (Title 26, § 1400 note)

Soil Conservation and Domestic Allotment Act
Dec. 26, 1941, ch. 626, 55 Stat. 860 (Title 7, §§ 1330 (10), 1340 (10); Title 16, § 590h (a))
Feb. 6, 1942, ch. 44, § 4, 56 Stat. 53 (Title 16, § 590h (c) (2))
Sept. 29, 1942, ch. 568, 56 Stat. 761 (Title 16, § 590h (e))
Dec. 2, 1942, ch. 669, 56 Stat. 1037 (Title 37, §§ 101, 103, 103a)
Sept. 21, 1944, ch. 412, title III, §§ 301, 302 (a), 58 Stat. 737 (Title 16, §§ 590f, 590h)

Soldiers' and Sailors' Civil Relief Act of 1940
Oct. 6, 1942, ch. 581, §§ 2–18, 56 Stat. 769 (Title 50 App., §§ 513–517, 525, 526, heading prec. 530, 530–536, 540–548, 560, 569, 572, 574, 590)
July 3, 1944, ch. 397, 58 Stat. 722 (Title 50 App., § 574 and note)

Soldiers' and Sailors' Civil Relief Act Amendments of 1942
Oct. 6, 1942, ch. 581, 56 Stat. 769 (Title 50 App., §§ 501 note, 513–517, 525, 526, heading prec. 530, 530–536, 540–548, 560, 569, 572, 574, 590)

Soldier's Vote Act
Sept. 16, 1942, ch. 561, 56 Stat. 753 (Title 50, §§ 301–315)
Apr. 1, 1944, ch 150, 58 Stat. 136 (Title 18, §§ 61v–61x; Title 50, §§ 303, 321–327, 331–347, 351–354)

"SPARS" Act
Nov. 23, 1942, ch. 639, § 1, 56 Stat. 1020 (Title 14, §§ 381–388)

Stabilization Act of 1942
Oct. 2, 1942, ch. 578, 56 Stat. 765 (Title 15, §§ 713a–8, 713a–8 note; Title 50 App., §§ 901, 961–971)
June 30, 1944, ch. 325, title II, 58 Stat. 642 (Title 50, App., §§ 961 note, 963, 964, 966, 968, 968 note)
Oct. 3, 1944, ch. 479, § 37, 58 Stat. 784 (Title 50 App., § 968)
June 30, 1945, ch. 214, §§ 2, 7, 8, 59 Stat. 306 (Title 50 App., §§ 963, 963a, 966)

Stabilization Extension Act of 1944
June 30, 1944, ch. 325, 58 Stat. 632 (Title 50 App., §§ 901, 902, 903, 921, 922, 923, 924, 925, 961 note, 963, 964, 966, 968)

Stabilization Fund-Dollar Devaluation Act
See Gold Reserve Act of 1934

Statutes of Limitations Act
Aug. 24, 1942, ch. 555, 56 Stat. 747 (Title 18, § 590a and note)

Steagall Commodity Credit Act
July 1, 1941, ch. 270, 55 Stat. 498 (Title 15, §§ 713, 713a–1, 713a–4, 713a–8)

Strategic War Materials Act
May 28, 1941, ch. 135, 55 Stat. 206 (Title 50 § 98e)

Sugar Act of 1937
Dec. 26, 1941, ch. 638, 55 Stat 872 (Title 7, §§ 1131 (a), 1134 (a), 1134 (c), 1137 and note, 1173, 1183; Title 26, § 3508)
June 20, 1944, ch. 266, §§ 1, 3, 58 Stat. 283 (Title 7, §§ 1173, 1183)

Supplemental Naval Appropriation Act, 1943
Mar. 31, 1943, ch. 30, 57 Stat. 52 (Title 34, § 1042 note; Title 42, § 70)

Surplus Commodities Corporation Act
June 27, 1942, ch. 454, 56 Stat. 461 (Title 15, § 713c and note)

Surplus Property Act of 1944
Oct 3, 1944, ch. 479, 58 Stat. 765 (Title 50 App., §§ 1611–1646)
Oct. 22, 1945, ch. 432, 59 Stat. 546 (Title 50 App., § 1628)

Tariff Act of 1930
May 14, 1942, ch. 313, 56 Stat. 283 (Title 19, § 1001, par. 1529 (a))
June 7, 1943, ch. 118, 57 Stat. 125 (Title 19, §§ 1351, 1352)
June 3, 1944, ch. 233, 58 Stat. 269 (Title 19, §§ 1451, 1451a)
July 1, 1944, ch 377, § 10, 58 Stat. 721 (Title 19, § 1584)
July 5, 1945, ch. 269, 59 Stat. 410 (Title 19, §§ 1351, 1352, 1354)
Dec. 28, 1945, ch. 605, 59 Stat. 667 (Title 19, § 1551)

Tax Adjustment Act
July 31, 1945, ch. 340, 59 Stat. 517 (Title 26, §§ 124, 124 note, 141, 141 note, 276, 276 note, 292, 294, 322, 322 note, 710, 710 note, 729, 729 note, 780, 781, 783, 784, 3771, 3777, 3779, 3780, 3781)

Tax Simplification Act
See Individual Income Tax Act of 1944

Taylor T. V. A. Act
July 16, 1941, ch. 303, 55 Stat. 597

Tea Importation Act
July 12, 1943, ch. 221, title II, § 1, 57 Stat. 498

Teen Age Draft Act
Nov. 13, 1942, ch. 638, 56 Stat. 1018 (Title 50 App., §§ 303, 305, 315)

Telegraph Company Merger Act
See Communications Act of 1934

Temporary Appointment Acts
July 24, 1941, ch. 320, 55 Stat. 603 (Title 34, §§ 350–350j)
Sept. 22, 1941, ch. 414, 55 Stat. 728 (Title 10, § 484 note)
Nov. 30, 1942, ch. 643, 56 Stat. 1023 (Title 34, § 350f (a))

Tennessee Valley Authority Act
July 18, 1941, ch. 309, 55 Stat. 599 (Title 16, § 831c)
Nov. 21, 1941, ch. 485, 55 Stat. 775 (Title 16, § 831h)

Territorial Home Guard Act
See Army Reorganization Acts

Thanksgiving Day Act
Dec. 26, 1941, ch. 631, 55 Stat. 862 (Title 5, § 87b)

Third Supplemental National Defense Appropriation Act, 1942
Dec. 17, 1941, ch. 591, 55 Stat. 810 (Title 5, § 222; Title 22, § 412 note; Title 24, § 41 note; Title 31, § 529h; Title 34, §§ 498c–4, 498c–5 and note; Title 42, § 1523 note)

Trading With the Enemy Act
May 7, 1940, ch. 185, § 1, 54 Stat. 179 (Title 50 App., § 5) Dec. 18, 1941, ch. 593, title III, § 301, 55 Stat. 839 (Title 50 App., § 5)

Transportation Act of 1940
Dec. 12, 1945, ch. 573, § 1, 59 Stat. 606 (Title 49, § 65)

Treasury and Post Office Departments Appropriation Act, 1942
May 31, 1941, ch. 156, 55 Stat. 212 (Title 3, § 53; Title 7, §§ 610, 615–617, 641–643, 644–659, 701–723, 751–766, 801–833 notes; Title 14, § 134; Title 18, § 647; Title 31, § 761a; Title 39, §§ 9, 137, 805, 809a; Title 40, §§ 77a, 109a, 284, 313, 313a)
Feb. 21, 1942, ch. 108, title I, 56 Stat. 109 (Title 40, § 313)

Treasury and Post Office Departments Appropriation Act, 1943
Mar. 10, 1942, ch. 178, 56 Stat. 152 (Title 3, §§ 53, 62 note; Title 7, § 610, prec. 641, §§ 641, 701–723, 751–766, 801–833; Title 18, § 647; Title 39, §§ 9, 137, 805, 809a; Title 40, §§ 77a, 109a, 284, 313, 313a; Title 44, § 229)

Treasury and Post Office Departments Appropriation Act, 1944
June 30, 1943, ch. 179, 57 Stat. 250 (Title 3, §§ 53, 62 note; Title 7, §§ 610, prec. 641, 701–723, 751–766, 801–833 notes; Title 18, § 647; Title 19, § 5 note; Title 31, § 761 note; Title 39 §§ 9, 805, 809a; Title 40 §§ 77a, 109a, 284, 313, 313a; Title 44, § 229)

Treasury and Post Office Departments Appropriation Act, 1945
Apr. 22, 1944, ch. 175, 58 Stat. 195 (Title 3, §§ 53, 62 note; Title 7, §§ 610, notes prec. 641, 701–723, 751–766, 801–833; Title 31, § 761 note; Title 39, §§ 9, 137, 805, 809a; Title 40, §§ 77a, 284, 313, 313a; Title 44, § 229)

Treasury and Post Office Departments Appropriation Act, 1946
April 24, 1945, ch. 92, 59 Stat. 56 (Title 3, §§ 53, 62 note; Title 7, §§ 610, prec. 641, 701–723, 751–766, 801–833 notes; Title 31, §§ 760, 761 notes; Title 39, §§ 9, 137, 805, 809a; Title 40, §§ 77a, 284, 313, 313a; Title 44, § 229)

Treasury Department Appropriation Act, 1942
May 31, 1941, ch. 156, title I, § 1, 55 Stat. 212 (Title 3, § 53; Title 7, §§ 610, 615–617, 641–643, 644–659, 701–723, 751–766, 801–833 notes; Title 14, § 134; Title 18, § 647; Title 131, § 761a; Title 40, §§ 70a, 109a, 313, 313a)

Treasury Department Appropriation Act, 1943
Mar. 10, 1942, ch. 178, title I, 56 Stat. 152 (Title 3, §§ 53, 62 note; Title 7, § 610, prec. § 641, 701–723, 751–766, 801–833; Title 18, § 647; Title 40, §§ 77a, 109a, 313, 313a; Title 44, § 229)

Treasury Department Appropriation Act, 1944
June 30, 1943, ch. 179, title I, 57 Stat. 250 (Title 3, §§ 53, 62 note; Title 7, §§ 610, prec. 641, 701–723, 751–766, 801–833 notes; Title 18, § 647; Title 19, § 5 note; Title 31, § 761 note; Title 40, §§ 77a, 109a, 313, 313a; Title 44, § 229)

Treasury Department Appropriation Act, 1945
Apr. 22, 1944, ch. 175, title I, § 1, 58 Stat. 195 (Title 3, §§ 53, 62 note; Title 7, §§ 610, notes prec. 641, 701–723, 751–766, 801–833; Title 31, § 761 note; Title 40, §§ 77a, 313, 313a; Title 44, § 299

Treasury Department Appropriation Act, 1946
April 24, 1945, ch 92, title I, 59 Stat. 56 (Title 3, §§ 53, 62 note; Title 7, §§ 610, prec. 641, 701–723, 751–766, 801–833 notes; Title 31, §§ 760, 761 notes; Title 40, §§ 77a, 313, 313a; Title 44, § 229)

Tydings Amendment
Nov 13, 1942, ch. 638, 56 Stat. 1018 (Title 50 App. § 305 (k))

United Nations Participation Act of 1945
Dec. 20, 1945, ch 583, 59 Stat. 619 (Title 22, §§ 287–287e)

United Nations Relief and Rehabilitation Administration Participation Appropriation Act, 1945
June 30, 1944, ch. 324, title II, § 201, 58 Stat. 629 (Title 50 App., § 1571 note)

United Nations Relief and Rehabilitation Administration Participation Act, 1946
Dec. 14, 1945, ch. 577, 59 Stat. 609 (Title 50 App., § 1571 note)

United States Cotton Standards Act
Sept. 21, 1944, ch. 412, title IV, § 401 (b), 58 Stat. 734 (Title 7, § 57a)

United States Housing Act
Oct. 30, 1941, ch. 467, 55 Stat. 759 (Title 42, § 1420 (a))

Urgent Deficiencies Appropriation Act, May 7, 1943
May 7, 1943, ch. 94, 57 Stat. 78. (Title 49, § 758)

Urgent Deficiency Appropriation Act, 1941
May 24, 1941, ch. 132, 55 Stat. 197 (Title 42, § 1523 note)

Urgent Deficiency Appropriation Act, 1943
July 12, 1943, ch. 218, 57 Stat. 431 (Title 38, ch. 12 note)

Van Nuys Anti-Trust Act
Oct. 10, 1942, ch. 589, 56 Stat. 781 (Title 15, § 16 note)

Veterans' Preference Act of 1944
June 27, 1944, ch 287, 58 Stat. 387 (Title 5, §§ 851–869)

Vinson Priorities Act
See Army Reorganization Acts

Vocational Rehabilitation Acts
July 6, 1943, ch. 190, § 1, 57 Stat. 374 (Title 29, §§ 31–41)

Vocational Rehabilitation Act Amendments of 1943
July 6, 1943, ch. 190, 57 Stat. 374 (Title 29, §§ 31, 31 note, 32–41, 41 note)

W. A. A. C.
May 14, 1942, ch. 312, 56 Stat. 278 (Title 10, § 1711)
Oct. 26, 1942, ch. 627, 56 Stat. 988
See W. A. C. Act

W. A. C. Act
July 1, 1943, ch. 187, §§ 1–5, 57 Stat. 371 (Title 50 App. §§ 1551–1555)

Wage-Hours Act Amendment
Oct. 29, 1941, ch. 461, 55 Stat. 756 (Title 29, § 207 (b) (2))

Wagner-Cole Act
See Trust Indenture Act of 1939

Walsh-Healey Act Amendment
May 13, 1942, ch. 306, 56 Stat. 277 (Title 41, § 35 (c))

War Damage Insurance Act
Mar. 27, 1942, ch. 198, 56 Stat. 174 (Title 15, §§ 606b, 606b–1, 606b–2, 609q)

War Declaration Against Germany
Dec. 11, 1941, 3:05 p. m., E. S. T., ch. 564, 55 Stat. 796 (Title 50 App., prec. § 1 note)

War Declaration Against Italy
Dec. 11, 1941, 3:06 p. m., E. S. T., ch. 565, 55 Stat. 797 (Title 50 App., prec. § 1 note)

War Declaration Against Japan
Dec. 8, 1941, 4:10 p. m., E. S. T., ch. 561, 55 Stat. 795 (Title 50 App., prec. § 1 note)

War Department Civil Appropriation Act, 1943
Apr. 28, 1942, ch. 246, 56 Stat. 220 (Title 5, § 81a; Title 24, § 290; Title 41, § 6b (a))

War Department Civil Appropriation Act, 1944
June 2, 1943, ch. 115, 57 Stat. 93 (Title 24, § 290; Title 33, § 701b–5; Title 41, § 6b)

War Department Civil Appropriation Act, 1945
June 26, 1944, ch. 275, §§ 1, 4, 58 Stat. 327 (Title 24, § 290; Title 33, § 701b–5; Title 41, § 6b)

War Department Civil Appropriation Act, 1946
Mar. 31, 1945, ch. 45, 59 Stat. 39 (Title 24, § 290; Title 33, § 701b–5; Title 41, § 6b)
Dec. 28, 1945, ch 589, title I, 59 Stat. 632

War Housing Appropriation Act
July 2, 1942, ch 478, 56 Stat. 633

War Labor Disputes Act
June 25, 1943, ch. 144, 57 Stat. 163 (Title 2, § 251; Title 50 App., §§ 309, 1501–1511)

War Manpower Commission Appropriation Act, 1944
July 12, 1943, ch. 221, title VII, § 1, 57 Stat. 517 (Title 5, § 133t note; Title 15, §§ 721–728 note; Title 50 App. §§ 309a, 310a)

War Manpower Commission Appropriation Act, 1945
June 28, 1944, ch. 302, title VII, 58 Stat. 570

War Manpower Commission Appropriation Act, 1946
July 3, 1945, ch. 263, title VII, 59 Stat. 380.

War Mobilization and Reconversion Act of 1944
Oct. 3, 1944, ch. 480, 58 Stat. 785 (Title 42, §§ 1104, 1321; Title 50 App. §§ 1651–1678)

War Overtime Pay Act of 1943
May 7, 1943, ch. 93, §§ 1–15, 57 Stat. 75–78 (Title 50 App., §§ 1401–1415)
Sept. 30, 1944, ch. 450, 58 Stat. 758 (Title 50 App., § 1403)

War Pay and Allowances Act of 1942
Mar. 7, 1942, ch. 166, 56 Stat. 143 (Title 5, §§ 691, 691 note, 693, 693 note, 715; Title 34, § 943, 943 note; Title 50 App., §§ 1001–1017)
Dec. 24, 1942, ch. 828, 56 Stat. 1092 (Title 50 App., §§ 1003–1006, 1015)

War-Risk Insurance Act
Apr. 11, 1942, ch. 240, 56 Stat. 214 (Title 46, §§ 1128–1128g)

War-Risk Insurance Fund Act
June 5, 1942, ch. 332, 56 Stat. 310

Wartime Act
Jan. 20, 1942, ch. 7, 56 Stat. 9 (Title 15, § 261 note)

West Point Act
Oct. 1, 1942, ch. 573, 56 Stat. 763 (Title 10, § 1043 note)
July 16, 1943, ch. 242, 57 Stat. 566 (Title 16, §§ 590y, 590z–1–590z–3)

Women Doctors' Bill
April 16, 1943, ch. 63, 57 Stat. 65 (Title 10, § 92a; Title 34, § 21a)
Nov. 8, 1943, ch. 297, § 2, 57 Stat. 587 (Title 10, § 92a; Title 34, § 21a)

Women's Naval Reserve Act
July 30, 1942, ch. 538, 56 Stat. 730 (Title 34, §§ 857–857g)

Work Relief and Public Works Appropriation Act of 1938
June 27, 1942, ch. 450, § 1, 56 Stat. 392 (Title 15, §§ 721–728 note)
June 26, 1943, ch. 145, title I, § 1, 57 Stat. 180 (Title 15, §§ 721–728 note)

World War Veterans' Act, 1924
Mar. 23, 1943, ch. 19, 57 Stat. 41 (Title 38, § 512)

FEDERAL GOVERNMENT AGENCIES

SHOWING ORIGIN OF FEDERAL AGENCIES OF CURRENT INTEREST

Administration of Food Production and Distribution
Created by Ex. Ord. No. 9322, Mar. 26, 1943, 8 F.R. 3807, 50 U.S.C. App. § 601 note. Consolidates into one agency within Department of Agriculture, the Food Production Administration, except the Farm Credit Administration, the Food Distribution Administration, the Commodity Credit Corporation and the Extension Service. Consolidated into a War Food Administration by Ex Ord. No. 9334, April 19, 1943, 8 F.R. 5423, 50 U.S.C. App. § 601 note.

Advisory Board on Just Compensation
Created by Ex. Ord No. 9387, Oct. 15, 1943, 8 F.R. 14105, 50 U.S.C. App. § 1295 note.

Advisory Commission to Council of National Defense
Created pursuant to Act Aug. 29, 1916, ch 418 § 2, 39 Stat. 649, 50 U.S.C. § 2. Decentralized by merging most of its divisions with other newly created national defense units.

Agricultural Conservation and Adjustment Administration
Created as wartime agency in Department of Agriculture by Ex. Ord. No. 9069, Feb. 23, 1942, 7 F.R. 1409, 50 U.S.C App. § 601 note. Consolidated, excepting Sugar Agency thereof, with other agencies into Food Production Administration of Department of Agriculture by Ex. Ord. No. 9280, Dec. 5, 1942, 7 F.R. 10179, 50 U.S.C. App. § 601 note. The Sugar Agency thereof was consolidated by the same order into Food Distribution Administration of Department of Agriculture.

Agricultural Marketing Administration
Created as wartime agency in Department of Agriculture by Ex. Ord. No. 9069, Feb. 23, 1942, 7 F.R. 1409, 50 U.S.C. App. § 601 note. Consolidated with other agencies into Food Distribution Administration of Department of Agriculture by Ex. Ord. No. 9280, Dec. 5, 1942, 7 F.R. 10179, 50 U.S.C. App. § 601 note.

Agricultural Marketing Service
Established by Memorandum No. 830 of Secretary of Agriculture July 7, 1939, pursuant to Agricultural Appropriation Act of 1940. Agricultural Statistics Division transferred to Bureau of Agricultural Economics, and remainder of Service consolidated with other agencies into Agricultural Marketing Administration for duration of war and six months thereafter by Ex. Ord. No. 9069, Feb. 23, 1942, 7 F.R. 1409, 50 U.S.C. App. § 601 note.

Agricultural Research Administration
Created in Department of Agriculture by Ex Ord. No. 9069, Feb. 23, 1942, 7 F.R. 1409, 50 U.S C. App. § 601 note. Functions of the Bureau of Animal Industry thereof, concerned primarily with regulatory activities, were consolidated into Food Distribution Administration of Department of Agriculture by Ex. Ord. No. 9280, Dec. 5, 1942, 7 F.R. 10179, 50 U.S C. App. § 601 note.

Alien Property Custodian
Established in the Office for Emergency Management of the Executive Office of the President by Ex. Ord. No. 9095, Mar. 11, 1942, 7 F.R. 1971, as amended by Ex. Ord. No. 9193, July 6, 1942, 7 F.R. 5205. 50 U.S.C App. § 6 note. Functions delegated to Department of Justice by Ex. Ord. No. 6694, May 1, 1934, and Ex. Ord. No. 8136, May 15, 1939, 4 F.R. 2044, were transferred to Alien Property Custodian by Ex. Ord. No. 9142, April 21, 1942, 7 F.R. 2985, 50 U S.C. App. § 6 note.

Army Specialist Corps
Established in War Department by Ex Ord. No. 9078, Feb. 26, 1942, 7 F.R. 1607, 5 U.S C. note prec. § 181, and to continue six months after termination of present war. Consolidated with Army Officer Procurement System according to War Dept. press release, Oct. 31, 1942.

Board for Civilian Protection
Created in Office of Civilian Defense by Ex. Ord. No. 8757, May 20, 1941, 6 F R. 2517.

Board of Economic Operations
Created in Department of State by Departmental Order 973, Oct. 7, 1941. Abolished June 24, 1943, by Departmental order. Functions transferred to Office of Foreign Economic Coordination. See Foreign Economic Administration, this list.

Board of Economic Warfare
Created as Economic Defense Board by Ex. Ord. No. 8839, July 30, 1941, 6 F.R 3823. Renamed by Ex Ord. No. 8982, Dec. 17, 1941, 6 F.R. 6530. Terminated, and functions, powers, and duties transferred to Office of Economic Warfare, by Ex. Ord No. 9361, July 15, 1943, 8 F R 9861, 50 U.S.C. App § 601 note. See also Office of Export Control, this list.

Board of War Communications
Created as Defense Communications Board by Ex. Ord No. 8546, Sept. 24, 1940, 5 F.R. 3817. Renamed by Ex Ord. No. 9183, June 15, 1942, 7 F.R 4509

Bureau of Industry Advisory Committees
Created in Office of Production Management by Regulation No. 12, Jan 14, 1942, 7 F.R. 580, superseding Regulation No. 7, June 24, 1941, 6 F.R. 3153 and Regulation No. 7-A, No. 4, 1941, 6 F.R. 5728. Abolished and functions and powers transferred to War Production Board by Ex. Ord. No. 9040, Jan. 24, 1942, 7 F.R. 527.

Bureau of Research and Statistics
Created by Office of Production Management Regulation No. 4, March 7, 1941, 6 F.R. 1595 Abolished and functions and powers transferred to War Production Board by Ex. Ord. No. 9040, Jan. 24, 1942, 7 F R. 527.

Bureau of Selective Service
Established in the War Manpower Commission by Administrative Order No. 26, Dec. 5, 1942, 7 F R. 10512 Functions transferred to War Manpower Commission by Ex. Ord. No. 9279, Dec. 5, 1942, 7 F.R. 10177, 50 U.S.C. App. § 310 note.

Censorship Operating Board
Created in Office of Censorship by Ex. Ord. No. 8985, Dec. 19, 1941, 6 F.R. 6625.

Censorship Policy Board
Created in Office of Censorship by Ex. Ord. No. 8985, Dec. 19, 1941, 6 F.R. 6625.

Civilian Conservation Corps
Created by Act June 28, 1937, ch. 383, 50 Stat. 319, to succeed agency known as Emergency Conservation Work which was established by Ex. Ord. No. 6101, Apr. 5, 1933. On July 1, 1939, Corps was made part of Federal Security Agency in accordance with Reorg. Plan No. I, 5 U.S.C. § 133T note. Liquidation on or before June 30, 1944, provided for in Acts July 2, 1942, ch. 475, title II, 56 Stat. 569, and July 12, 1943, ch. 221, title II, 57 Stat. 498.

Civilian Defense Board
Created in Office of Civilian Defense by Ex. Ord. 9134, Apr. 18, 1942, 7 F.R. 2887.

Civilian Production Administration
Established by Ex Ord. No. 9638, Oct. 4 1945, 10 F.R. 12591, effective Nov. 3, 1945, 50 U S C. App § 601 note. All functions, powers, employees, property, and funds of the War Production Board, which is hereby terminated, transferred to this new Board.

Combined Food Board—United States, United Kingdom, and Canada
Created jointly by President of United States and Prime Minister of Great Britain, June 9, 1942. In October 1943, Canadian Prime Minister accepted membership on behalf of Canada.

Combined Production and Resources Board—United States, Great Britain and Canada
Created jointly by President of United States and Prime Minister of Great Britain, June 9, 1942. On November 10, 1942, Board expanded to include Canada.

Combined Raw Materials Board—United States and Great Britain
Created by President of United States and Prime Minister of Great Britain, Jan 26, 1942.

Combined Shipping and Adjustment Board—United States and Great Britain
Created by President of United States and Prime Minister of Great Britain, Jan. 26, 1942.

Committee for Congested Production Areas
Established by Ex. Ord. No 9327, Apr. 7, 1943, 8 F.R 4683, 50 U.S.C App. § 601 note. Terminated Dec. 31, 1944, by Act June 28, 1944, ch. 301, Title I, 58 Stat. 535.

Committee on Fair Employment Practice
Established in Office of Production Management by Ex. Ord. No. 8802, June 25, 1941, 6 F.R. 3109 Amended by Ex. Ord. No. 8823, July 18, 1941, 6 F R. 3577, and Ex. Ord. No. 9111, March 25, 1942, 7 F.R 2330. Transferred from War Production Board to War Manpower Commission by President's letter of July 30, 1942, 7 F.R 6239. New Committee on Fair Employment Practice established by Ex. Ord. No. 9346, May 27, 1943, 8 F.R. 7183.

Commodity Credit Corporation
Created by Ex. Ord. No 6340, Oct. 16, 1933. Made a part of Department of Agriculture by Reorg. Plan No. I, July 1, 1939, 5 U S.C. § 1334 note. Functions, powers, and duties transferred to Administration of Food Production and Distribution by Ex. Ord. No. 9322, Mar. 26, 1943, 8 F.R 3807, 50 U.S.C. App. § 601 note Functions, powers, and duties transferred to War Food Administration by Ex Ord. No. 9334, April 19, 1943, 8 F.R. 5423, 50 U.S C. App. § 601 note which amended generally Ex. Ord. No. 9322. Functions with respect to procurement and development of food, food machinery, and other food facilities, together with personnel records, property, assets and liabilities concerned with these functions transferred to the Foreign Economic Administration by Ex. Ord No. 9385, Oct. 6, 1943, 8 F.R. 13783, 50 U S.C. App § 601 note.

Commodity Exchange Administration
Established in Department of Agriculture by Secretary's Memorandum No. 700, eff. July 1, 1936. Consolidated, for duration of war and six months thereafter, with other agencies into Agricultural Marketing Administration by Ex. Ord. No. 9069, Feb. 23, 1942, 7 F R 1409, 50 U.S.C. App. § 601 note.

Coordinator of Government Films
President's letter of Dec. 18, 1941, 7 F.R. 55, ordered Director of Office of Government Reports to act also as Coordinator of Government Films for duration.

Council of National Defense

Established by Act Aug. 29, 1916, ch. 418, § 2, 39 Stat. 649, 50 U.S.C. §§ 1–4. Functions relating to explosives were transferred to Secretary of Interior by Ex. Ord. No. 9287, Dec. 24, 1942, 7 F.R. 10900, 50 U.S.C. App. § 601.

Defense Communications Board

Created by Ex. Ord. No. 8546, Sept. 24, 1940, 5 F.R. 3817. Renamed Board of War Communications by Ex. Ord. No. 9183, June 15, 1942, 7 F.R. 4509.

Defense Contract Service

See Division of Contract Distribution, this list.

Defense Homes Corporation

Incorporation announced Oct. 25, 1940, pursuant to 15 U.S.C. § 606b. Consolidated with other agencies into National Housing Agency during present war by Ex. Ord. No. 9070, Feb. 24, 1942, 7 F.R. 1529, 50 U.S.C. App. § 601 note. See also Ex. Ord. No. 9071, 7 F.R. 1531, 50 U S C App. § 601 note, transferring functions of Federal Loan Agency relating to said corporation to Department of Commerce.

Defense Labor Advisory Committees

Created in Office of Production Management by Regulation No. 8, July 8, 1941, 6 F.R. 3592, pursuant to Ex. Ord. No. 8629, Jan. 7, 1941, 6 F.R. 191. Abolished and functions and powers transferred to War Production Board by Ex Ord. No. 9040, Jan. 24, 1942, 7 F.R. 527.

Defense Plant Corporation

Created by Reconstruction Finance Corporation, Aug. 22, 1940, pursuant to 15 U.S C. § 606b. Transferred from Federal Loan Agency to Department of Commerce by Ex. Ord. No. 9071, Feb. 24, 1942, 7 F.R 1531, 50 U.S.C App. § 601, note. Dissolved and functions transferred to the Reconstruction Finance Corporation by Senate Joint Resolution, June 30, 1945, ch. 215, § 1, 59 Stat. 310, eff. July 1, 1945, 15 U.S.C. § 606b note.

Defense Resources Committee

See War Resources Council, this list.

Defense Savings Staff

Created by Treasury Order No. 39, March 19, 1941. See War Savings Staff (Treasury), this list.

Defense Supplies Corporation

Created Aug. 29, 1940, pursuant to 15 U.S C. § 606b. Functions of Federal Loan Agency relating thereto were transferred to Department of Commerce during present War by Ex Ord. No. 9071, Feb. 24, 1942, 7 F.R 1531, 50 U.S.C. App. § 601 note. Dissolved and functions transferred to the Reconstruction Finance Corporation by Senate Joint Resolution June 30, 1945, ch. 215, § 1, 59 Stat. 310, eff. July 1, 1945, 15 U.S.C. § 606b note.

Disaster Loan Corporation

Created Feb. 11, 1937 by 15 U S.C. § 605k-1. Functions of Federal Loan Agency relating thereto were transferred to Department of Commerce during present War by Ex. Ord. No. 9071, Feb. 24, 1942, 7 F.R 1531, 50 U.S.C. App. § 601 note. Dissolved and functions transferred to Reconstruction Finance Corporation by Senate Joint Resolution June 30, 1945, ch. 215, § 1, 59 Stat. 310, eff. July 1, 1945, 15 U.S.C. § 605k-1.

Division of Civil Air Patrol

Created in Office of Civilian Defense Dec. 1, 1941.

Division of Contract Distribution

Created by Ex. Ord. No. 8891, Sept. 4, 1941, 6 F.R. 4624. Supplants Defense Contract Service, created in Office of Production Management by Regulation No. 9, July 29, 1941, 6 F.R. 3889, pursuant to Ex. Ord. No. 8629, 6 F.R. 191. Functions transferred to War Production Board by Ex Ord. No. 9040, Jan. 24, 1942.

Division of Defense Aid Reports

See Office of Lend-Lease Administration, this list.

Division of Defense Housing Coordination

Created by Ex. Ord. No. 8632, Jan. 11, 1941, 6 F.R. 295. Consolidated with other agencies into National Housing Agency during present war by Ex. Ord. No. 9070, Feb. 24, 1942, 7 F.R. 1529, 50 U.S.C. App. § 601 note.

Division of Press Intelligence

Created in August, 1933, as unit of National Recovery Administration. Became a division of National Emergency Council, July 10, 1935. Transferred to Office of Government Reports by Reorg. Plan No. II, 5 U.S.C. § 133t note. Transferred and consolidated with other functions of said Office of Government Reports into Office of War Information by Ex. Ord. No. 9182, June 13, 1942, 7 F R 4468. Transferred to Bureau of the Budget by Ex. Ord. No. 9608, Aug. 31, 1945, 10 F R 11223, 50 U.S C. App. § 601 note where it functions within the Government Information Service.

Economic Defense Board

See Board of Economic Warfare, this list.

Economic Stabilization Board

Established in the Office of Economic Stabilization by Ex. Ord. No. 9250, Oct. 3, 1942, 7 F.R. 7871, 50 U.S.C. App. § 901 note.

Electric Home and Farm Authority

Incorporated Aug. 1, 1935. Designated a U. S. Agency by Ex Ord. No. 7139, Aug. 12, 1935. Grouped in Federal Loan Agency by Reorg. Plan No. I, 5 U.S C. § 133t note. Transferred to Department of Commerce by Ex. Ord. No. 9071, Feb. 24, 1942, 7 F.R. 1531. Terminated and liquidation ordered by Ex. Ord. No. 9256, Oct. 13, 1942, 7 F.R. 8334, 15 U.S.C. § 712a note.

Export-Import Bank of Washington

Created by Ex. Ord. No. 6581, Feb. 2, 1934. Grouped in Federal Loan Agency by Reorg. Plan No. I, 5 U.S.C. § 133t note. Transferred to Department of Commerce by Ex. Ord. No. 9071, Feb. 24, 1942, 7 F.R. 1531, 50 U.S.C. App. § 601 note. Functions, powers, and duties transferred to Office of Economic Warfare by Ex. Ord. No. 9361, July 15, 1943, 8 F.R. 9861, 50 U.S.C. App. § 601 note. Continued as an independent agency of the United States by act July 31, 1945, ch. 341, 59 Stat. 526, 12 U.S.C. §§ 635–635h.

Facility Security Program

Created in Office of Civilian Defense by Ex. Ord. No. 9165, May 19, 1942, 7 F.R. 3765 Abolished by Ex. Ord. No. 9437, April 18, 1944, 9 F.R. 4319.

Fair Employment Practice Committee

See Committee on Fair Employment Practice.

Family Security Committee

Created within Office of Defense Health and Welfare Services, by Administrative Order, Feb. 12, 1941.

Farm Credit Administration

Created as Federal Farm Board by 12 U.S.C. § 1141a. Renamed by Ex Ord. No. 6084, Mar. 27, 1933. Transferred to Department of Agriculture by Reorg. Plan No. I, 5 U.S.C. § 133t note. Consolidated with other agencies into Food Production Administration of Department of Agriculture by Ex. Ord. No. 9280, Dec. 5, 1942, 7 F.R. 10179, 50 U.S.C. App. § 601 note. By Ex. Ord. No. 9322, March 26, 1943, 8 F.R. 4225, as amended Ex. Ord. No. 9334, April 19, 1943, 8 F.R. 5357, 50 U.S.C App. § 601 note; Ex. Ord. No. 9392, Oct. 28, 1943, 8 F.R. 14783, U.S.C. App. § 601 note, the Administration was returned to its former status as a separate agency of the Department of Agriculture.

Farm Security Administration

Created as Resettlement Administration by Ex. Ord. No. 7027, Apr. 30, 1935. Renamed by Secretary's Memorandum No. 732, Sept. 1, 1937, 2 F.R. 1800. Functions, powers, and duties relating to housing transferred to National Housing Agency by Ex. Ord. No. 9070, Feb. 24, 1942, 7 F.R. 1529. Consolidated with other agencies into Food Production Administration of Department of Agriculture by Ex. Ord No. 9280, Dec. 5, 1942, 7 F.R. 10179, 50 U.S.C. App. § 601 note. By Ex. Ord. No. 9322, Mar. 26, 1943, 8 F.R. 4225, as amended Ex. Ord. No. 9334, Apr. 19, 1943, 8 F.R. 5357, 50 U.S.C. App. § 601 note, the Administration was returned to its former status as a separate agency of the Department of Agriculture.

Federal Bureau of Investigation

Established as the Bureau of Investigation of the Department of Justice pursuant to Attorney General's order of Mar. 16, 1909, superseding investigative functions of the Department referred to Chief Examiner by Attorney General's order of July 26, 1908. Redesignated United States Bureau of Investigation on July 1, 1932. Functions transferred to Division of Investigation by Ex. Ord. No 6166, § 3, June 10, 1933. Redesignated Federal Bureau of Investigation in Act Mar. 22, 1935, ch. 39, title II, 49 Stat. 77, 5 U.S.C. §§ 300a, 340.

Federal Home Loan Bank Administration

Created as unit of National Housing Agency by Ex Ord. No 9070, Feb. 24, 1942, 7 F.R. 1529, 50 U.S.C. App. § 601 note.

Federal Loan Agency

Created by Reorg. Plan No. I, 5 U.S.C. § 133t note. Functions, powers, and duties transferred to Secretary of Commerce by Ex. Ord. No. 9071, Feb. 24, 1942, 7 F.R. 1531, 50 U.S.C. App. § 601 note. All functions of Department of Commerce and Secretary of Commerce relating to said Agency were transferred back to the Federal Loan Agency by Act Feb. 24, 1945, 12 U.S.C. §§ 1801–1805.

Federal National Mortgage Association

Established on Feb. 10, 1938, as The National Mortgage Association of Washington pursuant to 12 U.S.C. § 1716. Functions of Federal Loan Agency relating thereto were transferred to Department of Commerce during present war by Ex. Ord No. 9071, Feb. 24, 1942, 7 F.R. 1531, 50 U.S.C. App § 601 note Returned to Federal Loan Agency pursuant to Act Feb 24, 1945, 12 U.S.C. §§ 1801–1805.

Federal Public Housing Authority

Created as unit of National Housing Agency by Ex. Ord. No. 9070, Feb. 24, 1942, 7 F.R. 1529, 50 U.S.C. App. § 601 note.

Food and Drug Administration

Designated in Act Jan. 18, 1927, ch. 39, 44 Stat. 1003, as Food, Drug, and Insecticide Administration as agency of Department of Agriculture. Redesignated in Act May 27, 1930, ch. 341, 46 Stat. 422. Transferred to Federal Security Agency by Reorg. Plan, No. IV, 5 U.S.C. § 133t note.

Food Distribution Administration of the Department of Agriculture

Consolidated with Food Production Administration and other agencies into the Administration of Food Production and Distribution, see this list.

Food Production Administration of the Department of Agriculture

Consolidated with Food Distribution Administration and other agencies into the War Food Administration, see this list.

Foreign Broadcast Intelligence Service
Created as Foreign Broadcast Monitoring Service in Federal Communications Commission in February, 1941.

Foreign Economic Administration
Established in the Office for Emergency Management by Ex. Ord. No. 9380, Sept. 25, 1943, 8 F.R. 13081, 50 U.S.C. App. § 601 note. Functions, powers, and duties of Office of Lend-Lease Administration, Office of Foreign Relief and Rehabilitation Operation, Office of Economic Warfare (together with the corporations, agencies, and functions transferred thereto by Ex. Ord. No. 9361, July 15, 1943, 8 F.R. 9861, 50 U.S C. App. § 601 note), and Office of Foreign Economic Coordination (except such function and personnel thereof as the Director of the Budget shall determine are not concerned with foreign economic operations). Terminated and functions transferred by Ex. Ord. No. 9620, Sept. 27, 1945, 10 F.R. 12245, 50 U.S.C. App. § 601 note.

Foreign Funds Control
Established in Treasury Department April 10, 1940 to administer the provisions of Ex. Ord. No. 8389, Apr. 10, 1940, 5 F.R. 1400, 12 U.S.C. § 95 note.

Government Printing Office
Created pursuant to Res. June 23, 1860, No. 25, 12 Stat. 117.

Home Owners' Loan Corporation
Created by Home Owners' Loan Act of 1933, Act June 13, 1933, ch. 64, § 1, 48 Stat. 128. Functions, powers, and duties transferred to National Housing Agencies by Ex. Ord. No. 9070, Feb. 24, 1942, 7 F.R. 1529, 50 U.S.C. App. § 601 note.

Inter-American Defense Board
Established as a permanent board by Resolution 39 of the meeting of Foreign Ministers at Rio de Janeiro in January 1942.

Interdepartmental Committee on Subversive Activities of Federal Employees
Established within Department of Justice by Ex. Ord. No. 9300, Feb. 5, 1943, 8 F.R. 1701.

Joint Brazil-United States Defense Commission
Established in August 1942.

Joint Committee on Evacuation
Created by Office of Civilian Defense and Office of Defense Health and Welfare Service in August 1941. Functions pertaining to Office of Defense Health and Welfare Service transferred to Federal Security Agency by Ex. Ord. No. 9338, April 29, 1943, 8 F.R. 5659, 50 U.S C. App. § 601 note. Committee no longer functions.

Joint Contract Settlement Board
Established by Director of War Mobilization on Nov. 12, 1943. Functions assumed by Office of Contract Settlement established pursuant to Contract Settlement Act of 1944, Act July 1, 1944, ch. 358, 58 Stat. 649, 41 U.S.C. §§ 101–125.

Joint Economic Committee—United States and Canada
Created by President of United States and Prime Minister of Canada June 17, 1941. Dissolved by agreement between the two governments, as announced by Department of State March 14, 1944.

Joint Mexican-United States Defense Commission
Established by Ex. Ord. No. 9080, Feb. 27, 1942, 7 F.R. 1607.

Joint War Production Committee—United States and Canada
Created as Joint Defense Production Committee by President of United States and Prime Minister of Canada, Nov. 5, 1941.

Liquidation Advisory Committee
Established in the Office for Emergency Management by Ex. Ord. No. 9674, Jan. 5, 1946, 11 F.R. 333, 50 U S.C. App. § 601 note. Said Ex. Ord. also created post of Director of Liquidation.

Maritime War Emergency Board
Created to expedite and coordinate the war efforts of the maritime industry by President's memorandum Dec. 19, 1941, 8 F.R. 3385.

Material Coordinating Committee, United States and Canada
Creation announced on May 14, 1941, by the Director General of the Office of Production Management (now the War Production Board).

Medal for Merit Board
Created by Ex. Ord. No. 9286, Dec. 24, 1942, 7 F.R. 10899, to effectuate the provisions of 10 U.S.C. § 1408b.

Metals Reserve Company
Created June 28, 1940, pursuant to 15 U.S.C. § 606b. Functions of Federal Loan Agency relating thereto were transferred to Department of Commerce during present War by Ex. Ord. No. 9071, Feb. 24, 1942, 7 F.R. 1531, 50 U.S.C. App. § 601 note. Dissolved and functions transferred to the Reconstruction Finance Corporation by Senate Joint Resolution June 30, 1945, ch. 215, § 1, 59 Stat. 310, eff. July 1, 1945, 15 U.S.C. § 606b note.

National Capital Housing Authority
By Act of June 12, 1934, ch. 465, 48 Stat. 930–933, D. C. Code 1940, §§ 5–103 to 5–111, known as the District of Columbia Alley Dwelling Act, the President was empowered to create an agency to clear the alley dwelling areas in the District of Columbia. The President, by Ex. Ord. No. 6868, October 9, 1934, created "The Alley Dwelling Authority". By Ex. Ord. No. 9344, May 21, 1943, effective June 1, 1943, the name of this Authority was changed to "National Capital Housing Authority".

The Act of June 12, 1934, has been amended by Act of June 25, 1938, ch. 691, 52 Stat. 1186, and Act of June 8, 1944, ch. 238, 58 Stat. 271.

National Capital Housing Authority—Continued

Under Section 28 of the United States Housing Act of 1937, 42 U.S.C. § 1428, and under title II of the District of Columbia Alley Dwelling Act, this Authority is also the public housing agency for the District of Columbia as that term is defined in the United States Housing Act of 1937.

National Defense Mediation Board

See National War Labor Board, this list.

National Defense Research Committee

Created by order of Council of National Defense, June 27, 1940, 5 F.R. 2446. Abolished by Council's order of June 28, 1941, 6 F.R. 3233.

National Housing Agency

The National Housing Agency represents a consolidation (effectuated under the First War Powers Act, 1941, 50 U.S.C. App. 601–622, on February 24, 1942, by Executive Order 9070, 50 U.S.C. App. § 601 note) of the housing functions and activities of or relating to the following agencies: Federal Home Loan Bank Board, Federal Home Loan Bank System, Federal Savings and Loan Insurance Corporation, Home Owners' Loan Corporation, United States Housing Corporation, the Federal Housing Administration, the United States Housing Authority, Defense Homes Corporation, Division of Defense Housing Coordination, Central Housing Committee, Farm Security Administration with respect to nonfarm housing, Public Buildings Administration, Division of Defense Housing, Mutual ownership Defense Housing Division, Office of the Administrator of the Federal Works Agency, and the War and Navy Departments with respect to housing located off military or naval reservations, posts, or bases. Created by Ex. Ord. No. 9070, Feb. 24, 1942, 7 F.R. 1529, 50 U.S.C. App. § 601 note.

National Railway Labor Panel

Created by Ex. Ord. No. 9172, May 22, 1942, 7 F.R. 3913.

National Resources Planning Board

Created by Ex. Ord. No. 8248, Sept. 8, 1939, 5 Code of Federal Regulations, 1939 Supp., p. 217. Abolished effective Aug. 31, 1943, by Act June 26, 1943, ch. 145, 57 Stat. 170, 5 U.S.C. § 133t note.

National Roster of Scientific and Specialized Personnel

Transferred to War Manpower Commission by Ex. Ord. No. 9139, Apr. 18, 1942, 7 F.R. 2919 Transferred to Department of Labor by Ex. Ord No. 9617, Sept. 19, 1945, 10 F.R. 11929, 50 U.S.C. App. § 601 note.

National Wage Stabilization Board

Established within Department of Labor by Ex. Ord. No. 9672, Jan. 3, 1946, 11 F.R. 221, 50 U. S. C. App. § 964 note, to assume functions of National War Labor Board.

National War Labor Board

Created in the Office for Emergency Management by Ex. Ord. No. 9017, Jan. 12, 1942, 7 F.R. 237, 50 U.S.C. App. § 1507 note. The National Defense Mediation Board, created by Ex. Ord. No. 8716, Mar. 19, 1941, ceased to exist upon creation of the National War Labor Board. Functions, officers, employees, records, property, and funds transferred to the Department of Labor by Ex. Ord. No. 9617, Sept. 19, 1945, 10 F.R. 11929, 50 U.S.C. App. § 601 note. Terminated by Ex. Ord. No. 9672, Jan. 3, 1946, 11 F.R. 221, 50 U.S.C. App. § 964 note, and functions assumed by National Wage Stabilization Board.

National Youth Administration

Created within Works Progress Administration by Ex. Ord. No. 7086, June 26, 1935. Transferred to Federal Security Agency by Reorg. Plan No. I, §§ 201 and 206, eff. July 1, 1939, 5 U.S.C. § 133t note. Transferred to War Manpower Commission by Ex. Ord. No. 9247, Sept. 17, 1942, 7 F.R. 7380, 50 U.S.C. App. § 601. Abolished by Act July 12, 1943, ch. 221, title VII, 57 Stat. 518, 5 U.S.C. § 133t note, and disposal of property provided for by Act July 12, 1943, ch. 229, title I, 57 Stat. 539, 5 U.S.C. § 133t note.

Office for Agricultural Defense Relations

Established in Department of Agriculture pursuant to President's letter of May 5, 1941. Later known as Office for Agriculture War Relations. Succeeds Division of Agriculture, which was designated a unit of the Advisory Commission to the Council of National Defense by Council's regulation approved May 29, 1940, 5 F.R. 2114. Functions thereof relating primarily to production and distribution of food were consolidated into the Food Production Administration and Food Distribution Administration, respectively, of Department of Agriculture by Ex. Ord. No. 9280, Dec. 5, 1942, 7 F.R. 10179, 50 U.S.C. App. § 601 note.

Office for Coordination of National Defense Purchases

Created by order of Council of National Defense, June 27, 1940. The activities of said Council were coordinated with Office of Emergency Management by Administrative Order, Jan. 7, 1941, 6 F.R. 6.

Office for Emergency Management

Created by Administrative Order, May 25, 1940, pursuant to Ex. Ord. No. 8248, Sept. 8, 1939, 4 F.R. 3864.

Office of Censorship

Created by Ex. Ord. No. 8985, Dec. 19, 1941, 6 F.R. 6625. Terminated by Ex. Ord. No. 9631, Sept. 28, 1945, 10 F.R. 12304, 50 U.S.C. App. § 618 note.

Office of Civilian Defense

Created in Office for Emergency Management by Ex. Ord. No. 8757, May 20, 1941, 6 F.R. 2517. Amended by Ex. Ord. No. 8799, June 20, 1941, 6 F.R. 3049; Ex. Ord. No. 8822, July 16, 1941, 6 F.R. 3529; Ex. Ord. No. 9134, Apr. 15, 1942, 7 F.R. 2887. The Civil Air Patrol and all of its functions, duties, and powers including those of the National Commander of the Civil Air Patrol, and all of the functions, duties, and powers of the Office of Civilian Defense and of its Director which relate to the Civil Air Patrol were transferred to the Department of War by Ex. Ord. No. 9339, Apr. 29, 1943, 8 F.R. 5659, 50 U.S.C. § 601 note.

Terminated as of June 30, 1945, by Ex. Ord. No. 9562, June 5, 1945, 10 F.R. 6639, 50 U.S.C. App. § 741 note.

Office of Contract Settlement

Established by Contract Settlement Act of 1944, Act July 1, 1944, ch. 358, 58 Stat. 649, 41 U.S C §§ 101–125.

Office of Coordinator of Information

Created by Presidential Order of July 11, 1941, 6 F.R. 3422. Powers and duties relating to the gathering of public information and its dissemination abroad, etc., were consolidated in Office of War Information by Ex. Ord. No. 9182, June 13, 1942, 7 F.R. 4468. Renamed Office of Strategic Services and jurisdiction transferred to United States Joint Chiefs of Staff by Military Order of June 13, 1942, 7 F.R. 4469.

Office of Coordinator of Inter-American Affairs

Created in Office for Emergency Management by Ex. Ord. No. 8840, July 30, 1941, 6 F.R. 3857.

Office of Defense Health and Welfare Services

Established in Office for Emergency Management by Ex. Ord. No. 8890, Sept. 3, 1941, 6 F.R. 4625. Functions of Nutrition Division were transferred to Department of Agriculture by Ex. Ord. No. 9310, Mar. 6, 1943, 8 F.R. 2913, 50 U.S.C. App. § 601 note. Abolished and functions, duties, powers, personnel, property, records, and funds, including all unexpended balances of appropriations, allocations, and other available funds transferred to the Federal Security Agency by Ex. Ord. No. 9338, Apr. 29, 1943, 8 F.R. 5659, 50 U.S.C. § 601 note.

Office of Defense Transportation

Established in the Office for Emergency Management by Ex. Ord. No. 8989, Dec. 18, 1941, 6 F.R. 6725. Ex. Ord. No. 9108, Mar. 21, 1942, 7 F.R. 2201, as amended by Ex. Ord. No. 9320, Mar. 24, 1943, 8 F.R. 3687, authorized the director of such office to take control of the Toledo, Peoria, and Western Railroad Company.

Office of Economic Stabilization

Established in the Office for Emergency Management by Ex. Ord. No. 9250, Oct. 3, 1942, 7 F.R. 7871, 50 U.S.C. App. § 901 note. Abolished and functions, including the Economic Stabilization Board, transferred to the Office of War Mobilization and Reconversion by Ex. Ord. No. 9620, Sept. 21, 10 F.R. 12033, 50 U.S.C. App. § 901 note.

Office of Economic Warfare

Created in the Office for Emergency Management by Ex. Ord. No. 9361, July 15, 1943, 8 F.R. 9861, 50 U.S.C. App. § 601 note. Functions, powers, and duties of the Board of Economic Warfare, and the functions, powers, and duties of the Reconstruction Finance Corporation relating to foreign economic activities, including the United States Commercial Company, the Rubber Development Corporation, the Petroleum Reserve Corporation, and the Export-Import Bank of Washington, were transferred to the Office of Economic Warfare. Functions, powers, and duties transferred to Foreign Economic Administration by Ex. Ord. No. 9380, Sept. 5, 1943, 8 F.R. 13081, 50 U.S.C. App. § 601 note.

Office of Export Control

Formerly within Department of State. Functions transferred to Economic Defense Board by Ex. Ord. No. 8900, Sept. 15, 1941, 6 F.R. 4795.

Office of Facts and Figures

Created in Office for Emergency Management by Ex. Ord. No. 8922, Oct. 24, 1941, 6 F.R. 5477. Consolidated in Office of War Information by Ex. Ord. No. 9182, June 13, 1942, 7 F.R. 4468.

Office of Fishery Coordination

Created in the Fish and Wildlife Service of the Department of Interior by Ex. Ord. No. 9204, July 21, 1942, 7 F.R. 5657, 50 U.S.C. App. § 601 note. Terminated by Ex. Ord. No. 9649, Oct. 29, 1945, 10 F.R. 13431, 50 U.S.C. App. § 601 note.

Office of Foreign Relief and Rehabilitation Operations

Established as a component part of Board of Economic Operations which was established by Departmental Order No. 973, Oct. 7, 1941. Transferred to Foreign Economic Administration by Ex. Ord. No. 9361, July 15, 1943, 8 F.R. 9861, 50 U.S.C. App. § 601 note.

Office of Government Reports

Created by President's memorandum of July 1, 1939, in accordance with Reorg. Plan No. II, eff. July 1, 1939, 5 U.S.C. § 133t note. Functions further defined in Ex. Ord. No. 8248, Sept 8, 1939, 6 F.R. 3864. Supplants certain functions of National Emergency Council, established pursuant to Ex. Ord. No. 6433–A, Nov. 17, 1933, and abolished by Reorg. Plan No. II, § 301, eff. July 1, 1939, 5 U.S.C. § 133t note. Consolidated in Office of War Information by Ex. Ord. No. 9182, June 13, 1942, 7 F.R. 4468.

Office of Inter-American Affairs
Created in Office for Emergency Management by Ex. Ord. No. 8840, July 30, 1941, 6 F.R. 3857. Change in name by Ex. Ord. No. 9532, Mar. 24, 1945, 10 F.R. 3173.

Office of Lend-Lease Administration
Created in Office for Emergency Management by Ex. Ord. No. 8926, Oct. 28, 1941, 6 F.R. 5519. Supplants Division of Defense Aid Reports, created by Ex. Ord. No. 8751, May 2, 1941, 6 F.R. 2301, which was revoked by Ex. Ord. No. 8926. Functions, powers, and duties transferred to Foreign Economic Administration by Ex. Ord. No. 9380, Sept. 25, 1943, 8 F.R. 13081, 50 U.S.C. App. § 601 note.

Office of Merchant Ship Control
Created within Office of Operations, Coast Guard Headquarters, on June 28, 1940.

Office of Price Administration
Created as Office of Price Administration and Civilian Supply by Ex. Ord. No. 8734, Apr. 11, 1941, 6 F.R. 1917. Renamed by Ex. Ord. 8875, Aug. 28, 1941, 6 F.R. 4483. Authorized by Act Jan. 30, 1942, 50 U.S.C. App. § 921.

Office of Price Administration and Civilian Supply
See Office of Price Administration, this list.

Office of Production Management
Created in Office for Emergency Management by Ex. Ord. No. 8629, Jan. 7, 1941, 6 F.R. 191. Abolished and functions and powers transferred to War Production Board by Ex. Ord. No. 9040, Jan. 24, 1942, 7 F.R. 527.

Office of Scientific Research and Development
Created in Office for Emergency Management by Ex. Ord. No. 8807, June 28, 1941, 6 F.R. 3207.

Office of Solid Fuels Coordinator for War
Secretary of Interior designated to act as Coordinator by President's letter of Nov. 5, 1941, 7 F.R. 1781. Name changed from Solid Fuels Coordinator for National Defense to Office of Solid Fuels Coordinator for War by President's letter of May 25, 1942, 7 F.R. 5691. Abolished and its personnel, records, and property transferred to the Solid Fuels Administrator for War by Ex. Ord. No. 9332. Apr. 24, 1943, 8 F.R. 5355, 50 U.S.C. App. § 601 note.

Office of Stabilization Administrator
Created within Office of War Mobilization and Reconversion to assume functions of Office of Economic Stabilization transferred by Ex. Ord. No. 9620, Sept. 21, 1945, 10 F. R. 12033, 50 U.S.C. App. § 901 note.

Office of Strategic Services
Formerly Office of Coordinator of Information, exclusive of foreign information activities transferred to the Office of War Information. Renamed and transferred to jurisdiction of the United States Joint Chiefs of Staff by Military Order of June 13, 1942, 7 F.R. 4469. Said order was modified by Ex. Ord. No. 9312, Mar. 9, 1943, 8 F.R. 3021, 50 U.S.C. § 601 note, defining foreign information activities of Office of War Information. Terminated as of Oct. 1, 1945, and functions transferred to the Interim Research and Intelligence Service, which Service is to be abolished on Dec. 31, 1945, by Ex. Ord. No. 9621, Sept. 21, 1945, 10 F.R. 12033, 50 U.S.C. App. § 601 note.

Office of War Information
Established in Office of Emergency Management of the Executive Office of the President by Ex. Ord. No. 9182, June 13, 1942, 7 F.R. 4468. Includes Office of Facts and Figures, Office of Government Reports, and powers and duties of other Government information agencies. The foreign information activities of such office were defined in Ex. Ord. No. 9312, Mar. 9, 1943, 8 F.R. 3021, 50 U.S.C. § 601 note. Foreign functions transferred to Interim International Information Service in the Department of State, Bureau of Special Services transferred to Bureau of the Budget, and all other functions abolished on Sept. 15, 1945. The Interim International Information Service, Office of War Information, and office of Director of Office of War Information abolished on Dec. 31, 1945, by Ex. Ord. No 9608, Aug. 31, 1945, 10 F.R. 11223, 50 U.S.C App. § 601 note.

Office of War Mobilization
Established in the Office for Emergency Management by Ex. Ord. No. 9347, May 27, 1943, 8 F.R. 7207, 50 U.S.C. App. § 601 note. Records, property, funds, and personnel transferred to Office of War Mobilization and Reconversion by Ex. Ord. No. 9488, Oct. 3, 1944, 9 F.R. 12145, 50 U.S.C. App. § 1651 note.

Office of War Mobilization and Reconversion
Created Oct. 3, 1944 by the War Mobilization and Reconversion Act of 1944, 50 U.S.C. App. § 1651.

Permanent Joint Board on Defense
Created pursuant to joint announcement of the President and Canadian Prime Minister of Aug. 17, 1940.

Petroleum Administration for War
Created by Ex. Ord. No. 9276, Dec. 2, 1942, 7 F.R. 10091, as amended by Ex. Ord. No. 9319, Mar. 23, 1943, 8 F.R. 3687. Functions were formerly vested in Office of Petroleum Coordinator for War, designated as such by President's letter of Apr. 20, 1942. Originally created as Office of Petroleum Coordinator for National Defense by President's letter of May 20, 1941, 6 F.R. 2760.

Petroleum Reserve Corporation
Created as an agency and subsidiary of the Reconstruction Finance Corporation and transferred to the Office of Economic Warfare by Ex. Ord. No. 9361, July 15, 1943, 8 F.R 9861,

Petroleum Reserve Corporation—Continued

50 U.S.C. App. § 601 note. Consolidated into Foreign Economic Administration by Ex. Ord. No. 9380, Sept. 25, 1943, 8 F.R. 13081, 50 U.S.C. App. § 601 note. Transferred back to Reconstruction Finance Corporation by Ex. Ord. No. 9630, Sept. 27, 1945, 10 F.R. 12245, 50 U.S.C. App. § 601 note.

Plant Site Board

Created in Office of Production Management by Regulation No. 6, May 6, 1941, 6 F.R. 2715. Abolished and functions and powers transferred to War Production Board by Ex. Ord. No. 9040, Jan. 24, 1942, 7 F.R. 527.

President's War Relief Control Board

President's Committee on War Relief Agencies continued and established as President's War Relief Control Board by Ex. Ord. No. 9205, July 25, 1942, 7 F.R. 5803, 50 U.S.C. App. note prec. § 1.

Priorities Board

Created in Office of Production Management by Ex. Ord. No. 8629, § 5, Jan. 7, 1941, 6 F.R. 192. Abolished by Ex. Ord. No. 8875, § 10, Aug. 28, 1941, 6 F.R. 4483, which established the Supply Priorities and Allocations Board.

Reconstruction Finance Corporation

Created Jan. 22, 1943 by Reconstruction Finance Corporation Act, 15 U.S.C. § 601 et seq. Functions of Federal Loan Agency relating thereto were transferred to Department of Commerce during present war by Ex. Ord. No. 9071, Feb. 24, 1942, 7 F.R. 1531, 50 U.S.C. App. § 601 note. The subsidiaries and agencies engaged in foreign economic activities, including the United States Commercial Company, the Rubber Development Corporation, the Petroleum Reserve Corporation, and the Export-Import Bank of Washington, and including the functions, powers, and duties of the Reconstruction Finance Corporation and of the Secretary of Commerce with respect to such subsidiaries and agencies, were transferred to the Office of Economic Warfare by Ex. Ord. No. 9361, July 15, 1943, 8 F.R. 9861, 50 U.S.C. App. § 601 note. Transferred back to Federal Loan Agency pursuant to Act Feb. 24, 1945, 12 U.S.C. §§ 1801–1805. All duties and responsibilities with respect to disposal of property transferred to War Assets Corporation by Title 32, ch. 23, 11 F.R. p. 408, 15 U.S.C. § 601 note.

Retraining and Reemployment Administration

Established in the Office of War Mobilization by Ex. Ord. No. 9427, Feb. 24, 1944, 9 F.R. 2199, 50 U.S.C. App. § 601 note. Records, property, funds, and personnel transferred to the new Retraining and Reemployment Administration created by the War Mobilization and Reconversion Act of 1944, 50 U.S.C. App. § 1658, by Ex. Ord. No. 9488, Oct. 3, 1944, 9 F.R. 12145, 50 U.S.C. App. § 1651 note. Functions, officers, employees, records, property, and funds transferred to the Department of Labor by Ex. Ord. No. 9617, Sept. 19, 1945, 10 F.R. 11929, 50 U.S.C. App. § 601 note.

Rubber Development Corporation

Created Feb. 20, 1943, pursuant to 15 U.S.C. § 606b. Functions of Rubber Reserve Corporation relating to development of foreign rubber sources and procurement of rubber therefrom transferred to Rubber Development Corporation on Feb. 23, 1943, on recommendation of Rubber Director. Functions, powers, and duties transferred to Office of Economic Warfare by Ex. Ord. No. 9361, July 15, 1943, 8 F.R. 9861, 50 U.S.C. App. § 601 note. Transferred back to Reconstruction Finance Corporation by Ex. Ord. No. 9630, Sept. 27, 1945, 10 F.R. 12245, 50 U.S.C. App. § 601 note.

Rubber Director

Appointed by Chairman of the War Production Board, pursuant to Ex. Ord. No. 9246, Sept. 17, 1942, 7 F.R. 7379.

Authority and functions of the Rubber Director transferred to the Chairman of the War Production Board, except that the Rubber Reserve Company under the direction of the Secretary of Commerce shall have responsibility for purchase, sale, etc., of synthetic and natural rubbers, research, development, and testing of synthetic rubbers, and operation of synthetic plants, pursuant to Ex. Ord. No. 9475, eff. Sept. 1, 1944, 9 F.R. 10817, 50 U.S.C. App § 601 note.

Rubber Reserve Company

Created June 28, 1940, pursuant to 15 U.S.C. § 606b. Functions of Federal Loan Agency relating thereto were transferred to Department of Commerce during present War by Ex. Ord. No. 9071, Feb. 24, 1942, 7 F.R. 1531, 50 U.S.C. App. § 601 note. Functions of Rubber Reserve Company relating to development of foreign rubber sources and procurement of rubber therefrom transferred to Rubber Development Corporation on Feb. 23, 1943, on recommendation of Rubber Director. Dissolved and functions transferred to the Reconstruction Finance Corporation by Senate Joint Resolution June 30, 1945, ch. 215, § 1, 59 Stat. 310, eff. July 1, 1945, 15 U.S.C. § 606b note.

Selective Service System

Established by Selective Service and Training Act of 1940, Act Sept. 16, 1940, ch. 720, 54 Stat. 885, 50 U.S.C. App. § 301 et seq. Placed under jurisdiction of the War Manpower Commission by Ex. Ord. No. 9279, Dec. 5, 1942, 7 F.R. 10177, 50 U.S.C. App. § 310 note, and became known as Bureau of Selective Service. Reestablished as a separate agency by Ex. Ord. No. 9410, Dec. 23, 1943, 8 F.R. 17319, 50 U.S.C. App. § 310 note. See War Manpower Commission.

Smaller War Plants Corporation
Created pursuant to 50 U. S. C. App. § 1104, June 11, 1942. Functions transferred to the Reconstruction Finance Corporation and the Department of Commerce by Ex. Ord. No. 9665, Dec. 27, 1945, 10 F.R. 15365, eff. Jan. 28, 1946, 50 U.S.C. App. § 1104 note. All duties with respect to veterans' preferences transferred to War Assets Corporation by Title 32, ch. 23, 11 F.R. 408, 50 U.S.C. App. § 1104 note.

Solid Fuels Administrator for War
Established by Ex. Ord. No. 9332, Apr. 24, 1943, 8 F.R. 5355, 50 U.S.C. App. § 601 note.

Supply Priorities and Allocations Board
Created in Office for Emergency Management by Ex. Ord. No. 8875, Aug. 28, 1941, 6 F.R. 4483. Abolished by Ex. Ord. No. 9024, Jan. 16, 1942, 7 F.R. 330. Functions and powers transferred to War Production Board by Ex. Ord. No. 9040, Jan. 24, 1942, 7 F.R. 527.

Surplus Property Administration
Established in the Office of War Mobilization and Reconversion by Act Sept. 18, 1945, ch. 368, 59 Stat. 533, 50 U.S.C. App. §§ 1614a, 1614b. All functions of Surplus Property Board transferred to, and exercised by, the Surplus Property Administrator.

Surplus Property Board
Established in the Office of War Mobilization, and its successor, the Office of War Mobilization and Reconversion, by the Surplus Property Act of 1944, 50 U.S.C. App. § 1614. Abolished and all functions transferred to the Surplus Property Administrator heading the Surplus Property Administration by Act Sept. 18, 1945, ch. 368, 59 Stat. 533, 50 U.S.C. App. §§ 1614a, 1614b.

Surplus War Property Administration
Established in the Office of War Mobilization by Ex. Ord. No. 9425, Feb. 19, 1944, 9 F.R. 2071, 50 U.S.C. App. § 601 note. Records, property, funds, and personnel transferred to the Surplus Property Board by Ex. Ord. No. 9488, Oct. 3, 1944, 9 F.R. 12145, 50 U.S.C. § 1651 note.

United States Commercial Company
Created as an agency and subsidiary of the Reconstruction Finance Corporation and transferred to the Office of Economic Warfare by Ex Ord. No. 9361, July 15, 1943, 8 F.R. 9861, 50 U.S.C. App. § 601 note. Consolidated into Foreign Economic Administration by Ex. Ord. No. 9380, Sept. 25, 1943, 8 F.R. 13081, 50 U.S.C. App. § 601 note. Transferred back to Reconstruction Finance Corporation by Ex. Ord. No. 9630, Sept. 27, 1945, 10 F.R. 12245, 50 U.S.C. App. § 601 note.

United States Emergency Court of Appeals
Created by Act Jan. 30, 1942, Pub. No. 421, ch. 26, 56 Stat. 23, 50 U.S.C. App. § 924.

United States Information Service
Created as a division of the Office of Government Reports by regulation of Jan. 18, 1934, issued by National Emergency Council, pursuant to Ex. Ord. No. 6433-A, Nov. 17, 1933. Transferred to Office of War Information by Ex. Ord. No. 9182, June 13, 1942, 7 F.R. 4468. Transferred to Bureau of the Budget by Ex. Ord. No. 9608, Aug. 31, 1945, 10 F.R. 11223, 50 U.S.C. App. § 601 note, where it functions within Government Information Service.

United States of America Typhus Commission
Created by Ex. Ord. No. 9285, Dec. 24, 1942, 7 F.R. 10899.

Veterans' Placement Service Board
Created by the Servicemen's Readjustment Act of 1944, Act June 22, 1944, ch. 268, title IV, § 600, 58 Stat. 293, 38 U.S.C. § 695.

War Assets Corporation
Designated as disposal agency to discharge former duties of Reconstruction Finance Corporation, and to assume former duties of Smaller War Plants Corporation with respect to veterans' preferences by Title 32, ch. 23, 11 F.R. 408, 15 U.S.C. § 601 note, 50 U.S.C. App. § 1104 note.

War Damage Corporation
Created as War Insurance Corporation by Reconstruction Finance Corporation on Dec. 13, 1941, pursuant to authority of 15 U.S.C. § 606b. Functions of Federal Loan Agency relating thereto transferred to Department of Commerce during present war by Ex. Ord. No. 9071, Feb. 24, 1942, 7 F.R. 1531, 50 U.S.C. App. § 601 note. Transferred to Federal Loan Agency pursuant to act approved Feb. 24, 1945, 12 U.S.C. §§ 1801–1805.

War Division
Created in the Department of Justice May, 1942. Division includes the War Frauds Unit, Special War Policies Unit, Alien Enemy Control Unit, and Alien Property Litigation Unit.

War Finance Division (Treasury)
Created as the Defense Savings Staff by Treasury Order No. 39, March 19, 1941. Name changed to War Savings Staff by Treasury Order No. 45, April 15, 1942. Reestablished as War Finance Division (Treasury) by Treasury Order No. 50, June 25, 1943.

War Food Administration
Established by Ex. Ord. No. 9334, April 19, 1943, 8 F.R. 5423, 50 U.S.C. App. § 601 note. Consolidates into one agency within Department of Agriculture, the Food Production Administration, except the Farm Credit Administration, the Food Distribution Administration, the Commodity Credit Corporation and the Extension Service. Prior to this executive order these agencies had been consolidated into the Administration of Food Production and Distribution by Ex. Ord. No. 9322, March 26,

War Food Administration—Continued

1943, 8 F.R. 3807, 50 U.S.C. App. § 601 note. Functions of War Food Administration and Commodity Credit Corporation with respect to the procurement and development of food, food machinery, and other food facilities in foreign countries transferred to Foreign Economic Administration by Ex. Ord. No. 9385, Oct. 6, 1943, 8 F.R. 13783, 50 U.S.C. App. § 601 note Terminated and functions transferred to the Secretary of Agriculture by Ex. Ord. No. 9577, June 30, 1945, 10 F.R. 8087, 50 U.S.C. App. § 601 note.

War Manpower Commission

Established in Office for Emergency Management by Ex. Ord. No. 9139, April 18, 1942, 7 F.R. 2919. Certain employment services and apprentice training functions of the United States Employment Service, National Youth Administration and Federal Security Administrator were transferred to the Commission by Ex. Ord. No 9247, Sept. 17, 1942, 7 F.R 7380, 50 U.S.C. App. § 601 note. Functions of Selective Service System were transferred to Commission by Ex. Ord. No. 9279, Dec. 5, 1942, 7 F.R. 10177, 50 U.S C. App. § 310 note. Composition of Commission was changed by Ex. Ord. No 9409, Dec. 23, 1943, 8 F.R. 17319, 50 U.S.C. App. § 310 note. Selective Service System was set up as a separate agency by Ex. Ord. No. 9410, Dec. 23, 1943, 8 F R. 17319, 50 U.S.C. App. § 310 note. Functions, officers, employees, records, property, and funds transferred to the Department of Labor, by Ex. Ord. No. 9617, Sept. 19, 1945, 10 F.R. 11929, 50 U.S.C. App. § 601 note.

War Mobilization Committee

Established in Office of War Mobilization by Ex. Ord. No. 9347, May 27, 1943, 8 F.R. 7207, 50 U.S.C. App. § 601 note. Ceased to function upon creation of Office of War Mobilization and Reconversion by War Mobilization and Reconversion Act, Act Oct 3, 1944, ch. 480, 58 Stat. 785, 50 U.S C. App. §§ 1651–1678

War Production Board

Established in Office for Emergency Management by Ex. Ord. No. 9024, Jan. 16, 1942, 7 F.R. 329. Supplants Office of Production Management and Supply Priorities and Allocations Board. Terminated and all functions, powers, employees, property, and funds transferred to the Civilian Production Administration effective Nov. 3, 1945, by Ex. Ord. No. 9638, Oct. 4, 1945, 10 F.R. 12591, 50 U.S.C. App. § 601 note.

War Refugee Board

Established in the Executive Office of the President by Ex. Ord. No. 9417, Jan. 22, 1944, 9 F.R. 935, 50 U.S.C. App. § 601 note. Terminated on Sept. 15, 1945, by Ex. Ord. No. 9614, Sept. 14, 1945, 10 F R 11789, 50 U.S.C. App. § 601 note.

War Relocation Authority

Established in the Office for Emergency Management of the Executive Office of the President by Ex. Ord. No. 9102, March 18, 1942, 7 F.R. 2165. Functions, records, personnel, and unexpended appropriations transferred to the Department of the Interior, and functions of Director of War Relocation Authority transferred to the Secretary of the Interior by Ex. Ord. No. 9423, Feb. 16, 1944, 9 F.R. 1903, 50 U.S.C. App. § 601 note.

War Resources Council

Established by Administrative Order No. 1636, Jan. 14, 1942. Replaced Defense Resources Committee created by Administrative Order No. 1496, June 15, 1940. Council no longer functions.

War Shipping Administration

Created by Ex. Ord. No. 9054, Feb. 7, 1942, 7 F.R. 837, as amended by Ex. Ord No. 9244, Sept. 16, 1943, 7 F.R. 7327, 50 U.S.C App. § 1295 note.

War Shipping Administration Price Adjustment Board

Created by General Order No. 30 of the Administrator on Feb. 12, 1943, 8 F.R. 2043.

Work Projects Administration

Established as Works Progress Administration by Ex Ord. No. 7034, May 6, 1935. Renamed by Reorg. Plan No. I, § 306, eff. July 1, 1939, 5 U.S.C. § 133t note. Liquidation ordered by President's letter of Dec. 4, 1942, and appropriations for it authorized by Act July 12, 1943, ch. 229, title I, 57 Stat. 540.

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